

# federal register

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Volume 38 ■ Number 229

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## PART I

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# 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**  
**Office of Emergency Preparedness**

Section 213.3326 is amended to show that one position of Director, National Resource Analysis Center, is no longer excepted under Schedule C.

Effective November 29, 1973, 213.3326 (o) (1) is revoked.

(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.73-25310 Filed 11-29-73; 8:45 am]

Title 29—Labor  
**CHAPTER XVIII—CONSTRUCTION  
 INDUSTRY STABILIZATION COMMITTEE**  
**PART 2001—WAGE STABILIZATION PROCEDURES  
 IN CONSTRUCTION INDUSTRY**  
**Deletion**

By a separate document, FR Doc. 73-25314 appearing at page 33030 in this issue of the FEDERAL REGISTER the provisions of Chapter XVIII of Title 29 were revised and transferred to Chapter V of Title 6, Code of Federal Regulations. Accordingly Chapter XVIII of Title 29 is hereby deleted.

Issued in Washington, D.C., this 21st day of November 1973.

By direction of the Committee.

DANIEL QUINN MILLS,  
*Chairman, Construction Industry  
 Stabilization Committee.*

Approved by:

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

PETER J. BRENNAN,  
*Secretary of Labor.*

[FR Doc.73-25313 Filed 11-28-73; 8:45 am]

Title 40—Protection of Environment  
**CHAPTER I—ENVIRONMENTAL  
 PROTECTION AGENCY**  
**SUBCHAPTER E—PESTICIDE PROGRAMS**  
**PART 180—TOLERANCES AND EXEMPTIONS  
 FROM TOLERANCES FOR PESTICIDE  
 CHEMICALS IN OR ON RAW AGRICULTURAL  
 COMMODITIES**

**Benzene Hexachloride**

In response to a petition (PP 3E1374) submitted by Klein Bros., 1305 West

Fremont Street, Stockton, CA 95201, an interim tolerance of 1 part per million was established for residues of the insecticide BHC (benzene hexachloride) in or on the raw agricultural commodity dried lima beans imported from the Malagasy Republic. This interim tolerance expires December 31, 1973.

Because final shipments of the treated limas may not reach this country by December 31, 1973, the petitioner has requested the interim tolerance be extended an additional three months.

Based on consideration given the data submitted in the petition and other relevant material it is concluded that the extension of time will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.319a is amended by changing the sentence "This interim tolerance \* \* \*", to read, "This interim tolerance expires March 31, 1974".

Any person who will be adversely affected by the foregoing order may at any time before December 31, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in triplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.*—This order shall become effective November 29, 1973.

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

Dated: November 21, 1973.

HENRY J. KOPF,  
*Deputy Assistant Administrator  
 for Pesticide Programs.*

[FR Doc.73-25274 Filed 11-28-73; 8:45 am]

**CHAPTER I—ENVIRONMENTAL  
 PROTECTION AGENCY**  
**SUBCHAPTER E—PESTICIDE PROGRAMS**  
**PART 180—TOLERANCES AND EXEMPTIONS  
 FROM TOLERANCES FOR PESTICIDE  
 CHEMICALS IN OR ON RAW AGRICULTURAL  
 COMMODITIES**

**Alachlor**

A petition (PP 3F1334) was filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishing of tolerances for residues of the herbicide alachlor (2-chloro-2',6'-diethyl-N-(methoxymethyl) acetanilide) and its metabolites (calculated as alachlor) in or on the raw agricultural commodities peanut forage at 2.5 parts per million and peanut hulls at 1 part per million.

Subsequently, the petitioner amended the petition by increasing the proposed tolerances for these residues in or on peanut forage and peanut hulls to 3 and 1.5 parts per million, respectively, and by proposing a tolerance for residues in or on peanut hay at 3 parts per million.

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

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

2. The established tolerances for residues in meat and milk are adequate to cover residues resulting from the proposed and established uses.

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

4. The name alachlor has been accepted as the common name for 2-chloro-2',6'-diethyl-N-(methoxymethyl) acetanilide and the regulation should be changed to so indicate.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.249 is revised to read as follows:

§ 180.249 Alachlor; tolerances for residues.

Tolerances are established for combined residues of the herbicide alachlor (2-chloro-2',6'-diethyl-N-(methoxymethyl) acetanilide) and its metabolites (calculated as alachlor) in or on raw agricultural commodities as follows:



3 parts per million in or on peanut forage and hay.

1.5 parts per million in or on peanut hulls.

0.75 part per million in or on soybean forage.

0.2 part per million (negligible residue) in or on corn fodder and forage, corn grain, cotton forage, and soybeans.

0.05 part per million (negligible residue) in or on cottonseed, fresh corn including sweet corn (kernels plus cob with husk removed), and peanuts.

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

Any person who will be adversely affected by the foregoing order may at any time on or before December 31, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

**Effective date.** This order shall become effective on November 29, 1973.

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

Dated November 26, 1973.

JOHN B. RITCH, JR.,  
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 73-25355 Filed 11-28-73; 8:45 am]

#### Title 41—Public Contracts and Property Management

#### CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

#### PART 15-16—PROCUREMENT FORMS

#### Subpart 15-16.1—Forms for Advertised Supply Contracts

#### ADDITIONAL GENERAL PROVISIONS

On pages 16392, 16393, 16394, and 16395 of the FEDERAL REGISTER dated June 22, 1973, there was published a notice of rulemaking to issue an amendment to 41 CFR Ch. 15 by implementing § 15-16.101 (c), Additional General Provisions to Standard Form 32. Interested parties were given until August 21, 1973, to submit written comments or objections to the proposed amendment. No comments were received and the amendment was adopted without change.

JOHN QUARLES,  
Acting Administrator.

NOVEMBER 23, 1973.

Subpart 15-16.1 Forms for Advertised Supply Contracts.

#### § 15-16.101 Additional General Provisions to U.S. Standard Form 32.

(c) \* \* \*

#### ADDITIONAL GENERAL PROVISIONS TO STANDARD FORM 32

#### 23. TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

(The following clause is applicable only in contracts under \$100,000.00.)

The Contracting Officer, by written notice, may terminate this contract, in whole or in part, when it is in the best interest of the Government. If this contract is for supplies and is so terminated, the Contractor shall be compensated in accordance with Part 1-8 of the Federal Procurement Regulations (41 CFR Part 1-8), in effect on this contract's date. To the extent that this contract is for services and is so terminated, the Government shall be liable only for payment in accordance with the payment provisions of this contract for services rendered prior to the effective date of termination.

#### 24. NOTICE TO THE GOVERNMENT OF DELAYS

(a) Whenever the Contractor has knowledge that any actual or potential situation or labor dispute is delaying or threatens to delay the timely performance of this contract, the Contractor shall immediately give notice thereof, including all relevant information with respect thereto, to the Contracting Officer.

(b) The Contractor agrees to insert the substance of this clause, including this paragraph (b), in any subcontract hereunder as to which a situation or labor dispute may delay the timely performance of this contract; except that each such subcontract shall provide that in the event its timely performance is delayed or threatened by delay by any actual or potential situation or labor dispute, the subcontractor shall immediately notify its next higher tier subcontractor, or the prime contractor, as the case may be, of all relevant information with respect to such dispute.

#### 25. FEDERAL, STATE AND LOCAL TAXES

(a) Except as may be otherwise provided in this contract, the contract price includes all applicable Federal, State, and local taxes and duties.

(b) Nevertheless, with respect to any Federal excise tax or duty on the transactions or property covered by this contract, if a statute, court decision, written ruling, or regulation takes effect after the contract date, and—

(1) Results in the Contractor being required to pay or bear the burden of any such Federal excise tax or duty or increase in the rate thereof which would not otherwise have been payable on such transactions or property, the contract price shall be increased by the amount of such tax or duty or rate increase: *Provided*, That the Contractor if requested by the Contracting Officer, warrants in writing that no amount for such newly imposed Federal excise tax or duty or rate increase was included in the contract price as a contingency reserve or otherwise; or

(2) Results in the Contractor not being required to pay or bear the burden of, or in his obtaining a refund or drawback of, any such Federal excise tax or duty which would otherwise have been payable on such transactions or property or which was the basis of an increase in the contract price, the contract price shall be decreased by the amount of the relief, refund, or drawback, or that amount shall be paid to the Government, as directed by the Contracting Officer. The contract price shall be similarly decreased if the Contractor, through his fault

or negligence or his failure to follow instructions of the Contracting Officer, is required to pay or bear the burden of, or does not obtain a refund or drawback of, any such Federal excise tax or duty.

(c) No adjustment pursuant to paragraph (b) above will be made under this contract unless the aggregate amount thereof is or may reasonably be expected to be over \$100.00.

(d) As used in paragraph (b) above, the term "contract date" means the date set for the bid opening, or if this is a negotiated contract, the date of this contract. As to additional supplies or services procured by modification to this contract, the term "contract date" means the date of such modification.

(e) Unless there does not exist any reasonable basis to sustain an exemption, the Government, upon request of the Contractor, without further liability, agrees, except as otherwise provided in this contract, to furnish evidence appropriate to establish exemption from any tax which the Contractor warrants in writing was excluded from the contract price. In addition, the Contracting Officer may furnish evidence to establish exemption from any tax that may, pursuant to this clause, give rise to either an increase or decrease in the contract price. Except as otherwise provided in this contract, evidence appropriate to establish exemption from duties will be furnished only at the discretion of the Contracting Officer.

(f) The Contractor shall promptly notify the Contracting Officer of matters which will result in either an increase or decrease in the contract price, and shall take action with respect thereto as directed by the Contracting Officer.

#### 26. AUTHORIZATION AND CONSENT

The Government hereby gives its authorization and consent (without prejudice in any rights of indemnification) for all use and manufacture, in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract) of any invention described in and covered by a patent of the United States (i) embodied in the structure or composition of any article the delivery of which is accepted by the Government under this contract, or (ii) utilized in the machinery, tools, or methods the use of which necessarily results from compliance by the Contractor or the using subcontractor with (a) specifications or written provisions now or hereafter forming a part of this contract, or (b) specific written instructions given by the Contracting Officer directing the manner of performance.

#### 27. UTILIZATION OF MINORITY BUSINESS ENTERPRISES

The following clause is applicable if the amount of this contract is in excess of \$5,000.00 except (1) contracts which, including all subcontracts hereunder, are to be performed entirely outside the United States, its possessions, and Puerto Rico and (2) contracts for services which are personal in nature.

(a) It is the policy of the Government that minority business enterprises shall have the maximum practicable opportunity to participate in the performance of Government contracts.

(b) The Contractor agrees to use his best efforts to carry out this policy in the award of his subcontracts to the fullest extent consistent with the efficient performance of this contract. As used in this contract, the term "minority business enterprise" means a business, at least 50 percent of which is owned by minority group members or, in case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority



group members. For the purposes of this definition, minority group members are Negroes, Spanish-speaking American persons, American-Orientals, American-Indians, American-Eskimos, and American Aleuts. Contracts may rely on written representations by subcontractors regarding their status as minority business enterprises in lieu of an independent investigation.

#### 26. GRATUITIES

(a) The Government may, by written notice to the Contractor, terminate the rights of the Contractor to proceed under this contract if it is found, after notice and hearing, by the Administrator or his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the Contractor, or any agent or representative of the Contractor, to any officer or employee of the Government with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performing of such contract: *Provided*, That the existence of the facts upon which the Administrator or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

(b) In the event this contract is terminated as provided in paragraph (a) hereof, the Government shall be entitled (1) to pursue the same remedies against the Contractor as it could pursue in the event of a breach of the contract by the Contractor, and (2) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the Administrator or his duly authorized representative) which shall be not less than three nor more than ten times the cost incurred by the Contractor in providing any such gratuities to any such officer or employee.

(c) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

#### 29. PRICING OF ADJUSTMENTS

When costs are a factor in any determination of a contract price adjustment pursuant to the "Changes" clause or any other provisions of this contract, such costs shall be in accordance with the contract cost principles and procedures in Part 1-15 of the Federal Procurement Regulations.

#### 30. MODIFICATION PROPOSALS PRICE BREAKDOWN

The Contractor, in connection with any proposal he makes for a contract modification, shall furnish a price breakdown, itemized as required by the Contracting Officer. Unless otherwise directed, the breakdown shall be in sufficient detail to permit an analysis of all material, labor, equipment, subcontract, and overhead costs, as well as profit, and shall cover all work involved in the modification, whether such work was deleted, added or changed. Any amount claimed for subcontracts shall be supported by a similar price breakdown. In addition, if the proposal includes a time extension, a justification therefor shall also be furnished. The proposal together with the price breakdown and time extension justification, shall be furnished by the date specified by the Contracting Officer.

#### 31. PAYMENT OF INTEREST OF CONTRACTOR'S CLAIMS

(a) If an appeal is filed by the Contractor from a final decision of the Contracting Officer under the "Disputes" clause of this contract denying a claim arising under the

contract, simple interest on the amount of the claim finally determined owed by the Government shall be payable to the Contractor. Such interest shall be at the rate determined by the Secretary of the Treasury pursuant to Pub. L. 92-41, 85 Stat. 97, from the date the Contractor furnishes the Contracting Officer his written appeal under the "Disputes" clause of this contract, to the date of (1) a final judgment by a court of competent jurisdiction or (2) mailing to the Contractor of a supplemental agreement for execution either confirming completed negotiations between the parties or carrying out a decision of a Board of Contract Appeals.

(b) Notwithstanding (a) above, (1) interest shall be applied only from the date payment was due, if such date is later than the filing of appeal, and (2) interest shall not be paid for any period of time that the Contracting Officer determines the Contractor has unduly delayed in pursuing his remedies before a Board of Contract Appeals or a court of competent jurisdiction.

#### 22. LISTING OF EMPLOYMENT OPENINGS

(This clause is applicable pursuant to 41 CFR Part 50-250 if this contract is for \$2,500.00 or more.)

(a) The Contractor agrees, in order to provide special emphasis to the employment of qualified disabled veterans and veterans of the Vietnam era, that all suitable employment openings of the Contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment other than the one wherein the contract is being performed but excluding those of independently operated corporate affiliates, shall be offered for listing at an appropriate local office of the State employment service system wherein the opening occurs and to provide such reports to such local office regarding employment openings and hires as may be required: *Provided*, That if this contract is for less than \$10,000.00 or if it is with a State or local Government the reports set forth in paragraphs (c) and (d) are not required.

(b) Listing of employment openings with the employment service system pursuant to this clause shall be made at least concurrently with the use of any other recruitment service or effort and shall involve the normal obligations which attach to the placing of a bona fide job order, including the acceptance of referrals of veterans and non-veterans. This listing of employment openings does not require the hiring of any particular job applicant or from any particular group of job applicants, and nothing herein is intended to relieve the Contractor from any requirements in any statutes, Executive orders, or regulations regarding non-discrimination in employment.

(c) The reports required by paragraph (a) of this clause shall include, but not be limited to, periodic reports which shall be filed at least quarterly with the appropriate local office or, where the Contractor has more than one establishment in a State, with the central office of the State employment service. Such reports shall indicate for each establishment (i) the number of individuals who were hired during the reporting period, (ii) the number of those hired who were disabled veterans, and (iii) the number of those hired who were non-disabled veterans of the Vietnam era. The Contractor shall submit a report within 30 days after the end of each reporting period wherein any performance is made under this

contract. The Contractor shall maintain copies of the reports submitted until the expiration of one (1) year after final payment under the contract, during which time they shall be made available, upon request, for examination by any authorized representatives of the Contracting Officer or of the Secretary of Labor.

(d) Whenever the Contractor becomes contractually bound by the listing provisions of this clause, he shall advise the employment service system in each State wherein he has establishments of the name and location of each such establishment in the State. As long as the Contractor is contractually bound to these provisions and has so advised the State employment system, there is no need to advise the State system of subsequent contracts. The Contractor may advise the State system when it is no longer bound by this contract clause.

(e) This clause does not apply to the listing of employment openings which occur and are filled outside of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(f) This clause does not apply to openings which the Contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. This exclusion does not apply to a particular opening once an employer decides to consider applicants outside of his organization or employer-union arrangement for that opening.

(g) As used in this clause:

(1) "All suitable employment openings" includes, but is not limited to, openings which occur in the following job categories: Production and nonproduction; plant and office; laborers and mechanics; supervisory and nonsupervisory; technical; and executive, administrative and professional openings which are compensated on a salary basis of less than \$18,000.00 per year. The term includes full-time employment, temporary employment of more than three (3) days' duration, and part-time employment. It does not include openings which the Contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement.

(2) "Appropriate office of the State employment service system" means the local office of the Federal-State national system of public employment offices with assigned responsibility for serving the area of the establishment where the employment opening is to be filled, including the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) "Openings which the Contractor proposes to fill from within his own organization" means employment openings for which no consideration will be given to persons outside the Contractor's own organization (including any affiliates, subsidiaries, and parent companies), and includes any openings which the Contractor proposes to fill from regularly established "recall" or "re-hire" lists.

(4) "Openings which the Contractor proposes \* \* \* to fill pursuant to a customary and traditional employer-union hiring arrangement" means employment openings for which no consideration will be given to persons outside of a special hiring arrangement, including openings which the Contractor proposes to fill from union halls, which is part of the customary and traditional hiring relationship which exists between the Contractor and representatives of his employees.



(5) "Disabled veteran" means a person entitled to disability compensation under laws administered by the Veterans Administration for a disability rated at 30 percent or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in line of duty.

(6) "Veteran of the Vietnam era" means a person (A) who (i) served on active duty with the Armed Forces for a period of more than 180 days, any part of which occurred after August 5, 1964, and was discharged or released therefrom with other than a dishonorable discharge, or (ii) was discharged or released from active duty for service-connected disability if any part of such duty was performed after August 5, 1964, and (B) who was so discharged or released within the 48 months preceding his application for employment covered by this clause.

(h) If any disabled veteran or veteran of the Vietnam era believes that the Contractor (or any first-tier subcontractor) has failed or refuses to comply with the provisions of this contract clause relating to giving special emphasis in employment to veterans, such veteran may file a complaint with the veterans' employment representative at a local State employment service office who will attempt to informally resolve the complaint and then refer the complaint with a report on the attempt to resolve the matter to the State office of the Veterans' Employment Service of the Department of Labor. Such complaint shall then be promptly referred through the Regional Manpower Administrator to the Secretary of Labor who shall investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of this contract and the laws and regulations applicable thereto.

(i) The Contractor agrees to place this clause (excluding this paragraph (i)) in any subcontract directly under this contract.

### 33. ALTERATIONS TO STANDARD FORM 32

(a) Clause 10, Examination of Records, is deleted in its entirety and the following substituted in lieu thereof.

#### EXAMINATION OF RECORDS BY COMPTROLLER GENERAL

(a) This clause is applicable if the amount of this contract exceeds \$2,500.00 and was entered into by means of negotiation, including small business restricted advertising, but is not applicable if this contract was entered into by means of formal advertising.

(b) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under this contract or such lesser time as specified in the Federal Procurement Regulations Part 1-20, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(c) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under the subcontract or such lesser time as specified in the Federal Procurement Regulations Part 1-20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1)

purchase orders not exceeding \$2,500.00 (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(d) The periods of access and examination described in (b) and (c) above for records which relate to (i) appeals under the "Disputes" clause of this contract, (ii) litigation or the settlement of claims arising out of the performance of this contract, or (iii) costs and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall continue until such appeals, litigation, claims or exceptions have been disposed of.

(b) Clause 22, "Utilization of Labor Surplus Area Concerns," is deleted in its entirety and the following substituted in lieu thereof:

#### UTILIZATION OF LABOR SURPLUS AREA CONCERNS

(The following clause is applicable if this contract exceeds \$5,000.00.)

(a) It is the policy of the Government to award contracts to labor surplus area concerns that (1) have been certified by the Secretary of Labor (hereafter referred to as certified-eligible concerns with first or second preferences) regarding the employment of a proportionate number of disadvantaged individuals and have agreed to perform substantially (1) in or near sections of concentrated unemployment or underemployment or in persistent or substantial labor surplus areas or (ii) in other areas of the United States, respectively, or (2) are noncertified concerns which have agreed to perform substantially in persistent or substantial labor surplus areas, where this can be done consistent with the efficient performance of the contract at prices no higher than are obtainable elsewhere. The Contractor agrees to use his best efforts to place his subcontracts in accordance with this policy.

(b) In complying with paragraph (a) of this clause and with paragraph (b) of the clause of this contract entitled "Utilization of Small Business Concerns," the Contractor in placing his subcontracts shall observe the following order of preference: (1) Certified-eligible concerns with a first preference which are also small business concerns; (2) other certified-eligible concerns with a first preference; (3) certified-eligible concerns with a second preference which are also small business concerns; (4) other certified-eligible concerns with a second preference; (5) persistent or substantial labor surplus area concerns which are also small business concerns; (6) other persistent or substantial labor surplus area concerns; and (7) small business concerns which are not labor surplus area concerns.

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

[FR Doc.73-25350 Filed 11-28-73;8:45 am]

### Title 43—Public Lands: Interior CHAPTER II—BUREAU OF LAND MANAGEMENT

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5400]

[Colorado 13068]

#### COLORADO

#### Partial Revocation of Reclamation Project Withdrawal; Correction of Public Land Order No. 5399

The land description T. 7 S., R. 97 W., in Public Land Order No. 5399, appearing in the October 15, 1973 issue of the

FEDERAL REGISTER, 38 FR 28568, is corrected to read T. 7 N., R. 97 W.

BRAD E. HAINSWORTH,  
Deputy Assistant Secretary  
of the Interior.

NOVEMBER 23, 1973.

[FR Doc.73-25287 Filed 11-28-73;8:45 am]

### Title 45—Public Welfare

#### CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

#### Limitations on Federal Sharing in Money Payments for Institutional Services

Notice of proposed rulemaking for the programs administered under title I, IV-A, X, XIV and XVI of the Social Security Act was published in the FEDERAL REGISTER on August 29, 1973 (38 FR 23337). The proposal dealt with the exclusion from Federal financial participation (under the above cited titles) of any payment for inpatient medical or remedial care, in any State that has in effect a Medicaid plan approved under title XIX of the Act if such care could be provided under such plan. The exclusion is required by section 249D of Pub. L. 92-603 (Social Security Amendments of 1972).

One comment suggested that the definition of institution be broadened to cover those that provide rehabilitative services in addition to room and board. The regulation does not exclude the institution as such. However, the payment must be limited to room and board if it is to be matched under the financial assistance titles.

The other respondent recommended enforcement provisions to assure that persons in "room and board" institutions are not in need of intermediate care or skilled nursing home services. Response to this congressional concern (expressed on page 309 of Senate Report No. 92-1230) is under consideration. However, this is unrelated to the statutory provisions on Federal sharing, which is the subject of these regulations.

Accordingly, the regulations, as proposed, are hereby adopted with a technical change to clarify the meaning of paragraph (c) (2) (iv).

Section 233.145 of Part 233, Chapter II, Title 45 of the Code of Federal Regulations is amended to add paragraph (c) as follows:

§ 233.145 Expiration of medical assistance programs under titles I, IV-A, X, XIV, and XVI of the Social Security Act.

(c) (1) Under the provisions of section 249D of Public Law 92-603, enacted October 30, 1972, Federal matching is not available for any portion of any payment by any State under titles I, IV-A, X, XIV, or XVI of the Social Security Act for or on account of any medical or any other type of remedial care provided by



an institution to any individual as an inpatient thereof, in the case of any State which has a plan approved under title XIX of such Act, if such care is (or could be) provided, under a State plan approved under title XIX of such Act, by an institution certified under such title XIX. The effective date of this proposed provision will be the date of publication of the final regulation in the FEDERAL REGISTER.

(2) For purposes of this paragraph,

(i) An institution (see § 233.60(b) (1) of this chapter) is considered to provide medical or remedial care if it provides any care or service beyond room and board because of the physical or mental condition (or both) of its inpatients;

(ii) An inpatient is an individual who is living in an institution which provides medical or remedial care and who is receiving care or service beyond room and board because of his physical or mental condition (or both).

(iii) Federal financial participation is not available for any portion of the payment for care of an inpatient. It is immaterial whether such payment is made as a vendor payment or as a money payment or other cash assistance payment. It is also immaterial whether the payment is divided into components, such as separate amounts or payments for room and board, and for care or services beyond room and board, or whether the payment is considered to meet "basic" needs or "special" needs. If, however, a money payment (or protective payment) is made to an individual who is living in an institution, and such payment does not exceed a reasonable rate for room, board and laundry for individuals not living in their own homes, and no additional payment is made for such individual's care in the institution, Federal financial participation is available in the money payment (or protective payment) since the individual may spend the funds at his discretion and obtain room and board at the place of his choice.

(iv) Federal financial participation is available in cash assistance payments to meet the needs of an inpatient for specific medical services, such as dental care or prescription drugs, which generally are not delivered in an institutional setting and in fact are not provided by the institution to the inpatient, provided that such services are not available to the individual under the State's approved title XIX plan.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

**Effective date.** The regulation in this paragraph shall be effective on November 29, 1973.

(Catalog of Federal Domestic Assistance Programs No. 13.761, Public Assistance—

Maintenance Assistance (State Aid) and No. 13.714, Medical Assistance Program.)

Dated: October 23, 1973.

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

Approved: November 23, 1973.

CASPAR W. WEINBERGER,  
Secretary.

[FR Doc. 73-25342 Filed 11-28-73; 8:45 am]

#### PART 237—FISCAL ADMINISTRATION OF FINANCIAL ASSISTANCE PROGRAMS

##### Recipient Count, Federal Financial Participation

Section 237.50, Part 237, Chapter II, Title 45 of the Code of Federal Regulations is revised to make technical changes required by (1) the discontinuance of medical vendor payments under titles I, IV-A, X, XIV, or XVI of the Act (section 121 of Pub. L. 89-97); (2) the transfer of intermediate care facilities services to Title XIX of the Act (section 4 of Pub. L. 92-233 and section 292 of Pub. L. 92-603); and (3) the limitations on Federal sharing in money payments for inpatient medical care that can be provided under title XIX of the Act (section 249D of Pub. L. 92-603). The result of these statutory amendments is that Federal matching is not available under the financial assistance titles and (1) medical vendor payments; (2) money payments for inpatient medical care in a State which has in effect a title XIX plan; nor (3) payments for care in an ICF in a State which has in effect a title XIX plan.

Notice of proposed rule making has been dispensed with since the regulations implement the requirements of law, and notice and public procedures thereon are unnecessary. These are largely conforming amendments. As revised, § 237.50 reads as set forth below:

##### § 237.50 Recipient count, Federal financial participation.

Pursuant to the formulas in sections 3, 403, 1003, 1118, 1121, 1403, and 1603 of the Social Security Act, it is necessary to identify expenditures that may be included in claims for Federal financial participation. The quarterly statement of expenditures and recoveries which is required for OAA, AFDC, AB, APTD, and AABD must include, as a part of the basis for computing the amount of Federal participation in such expenditures, the number of eligible recipients each month. However, where the State is making claims under section 1118 of the Act or under optional provisions for Federal sharing specified in such paragraphs no recipient count is involved. Vendor payments for medical care may not be considered if the State has a plan approved under title XIX of the Act. The procedures for determining recipient count are set forth in paragraphs (a), (b) and (c) of this section.

(a) Adult assistance categories. For each adult assistance category, under

title I, X, XIV, or XVI, of the Act, the recipient count for any month may include:

(1) Eligible recipients who receive money payments or in whose behalf protective payments are made for that month:

*Provided*, that such payments are not excluded from Federal financial participation under the provisions of § 233.145(c) of this chapter; plus

(2) Other eligible recipients in whose behalf payments are made for institutional services in intermediate care facilities for that month, but only in a State which does not have in effect a plan approved under Title XIX of the Act. (See § 233.145(b) (2) of this chapter.)

(b) AFDC category. For the AFDC category under title IV, Part A, of the Act

(1) The recipient count for any month may include:

(i) Eligible recipients in families which receive a money payment, plus

(ii) Eligible children in foster care not otherwise counted in whose behalf a foster care payment is made in such month, plus

(iii) Eligible recipients in families not otherwise counted in whose behalf protective or nonmedical vendor assistance payments are made for such month, not to exceed 10 percent of the total recipients counted under subdivisions (i) and (ii), of this subparagraph. The 10 percent limitation does not apply with respect to individuals for whom protective or nonmedical vendor payments are made pursuant to section 402(a) (19) (F) of the Act because there has been a refusal without good cause to accept employment, work or training:

*Provided*, That such payments are not excluded from Federal financial participation under the provisions of § 233.145 (c) of this chapter.

(2) The recipient count may include all eligible children, plus the eligible relative with whom the children are living (as specified in section 406(a) (1) of the Act).

(3) (i) When at least one of the children in a family is eligible due to the incapacity of his parent in the home, the recipient count may include all eligible children, the parent, and the parent's spouse with whom the children are living, if the needs of such parent and spouse were included in computing the assistance payment.

(ii) As used in subdivision (i) of this subparagraph, the term "parent" means the natural or adoptive parent, or the stepparent who was ceremonially married to the child's natural or adoptive parent and is legally obligated to support the child under State law of general applicability which requires stepparents to support stepchildren to the same extent that natural or adoptive parents are required to support their children; and the term "spouse" means an individual who is the husband or wife of the child's own parent, as defined above, by reason of a ceremonial or other legal marriage.



(4) (i) When at least one of the children in a family is eligible due to the unemployment of his father in the home, the recipient count may include all eligible children, the father, and his wife with whom the children are living, if the needs of such father and wife were included in computing the assistance payment.

(ii) As used in subdivision (i) of this subparagraph, the term "father" means the natural or adoptive father, or the stepfather who was ceremonially married to the child's natural or adoptive mother and is legally obligated to support the child under State law of general applicability which requires stepparents to support stepchildren to the same extent that natural or adoptive parents are required to support their children; and the term "wife" means an individual who is the wife of the child's own father, as defined above, by reason of a ceremonial or other legal marriage.

(5) Where there are two or more dependent children living in a place of residence with two other persons who are not married to each other and each of such other persons is a relative who has responsibility for the care and control of one or more of the dependent children, there may be two separate AFDC families for purposes of aid and recipient count, if neither of such persons is the parent of all the dependent children.

(c) Essential person: An "essential person" or other ineligible person who is living with the eligible person may not be counted as a recipient.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

**Effective date.** The regulation in this section shall be effective on November 29, 1973.

(Catalog of Federal Domestic Assistance Programs No. 13.714, Medical Assistance Program and No. 13.761, Public Assistance—Maintenance Assistance (State Aid))

Dated: October 23, 1973.

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

Approved: November 23, 1973.

CASPAR W. WEINBERGER,  
Secretary.

[FR Doc. 73-25343 Filed 11-28-73; 8:45 am]

#### Title 46—Shipping

### CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-6CR]

#### PART 111—ELECTRICAL SYSTEMS; GENERAL REQUIREMENTS

##### Wiring Methods and Materials for Hazardous Locations; Corrections

In FR Doc. 73-17934, appearing at page 22788 for the issue of Friday, August 24, 1973, the following corrections should be made in Table 111.80-5(a) (7):

1. The 4th chemical listed in Group D which reads "Benzlene" should be corrected to read "Benzene".

2. In the notice of proposed rulemaking, appearing in FR Doc. 73-2907 at page

4414 in the issue for Wednesday, February 14, 1973, the preamble proposed that "methanol" be added to Group D of Table 111.80-5(a) (7). In the proposal and in the final rule, "methanol" is omitted from Table 111.80-5(a) (7). Therefore, Table 111.80-5(a) (7) is corrected by listing "Methanol (methyl alcohol)" in Group D to follow the 17th chemical "Methane (natural gas)".

Dated: November 26, 1973.

C. R. BENDER,  
Admiral, U.S. Coast Guard,  
Commandant.

[FR Doc. 73-25317 Filed 11-28-73; 8:45 am]

### CHAPTER IV—FEDERAL MARITIME COMMISSION

#### SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 31; Docket No. 73-48]

#### PART 542—FINANCIAL RESPONSIBILITY FOR REMOVAL OF OIL AND HAZARDOUS SUBSTANCES

##### Correction

In FR Doc. 73-22162, appearing at page 28827 in the issue for Wednesday, October 17, 1973, in the 5th line of the 4th paragraph in the 3d column, the date "October 18, 1937" should read "October 18, 1973".

#### Title 6—Economic Stabilization

### CHAPTER I—COST OF LIVING COUNCIL

#### PART 150—PHASE IV PRICE REGULATIONS

#### PART 152—PHASE IV PAY REGULATIONS

##### Manufacturers of Cement: Price and Pay Exemptions

Section 150.54 is amended by adding a new paragraph (t) exempting manufacturers of cement from the Phase IV price stabilization regulations.

Cement is a basic material, fundamental to construction activities and is an essential element to assuring the continued expansion of the U.S. economy. The Council is taking this action to maintain current supplies of cement and encourage the cement industry to invest in both additional new capacity and replacement of older, energy inefficient plants. In addition, the Council has received assurances that price increases over the next eight months will be moderate. The Council, of course, retains the authority to reestablish price controls in this sector if price behavior is inconsistent with Economic Stabilization policies. The impact of decontrol on the Wholesale Price Index should be moderate as cement, while it is an important ingredient of construction, as a percent of total value of construction is small.

The cement industry has had a long history of excess capacity and low return on investment. As a result, many cement plants are old, inefficient and wasteful of energy. Industry statistics show that more than 40 percent of existing cement

kilns are over 30 years old. In newer cement plants, recent technological improvements have reduced both the energy and man-hour requirements per unit of output. Exempting prices charged for cement by cement manufacturers should provide the manufacturers of this important construction material the incentive to take advantage of these new technologies to build plants that are more productive, less harmful to the environment, and more efficient in the use of scarce energy resources.

The exemption is limited to manufacturers of cements described in the American Society for Testing and Materials 1973 Annual Book of ASTM Standards under designations for standard specifications C-10 (natural cement), C-91 (masonry cement), C-150 (Portland cement), or C-595 (blended hydraulic cement), calcium aluminate cements, including but not limited to fondué cements and Lumite cement, and special portland cements, such as expansive cements, including but not limited to shrinkage compensating, self stressing, and semi-stressing cements, oil-well cements included in American Petroleum Institute Standard 10A, plastic cements and regulated-set cements.

As a complementary action to the exemption from price controls, the Council has also exempted pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the cement manufacturing industry or in support thereof. The exemption is set forth in new § 152.34. The exemption is inapplicable to any appropriate employee unit if pay adjustments with respect to such unit are currently the subject of a Notice of Challenge issued by the Council pursuant to Subpart F of this part (or its predecessor regulation).

The Cost of Living Council has challenged certain provisions of recently negotiated collective bargaining agreements of certain plants of six companies in the southern California area. A hearing is to be held on these challenges in Washington, D.C., on November 29. When these challenges have been resolved, the Council is empowered to make the exemption applicable by order.

The exemption is also inapplicable to any employee who receives an item of executive or variable compensation, or who is a member of an executive control group. It is further inapplicable to any employee whose duties and responsibilities are not of a type exclusively performed in or related to the manufacturing of cement and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside the cement manufacturing industry and are not related to the pay adjustments of other employees that are within the exemption. In cases of uncertainty of application, inquiries concerning the scope of coverage of the exemption should be addressed to the Administrator, Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.



Because the purpose of this amendment is to grant an immediate exemption from the Phase IV price and pay regulations, the Council finds that publication in accordance with normal rule-making procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit written comments regarding this amendment. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street NW, Washington, D.C. 20508.

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

In consideration of the foregoing, Parts 150 and 152 of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective on November 27, 1973.

Issued in Washington, D.C., November 27, 1973.

JOHN T. DUNLOP,  
Director.

1. Section 150.54 is amended to add a new paragraph (t):

§ 150.54 Certain price adjustments.

(t) *Cement.* Prices charged for cement by manufacturers of cement as described in the 1973 Annual Book of ASTM Standards, under designations for standard specifications C-10 (natural cement), C-91 (masonry cement), C-150 (Portland cement) or C-595 (blended hydraulic cement), calcium aluminate cement, including but not limited to fondué cement and Lumnite cements, and special portland cements, such as (1) expansive cement, including but not limited to shrinkage compensating, self-stressing, and semi-stressing cement, (2) oil-well cements included in American Petroleum Institute Standard 10A, (3) plastic cements and (4) regulated-set cements are exempt.

2. In Subpart D of 6 CFR Part 152, a new § 152.34 is added to read as follows:

§ 152.34 Cement manufacturing industry.

(a) *Exemption.* Except as provided in paragraph (d) of this section, pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the cement manufacturing industry or in support thereof are exempt from and not included in the coverage of this title.

(b) *Definition.* For purposes of this section—

(1) "Establishment in the cement manufacturing industry" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Industrial Code 3241 and engaged in the manufacturing of cement, or an establishment primarily engaged in manufacturing expansive cements or calcium aluminate cements.

(2) "Cement" means the following product or products defined in the 1973

Annual Book of ASTM Standards under designations of Standard Specifications C-10 (Natural Cement), C-91 (Masonry Cement), C-150 (Portland Cement), or C-595 (Blended Hydraulic Cement); calcium aluminate cement, including but not limited to fondué cement and Lumnite cement; and special portland cements such as (i) expansive cements including, but not limited to, shrinkage compensating, self-stressing and semi-stressing cements, (ii) oil-well cements included in American Petroleum Institute Standard 10A, (iii) plastic cements, and (iv) regulated-set cements.

(c) *Covered employees.* For purposes of this section, an employee may be engaged on a regular and continuing basis in the operation of an establishment in the cement manufacturing industry or in support thereof only if such employee is employed by the firm which operates such establishment.

(d) *Limitations.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) Pay adjustments with respect to an appropriate employee unit with respect to which a Notice of Challenge has been issued by the Council prior to November 29, 1973 pursuant to § 152.53 or § 130.92 of this chapter (although the Council may by order direct that such exemption shall apply to such pay adjustments);

(2) An employee who receives an item of executive or variable compensation subject to the provisions of subpart K of this part, other than an item of executive or variable compensation pursuant to a plan or program subject to § 152.127;

(3) An employee who is a member of an executive control group (determined pursuant to § 152.130); or

(4) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the cement manufacturing industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside the cement manufacturing industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment in the cement manufacturing industry or in support thereof within the meaning of paragraph (c) of this section.

[FR Doc.73-25412 Filed 11-27-73; 1:31 pm]

Title 9—Animals and Animal Products

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

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

PART 73—SCABIES IN CATTLE

Area Quarantined

This amendment quarantines a portion of Stanton County in Kansas be-

cause of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the area quarantined.

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of July 2, 1962 (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f), the provisions in Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies, are hereby amended as follows:

Section 73.1a is amended to read:

§ 73.1a Notice of quarantine.

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

- (1) Bailey County.
- (2) Hansford County.

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

The premises of Ivan Josseland Feedlot located 7½ miles east from the junction of State Highway 27 and U.S. Highway 270 on an unnamed county road, City of Johnson, in Stanton County, sec. 24, T. 28 S.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; FR 19141.)

*Effective date.* The foregoing amendment shall become effective on November 26, 1973.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of November 1973.

J. M. HEJL,  
Acting Deputy Administrator,  
Veterinary Services, Animal  
and Plant Health Inspection  
Service.

[FR Doc.73-25358 Filed 11-28-73; 8:45 am]



SUBCHAPTER E—VIRUSES, SERUMS, TOXINS,  
AND ANALOGOUS PRODUCTS: ORGANISMS  
AND VECTORS

PART 102—LICENSES FOR BIOLOGICAL  
PRODUCTS

PART 104—PERMITS FOR BIOLOGICAL  
PRODUCTS

Miscellaneous Amendments

On September 5, 1973, there was published in the FEDERAL REGISTER (FR Doc. 73-18743) a notice of proposed rulemaking with respect to proposed amendments to the regulations relating to viruses, serums, toxins, and analogous products in Parts 102 and 104 of Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158).

These amendments revise the regulations pertaining to the importation of biological products. The revised regulations are recodified in a new Part 104, titled "Permits For Biological Products." These changes emphasize the regulations pertaining to permits for biological products, differentiate these regulations from those pertaining to other permits issued by Animal and Plant Health Inspection Service, and make them more readily available to interested people.

The need for three types of permits is specified in § 104.1, including one for transit shipments. Such permits are authorized in § 104.2 and conditions under which a permit will not be issued are specified. Need for an application is prescribed in § 104.3.

The three types of permits—Research and Evaluation, Distribution and Sale, and Transit Shipment Only are provided in §§ 104.4, 104.5, and 104.6, respectively, with the conditions under which each will be issued included. The format for the permit is authorized in § 104.7.

These amendments make biological products imported for Distribution and Sale subject to the same test and release requirements currently being applied to licensed products prepared in the United States. They also provide for the disposition of shipments which do not comply with such requirements or which might otherwise not be eligible for entry.

These amendments to Part 102 delete regulations pertaining to permits in §§ 102.25, 102.26, 102.27, and 102.28 and change the title to "Licenses For Biological Products."

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rulemaking and the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158), the amendments of Parts 102 and 104 of Subchapter E, Chapter I, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notice are hereby adopted and are set forth herein, subject to the following noted modifications:

Correct spelling of "vesicular" in § 104.2(b); delete reserved §§ 102.7-102.24 and 102.29-102.50; and correct the index to Part 102.

1. Part 102 is amended by changing the title to read as set forth above and table of contents to read:

Sec.	
102.1	Licenses issued by the Deputy Administrator.
102.2	Licenses required.
102.3	License applications.
102.4	U.S. Veterinary Biologics Establishment License.
102.5	U.S. Veterinary Biological Product License.
102.6	U.S. Veterinary Biological Product License (Special).

AUTHORITY: 37 Stat. 832-833 (21 U.S.C. 151-158).

§§ 102.7-102.24 [Deleted]

2. Part 102 is amended by deleting §§ 102.7-102.24 and 102.25-102.50.

3. Chapter I of Title 9 of the Code of Federal Regulations is amended by adding a new Part 104 to read:

Sec.	
104.1	Permit required.
104.2	Permit authorized.
104.3	Permit application.
104.4	Products for research and evaluation.
104.5	Products for distribution and sale.
104.6	Products for transit shipment only.
104.7	Product permit.
104.8	Illegal shipments.

AUTHORITY: 37 Stat. 832-833 (21 U.S.C. 151-158).

§ 104.1 Permit required.

Unless otherwise authorized or directed by the Deputy Administrator, each permit to import a biological product into the United States shall be issued in accordance with the regulations in this part.

(a) No biological product shall be brought into the United States unless a permit has been issued for such product. A separate U.S. Veterinary Biological Product Permit shall be required for each shipment of biological product to be imported; *Provided*, That, a permit shall also be required for each transit shipment of biological products moved through the United States.

(b) Each person importing biological products shall hold an unexpired, unexpired, and unrevoked permit issued by Veterinary Services. Such person shall reside within the United States, or operate a business establishment within the United States, or both.

§ 104.2 Permit authorized.

(a) Veterinary Services is authorized to issue three types of permits for importing biological products. They shall be:

- (1) U.S. Veterinary Biological Product Permit for Research and Evaluation;
- (2) U.S. Veterinary Biological Product Permit for Distribution and Sale; or
- (3) U.S. Veterinary Biological Product Permit for Transit Shipment Only.

(b) A permit shall not be issued for a biological product from countries known to have exotic diseases, including but not limited to foot-and-mouth disease, rinderpest, fowl pest (fowl plague), swine vesicular disease, Newcastle disease, and African swine fever, if in the opinion of the Deputy Administrator,

such products may endanger the livestock or poultry of this country.

(c) A permit shall not be issued until an inspector has determined the condition of the equipment and facilities of the producer, of the applicant, or of both if such a determination is considered necessary by the Deputy Administrator.

(d) A permit shall not be issued for a biological product prepared in the United States, exported, and presented for re-entry except as provided in § 104.4(d).

§ 104.3 Permit application.

(a) Each person desiring to import a biological product shall make written application to Veterinary Services for a permit. Blank forms of application shall be furnished upon request.

(b) The application shall specify the type of permit required, the port of entry at which the product shall be cleared through Customs, the estimated quantity involved, and the anticipated date on which the importation shall be made.

§ 104.4 Products for research and evaluation.

(a) An application for a U.S. Veterinary Biological Product Permit to import a biological product for Research and Evaluation shall be accompanied by a brief description of such product, methods of propagating antigens including composition of medium, species of animals or cell cultures involved, degree of inactivation or attenuation, recommendations for use, and the proposed plan of evaluation.

(b) A permit to import a biological product for Research and Evaluation shall not be issued unless scientific capabilities of the investigator are determined to be adequate to safeguard domestic animals and protect public health, interest, or safety from any deleterious effects which might result from such product. Special restrictions shall be specified as part of the permit when such restrictions are deemed necessary or advisable by the Deputy Administrator.

(c) A biological product shall not be imported for Research and Evaluation which is not packaged and labeled in accordance with § 112.9 of this subchapter.

(d) When a licensed product has been exported from the United States, a permit may be issued to the producer for a small quantity of such product for *in vitro* Research and Evaluation tests; *Provided*, That, the importation of such product will not endanger the livestock or poultry of this country.

§ 104.5 Products for distribution and sale.

An application for a U.S. Veterinary Biological Product Permit to import a biological product for Distribution and Sale shall be accompanied by supporting material necessary to satisfy the requirements provided in this section.

(a) A permit shall not be issued unless the conditions under which the biological product is to be prepared or the methods to be used are such as to reasonably insure that the product is pure, safe, potent, and efficacious.



(1) Three copies of blueprints of the producing foreign establishment shall be submitted with the application unless satisfactory plans are on file with Veterinary Services from a previous application. The production facilities to be used for each product prepared at the establishment shall be designated.

(2) The manufacturer shall submit written authorization for properly accredited inspectors to inspect without previous notification, and at such times as may be demanded by the aforesaid inspectors, all parts of the establishment in which biological products shall be prepared, all processes of preparation, and all records relative to such preparation.

(3) The manufacturer shall furnish written assurance that a biological product to be imported for Distribution and Sale shall be prepared under the supervision of a person competent by education and experience to handle all matters pertaining to the preparation of such product and that each biological product shall be prepared in accordance with the regulations applicable to the product or in a manner acceptable to the Deputy Administrator so as to carry out the purposes of the Act.

(4) The methods to be used in the preparation of each biological product shall be written into an approved Outline of Production prepared in accordance with the applicable provisions of Part 114 of this subchapter. Three copies of such Outline of Production shall be submitted to Veterinary Services and be approved before the permit is issued.

(5) Data shall be furnished by the applicant which establishes that the product involved complies with the provisions of the Act and the regulations issued pursuant thereto. When deemed necessary to obtain required information, Veterinary Services may require that the product be tested under field conditions within or outside the United States as the occasion demands.

(b) The permittee shall furnish the following:

(1) Adequate facilities for storing all imported biological products. An inspection of such facilities shall be made by inspectors before a permit is issued and additional inspections shall be made at any time subsequent to the importation of the biological products if deemed necessary by the Deputy Administrator;

(2) Information regarding all claims to be made on labels and advertising matter used in connection with or related to the biological product to be imported;

(3) Mounted copies of final container labels, carton labels, and enclosures to be used with the imported product as provided in Part 112 of this subchapter; and

(4) Samples of each serial from each shipment of biological products imported or offered for importation. Such samples shall be collected, examined, and tested in a manner specified by the Deputy Administrator. The biological products being sampled shall not be fur-

ther distributed by the permittee until released by Veterinary Services.

**§ 104.6 Products for transit shipment only.**

An application for a permit for Transit Shipment Only shall be required when a biological product is being shipped from one foreign country to another foreign country by way of the United States. The shipment shall move under a permit subject to the following restrictions:

(a) The shipment shall be confined to the carrier at all times when such shipment is to transit the United States on the same carrier on which it arrived. If the shipment is to be transferred to a carrier other than the one on which it shall arrive into the United States, a schedule of arrival and departure of each shipment shall be furnished by the permittee to Veterinary Services prior to arrival in the United States.

(b) The permittee shall be responsible to Veterinary Services for handling, storing, and forwarding of the biological product. Veterinary Services shall be notified of all shipments received and forwarded by the permittee and an accurate accounting shall be made.

**§ 104.7 Product permit.**

(a) A permit shall be numbered, shall be dated, and shall be in the following form:

U.S. VETERINARY BIOLOGICAL PRODUCT PERMIT  
 No. -----  
 RESEARCH AND EVALUATION OR DISTRIBUTION  
 AND SALE  
 OR  
 TRANSIT SHIPMENT ONLY  
 (Insert One)

Issued at Washington, D.C. on -----  
 Expires: -----  
 This permit is issued pursuant to the terms of the Act of Congress approved March 4, 1913 (37 Stat. 832), governing the preparation, sale, barter, exchange, shipment, and importation of veterinary biological products. So far as the jurisdiction of the U.S. Department of Agriculture is concerned, ----- is authorized to import ----- prepared by ----- into the United States through the port of -----

Importation shall be made subject to the following special conditions:

This permit may be revoked if the permittee violates or fails to comply with said Act, the regulations made thereunder, or the conditions specified herein.

*Veterinary Services, Animal and Plant Health Inspection Service.*

(b) The purpose for which the product is imported shall be specified on the permit as for Research and Evaluation, Distribution and Sale, or Transit Shipment Only.

(c) A permit shall not be used after the date specified.

**§ 104.8 Illegal shipments.**

(a) Biological products which are presented for importation without a permit having been issued shall be returned to the country of origin at the expense of the importer or in lieu thereof, destroyed by Department personnel.

(b) Biological products for Distribution and Sale presented for importation under a permit and found to be worthless, contaminated, dangerous, or harmful shall, within a period of 30 days after such finding, be returned to the country of origin at the expense of the importer or in lieu thereof, destroyed by Department personnel; *Provided*, That such product shall not be returned to the country of origin while bearing a U.S. permit number on the label.

Effective Date: This amendment takes effect December 31, 1973.

Done at Washington, D.C., this 26th day of November 1973.

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

[FR Doc. 73-25359 Filed 11-28-73; 8:45 am]

**SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS: ORGANISMS AND VECTORS**

**PART 113—STANDARD REQUIREMENTS**

**Miscellaneous Amendments; Correction**

On June 12, 1973, a notice of proposed amendments to Part 113 was published in the FEDERAL REGISTER, Volume 38, Number 112, page 15450.

On October 30, 1973, there was published in the FEDERAL REGISTER, Volume 38, Number 208, page 29885, miscellaneous amendments to the regulations relating to viruses, serums, toxins, and analogous products in Part 113 of Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158) to become effective on November 29, 1973.

As published, sample provisions in § 113.31 do not include liquid vaccines, test procedures in § 113.35 are not clear, test requirements in § 113.51(c) and § 113.53 are too stringent, and the temperature requirement in § 113.51(c) (2) is incorrect. The purpose of this document is to effect the corrections needed and amend certain provisions by relaxing the requirements, as indicated.

It is hereby found that further notice of rulemaking and public procedure thereon are impracticable, unnecessary, and the corrections and amendments of §§ 113.31(a) (2), 113.35, 113.51(c), 113.51(c) (2), and 113.53 should be made effective less than 30 days after date of publication, i.e., should be made effective November 29, 1973, to conform with the effective date of the other amendments to Part 113 published October 30, 1973. Accordingly, §§ 113.31(a) (2), 113.35, 113.51(c), 113.51(c) (2), and 113.53 are corrected to read as follows:

1. Section 113.31(a) (2) is amended to read:

**§ 113.31 Detection of avian lymphoid leucosis.**

- (a) . . . . .
- (2) When cell cultures are tested, 5 ml of the final cell suspension as pre-



pared for seeding of production cell cultures shall be used as inoculum. When liquid vaccines are tested, 5 ml shall be used as inoculum. When desiccated vaccines are tested, 200 doses of Newcastle disease vaccine, or 500 doses of other vaccines for use in poultry, or the equivalent of one dose of vaccine for use in animals other than poultry shall be rehydrated with 5 ml of cell culture media and used as inoculum. Control cultures shall be prepared from the same cell suspension as the cultures for testing the vaccine.

2. Section 113.35 is amended to read:

§ 113.35 Detection of viricidal activity.

The test for detection of viricidal activity provided in this section shall be conducted when such a test is prescribed in an applicable Standard Requirement or in the filed Outline of Production for the product for a liquid fraction used as the diluent for a desiccated live virus vaccine in a combination package. Each serial or one subserial of each liquid fraction used as the diluent shall be tested as provided in this section.

(a) If the vaccine contains a single desiccated fraction, it shall be used in the test with the liquid fraction. If the vaccine contains more than one desiccated fraction, a test shall be conducted with each fraction after neutralizing the other fractions unless the licensee also prepares vaccines containing representative single desiccated fractions which may be substituted.

(b) Rehydrate two vials of vaccine with the liquid fraction under test according to the labeled dosage and pool contents. Rehydrate two vials of vaccine with the same volume of sterile distilled water as the liquid fraction and pool contents.

(c) Titrate the viruses in each pool. This is 0 hour except that when neutralization is necessary, 0 hour begins after the period of neutralization. Titrations shall be conducted using 1.0 log<sub>10</sub> dilution steps and a minimum of 10 substrate units per dilution. Compare titers.

(d) Hold the two pools of vaccine at room temperature for 2 hours and rehydrate the virus or viruses in each pool. Compare titers.

(e) If the change in titer of the 0 hour and 2 hour samples of the vaccine virus(es) rehydrated with the diluent under test is 0.7 log<sub>10</sub> or more below the change in titer of the comparable vaccine virus(es) rehydrated with sterile distilled water, the diluent under test is unsatisfactory.

(f) A retest may be conducted if the difference in titers is not greater than 1.0 log<sub>10</sub>.

3. Section 113.51(c) and § 113.51(c) (2) are amended to read:

§ 113.51 Requirements for primary cells used in biological product production.

(c) Each batch of primary cells or each subculture of such cells used to prepare

a biological product shall be shown free of adventitious agents as provided in this paragraph. The samples for testing shall consist of at least two separate monolayers of cells, each at least 75 cm<sup>2</sup> in area. The monolayers of avian origin shall be maintained for at least 14 days and those of other origins for at least 28 days using the media (with additives) intended for growth and maintenance and under conditions similar to those used to prepare biological products. Subculturing of the cells at least one time shall be done during the maintenance period.

(1) \* \* \*

(2) At least one monolayer, at the conclusion of the required observation period, shall be washed with several changes of phosphate buffered saline. A mixed suspension of 0.2 percent guinea pig, chicken, and human "O" erythrocytes shall be added, and the cells incubated at 25° C for an appropriate incubation period and the monolayer examined for evidences of hemadsorption in the cell culture.

4. Section 113.53(a) and introductory text of paragraph (b) are amended to read:

§ 113.53 Requirements for ingredients of animal origin.

Each lot of ingredient of animal origin, which is not subjected to heat sterilization, such as, but not limited to serum and albumin, used in the preparation of biological products shall be tested as prescribed in this section by the licensee or a laboratory acceptable to Veterinary Services. Results of all tests shall be recorded by the testing laboratory and made a part of the licensee's records. Each lot found unsatisfactory by any test shall not be used.

(a) General requirements.

(1) *Mycoplasma contamination.*—Samples shall be tested for mycoplasma in accordance with the test provided in § 113.23.

(2) *Bacteria and fungi.*—Samples shall be tested for bacteria and fungi in accordance with the test provided in § 113.23.

(b) Nutrient Serum added to cell culture systems used in the preparation of biological products shall be tested according to the tests provided in this paragraph.

Effective date: This amendment takes effect November 29, 1973.

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

J. M. HEIL,  
Acting Deputy Administrator,  
Veterinary Services, Animal  
and Plant Health Inspection  
Service.

[FB Doc.73-25407 Filed 11-29-73;8:45 am]

Title 14—Aeronautics and Space  
CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 13377, Amdt. 892]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30.00 each.

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAP's, effective January 10, 1974:

Anchorage, Alas.—Anchorage Int'l Arpt., VOR Rwy 6R, Amdt. 9  
Grand Haven, Mich.—Grand Haven Memorial Airpark, VOR-A, Amdt. 7  
Great Falls, Mont.—Great Falls Int'l Arpt., VOR Rwy 3, Amdt. 12  
Great Falls, Mont.—Great Falls Int'l Arpt., VOR/DME Rwy 21, Amdt. 4  
Jonestown, Tex.—Bar K Airpark, VORTAC-A, Orig.  
Lancaster, Pa.—Lancaster Arpt., VOR RWY 8, Amdt. 9



Marianna, Fla.—Marianna Municipal Arpt., VOR-A, Amdt. 6  
 Minot, N.D.—Minot Int'l Arpt., VOR Rwy 8, Amdt. 6  
 Minot, N.D.—Minot Int'l Arpt., VOR Rwy 13, Amdt. 6  
 Minot, N.D.—Minot Int'l Arpt., VOR Rwy 26, Amdt. 7  
 Minot, N.D.—Minot Int'l Arpt., VOR Rwy 31, Amdt. 6  
 Oshkosh, Wis.—Wittman Field, VOR Rwy 36, Amdt. 11

\*\*\* effective December 27, 1973:

Farmingdale, N.Y.—Republic Arpt., VOR-A, Amdt. 5

\*\*\* effective November 19, 1973:

Los Angeles, Cal.—Los Angeles Int'l Arpt., VOR Rwy 25L, Amdt. 5  
 Los Angeles, Cal.—Los Angeles Int'l Arpt., VOR Rwy 25R, Amdt. 5

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, effective January 10, 1974:

Miami, Fla.—Miami Int'l Arpt., LOC (BC) Rwy 9L, Orig.  
 Minot, N.D.—Minot Int'l Arpt., LOC (BC) Rwy 13, Amdt. 1

\*\*\* effective December 27, 1973:

Farmingdale, N.Y.—Republic Arpt., LOC (BC) Rwy 32, Amdt. 1

\*\*\* effective December 13, 1973:

Mosinee, Wis.—Central Wisconsin Arpt., LOC Rwy 8, Orig., Canceled

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's, effective January 10, 1974:

Great Falls, Mont.—Great Falls Int'l Arpt., NDB Rwy 34, Amdt. 13  
 Guymon, Okla.—Guymon Municipal Arpt., NDB Rwy 18, Amdt. 2

\*\*\* effective December 20, 1973:

Atlantic City, N.J.—NAFEC-Atlantic City Arpt., NDB Rwy 13, Amdt. 2, Canceled  
 Sherman-Denison, Tex.—Grayson County Arpt., NDB Rwy 17L, Orig.

\*\*\* effective December 6, 1973:

Deadhorse, Alas.—Deadhorse Arpt., NDB Rwy 4, Amdt. 3  
 Deadhorse, Alas.—Deadhorse Arpt., NDB Rwy 22, Amdt. 3  
 Millersburg, Ohio—Holmes County Arpt., NDB Rwy 27, Orig.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective January 10, 1974:

Great Falls, Mont.—Great Falls Int'l Arpt., ILS Rwy 34, Amdt. 17  
 Miami, Fla.—Miami Int'l Arpt., ILS Rwy 9L, Amdt. 17  
 Minot, N.D.—Minot Int'l Arpt., ILS Rwy 31, Amdt. 1  
 Oshkosh, Wis.—Wittman Field, ILS Rwy 36, Amdt. 1  
 Wheeling, W. Va.—Wheeling-Ohio County Arpt., ILS Rwy 3, Amdt. 11

\*\*\* effective December 13, 1973:

Mosinee, Wis.—Central Wisconsin Arpt., ILS Rwy 8, Orig.

\*\*\* effective December 6, 1973:

Deadhorse, Alas.—Deadhorse Arpt., ILS/DME Rwy 4, Orig.  
 Denver, Colo.—Stapleton Int'l Arpt., ILS Rwy 35, Amdt. 16  
 New York, N.Y.—Laguardia Arpt., ILS Rwy 22, Amdt. 10

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAP's, effective January 10, 1974:

Anchorage, Alas.—Anchorage Int'l Arpt., RADAR-1, Amdt. 5  
 Great Falls, Mont.—Great Falls Int'l Arpt., RADAR-1, Amdt. 5

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAP's, effective November 19, 1973:

Los Angeles, Cal.—Los Angeles Int'l Arpt., RNAV Rwy 25L, Amdt. 2

**Corrections**

In Docket Nr. 13285, Amendment 888, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER, dated November 1, 1973, on page 30104, under § 97.27 effective December 13, 1973—change effective date of cancellation of Mineral Wells, Texas—Mineral Wells Arpt., NDB (ADF) Rwy 31, Amdt. 4 to January 3, 1974.

In Docket Nr. 13335, Amendment 891, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER under §§ 97.23 and 97.25 effective January 3, 1974—change effective dates of Mosinee, Wisconsin—Central Wisconsin Arpt., VOR-A, Amdt. 2; LOC (BC) Rwy 28, Amdt. 1 to December 13, 1973; Disregard procedure under Mosinee, Wisconsin—Central Wisconsin Arpt., LOC Rwy 8, Amdt. 1.

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

Issued in Washington, D.C., on November 21, 1973.

JAMES M. VINES,  
*Chief,*  
 Aircraft Programs Division.

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

[FR Doc.73-25261 Filed 11-28-73;8:45 am]

**CHAPTER II—CIVIL AERONAUTICS BOARD  
 SUBCHAPTER A—ECONOMIC REGULATIONS**

[Reg. ER-831; Amdt. 288-17]

**PART 288—EXEMPTION OF AIR CARRIERS  
 FOR MILITARY TRANSPORTATION**

**Rate Adjustment to Reflect Fuel Cost  
 Increases**

**Correction**

In FR Doc. 73-24603, appearing at page 31826 in the issue for Monday, November 19, 1973, in the 9th line of the second paragraph, the designation "LX188C" should read "L-188C".

**Title 49—Transportation**

**CHAPTER V—NATIONAL HIGHWAY TRAF-  
 FIC SAFETY ADMINISTRATION, DE-  
 PARTMENT OF TRANSPORTATION**

[Docket No. 72-27; Notice 3]

**PART 567—CERTIFICATION**

**PART 568—VEHICLES MANUFACTURED  
 IN TWO OR MORE STAGES**

**Certification and Labeling of Altered  
 Vehicles; Correction**

In FR 73-23313, appearing at page 30107 in the issue of November 1, 1973, the docket number in the notice heading is incorrect. The correct docket number is 72-27.

(Secs. 103, 112, 114, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1403, 1407); delegation of authority at 49 CFR 1.51.)

Issued on November 23, 1973.

JAMES B. GREGORY,  
*Administrator.*

[FR Doc.73-25333 Filed 11-28-73;8:45 am]

**CHAPTER X—INTERSTATE COMMERCE  
 COMMISSION**

**SUBCHAPTER C—ACCOUNTS, RECORDS, AND  
 REPORTS**

[No. 35344 (Sub-No. 4)]

**PART 1241—ANNUAL, SPECIAL OR PE-  
 RIODIC REPORTS: CARRIERS SUBJECT  
 TO PART I OF THE INTERSTATE COM-  
 MENCE ACT**

**Annual Reports of Class I Railroad  
 Companies**

*Order.* At a session of the Interstate Commerce Commission, Division 2, held at its Office in Washington, D.C. on the 7th day of November 1973.

The Commission, Division 2, has given consideration to the matter of annual reports required of Class I line-haul, and switching and terminal railroad companies, pursuant to sections 12, 17, and 20 of the Interstate Commerce Act.

Rulemaking procedures pursuant to the Administrative Procedure Act (5 U.S.C. 553), have been deemed unnecessary, since matters considered were revisions to reporting rules and modifications to annual reports of Class I railroads which reduce the paperwork burden without significant or substantive changes in information to be reported, and are otherwise minor in nature.

Wherefore, and for good cause appearing:

*It is ordered,* That the Annual Report of Class I Railroads, Form R-1,<sup>1</sup> and the reporting rules and requirements therein, as shown in Appendix A attached hereto, be, and they are hereby, adopted.

*It is further ordered,* That the reporting requirements prescribed hereby shall apply to all Class I line-haul, and switching and terminal railroad companies, as

<sup>1</sup> Filed as part of original document.



## RULES AND REGULATIONS

defined in 49 CFR 1240.1, subject to section 20, Part I of the Interstate Commerce Act.

It is further ordered, That the reporting requirements prescribed hereby shall become effective with reports for the year ending December 31, 1973, and shall remain in effect until further order of the Commission.

It is further ordered, That § 1241.11 to Title 49, Chapter X, Subchapter C, Part 1241, Code of Federal Regulations, be, and it is hereby, modified and amended to read as follows:

§ 1241.11 Annual reports of Class I railroads.

Commencing with reports for the year ended December 31, 1973, and thereafter, until further order, all line-haul, and switching and terminal railroad companies of Class I, as defined in § 1240.1 of this chapter, subject to section 20, Part I of the Interstate Commerce Act, are required to file annual reports in accordance with Railroad Annual Report Form R-1. Such annual report shall be filed in duplicate in the office of the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before March 31 of the year following the year which is being reported.

(Secs. 12, 20, 24 Stat. 383, 386, as amended; (49 U.S.C. 12, 20))

And it is further ordered, That service of this order shall be made on all line-haul, and switching and terminal railroad companies of Class I, subject to the provisions of section 20, Part I of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator or assignee of any such railroad company, and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C. 20423, and by filing it with the Director, Office of the Federal Register, for publication therein.

A supply of printed Form R-1 will be furnished later.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-25366 Filed 11-28-73;8:45 am]

Title 7—Agriculture

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

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Standards for Grades of Fresh Tomatoes; Correction

In FR Doc. 73-18558 appearing in the issue of Wednesday, September 5, 1973 (38 FR 23931), the first sentence of the

definition of serious damage by growth cracks, in the fifth paragraph of the third column of Table II, § 51.1877, page 23934, is corrected to read as follows:

Not well healed, more than 1/8 inch (3 mm) in depth, individual radial cracks more than 3/8 inch (19 mm) in length, aggregate

§ 51.1877 Classification of defects.

length of all radial cracks more than 1 1/2 inches (44 mm) measured from edge of stem scar.

Dated: November 26, 1973.

E. L. PETERSON,  
Administrator,  
Agricultural Marketing Service.

TABLE II

REFERENCES TO AREA, AGGREGATE AREA, LENGTH OR AGGREGATE LENGTH ARE BASED ON A TOMATO HAVING A DIAMETER OF 2 1/2 INCHES (64 MM)<sup>1</sup>

Factor	Damage	Serious damage	Very serious damage
Cuts and broken skins.	Not shallow or not well healed, or shallow, well healed cut more than 1/8 inch (3mm) in length, or other shallow, well healed skin breaks aggregating more than a circle 3/8 inch (19mm) in diameter.	Not shallow or not well healed, or shallow, well healed cut more than 1/8 inch (3mm) in length, or other shallow, well healed skin breaks aggregating more than a circle 1/2 inch (13mm) in diameter.	Fresh or healed and extending through the tomato wall.
Puffiness.....	Open space in 1 or more locules materially detracts from appearance of tomato cut through center at right angles to a line from stem to blossom end.	Open space in 1 or more locules seriously detracts from appearance of tomato cut through center at right angles to a line from stem to blossom end.	Open space in 2 or more locules very seriously detracts from appearance of tomato cut through center at right angles to a line from stem to blossom end.
Catfaces.....	Scars are rough or deep, channels are very deep or wide, channels extend into a locule, or a fairly smooth catface aggregating more than a circle 1/2 inch (13mm) in diameter.	Scars are rough or deep, channels are very deep or wide, channels extend into a locule, or a fairly smooth catface aggregating more than a circle 3/8 inch (19mm) in diameter.	Channels extend into the locule, wall has been weakened to the extent that slight pressure will cause a tomato to leak, or a fairly smooth catface aggregating more than a circle 1 inch (25mm) in diameter.
Scars (other than catfaces).	No depth and aggregating more than a circle 3/8 inch (19mm) in diameter.	No depth and aggregating more than a circle 1/2 inch (13mm) in diameter.	No depth and aggregating more than a circle 1 inch (25mm) in diameter.
Growth cracks (radiating from or concentric to stem scar).	Not well healed, more than 1/8 inch (3mm) in depth, individual radial cracks more than 1/2 inch (13mm) in length, aggregate length of all radial cracks more than 1 inch (25mm) measured from edge of stem scar. Any lot of tomatoes which are at least turning may have cracks which are not well healed provided they are not leaking.	Not well healed, more than 1/8 inch (3mm) in depth, individual radial cracks more than 3/8 inch (19mm) in length, aggregate length of all radial cracks more than 1 1/2 inches (44mm) measured from edge of stem scar. Any lot of tomatoes which are at least turning may have cracks which are not well healed provided they are not leaking.	Not well healed, more than 1/8 inch (3mm) in depth, individual radial cracks more than 1 inch (25mm) in length, aggregate length of all radial cracks more than 2 1/2 inches (73mm) measured from edge of stem scar. Any lot of tomatoes which are at least turning may have cracks which are not well healed provided they are not leaking, not more than 1/8 inch (3mm) in depth, individual radial cracks are not more than 3/8 inch (19mm) in length.
Hail.....	Deep, rough, not well healed and corked over, or fairly smooth, shallow hailmarks aggregating more than a circle 1/2 inch (13 mm) in diameter.	Deep, rough, not well healed and corked over, or fairly smooth, shallow hailmarks aggregating more than a circle 3/8 inch (16 mm) in diameter.	Fresh, very deep or fairly smooth, shallow hail marks aggregating more than a circle 1 inch (35 mm) in diameter.
Insect injury.....	Materially detracts from the appearance of any insect is present in the fruit.	Seriously detracts from the appearance of any insect is present in the fruit.	Very seriously detracts from the appearance of any insect is present in the fruit.

<sup>1</sup> Conversion to metric equivalent made to nearest whole millimeter.

[FR Doc.73-25357 Filed 11-28-73;8:45 am]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

Subpart—1974 Crop of Peanuts: Acreage Allotments and Marketing Quotas

*Basis and purpose.* The provisions of §§ 729.100 to 729.103 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.) (referred to as the "act") with respect to the 1974 crop of peanuts. The purposes

of §§ 729.100 to 729.103 are to proclaim a national marketing quota, establish the national acreage allotment and apportion such allotment to the States for the 1974 crop of peanuts in accordance with section 358 of the act (7 U.S.C. 1358). Farmers voting in a referendum held in December 1971 favored marketing quotas for peanuts produced in 1972, 1973 and 1974 as set forth in the FEDERAL REGISTER of February 5, 1972 (37 FR 2765); therefor quotas will be effective for the 1974 crop. The findings and determinations made with respect to these matters are based on the latest available statistics of the Federal Government.



Notice that the Secretary was preparing to determine the acreage allotments and marketing quota for the 1974 crop of peanuts was published in accordance with (5 U.S.C. 553, 80 Stat. 383) in the FEDERAL REGISTER on October 4, 1973 (38 FR 27530). No submissions were received in response to such notice.

In order that peanut farmers may be notified as soon as possible of farm allotments for the 1974 crop of peanuts it is essential that §§ 729.100 to 729.103 be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of (5 U.S.C. 553) is impracticable and contrary to the public interest and §§ 729.100 to 729.103 shall be effective November 28, 1973.

- Sec.  
729.100 Proclamation of national marketing quota for the 1974 crop of peanuts.  
729.101 National acreage allotment for the 1974 crop of peanuts.  
729.102 [Reserved]  
729.103 Apportionment to States.

**AUTHORITY:** Secs. 301, 358, 375, 52 Stat. 38, as amended, 55 Stat. 88, as amended, 52 Stat. 66, as amended, 7 U.S.C. 1301, 1358, 1375.

**§ 729.100 Proclamation of national marketing quota for the 1974 crop of peanuts.**

(a) *Statutory requirements.* Section 358(a) of the act provides that between July 1 and December 1 of each calendar year the Secretary shall proclaim a national marketing quota for the crop of peanuts to be produced in the next succeeding calendar year. The quota for such crop shall be a quantity of peanuts which will make available for marketing a supply equal to the average quantity of peanuts harvested for nuts during the immediately preceding 5 years, adjusted for current trends and prospective demand conditions. The national marketing quota shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

(b) *Findings and determinations.* The following findings and determinations under section 358(a) of the act are hereby made:

(1) Average quantity of peanuts harvested for nuts during the 5 year period 1968-1972, adjusted for current trends and prospective demand conditions—1,040,000 tons;

(2) Normal yield per acre of peanuts for the United States on the basis of the average yield per acre of peanuts in the 5 year period 1968-1972, adjusted for trends in yields and abnormal conditions of production affecting yields—2,300 pounds;

(3) Conversion of the quantity of peanuts determined under (1) of this paragraph into acres on the basis of the normal yield, with an adjustment for under harvesting—1,014,347 acres;

(4) Conversion of the minimum national acreage allotment of 1,610,000 acres into tons of quota on the basis of the normal yield—1,851,500 tons.

(c) *National marketing quota.* The national marketing quota for the 1974 crop of peanuts is hereby proclaimed to be 1,851,500 tons on the basis of the mini-

mum national acreage allotment determined under paragraph (b) (4) of this section since such amount of quota would not be obtained by the smaller amount determined under paragraph (b) (3) of this section.

**§ 729.101 National acreage allotment for the 1974 crop of peanuts.**

The national acreage allotment for the 1974 crop of peanuts based on the national marketing quota under § 729.100 (c) is hereby established at 1,610,000 acres.

**§ 729.102 [Reserved]**

**§ 729.103 Apportionment to States.**

The national acreage allotment for the 1974 crop of peanuts of 1,610,000 acres is hereby apportioned to the States on the basis of their share of the national acreage allotment for 1973 as provided under section 358(c) (1) of the act:

State	State acreage allotment
Alabama	216,697
Arizona	761
Arkansas	4,184
California	930
Florida	55,545
Georgia	529,855
Louisiana	1,945
Mississippi	7,492
Missouri	247
New Mexico	5,787
North Carolina	167,878
Oklahoma	138,348
South Carolina	13,891
Tennessee	3,606
Texas	358,005
Virginia	104,829
Total	1,610,000

Effective date: November 28, 1973.

Signed at Washington, D.C., on November 23, 1973.

EARL L. BUTZ,  
Secretary.

[FR Doc.73-25360 Filed 11-28-73;8:45 am]

**CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE**

**SUBCHAPTER D—GUARANTEED LOANS**

[FHA Instruction 449.1]

**PART 1842—BUSINESS AND INDUSTRIAL LOANS**

**Insured Loan Interest Rates**

Section 1842.61 (b) of Part 1842, Title 7, Code of Federal Regulations (38 FR 29047), is revised to clarify the interest rate applicable for insured business and industrial loans to private parties, and to public parties when used to finance community facilities for the purpose of developing private business enterprises. Since the clarification merely makes the regulation conform to the law under which such loans are made, notice and public procedure thereon are unnecessary.

As revised, § 1842.61 (b) reads as follows:

- § 1842.61 Insured loans. \* \* \***
- (b) *Interest rate.*
  - (1) *Private parties.* Loans to private parties (private entrepreneurs) shall

bear interest at a rate prescribed by the Secretary of Agriculture, which is to be not less than a rate determined by the Secretary of the Treasury, taking into consideration current average market yield on outstanding marketable obligations of the United States comparable to the average maturities of such loans, adjusted in the judgment of the Secretary of the Treasury to provide for a rate comparable to the rates prevailing in the private market for similar loans and considering the Secretary's insurance of the loan, plus an additional charge to cover losses and cost of administration. The prescribed rate shall be adjusted to the nearest one-eighth of one per centum and shall be announced periodically.

(2) *Public bodies.* Loans to public bodies used to finance community facilities for the purpose of developing private business enterprises shall bear an interest rate not to exceed five (5%) percent. The prescribed rate will be announced periodically in the FEDERAL REGISTER.

(7 U.S.C. 1989; Order of Secretary of Agriculture, 38 FR 14944, 14948, 7 CFR 2.23; Order of Assistant Secretary of Agriculture for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70.)

*Effective date.*—This amendment shall become effective November 29, 1973.

Dated: November 14, 1973.

DENTON E. SPRAGUE,  
Acting Administrator,  
Farmers Home Administration.

[FR Doc.73-25311 Filed 11-28-73;8:45 am]

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

[Navel Orange Reg. 301]

**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 Nov. 30-Dec. 6, 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.

**§ 907.601 Navel Orange Regulation 301.**

(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 recommendations, 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 was easier as both sales volume and prices declined from the previous week's. Prices f.o.b. averaged \$4.40 a carton on a reported sales volume of 454 cartons last week, compared with an average f.o.b. price \$4.91 per carton and sales of 479 cartons a week earlier. Track and rolling supplies at 404 cars were up 123 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of 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 rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for 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 recom-

mendation 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 27, 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 30, 1973, through December 6, 1973, are hereby fixed as follows:

(i) District 1: 1,050,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 69,904 cartons.

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

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

Dated: November 28, 1973.

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

[FR Doc.73-25499 Filed 11-28-73; 11:23 am]

#### Title 24—Housing and Urban Development

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

#### SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-256]

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

#### Status of Participating Communities

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

#### § 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Arkansas	Pulaski	Jacksonville, City of				Nov. 26, 1973, Emergency.
Georgia	Mitchell	Camilla, City of				Do.
Do.	Richmond	Augusta, City of				Do.
Massachusetts	Norfolk	Canton, Town of				Do.
Michigan	Manistee	Onkama, Township of				Nov. 28, 1973, Emergency.
New York	Ulster	Ellenville, Village of				Nov. 26, 1973, Emergency.
North Carolina	Gaston	Gastonia, City of				Do.
Do.	Madison	Unincorporated Areas				Do.
Rhode Island	Kent	Coventry, Town of				Nov. 21, 1973, Emergency.
Texas	Cameron	S. Padre Island, Town of				Do.
Wisconsin	Florence	Unincorporated Areas				Do.

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

Issued: November 20, 1973.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.73-25225 Filed 11-28-73; 8:45 am]



[Docket No. PI-257]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
California	Shasta	Anderson, City of				Nov. 21, 1973. Emergency.
Georgia	Fulton	Roswell, City of				Do.
Kentucky	Bell	Pineville, City of				Nov. 20, 1973. Emergency.
Michigan	Iosco	Alabaster, Township of				Feb. 11, 1972. Emergency.
Minnesota	Anoka	Anoka, City of	1 27 003 0190 01 through 1 27 003 0190 04	Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R- 210 State Office Bldg., St. Paul, Minn. 55101.	City of Anoka, City Engineer, 2015 1st Ave., Anoka, Minn. 55303.	Nov. 30, 1973. Regular.
Do.	St. Louis	Duluth, City of				Nov. 21, 1973. Emergency.
New Jersey	Hunterdon	Kingwood, Township of				Do.
Ohio	Franklin	Bexley, City of				Do.
Rhode Island	Providence	Lincoln, Town of	1 44 007 0112 01 through 1 44 007 0112 07	Rhode Island Statewide Planning Program, 365 Melrose St., Provi- dence, R.I. 02907. Rhode Island Insurance Division, 169 Weybosset St., Providence, R.I. 02903.	Town Administrator, Town of Lin- coln, 100 Old River Rd., Lincoln, R.I. 02875.	May 5, 1972. Emergency. Nov. 30, 1973. Regular.
Wisconsin	Langlade	Antigo, City of	1 53 067 0160 01 through 1 53 067 0160 02	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	City Clerk, City of Antigo, Antigo, Wis. 54409.	Mar. 31, 1972. Emergency. Nov. 30, 1973. Regular.
Do.	Douglas	Superior, City of				Nov. 21, 1973. Emergency.
Do.	Washburn	Spencer, City of				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17894, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969) (42 U.S.C. 4001-4127) and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969.)

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

Issued: November 20, 1973.

[FR Doc. 73-25226 Filed 11-28-73; 8:45 am]



[Docket No. FI-258]

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

## Status of Participating Communities

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

## § 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Georgia	Richmond	Unincorporated Areas				Nov. 23, 1973. Emergency.
Louisiana	St. Tammany	Sidell, City of				Do.
Missouri	Dunklin	Kennett, City of				Do.
Oklahoma	Oklahoma	Del City, City of				Do.
North Carolina	Madison	Marshall, Town of				Do.

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

Issued: November 29, 1973.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc. 73-25227 Filed 11-28-73; 8:45 am]

[Docket No. FI-259]

## PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

## List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective November 29, 1973.

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

## § 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards	
Alabama	Calhoun	Weaver, City of	H 01 015 3210 01 through H 01 015 3210 05	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104.	Mayor, City of Weaver, City Hall, Weaver, Ala. 36277.	Nov. 30, 1973.	
Arizona	Pinal	Kearny, Town of	H 04 021 0256 01	Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Town Manager, Town of Kearny, Town Hall, Kearny, Ariz. 85237.	Do.	
Arizona				Arizona State Land Department, 1624 W. Adams, Room 400, Phoenix, Ariz. 85007.			
Arkansas	Arkansas	Stuttgart, City of	H 05 001 3730 01 through H 05 001 3730 02	Arizona Department* of Insurance, P.O. Box 7008, 718 W. Glenrosa, Phoenix, Ariz. 85011.	Division of Soil & Water Resources, State Department of Commerce, 1920 W. Capitol Ave., Little Rock, Ark. 72201.	Mayor, City of Stuttgart, Stuttgart, Ark. 72160.	Do.
Do.	Crittenden	W. Memphis, City of	H 05 035 4120 01 through H 05 035 4120 05	Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	do.	Mayor, City of West Memphis, City Hall, West Memphis, Ark. 72301.	Do.
Do.	Drew	Monticello, City of	H 05 043 2880 01 through H 05 043 2880 04	do.	do.	Mayor, City of Monticello, City Hall, Monticello, Ark. 71655.	Do.



State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Johnson	Clarksville, City of.	H 05 071 0800 01 through H 05 071 0800 03	do.	Mayor, City of Clarksville, Clarksville, Ark. 72803.	Do.
Do.	Woodruff	Augusta, Town of.	H 05 147 0200 01	do.	Mayor, Town of Augusta, Augusta, Ark. 73006.	Do.
Colorado	La Plata	Durango, City of.	H 08 067 0650 01	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	City Council, City of Durango, City Hall, Durango, Colo. 81301.	Do.
Idaho	Idaho	Kooshia, City of.	H 16 049 0900 01	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Mayor, City of Kooshia, City Hall, Kooshia, Idaho 83339.	Do.
Illinois	Douglas	Tuscola, City of.	H 17 041 8740 01 through H 17 041 8740 02	Governor's Task Force on Flood Control, Natural Resources Service Center, Thronhill Bldg., P.O. Box 475, LaSalle, Ill. 62532. Illinois Insurance Department, 525 W. Jefferson St., Springfield, Ill. 62702.	Mayor, City of Tuscola, City Bldg., Tuscola, Ill. 61953.	Do.
Do.	Madison	Hartford, Village of.	H 17 119 3760 01	do.	Village Trustees, Village of Hartford, 501 N. Delmar, Hartford, Illinois 62948.	Do.
Do.	Marshall	Lacon, City of.	H 17 123 4550 01 through H 17 123 4550 02	do.	Mayor, City of Lacon, Lacon, Ill. 61540.	Do.
Indiana	Crawford	Leavenworth, Town of.	H 18 025 2620 01	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	President, Town Board, Town of Leavenworth, Leavenworth, Ind. 47137.	Do.
Do.	Crawford & Harrison	Milltown, Town of.	H 18 025 3080 01	do.	President, Town Board, Town of Milltown, Milltown, Ind. 47145.	Do.
Do.	Hancock	New Palestine, Town of.	H 18 089 3510 01	do.	Town Manager, Town of New Palestine, Town Hall, New Palestine, Ind. 46163.	Do.
Do.	Henry	Knightstown, Town of.	H 18 065 2400 01	do.	Town Manager, Town of Knightstown, Town Hall, Knightstown, Ind. 46148.	Do.
Do.	Jennings	North Vernon, City of.	H 18 079 3670 01	do.	Mayor, City of North Vernon, City Bldg., North Vernon, Ind. 47265.	Do.
Do.	Lake	St. John, Town of.	H 18 089 4300 01 through H 18 089 4300 04	do.	Chairman, Town Board of Trustees, Town of St. John, 11033 W. 93rd. Ave., St. John, Ind. 46373.	Do.
Do.	do	Schererville, Town of.	H 18 089 4380 01 through H 18 089 4380 03	do.	Chairman, Town Board of Trustees, Town of Schererville, 1649 Wilson Ave., Schererville, Ind. 46373.	Do.
Do.	Marion	Beech Grove, City of.	H 18 097 0310 01 through H 18 097 0310 06	do.	Mayor, City of Beech Grove, 2501 City County Bldg., Beech Grove, Ind. 46107.	Do.
Do.	Parke	Rosedale, Town of.	H 18 121 4230 01	do.	Town Manager, Town of Rosedale, Town Hall, Rosedale, Ind. 47874.	Do.
Do.	Perry	Cannelton, City of.	H 18 123 0680 01	do.	Mayor, City of Cannelton, 616 St. Louis Ave., Cannelton, Ind. 47520.	Do.
Do.	Randolph	Ridgeville, Town of.	H 18 135 4130 01	do.	Town Manager, Town of Ridgeville, Town Hall, Ridgeville, Ind. 47380.	Do.
Do.	St. Joseph	North Liberty, Town of.	H 18 141 3630 01	do.	Town Board, Town of North Liberty, North Liberty, Ind. 46544.	Do.
Do.	Starke	Knox, City of.	H 18 149 2420 01	do.	Mayor, City of Knox, City Hall, Knox, Ind. 46534.	Do.
Minnesota	Anoka	Anoka, City of.	H 27 003 0190 01 through H 27 003 0190 04	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, Room 210, State Office Bldg., St. Paul, Minn. 55101.	City of Anoka, City Engineer, 2015 1st Ave., Anoka, Minn. 55303.	Do.
Do.	Brown	Springfield, City of.	H 27 015 0650 01	do.	Mayor, City of Springfield, City Hall, 2 E. Central, Springfield, Minn. 56087.	Do.
Do.	Dakota	Eagan, Village of.	H 27 037 1944 01 through H 27 037 1944 12	do.	Mayor, Village of Eagan, Village Hall, Eagan, Minn. 55122.	Do.
Do.	Hennepin	Crystal, City of.	H 27 053 1570 01 through H 27 053 1570 04	do.	Mayor, City of Crystal, 4141 Douglas Drive, N. Crystal, Minn. 55422.	Do.
Mississippi	Jones	Laurel, City of.	H 28 067 1310 01 through H 28 067 1310 14	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	City of Laurel, City Hall, 401 North Fifth Ave., Laurel, Miss. 39440.	Do.
Missouri	Platt	Riverside, City of.	H 29 165 6821 01 through	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	City Hall, Riverside, Mo. 64168.	Do.



## RULES AND REGULATIONS

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
New Jersey	Bergen	Hasbrouck Heights, Borough of.	H 34 003 1330 01	Bureau of Water Control, Dept. of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Dept. of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, Borough of Hasbrouck Heights, 248 Hamilton, Hasbrouck Heights, N.J. 07604.	Do.
Do.	Burlington	Willingboro, Township of.	H 34 005 3692 01 through H 34 005 3692 03.	do.	Township of Willingboro, Municipal Complex, Salem Road, Willingboro, N.J. 08046.	Do.
Do.	Camden	Haddonfield, Borough of.	H 34 007 1230 01 through H 34 007 1230 02.	do.	Haddonfield Borough Hall, 242 Kings Highway, East Haddonfield, N.J. 08003.	Do.
Do.	Essex	South Orange, Village of.	H 34 013 3150 01 through H 34 013 3150 03.	do.	Village Hall, South Orange, N.J. 07079.	Do.
Do.	Monmouth	Loch Arbour, Village of.	H 34 025 1749 01	do.	Municipal Offices, 550 Main Street, Loch Arbour, N.J. 07711.	Do.
Do.	Passaic	Hawthorne, Borough of.	H 34 031 1350 01 through H 34 031 1350 02.	do.	Department of Public Works, Borough of Hawthorne, 445 Lafayette Ave., Hawthorne, N.J. 07006.	Do.
North Carolina	Bladen	Bladenboro, Town of.	H 37 017 0500 01 through H 37 017 0500 02.	North Carolina Office of Water and Air Resources, Department of Natural Economic Resources, P.O. Box 27087, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Mayor, Town of Bladenboro, Bladenboro, N.C. 28320.	Do.
Do.	Halifax	Enfield, Town of.	H 37 083 1540 01 through H 37 083 1540 02.	do.	Major, Town of Enfield, Enfield, N.C. 27823.	Do.
Do.	Moore	Aberdeen, Town of.	H 37 125 0010 01	do.	Major, Town of Aberdeen, Aberdeen, N.C. 28315.	Do.
Ohio	Clermont	Batavia, Village of.	H 39 025 0490 01	Ohio Dept. of Natural Resources, Fountain Square, Columbus, Ohio 43224. Ohio Insurance Department, 115 E. Rich St., Columbus, Ohio 43215.	Major, Village of Batavia, 308 Main Street, Batavia, Ohio 45103.	Do.
Do.	Cuyahoga & Geauga	Hunting Valley, Village of.	H 39 035 3640 01 through H 39 035 3640 03.	do.	Office of Building Inspector, Hunting Valley Town Hall, Fairmount Boulevard, Hunting Valley, Ohio 44022.	Do.
Do.	Lake	Eastlake, City of.	H 39 085 2350 01 through H 39 085 2350 04.	do.	Eastlake City Council, Eastlake City Hall, 35150 Lake Shore Blvd., Eastlake, Ohio 44091.	Do.
Do.	do	Willoughby, City of.	H 39 085 5010 01 through H 39 085 5010 06.	do.	Mayor, City of Willoughby, City Hall, 4109 River Road, Willoughby, Ohio 44091.	Do.
Oregon	Baker	Huntington, City of.	H 41 001 1040 01	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 108 12th St. NE., Salem, Oreg. 97310.	Mayor, City of Huntington, City Hall, Huntington, Oreg.	Do.
Do.	Columbia	St. Helens, City of.	H 41 009 1790 01 through H 41 009 1790 02.	do.	Mayor, City of St. Helens, City Hall, St. Helens, Oreg. 97051.	Do.
Do.	do	Vernonia, City of.	H 41 009 2150 01	do.	Mayor, City of Vernonia, City Hall, Vernonia, Oreg. 97064.	Do.
Do.	Cook	Coquille, City of.	H 41 035 0330 01 through H 41 035 0330 02.	do.	Mayor, City of Coquille, City Hall, Coquille, Oreg. 97423.	Do.
Do.	Crook	Prineville, City of.	H 41 013 1700 01	do.	Mayor, City of Prineville, City Hall, Prineville, Oreg. 97754.	Do.
Do.	Harney	Burns, City of.	H 025 0240 01 through H 025 0240 02.	do.	Mayor, City of Burns, City Hall, Burns, Oreg. 97720.	Do.
Do.	do	Hines, City of.	H 025 1010 01	do.	Mayor, City of Hines, City Hall, Hines, Oreg. 97738.	Do.
Do.	Klamath	Chiloquin, Town of.	H 41 035 0830 01	do.	Mayor, Town of Chiloquin, City Hall, Box 196, Chiloquin, Oreg. 97624.	Do.
Do.	Linn	Lebanon, City of.	H 41 043 1210 01 through H 41 043 1210 02.	do.	Mayor, City of Lebanon, City Hall, Lebanon, Oreg. 97355.	Do.
Do.	Malheur	Nyssa, City of.	H 41 045 1530 01	do.	Mayor, City of Nyssa, City Hall, Nyssa, Oreg. 97913.	Do.
Do.	do	Ontario, City of.	H 41 045 1570 01 through H 41 045 1570 02.	do.	Mayor, City of Ontario, City Hall, Nyssa, Oreg. 97913.	Do.
Do.	do	Vale, City of.	H 41 045 2140 01	do.	City Coordinator, City of Vale, City Hall, Vale, Oreg. 97918.	Do.
Do.	Union	Elgin, City of.	H 41 061 0510 01	do.	Mayor, City of Elgin, Elgin, Oreg. 97827.	Do.
Do.	do	La Grande, City of.	H 41 061 1190 01 through H 41 061 1190 02.	do.	Mayor, City of La Grande, City Hall, La Grande, Oreg. 97850.	Do.
Do.	Yamhill	Carlton, City of.	H 41 071 0250 01	do.	Mayor, City of Carlton, City Hall, Carlton, Oreg. 97111.	Do.
Do.	do	Lafayette, City of.	H 41 071 1180 01	do.	Mayor, City of Lafayette, City Hall, Lafayette, Oreg. 97127.	Do.
Do.	Yamhill	Yamhill, City of.	H 41 071 2270 01	do.	Mayor, City of Yamhill, City Hall, Yamhill, Oreg. 97148.	Do.
Pennsylvania	Allegheny	Homestead, Borough of.	H 42 003 3090 01	Dept. of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, Borough of Homestead, Box 448, Homestead, Pa. 15120.	Do.
Do.	do	W. Elizabeth, Borough of.	H 42 003 9040 01	do.	Secretary, Borough of W. Elizabeth, Municipal Bldg., W. Elizabeth, Pa. 15088.	Do.
Do.	Blair	Williamsburg, Borough of.	H 42 013 9370 01	do.	Municipal Building Borough of Williamsburg, 305 East Second St., Williamsburg, Pa. 16693.	Do.
Do.	Chester	N. Coventry, Township of.	H 42 020 6062 01 through H 42 020 6062 05.	do.	Municipal Building, 873 South Hanover Street, Pottstown, Pa. 19464.	Do.
Do.	Dauphin	Millersburg, Borough of.	H 42 043 5240 01	do.	Millersburg Municipal Bldg., Market Street, Millersburg, Pa. 17061.	Do.



RULES AND REGULATIONS

32927

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Delaware	Trainer, Borough of	H 42 045 8530 01 through H 42 045 8530 02	do.	Borough Secretary's Office, 4016 W. Seventh Street, Trainer, Pa. 19013.	Do.
Do.	Fayette	Councilsville, City of	H 42 051 1610 01 through H 42 051 1610 02	do.	City Clerk, City of Councilsville, Councilsville, Pa. 15425.	Do.
Do.	do.	Upper Tyrone, Township of	H 42 051 8713 01 through H 42 051 8713 03	do.	Secretary, Upper Tyrone Township, Box 282, R.D. #1, Councilsville, Pa. 15683.	Do.
Do.	Lefgh	Catasauqua, Borough of	H 42 077 1150 01 through H 42 077 1150 02	do.	Catasauqua Borough Hall, 118 Church Street, Catasauqua, Pa. 18027.	Do.
Do.	Montgomery	Lower Moreland, Township of	H 42 091 4628 01 through H 42 091 4628 02	do.	Lower Moreland Township, Municipal Building, 640 Redlion Road, Huntingdon Valley, Pa. 19006.	Do.
Do.	Tioga	Blossburg, Borough of	H 42 117 0750 01	do.	Borough of Blossburg, 206 Main Street, Blossburg, Pa. 16912.	Do.
Do.	Venango	Oil City, City of	H 42 121 6210 01 through H 42 121 6210 03	do.	City Hall, One Sycamore Street, Oil City, Pa. 16301.	Do.
Do.	Wayne	Honesdale, Borough of	H 42 127 3700 01 through H 42 127 3700 02	do.	Borough of Honesdale, 958 Main Street, Honesdale, Pa. 18431.	Do.
Do.	Luzerne	Salem, Township of	H 42 129 1730 01 through H 42 129 1730 08	do.	Borough Building, Salem Township, 625 E. 10th Street, Berwick, Pa. 18603.	Do.
Do.	York	Hallam, Borough of	H 42 133 3386 01	do.	Friendship Fire Hall, East Market Street, Hallam, Pa. 17406.	Do.
Rhode Island	Providence	Lincoln, Town of	H 44 007 0112 01 through H 44 007 0112 07	Rhode Island Statewide Planning Program, 265 Melrose Street, Providence, R.I. 02907. Rhode Island Insurance Division, 169 Weybosset St., Providence, R.I. 02903.	Town Administrator, Town of Lincoln, 100 Old River Road, Lincoln, R.I. 02875.	Do.
Tennessee	Williamson	Brentwood, City of	H 47 187 0272 01 through H 47 187 0272 08	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance & Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	City Manager, City of Brentwood, P.O. Box 782, Brentwood, Tenn. 37027.	Do.
Texas	Kendall	Boerne, City of	H 48 259 0740 01 through H 48 259 0740 02	Texas Water Development Board, P.O. Box 13967, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, City of Boerne, Boerne, Tex. 78006.	Do.
Washington	Okanogan	Omak, City of	H 53 047 1600 01 through H 53 047 1600 02	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Mayor, City of Omak, City Hall, Omak, Wash. 98841.	Do.
Wisconsin	Dane	Monona, City of	H 55 025 3140 01 through H 55 025 3140 02	Department of Natural Resources, Post Office Box 456, Madison, Wis. 53701. Wisconsin Insurance Department, 212 N. Bassett St., Madison, Wis. 53703.	Mayor, City of Monona, 3211 Schluster Rd., Monona, Wis. 53716.	Do.
Do.	Dodge	Horicon, City of	H 55 027 2200 01 through H 55 027 2200 02	do.	Mayor, City of Horicon, City Hall, Horicon, Wis. 53032.	Do.
Do.	do.	Hustisford, Village of	H 55 027 2240 01	do.	Village President, Village of Hustisford, Hustisford, Wis. 53034.	Do.
Do.	do.	Mayville, City of	H 55 027 2020 01	do.	Mayor, City of Mayville, City Hall, Mayville, Wis. 53050.	Do.
Do.	Door	Forestville, Village of	H 55 029 1756 01	do.	Village President, Village of Forestville, Village Hall, Forestville, Wis. 54513.	Do.
Do.	Lafayette	Argyle, Village of	H 55 063 0200 01	do.	President, Village Board, Village of Argyle, Argyle, Wis. 53904.	Do.
Do.	Langlade	Antigo, City of	H 55 067 0160 01 through H 55 067 0160 02	do.	City Clerk, City of Antigo, Antigo, Wis. 54400.	Do.
Do.	Marathon	Marathon, Village of	H 55 073 2830 01	do.	Village President, Village of Marathon, Marathon, Wis. 54448.	Do.
Do.	Shawano	Bowler, Village of	H 55 115 0640 01	do.	Village President, Village of Bowler, Village Hall, Bowler, Wis. 54418.	Do.
Do.	Sheboygan	Sheboygan Falls, City of	H 55 117 4340 01	do.	Mayor, City of Sheboygan Falls, City Hall, Sheboygan Falls, Wis. 53083.	Do.
Do.	Trempealeau	Arcadia, City of	H 55 121 0180 01	do.	Mayor, City of Arcadia, City Hall, Arcadia, Wis. 54612.	Do.
Do.	do.	Etrick, Village of	H 55 121 1630 01	do.	Village President, Village of Etrick, Etrick, Wis. 54628.	Do.
Do.	do.	Galesville, City of	H 55 121 1850 01	do.	Mayor, City of Galesville, Galesville, Wis. 54630.	Do.
Do.	Waukesha	Big Bend, Village of	H 55 133 0470 01	do.	Village President, Village of Big Bend, 8 92 W. 22575 Fatima Dr., Big Bend, Wis. 53103.	Do.



State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.....do.....	.....	Hartland, Village of	H 55 133 2080 01.....do.....	.....	Village President, Village of Hartland, 209 Cottonwood Ave., Hartland, Wis. 53024.	Do.
Do.....	Waupaca.....	Fremont, Village of	H 55 135 1820 01.....do.....	.....	President, Village of Board, Village of Fremont, Fremont, Wis. 54040.	Do.
Do.....do.....	.....	Manawa, City of	H 55 135 2800 01.....do.....	.....	Mayor, City of Manawa, City Hall, Manawa, Wis. 54040.	Do.

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

Issued: November 20, 1973.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc. 73-25228 Filed 11-28-73; 8:45 am]

## Title 47—Telecommunication CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18261; FCC 73-1163]

### AVAILABILITY OF LAND MOBILE CHANNELS

#### Fourth Report and Order

In the matter of amendment of Parts 21, 89, 91 and 93 of the rules to reflect the availability of land mobile channels in the 470-512 MHz band in the ten largest urbanized areas of the United States; Docket No. 18261.

1. On May 21, 1973 (38 FR 13749), we issued a notice in this proceeding proposing to re-adjust the frequency allocations in the 470-512 MHz band among the various allocation pools in the New York-Northeastern New Jersey and Washington, D.C.-Maryland-Virginia urbanized areas. (These areas are referred to hereinafter as the New York and Washington areas respectively).

2. More specifically, in the New York area we proposed to increase the number of the two frequency channels in the public safety pool from 68 to 90 channels, in the taxicab pool from 8 to 12 and in the business pool from 44 to 56 channels. We also proposed to reduce the channels in the motor carrier—railroad—automobile emergency pool from 28 to 14, in the petroleum—forest products—manufacturers pools from 10 to 8, and in the utilities pool from 10 to 4. Additionally, we proposed to create a reserve pool of seven channels and to eliminate the existing two reserve pools.

3. In the Washington area, we proposed to re-structure the present allocations so as to increase the number of channels in the public safety pool from 34 to 45, reduce the number of channels available to special industrial from 9 to 4, taxicab from 4 to 2, motor carrier—railroad—auto emergency from 14 to 7, petroleum—forest products—manufacturers from 8 to 4, and the utilities pool from 4 to 2. The remaining channels would be held in three separate reserve pools located in such a manner as to facilitate future allocations of these frequencies to various categories of radio services.

4. We proposed to make these re-adjustments in these two areas because we had noted in the 470-512 MHz band relatively heavy licensing activity in some services and little or no activity in others, and we felt that early readjustment would facilitate orderly development of communication systems in the band, at least in those services where immediate need for expansion existed. The notice was published in the FEDERAL REGISTER on May 25, 1973, 38 FR 13749. The period for filing comments and replies has expired. A list of organizations filing comments and reply comments appears hereinafter identified as Appendix A.

5. In general, the comments fell into two categories. Those speaking for services which would receive additional channels favored the proposed action and those representing services which would lose channels opposed it. The case for the latter group was stated most succinctly by SIRSA.

SIRSA supports long range frequency allocation planning and agrees that it would not be wise to wait until all dedicated frequencies are fully loaded before making reallocations from the "reserve pools". However, the plan the Commission has now advanced goes far beyond allocating frequencies from the "reserve pools", by including proposals for reallocating channels from some services to others. \* \* \* it appears that the reallocation proposal is based simply on the fact that authorizations have been granted to certain public safety agencies to use all of the frequencies allocated in the band 470-512 MHz to the public safety frequency "pool". Some of these agencies have secured multiple frequency authorizations, and it is unclear whether the assignments are now being used, or to what extent they will be utilized in the immediately foreseeable future. If the Commission has not ascertained that the assignments made are actually being used or will be fully loaded within the next 12 to 18 months, it is submitted that the reallocation now proposed is premature \* \* \*.

6. We do not agree that our action is premature, although it is anticipatory to a degree. In the New York area, for example, all of the frequencies allocated in the public safety pool have long been assigned under an area-wide arrangement. Most of the public safety frequencies (55 pairs) have been assigned to the City of New York. They will be used to accommodate a re-structured radio com-

munications system for the New York City Police Department planned for implementation in the next three to four years. Obviously, these frequencies are not now in use, but the assignments were made with the knowledge that their complete implementation will not be accomplished immediately. The frequencies now assigned to the New York City Police Department will be used to accommodate other police and other public safety requirements when they are released. Thus, there are no more frequencies in the 470-512 MHz band for still other public safety requirements in the area. All of the taxicab frequencies in that area are also assigned. In the Business Radio Service, we have authorized sixty-six licensees with a total of 3572 mobile units, and have pending applications from 25 entities requesting a total of 400 mobile units.

7. By contrast, no assignments have been made in the petroleum-forest products-manufacturers pool and we have pending applications from one entity in the utilities pool. Only a small portion of the railroad-motor carrier-automobile emergency frequencies have been authorized to nine licensees.

8. In the Washington, D.C. area, a total of 1350 mobile units have been authorized on the public safety pool frequencies and, although a small margin for growth on these frequencies still exists, the margin is very small. In the remaining services, some licensing has taken place in the Business Radio Service, and the comments have indicated some planned use in other services. However, there are no indications of extensive activity either for the present or in the immediate future, and we feel that the re-structured allocations we have proposed would best meet anticipated requirements.

9. Partly for the purposes of this proceeding and as part of our overall supervision of the assignment and usage of the frequencies in the 470-512 MHz band, we have conducted a survey of licensees who have held assignments for eight months or longer.<sup>1</sup> The results indicate, as a general matter, that licensees operate fewer transmitters than they are authorized. Adjustments in our records have been made, and corrected authorizations will



be issued to those licensees operating substantially fewer units than authorized. Additional assignments will be made on those frequencies in accordance with existing assignment criteria. In sum, our survey showed that in a number of assigned frequencies there is room for additional assignments. However, it did not show that our proposed allocation adjustment was unjustified as some of the comments suggested.

10. In its comments, the American Trucking Association suggested that we review our frequency loading criteria insofar as transit operations are concerned. We have reviewed this matter and based on information we have received through our licensing processes have concluded that it is desirable to change the loading criteria not only for transit operations but also for taxicabs, from 90 mobiles per frequency pair to 150 in the Taxicab Radio Service and from 70 to 150 in the urban passenger carrier subcategory of the Motor Carrier Radio Service.

11. The Notice of Inquiry relative to the use of low power in areas where higher power cannot be used due to UHF TV protection requirements elicited few responses. The comments suggested, among other things, changes in the protection criteria between land mobile and television stations and authorization of fixed operations. These matters require additional study and no action will be taken at this time.

12. In the Third Further Notice we announced that during the pendency of this proceeding the Commission would withhold action on applications involving 470-512 MHz frequencies in the New York and Washington areas. With the release of this Report and Order, we are resuming normal processing of these applications.

13. In view of the foregoing, the Commission concludes that the public interest will be served by amending the Rules to reallocate certain frequencies in the New York-Northeastern New Jersey and Washington, D.C.-Maryland-Virginia urbanized areas.

14. Accordingly, it is ordered, Pursuant to the authority contained in section 4(i) and 303 of the Communications Act of 1934, as amended, that Parts 89, 91, and 93 of the Commission's rules are amended effective December 28, 1973, as set forth in the attached Appendix.

\*Sections 89.123, 91.114, and 93.114 as appropriate, require land mobile licensees in the 470-512 MHz band to inform the Commission of the number of mobile units they are operating within eight months after authorization.

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

Adopted: November 14, 1973.

Released: November 20, 1973.

FEDERAL COMMUNICATIONS COMMISSION,

(SEAL) VINCENT J. MULLINS, Secretary.

APPENDIX A

Comments in response to the Third Further notice of proposed rulemaking in Docket 18261 were received from:

- American Automobile Association, Inc. (AAA)
- American Transit Association
- American Trucking Association (ATA)
- Associated Public Safety Communications Officers, Inc. (APCO)
- Central Committee on Communication Facilities of the American Petroleum Institute (API)
- International Taxicab Association (ITA)
- New Jersey Hospital Association
- Police Department of the City of Chicago
- Special Industrial Radio Service Association, Inc. (SIRSA)
- Utilities Telecommunications Council (UTC)

Reply comments were received from:

CHANNEL 14

Public safety		Reserve pool*		Public safety		Reserve pool*	
Base	Mobile	Base	Reserve	Base	Mobile	Base	Reserve
470.3125	473.3125	472.6875	475.6875	476.3125	478.3125	478.6875	481.6875
471.4125	474.4125	472.8375	475.8375	477.4125	480.4125	478.8375	481.8375

\* Pending further order by the Commission, frequencies in the reserve pools will be unavailable for assignment.

(f) Frequencies available for assignment in the Washington, D.C.-Maryland-Virginia urbanized area:

CHANNEL 18

Public safety		Reserve pool A*		Reserve pool B*		Reserve pool C	
Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile
494.3125	497.3125	495.4375	498.4375	496.2375	499.2375	496.6375	499.6375
495.4125	498.4125	495.5625	498.5625	496.3625	499.3625	496.8375	499.8375

\* Pending further order by the Commission, frequencies in the reserve pools will be unavailable for assignment.

NOTE: Footnotes 1, 2, and 3 in paragraph (c) apply to frequencies listed in paragraphs (e) and (f).

PART 91—INDUSTRIAL RADIO SERVICES

In § 91.114 the introductory text of paragraphs (c), (d), (e), and (f) are amended and new paragraphs (h) and (i) are added to read as follows:

§ 91.114 Frequencies in the band 470-512 MHz.

(c) Except as set forth hereinafter, the following frequencies are available for assignment in the Power and Telephone Maintenance Radio Services:

(d) Except as set forth hereinafter, the following frequencies are available for assignment in the Petroleum, Forest

Associated Public Safety Communications Officers, Inc.  
International Taxicab Association  
National Association of Business and Educational Radio, Inc. (NABER)

APPENDIX B

Parts 89, 91, and 93 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 89—PUBLIC SAFETY RADIO SERVICES

In § 89.123, the introductory text of paragraph (c) is amended, and new paragraphs (e) and (f) are added to read as follows:

§ 89.123 Frequencies in the band 470-512 MHz.

(c) Except as set forth hereinafter, the following frequencies are available for assignment in the Public Safety Radio Services:

(e) Frequencies available for assignment in the New York-N.E. New Jersey urbanized area:

CHANNEL 15

Products, and Manufacturers Radio Services:

(e) Except as set forth hereinafter, the following frequencies are available for assignment in the Special Industrial Radio Services:

(f) Except as set forth hereinafter, the following frequencies are available for assignment in the Business Radio Service:

(h) Frequencies available for assignment in the New York-N.E. New Jersey urbanized area:



**PART 93—LAND TRANSPORTATION  
RADIO SERVICES**

Footnote 2. The channel loading is 150 units.

(d) Except as set forth hereinafter, the following frequencies are available for assignment in the Railroad, Motor Carrier, and Automobile Emergency Radio Services:

Footnote 2. The channel loading is 70 units in the Railroad, Motor Carrier, and Automobile Emergency Radio Services except that in the Intra-urban Passenger Carrier subcategory of the Motor Carrier Radio Service this channel loading is 150 units.

(f) Frequencies available for assignment in the New York-N.E. New Jersey urbanized area:

**CHANNEL 14**

Taxicab		Railroad, motor carrier automobile emergency		Reserve pool <sup>1</sup>	
Base	Mobile	Base	Mobile	Base	Mobile
472.8025	475.8025	472.6025	475.6025	472.6075	475.6075
473.8075	475.4575	472.6125	475.6125	472.8075	475.8075
472.6075	475.8075				
472.6025	475.6025				

**CHANNEL 15**

Taxicab		Railroad, carrier automobile emergency		Reserve pool <sup>1</sup>	
Base	Mobile	Base	Mobile	Base	Mobile
475.8025	481.8025	475.5125	481.5125	475.6075	481.6075
475.8075	481.8075	475.6025	481.6025	475.8075	481.8075

<sup>1</sup> Pending further order by the Commission, frequencies in the reserve pools will be unavailable for assignment.

(g) Frequencies available for assignment in the Washington, D.C.-Maryland-Virginia urbanized area:

**CHANNEL 18**

Taxicab		Railroad, motor carrier automobile emergency	
Base	Mobile	Base	Mobile
466.8075	466.8075	456.4025	456.4025
456.8075	456.4075	456.6125	456.6125

**CHANNEL 14**

Power, telephone maintenance		Petroleum, forest products manufacturing		Reserve pool <sup>1</sup>	
Base	Mobile	Base	Mobile	Base	Mobile
472.9025	475.9025	472.8025	475.8025	472.8075	475.8075
473.9075	475.9075	472.8075	475.8075	472.8075	475.8075

Special industrial		Business		Reserve pool <sup>1</sup>	
Base	Mobile	Base	Mobile	Base	Mobile
471.4075	471.4075	471.6025	474.6025	472.6075	475.6075
471.4025	471.4025	471.6075	474.6075	472.8075	475.8075

<sup>1</sup> Pending further order by the Commission, frequencies in the reserve pools will be unavailable for assignment.

**CHANNEL 15**

Power, telephone maintenance		Petroleum, forest products manufacturing		Reserve pool <sup>1</sup>	
Base	Mobile	Base	Mobile	Base	Mobile
475.9025	481.9025	475.8025	481.8025	481.8025	481.8025
475.9075	481.9075	475.8075	481.8075	481.8075	481.8075

Special industrial		Business		Reserve pool <sup>1</sup>	
Base	Mobile	Base	Mobile	Base	Mobile
477.4075	480.4075	477.6025	480.6025	475.6075	481.6075
477.4025	480.4025	477.6075	480.6075	475.8075	481.8075

<sup>1</sup> Pending further order by the Commission, frequencies in the reserve pools will be unavailable for assignment.

(1) Frequencies available for assignment in the Washington, D.C.-Maryland-Virginia urbanized area:

**CHANNEL 18**

Power, telephone maintenance		Petroleum, forest products manufacturing		Special industrial		Business	
Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile
456.8025	456.8025	456.8025	456.8025	456.8075	456.8075	456.8075	456.8075
456.8075	456.8075	456.8075	456.8075	456.6025	456.6025	456.6125	456.6125

Reserve pool A <sup>1</sup>		Reserve pool B <sup>1</sup>		Reserve pool C <sup>1</sup>	
Base	Mobile	Base	Mobile	Base	Mobile
455.4075	455.4075	456.2075	456.2075	456.6075	456.6075
455.4025	455.4025	456.2025	456.2025	456.6075	456.6075

<sup>1</sup> Pending further order by the Commission, frequencies in the reserve pools will be unavailable for assignment. NOTE: Footnotes 1, 2, and 3 in paragraphs (e), (d), (e), and (f) apply to the appropriate services whose frequencies are listed in paragraphs (b) and (c).



Reserve pool A <sup>1</sup>		Reserve pool B <sup>1</sup>		Reserve pool C <sup>1</sup>	
Base	Mobile	Base	Mobile	Base	Mobile
495.4375	498.4375	496.2375	499.2375	496.6375	499.6375
495.5625	498.5625	496.3625	499.3625	496.8375	499.8375

<sup>1</sup> Pending further order by the Commission, frequencies in the reserve pools will be unavailable for assignment.  
 NOTE: Footnotes 1, 2, and 3 of paragraph (c) and (d) apply to frequencies listed in (f) and (g).

[FR Doc.73-25095 Filed 11-28-73;8:45 am]

**Title 36—Parks, Forests and Public Property**

**CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR**  
**PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM**

**Alcatraz Island; Golden Gate National Recreation Area Boat Landings**

On page 22633 of the FEDERAL REGISTER of August 23, 1973, there was published a notice of proposed regulations to amend Part 7 of Title 36 of the Code of Federal Regulations by the addition of a new § 7.97. The purpose of the addition is to ensure visitor safety on Alcatraz Island and to restrict visitation there to manageable numbers by limiting boat landings on the Island to those holding valid permits for such landings.

No comments, suggestions, or objections have been received and the aforesaid proposed regulations are hereby adopted without change as set forth below. They shall become effective December 31, 1973.

Section 7.97 is added to Part 7 of Title 36 of the Code of Federal Regulations, to read as follows:

**§ 7.97 Golden Gate National Recreation Area.**

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

Dated: November 27, 1973.

**JOHN E. COOK,**  
*Associate Director,*  
*National Park Service.*

[FR Doc.73-25447 Filed 11-28-73;9:34 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 JUSTICE

### Law Enforcement Assistance Administration

[ 28 CFR Part 19 ]

## ENVIRONMENTAL IMPACT STATEMENTS

### Proposed Guidelines

The Law Enforcement Assistance Administration proposes to add a new Part 19 to Chapter I, of Title 28 of the Code of Federal Regulations. This proposed regulation will revise current guidelines governing compliance with the National Environmental Policy Act of 1969 (Pub. L. 91-190) to conform with the Guidelines issued by the Council on Environmental Quality on August 1, 1973 (38 FR 20550). These revised regulations will replace the LEAA procedures which were published in the FEDERAL REGISTER on March 2, 1972 (37 FR 4418).

Interested persons are invited to submit written views on the proposed regulations to the Office of General Counsel, Law Enforcement Assistance Administration, 633 Indiana Avenue NW., Washington, D.C. 20530, on or before January 10, 1973.

RICHARD W. VELDE,  
Deputy Administrator for  
Policy Development.

## PART 19—REGULATIONS RELATING TO THE LEAA IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT

### Subpart A—General Provisions

- Sec.  
19.1 Purpose.  
19.2 Scope.  
19.3 Authority.  
19.4 Policy.

### Subpart B—Definitions

- 19.5 Definitions.

### Subpart C—Identification of Major Federal Actions Significantly Affecting the Environment

- 19.6 Programs and projects with a potential effect on the environment.  
19.7 Actions significantly affecting the environment.

### Subpart D—Designation of Responsible Officials

- 19.8 Designation of responsible officials.

### Subpart E—Environmental Procedures

- 19.9 Initial environmental review.  
19.10 Preparation of environmental impact statements.  
19.11 Content of environmental impact statements.  
19.12 Circulation and review of draft environmental impact statements.  
19.13 Public hearings.  
19.14 Preparation and circulation of final environmental impact statement.

### Subpart F—Final Determinations

- Sec.  
19.15 Determination by the Administrator, LEAA.

AUTHORITY: National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.)

### Subpart A—General Provisions

#### § 19.1 Purpose.

The National Environmental Policy Act of 1969 (hereinafter NEPA) establishes national policy, goals and procedures for protecting and enhancing the environment.

(a) This statute governs all Federal departments and agencies and requires positive orientation of all existing administrative policies to support the new mandate. It requires that an explicit analysis of the environmental consequences of proposed "major Federal actions" which significantly affect the quality of the environment shall be made and publicly commented upon prior to agency decision and that this detailed environmental statement shall accompany the proposals for actions through the existing agency review and decision processes. This environmental statement is to include an analysis of the physical, social and aesthetic dimensions of the environmental efforts to avoid or lessen adverse environmental consequences by means of modified approaches or alternatives.

(b) It is the purpose of this regulation to establish orderly environmental clearance processes within the Law Enforcement Assistance Administration (LEAA) and to provide guidance in the preparation and utilization of environmental statements and comments.

#### § 19.2 Scope.

This regulation applies to all "Federal actions" as defined in § 19.5. LEAA designated officials are responsible for assuring that decisions on all actions falling within the scope of these regulations are made in compliance with the National Environmental Policy Act of 1969 and for establishing procedures consistent with the requirements of this regulation.

#### § 19.3 Authority.

(a) The National Environmental Policy Act, 42 U.S.C. 4321, et seq., establishes a broad national policy to promote efforts to improve the relationship between man and his environment and provides for the creation of a Council on Environmental Quality (CEQ) to oversee implementation of the policy. NEPA sets out certain policies and goals concerning

the environment and requires that, to the fullest extent possible, the policies, regulations and public laws of the United States shall be interpreted and administered in accordance with those policies and goals.

(b) Section 102(2)(C) of the National Environmental Policy Act of 1969 requires that all agencies of the Federal government include in every major Federal action significantly affecting the quality of the human environment a detailed statement on the environmental impact of such action.

(c) Guidelines from the President's Council on Environmental Quality (CEQ), dated August 1, 1973, 38 FR 20550, set forth procedures which must be followed by Federal agencies in implementing NEPA.

(d) Office of Management and Budget Circular A-95 details the requirements for State and local review of environmental statements required by section 102(2)(C) of NEPA.

(e) Executive Order 11514, 35 FR 4247, orders all Federal agencies to initiate procedures needed to direct their policies, plans and programs so as to meet national environmental goals.

(f) Section 501 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751), as amended by Pub. L. No. 93-83, 87 Stat. 197, authorizes LEAA to establish such rules, regulations and procedures as are necessary to the exercise of its function and are consistent with the stated purpose of the Act.

#### § 19.4 Policy.

(a) *General.* It is the policy of LEAA to implement NEPA and related Executive Branch Guidance documents on the environment as fully as statutory authority permits and to orient LEAA's administrative policies under the Act toward the broad national goal of preserving and enhancing the environment. In this goal, environmental quality factors are to be considered in the decision-making process at the earliest possible time. Adverse environmental effects should be avoided or minimized, and environmental quality previously lost should be restored to the fullest extent possible.

(b) *Implementation.* The implementation of this policy shall consist of an environmental review of all programs and projects determined by this agency to potentially affect the environment. Environmental statements shall be prepared on all major Federal actions significantly affecting the environment in



accordance with the provisions of NEPA. The policies and goals set forth in the National Environmental Policy Act of 1969 are supplementary to those set forth in the existing authorization of the Law Enforcement Assistance Administration. The LEAA shall interpret the provisions of the NEPA Act as supplemental to its existing authority and as a mandate. It will view traditional policies and missions in the light of national environmental objectives.

(c) *Other statutes.* To the extent possible statements of finding concerning environmental impacts required by other statutes such as section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. 1653(f)), Fish and Wildlife Coordination Act (16 U.S.C. 661, et seq.), and the National Historic Preservation Act of 1966 (16 U.S.C. 470, et seq.), will be incorporated into the preparation of Environmental Impact Statements to yield a single document.

(d) *Public notice and availability.* LEAA will insure timely public information and understanding of Federal plans and programs which may have a significant environmental impact in order to obtain the view of interested parties. A list of administrative actions for which environmental statements are being prepared and negative declarations filed will be maintained by Regional Offices and the Central Office. This list will be made available for public inspection and for submission to the Council on Environmental Quality.

#### Subpart B—Definitions

##### § 19.5 Definitions.

(a) "The Act" means title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.), as amended by Pub. L. No. 93-83, 87 Stat. 197.

(b) "Environmental Evaluation" is a report to be completed by the applicant consisting of questions relating to the potential environmental impact of the proposed program or project. The purpose of this report is to determine the threshold question as to whether an Environmental Impact Statement should be prepared.

(c) "Environmental Assessment" is information to be provided to the responsible LEAA official when an Environmental Impact Statement is to be prepared.

(d) "Environmental Impact" is any alteration of environmental conditions or creation of a new set of environment conditions, adverse or beneficial, caused or induced by the action or set of actions under consideration.

(e) "Environmental Impact Statement" is a complete and fully comprehensive environmental assessment including formal review by other Federal, State and local agencies as prescribed by section 102(2)(C) of NEPA. The Environmental Impact Statement is comprised of two stages, draft and final.

(f) "Federal Actions" includes the entire range of activity undertaken by LEAA. Actions include:

(1) LEAA grants, subgrants and contracts.

(2) Research, development and demonstration projects.

(3) Rulemaking and regulations.

(4) Legislative proposals.

(g) "LEAA Environmental Coordinator" is such individual as designated by the Administrator to carry out the delegated functions under this regulation.

(h) "Major Federal Action" is any Federal action which requires the substantial commitment of resources or triggers such a substantial commitment by another.

(i) "Negative Declaration" is a determination by the responsible LEAA official, after review of the applicant's environmental evaluation, that an Environmental Impact Statement is not necessary.

(j) "NEPA" means the National Environmental Policy Act of 1969.

(k) "Significantly Affecting the Environment" means a determination taking into consideration:

(1) The extent to which the action will cause adverse environmental effects in excess of those created by existing uses in the area affected by it, and

(2) The absolute quantitative adverse environmental effects of the action itself, including the cumulative harm that results from its contribution to existing adverse conditions or uses in the affected area.

(l) "Subgrant" is the distribution of funds between the State Planning Agency and the applicant to whom the funds have been allocated.

#### Subpart C—Identification of Major Federal Actions Significantly Affecting the Environment

##### § 19.6 Programs and projects with a potential effect on the environment.

The following are the types of Federal actions which require the preparation of an Environmental Evaluation:

(a) New construction projects.

(b) The renovation or modification of a facility which leads to an increased occupancy of more than 25 persons.

(c) The implementation of programs involving the use of pesticides and other harmful chemicals.

(d) The implementation of programs involving microwaves or radiation.

(e) Research and technology which may lead to the application in the future of an action which would have a potential effect on the environment.

(f) Other actions which require the substantial commitment of resources or trigger such a substantial commitment by another as determined by the Administrator to possibly have a significant effect on the quality of the environment.

##### § 19.7 Actions significantly affecting the human environment.

(a) Actions significantly affecting the human environment are not limited to, but include the following projects or programs which would:

(1) Lead to a significant increase in air pollution;

(2) Lead to a significant increase in water pollution;

(3) Lead to a significant increase in the ambient noise level for a substantial number of people;

(4) Lead to poor land use, soil erosion or soil pollution;

(5) Destroy or derogate from an important recreation area;

(6) Substantially alter the pattern of behavior of wildlife or interfere with important breeding, nesting, or feeding grounds;

(7) Disturb the ecological balance of land or water area;

(8) Have a significant effect upon areas of historical significance, cultural significance, education, or scientific significance;

(9) Have an adverse aesthetic or visual effect; or

(10) Have a detrimental effect on the safety of the community.

(b) In determining if an action is a major Federal action significantly affecting the environment LEAA will consider the following:

(1) Actions which have become environmentally controversial;

(2) Projects or a complex of projects which are individually limited but cumulatively have an environmental impact;

(3) Actions which have both beneficial environmental effects and detrimental effects even if it is believed that on balance that the effect will be beneficial;

(4) Secondary or indirect effects generated through the implementation of an LEAA project or program in the form of private associated investments and changed patterns of social and economic activity.

(5) Actions that would have little impact in an urban area but may have a significant impact in a rural setting or vice versa.

#### Subpart D—Designation of Responsible Official

##### § 19.8 Designation of responsible officials.

(a) The LEAA Environmental Coordinator, Office of Regional Operations shall be the liaison official for LEAA with the Council on Environmental Quality, the Environmental Protection Agency and the other departments and agencies concerning environmental matters. Duties of the Environmental Coordinator include:

(1) Responsibility to insure that the actions with respect to the fulfillment of NEPA are coordinated.

(2) Provide for procedural and substantive area of training on environmental issues, policy, procedures, and clearance requirements.

(3) Provide guidance in the preparation and processing of Environmental Impact Statements.

(4) Participate in policy formulation, as necessary, in the application of the requirements of the National Environmental Policy Act of 1969.

(5) Prepare an annual report for submission to the Council on Environmental



Quality consisting of a review of the year's activities in carrying out the responsibilities under the National Environmental Policy Act of 1969.

(6) Prepare a quarterly list of all Negative Declarations and Environmental Impact Statements for submission to CEQ.

(b) Each Regional Administrator shall designate, through written delegation, an official in the Regional Office with responsibility for administering and coordinating the region-wide aspects of the environmental policies and procedures with respect to the funding of block and discretionary grants (except National Scope programs). The official shall:

(1) Insure that Environmental Evaluations or Environmental Impact Statements are prepared on all required programs and projects;

(2) Prepare and execute a Negative Declaration where a major action will not have a significant effect on the environment;

(3) Provide for the issuance of Environmental Impact Statements;

(4) Be responsible for submitting to the Office of Regional Operations on a quarterly basis a list of all Negative Declarations and Environmental Impact Statements prepared in the region;

(5) Coordinate with the Environmental Coordinator, Office of Regional Operations on the subjects of environmental problems, environmental training and guidelines.

(c) There shall be designated in the National Institute of Law Enforcement and Criminal Justice Research Administration Division an official who will be responsible for administering and coordinating environmental policies and procedures for Institute programs and projects. The official shall:

(1) Insure that Environmental Evaluations or Environmental Impact Statements are prepared on all required technology, research and development programs.

(2) Prepare and execute a Negative Declaration where a major action will not have a significant effect on the environment;

(3) Provide for the issuance of Environmental Impact Statements;

(4) Be responsible for submitting lists of Environmental Impact Statements and Negative Declarations prepared to the Environmental Coordinator, Office of Regional Operations on a quarterly basis.

(5) Coordinate with the Environmental Coordinator, Office of Regional Operations, on the subjects of environmental problems, environmental training and guidelines.

(d) There shall be designated in the National Scope Office, an official whose responsibility it will be to insure the implementation of these regulations with respect to National Scope Programs. The official shall:

(1) Insure that Environmental Evaluations or Environmental Impact Statements are prepared on all required National Scope Programs or projects.

(2) Prepare and execute a Negative Declaration where a major action will not have a significant effect on the environment.

(3) Provide for the issuance of Environmental Impact Statements.

(4) Submit to the Environmental Coordinator, Office of Regional Operations, lists of Negative Declarations and Environmental Impact Statements on a quarterly basis.

(5) Coordinate with the Environmental Coordinator, Office of Regional Operations, on the subjects of environmental problems, environmental training and guidelines.

#### Subpart E—Environmental Procedures

##### § 19.9 Initial environmental review procedures.

(a) *General.* The purpose of environmental review procedures established by these regulations is to determine whether a proposed LEAA funded program or project is a "major Federal action significantly affecting the quality of the human environment." Each proposed action falling within the scope of § 19.6 must include an Environmental Evaluation. An Environmental Evaluation is a report submitted by an applicant identifying the characteristics of the proposal and its effect upon the environment. An Environmental Evaluation will include full documentation of the elements covered by § 19.7(a). A determination shall thereafter be made by the responsible Federal official as to whether the action will have a significant effect on the environment requiring the preparation of an Environmental Impact Statement or whether a Negative Declaration can be filed. No action can be taken by the applicant in the implementation of a project or program for which funds have been requested unless environmental procedures have been completed and the project approved.

(b) *Block grants allocated to the States.* (1) When a comprehensive State plan is submitted for LEAA approval before the selection of specific projects to implement programs in the plan, the plan will be approved with a grant condition that all individual projects subsequently selected to implement programs in the plan, involving major actions falling within the scope of § 19.6 must adhere to environmental review procedures.

(2) When a subgrant application is submitted to the State Planning Agency for a program or project falling within the scope of § 19.6, an Environmental Evaluation shall be prepared by the applicant and circulated with the application through the State and regional clearinghouses for review and comment. A copy of the application and Environmental Evaluation shall be forwarded to the LEAA Regional Office.

(3) The responsible designated official in the Regional Office shall allow 30 days for comment by the clearinghouses and thereafter review the Environmental Evaluation in order to determine

whether a Negative Declaration or an Environmental Impact Statement is to be prepared.

(4) If it is determined that there will be no significant effect on the environment, the responsible Federal official shall prepare and execute a Negative Declaration which will indicate the review which has taken place and the determination that an Environmental Impact Statement is not necessary.

(5) Where a determination is made that the proposal will have a significant effect on the environment, the LEAA Regional Office and the State Planning Agency shall coordinate the preparation of the Environmental Impact Statement.

(c) *Direct grants or contracts by LEAA.* An Environmental Evaluation must be submitted by an applicant for any program or project involving major actions falling within the scope of § 19.6. A determination shall be made by the responsible LEAA official whether to execute a Negative Declaration, or to prepare an Environmental Impact Statement.

##### § 19.10 Preparation of Environmental Impact Statements.

(a) Upon a determination that a program or project may have a significant effect upon the environment, the LEAA shall prepare an Environmental Impact Statement. The impact statement is comprised of two stages: Draft and final. The draft statement must satisfy to the fullest extent possible, at the time of the draft is prepared, the requirement established for final statements by section 102(2)(C) of NEPA.

(b) Prior to the preparation of a draft Environmental Impact Statement, an applicant may be required to supply additional information in the form of an Environmental Assessment. The Environmental Assessment will contain sufficient information to enable the responsible LEAA official to begin preparation of a draft Environmental Impact Statement. The Administration will assist the applicant by outlining the types of information required. In some cases draft Environmental Impact Statements will be prepared by private consultants. In all cases LEAA will make its own evaluation of the environmental issues and take responsibility for the scope and content of draft and final Environmental Impact Statements.

(c) Impact statements for programs involving new technology or a broad application.

(1) Careful attention shall be given to identifying and defining the purpose and scope of the action which would most appropriately serve as the subject of the statement. In many cases broad program statements will be required in order to assess the environmental effects of a number of individual but connected actions on a given geographical area or the environmental impact of individual actions that are generic or common to a series of agency actions.



(2) Subsequent Environmental Impact Statements on major individual actions will be necessary where such actions have significant environmental impacts not adequately evaluated in the original broad program statement. Periodic evaluation to determine when a program statement is required for such programs should be conducted based on the size of Federal investment, likelihood of widespread application, and potential environmental impacts where continued investment will foreclose alternatives.

(3) An Environmental Impact Statement shall be prepared early enough to be part of the decision-making process.

#### § 19.11 Content of environmental impact statements.

The following points are to be covered in both the draft and final statements:

(a) Description of the proposed action. A description of the proposed action, a statement of its purpose and a description of the present environment to be affected should be presented. Maps, diagrams, charts, drawings or other appropriate technical data should be of sufficient detail to permit an assessment of potential environmental impacts. A description of the proposed action should be in clear, concise layman's language. Site plans and general layout should be provided as appropriate. Highly technical and specialized analyses and data should be included as appendices if necessary. A statement of purpose should describe program goals, benefits and costs of the proposal. A description of the present environment should include other Federal activities in the area affected by the proposed action and which are related to the proposed action. In order to insure accurate descriptions and environmental assessments, site visits should be made where feasible. Population and growth characteristic of the area should be provided as well as the effect the proposal will create. In determining population growth, use should be made of the projections compiled for the Water Resources Council by the Bureau of Economic Analysis of the Department of Commerce and Economic Research Service of the Department of Agriculture (the OBERS projection). The following elements of the existing environment should be described: Land use, density, geological elements, hydrological elements, climatic elements, botanical elements, zoological elements, archeological elements, transportation and community facilities.

(b) The relationship of the proposed action to land use plans, policies and controls for the affected area. This requires a discussion of how the proposed action may conform or conflict with the objectives and specific terms of approved or proposed Federal, State, and local land use plans, policies and controls if any for the area affected including those developed in response to the Clean Air Act, (42 U.S.C. 1857-18571, 1858, 1858a, 49 U.S.C. 1421, 1430) or the Federal Water Pollution Control Act Amendments of 1972, 86 Stat. 816) codified in scattered sections of 12, 15, 31, and 33 U.S.C.).

Where a conflict or inconsistency exists, the statement should describe the extent to which the agency has reconciled its proposed action with the plan, policy or control and the agency has decided to proceed notwithstanding the absence of full reconciliation.

(c) The probable impact of the proposed action on the environment. This requires an assessment of the positive and negative effects of the proposed action. The attention given to different environmental factors will vary according to the nature, scale, and location of the proposed actions. Such secondary effects through their impacts on existing community facilities and activities, or through changes in natural conditions may often be even more substantial than the primary effects of the original action itself. An assessment should be made on the effects of any possible change in population patterns or growth upon the resource base, including land use, water and public service of the area in question. Factors to consider are: air quality, water quality, ambient noise level, solid waste, fish and wildlife habitat, flora and fauna, toxic materials, radiation, microwaves, pesticides, energy supply, stream modification, redevelopment and construction in built-up areas, density and congestion mitigation, neighborhood character and continuity, historical, architectural, and archeological preservation, outdoor recreation, low income population and adequacy of community facilities. Primary attention should be given in the statement to discussing those factors most evidently impacted by the proposed action. Secondary or indirect as well as primary or direct consequences for the environment should be included in the analysis. For example, the primary action of constructing a Justice Complex or a correctional institution may stimulate or induce secondary effects in the form of increased investment and development in adjacent areas.

(d) Alternatives to the proposed action. A rigorous exploration and objective evaluation of the environmental impacts of all reasonable alternative actions, particularly those that might enhance environmental quality or avoid some or all of the adverse environmental effects, is essential. Examples of such alternatives include the alternative of taking no action; that of postponing action pending further study of alternatives; requiring actions of significantly different nature which would provide similar benefits with different environmental impacts; alternatives related to different sites; or alternative related to different designs. Alternatives to the proposed action should include where relevant even those alternatives which are not within the jurisdiction of LEAA.

(e) Probable adverse environmental effects which cannot be avoided should the proposal be implemented. The adverse impacts surfaced should be discussed further in this section. Adverse effects such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health, or other consequences adverse to

the environmental goals, set out in section 101(B) of NEPA should be discussed. This should be a brief section summarizing in one place those adverse effects which are unavoidable. Measures taken to mitigate adverse effects should be described.

(f) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This section should contain a brief discussion of the extent to which the proposed action involves tradeoffs between short-term environmental gains at the expense of long-term losses or vice versa and a discussion of the extent to which the proposed action forecloses future options. In this context short-term and long-terms do not refer to any fixed time periods but should be viewed in terms of the environmentally significant consequences of the proposed action. The cumulative and long-term effects of the proposed action which either significantly reduce or enhance the state of the environment for future generations should be examined. In particular, the desirability of the proposed actions shall be weighed to guard against short-sighted foreclosure of future options or needs. Special attention shall be given to effects which narrow the range of beneficial uses of the environment or pose long-term risks to health or safety. Who is paying the environmental costs versus who is gaining the benefits over a period of time shall be identified. In addition, the reasons the proposed action is believed to be justified now, rather than reserving a long-term option for other alternatives, including no use, shall be explained.

(g) Irreversible and irretrievable commitments of resources which would be involved in the proposed action, should it be implemented. This requires the agency to identify from its survey of unavoidable impacts, the extent to which the action irreversibly curtails the range of potential uses of the environment. Resources not only including labor and materials but natural and cultural resources which may be lost or destroyed by the proposed action. Uses of renewable and nonrenewable resources during the initial and continued phases of the action should be specified.

(h) Other interest and consideration of Federal policy thought to offset the adverse environmental effects of the proposed action. This involves a discussion of general and specific goals and the trade-offs between such goals and environmental impacts. The statement should also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed action that would avoid some or all of the adverse environmental effects.

#### § 19.12 Circulation and review of environmental impact statements.

(a) *Timing.* (1) Ten copies of the draft Environmental Impact Statement shall be filed with the Council on Environmental Quality and copies made available to appropriate agencies and to



the public for a review period of forty-five (45) days subject to a possible extension of up to fifteen (15) days before filing of the final statement if no comments are received, or preparation of the final statement in light of the comments received. The draft must be on file at least ninety (90) days prior to the taking of any final administrative action with regard to the proposal. The ninety-day period begins upon the date when CEQ publishes the announcements in the FEDERAL REGISTER.

(2) The final Environmental Impact Statement shall be filed with the CEQ and made available to appropriate agencies and the public at least thirty (30) days prior to any final administrative action with regard to the proposal. The thirty-day period begins on the date of receipt of the final statement by CEQ. After thirty days, and upon consideration of comments on the final statement, the Administrator shall make a final decision on the proposed action. The thirty-day period and the ninety-day period may run concurrently to the extent that they overlap. Exceptions to the 30 or 90-day time limits are permitted only under unusual circumstances.

(i) Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these guidelines concerning minimum periods for agency review and advance availability of environmental statements, LEAA will consult with the Council about alternative arrangements.

(ii) Similarly, where there are overriding considerations of expense to the Government or impaired program effectiveness, LEAA will consult with the Council concerning appropriate modifications of the minimum periods.

(b) *Review of draft environmental impact statements by Federal, State and local agencies and by the public.* (1) The draft Environmental Impact Statement shall be circulated for comment to Federal and State agencies with jurisdiction by law or special expertise with respect to any environmental impact involved. These Federal and State agencies and their relevant areas of expertise include those identified in Appendices II and III. The transmittal of Environmental Impact Statements to the Environmental Protection Agency shall be in compliance with section 309 of the Clean Air Act as amended (42 U.S.C. 1857h-7). The Clean Air Act provides that the Administrator of the Environmental Protection Agency shall comment in writing on the environmental impact of any matter relating to his duties and responsibilities and shall refer to the Council any matter that the Administrator of EPA determines is unsatisfactory from the standpoint of public health, welfare or environmental quality. Accordingly, a statement should be transmitted whenever an agency action relates to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, generally applicable environmental radia-

tion criteria and standards, or other provision under the authority of the Environmental Protection Agency is involved. Federal agencies are required to submit such proposed actions and their environmental impact statements, if such have been prepared, to the Administrator, EPA for review and comment in writing. In all cases where EPA determines that proposed agency action is environmentally unsatisfactory, or where EPA determines that an environmental statement is so inadequate that such a determination cannot be made, EPA shall publish its determination and notify the Council as soon as practicable.

(2) State and local review. Comments will be solicited from State and local agencies through the A-95 review process in accordance with the Office of Management and Budget Circular No. A-95 (revised). Environmental Impact Statements will be circulated to State and areawide clearinghouses.

(3) Public review. LEAA will encourage public participation in the draft Environmental Impact Statement process.

(i) Upon the issuance of a draft Environmental Impact Statement, a notice will be published in the local newspaper indicating where statement can be acquired. Statements will be issued to private organizations and individuals requesting an opportunity to comment.

(ii) LEAA will announce in the FEDERAL REGISTER the availability of environmental statements. Copies of the Environmental Impact Statement will be made available to the public at a fee which is not more than the actual cost of reproducing copies.

(iii) Copies of the Environmental Impact Statement will be available in the reading rooms of the appropriate Regional Offices, State Planning Agency offices and in the Central Office in Washington.

(c) *Comments on environmental impact statements.* (1) Agencies and members of the public submitting comments on proposed actions, on the basis of draft environmental statements, should endeavor to make their comments as specific, substantive and factual as possible without undue attention to matters of form in the impact statement. Emphasis should be placed on the assessment of the environmental impacts of the proposed action, and the acceptability of those impacts on the quality of the environment particularly, as contrasted with the impacts of reasonable alternatives to the action. Commenting entities may recommend modifications to the proposed action and/or new alternatives that will enhance environmental quality and avoid or minimize adverse environmental impacts. Agencies and members of the public should indicate in their comments the nature of any monitoring of the environmental effects of the proposed project that appears particularly appropriate.

(2) A time limit of forty-five (45) days for reply is established, after which time it may be presumed, unless the agency or party consulted requests a specified

extension of time, that the agency or party consulted has no comment to make. When it has been determined by LEAA that additional time for comment is necessary, an extension of time up to fifteen (15) days will be granted. In determining an appropriate period for comment, consideration will be given to the magnitude and complexity of the statement and the extent of citizen interest in the proposed action.

#### § 19.13 Public hearings.

(a) Public hearings will not be part of the normal environmental review process. However, in appropriate cases informal public hearings may be held on draft Environmental Impact Statements. In deciding whether a public hearing is appropriate LEAA will consider:

(1) The magnitude of the proposal in terms of economic costs, the geographic area involved, and the uniqueness or size of commitment of the resources involved.

(2) The degree of interest in the proposal, as evidenced by requests from the public and from Federal, State and local authorities that a hearing be held.

(3) The complexity of the issue and the likelihood that information will be presented at the hearing which will be of assistance to LEAA in fulfilling its responsibilities under NEPA, and the extent to which public involvement already has been achieved through other means such as meetings with citizen representatives and/or written comments on the proposed action.

(b) When it is determined to hold a public hearing, it will be held at least fifteen (15) days after the issuance of the draft Environmental Impact Statement. The purpose of the hearing will be to enable LEAA to obtain all relevant data on the proposed action and to assure the community that its views are being considered. All comments on the draft Environmental Impact Statement will be in writing and submitted prior to the hearing. Comments will be specific, substantive and as factual as possible without undue attention to matters of form.

#### § 19.14 Preparation and circulation of final environmental statements.

(a) All substantive comments received on the draft (or summaries thereof where response has been exceptionally voluminous) should be attached to the final statement, whether or not each such comment is thought to merit individual discussion by the LEAA in the text of the statement. Where opposing professional views and responsible opinion have been overlooked in the draft statement and are brought to the attention of LEAA through the commenting process, consideration will be given, and a meaningful response made in the final statement.

(b) Copies of final statements with comments attached shall be sent to all Federal, State and local agencies, individuals, and private organizations who made substantive comments on the draft statement.



(c) Where the number of comments on a draft statement is such that distribution of the final statement to all commenting entities appears impracticable, LEAA shall consult with the Council concerning alternative arrangements for distribution of the statement.

(d) Five copies of all comments received from Federal, State and local agencies and the public, and ten copies of the final statement will be sent to the Council on Environmental Quality.

Subpart F—Final Determinations

§ 19.15 Determinations by the Administrator.

Environmental findings. Thirty (30) days after filing the final statement with the Council on Environmental Quality the Administrator, LEAA or his designee will articulate the reasons for whatever action is to be taken with specific cross-references to the administrative record. This shall include all relevant factors, environmental, economic, technical, and political, with a detailed reference to the administrative record. The Administrator shall consider the results of the environmental assessments along with the assessments of the net economic, technical and other benefits of the proposed actions and use all practicable means consistent with other essential considerations of national policy, to avoid or minimize undesirable consequences for the environment. In the case where an Environmental Impact Statement reveals adverse impact which must be minimized, and a project or program is approved, the project or program shall be subject to an inspection by the LEAA in order to insure that the applicant has adhered to proposed steps to minimize adverse environmental impacts.

APPENDIX I—SUMMARY TO ACCOMPANY DRAFT AND FINAL STATEMENTS

(Check one) ( ) Draft. ( ) Final Environmental Statement.

Name of responsible Federal agency (with name of operating division where appropriate). Name, address, and telephone number of individual at the agency who can be contacted for additional information about the proposed action or the statement.

1. Name of action (Check one) ( ) Administrative Action. ( ) Legislative Action.

2. Brief description of action and its purpose. Indicate what States (and counties) particularly affected, and what other proposed Federal actions in the area, if any, are discussed in the statement.

3. Summary of environmental impacts and adverse environmental effects.

4. Summary of major alternatives considered.

5. (For draft statements) List all Federal, State, and local agencies and other parties from which comments have been requested. (For final statements) List all Federal, State, and local agencies and other parties from which written comments have been received.

<sup>1</sup>River Basin Commissions (Delaware, Great Lakes, Missouri, New England, Ohio, Pacific Northwest, Souris-Red-Rainy, Susquehanna, Upper Mississippi) and similar Federal-State agencies should be consulted on actions affecting the environment of their specific geographic jurisdictions.

6. Date draft statement (and final environmental statement, if one has been issued) made available to the Council and the public.

APPENDIX II—AREAS OF ENVIRONMENTAL IMPACT AND FEDERAL AGENCIES AND FEDERAL STATE AGENCIES WITH JURISDICTION BY LAW OR SPECIAL EXPERTISE TO COMMENT THEREON<sup>2</sup>

AIR

Air Quality

- Department of Agriculture—Forest Service (effects on vegetation)
- Atomic Energy Commission (radioactive substances)
- Department of Health, Education, and Welfare
- Environmental Protection Agency
- Department of the Interior—Bureau of Mines (fossil and gaseous fuel combustion)
- Bureau of Sport Fisheries and Wildlife (effect on wildlife)
- Bureau of Outdoor Recreation (effects on recreation)
- Bureau of Land Management (public lands)
- Bureau of Indian Affairs (Indian lands)
- National Aeronautics and Space Administration (remote sensing, aircraft emissions)
- Department of Transportation—Assistant Secretary for Systems Development and Technology (auto emissions)
- Coast Guard (vessel emissions)
- Federal Aviation Administration (aircraft emissions)

Weather Modification

- Department of Agriculture—Forest Service
- Department of Commerce—National Oceanic and Atmospheric Administration
- Department of Defense—Department of the Air Force
- Department of the Interior—Bureau of Reclamation
- Water Resources Council

WATER

Water Quality

- Department of Agriculture—Soil Conservation Service
- Forest Service
- Atomic Energy Commission (radioactive substances)
- Department of the Interior—Bureau of Reclamation
- Bureau of Land Management (public lands)
- Bureau of Indian Affairs (Indian lands)
- Bureau of Sport Fisheries and Wildlife
- Bureau of Outdoor Recreation
- Geological Survey
- Office of Saline Water
- Environmental Protection Agency
- Department of Health, Education, and Welfare
- Department of Defense—Army Corps of Engineers
- Department of the Navy (ship pollution control)
- National Aeronautics and Space Administration (remote sensing)
- Department of Transportation—Coast Guard (oil spills, ship sanitation)
- Department of Commerce—National Oceanic and Atmospheric Administration

<sup>2</sup>In all cases where a proposed action will have significant international environmental effects, the Department of State should be consulted, and should be sent a copy of any draft and final impact statement which covers such action.

Water Resources Council  
River Basin Commissions (as geographically appropriate)  
Marine Pollution, Commercial Fishery Conservation, and Shellfish Sanitation

- Department of Commerce—National Oceanic and Atmospheric Administration
- Department of Defense—Army Corps of Engineers
- Office of the Oceanographer of the Navy
- Department of Health, Education, and Welfare
- Department of the Interior—Bureau of Sport Fisheries and Wildlife
- Bureau of Outdoor Recreation
- Bureau of Land Management (outer continental shelf)
- Geological Survey (outer continental shelf)
- Department of Transportation—Coast Guard
- Environmental Protection Agency
- National Aeronautics and Space Administration (remote sensing)
- Water Resources Council
- River Basin Commissions (as geographically appropriate)

Waterway Regulation and Stream Modification

- Department of Agriculture—Soil Conservation Service
- Department of Defense—Army Corps of Engineers
- Department of the Interior—Bureau of Reclamation
- Bureau of Sport Fisheries and Wildlife
- Bureau of Outdoor Recreation
- Geological Survey
- Department of Transportation—Coast Guard
- Environmental Protection Agency
- National Aeronautics and Space Administration (remote sensing)
- Water Resources Council
- River Basin Commissions (as geographically appropriate)

FISH AND WILDLIFE

- Department of Agriculture—Forest Service
- Soil Conservation Service
- Department of Commerce—National Oceanic and Atmospheric Administration (marine species)
- Department of the Interior—Bureau of Sport Fisheries and Wildlife
- Bureau of Land Management
- Bureau of Outdoor Recreation
- Environmental Protection Agency

SOLID WASTE

- Atomic Energy Commission (radioactive waste)
- Department of Defense—Army Corps of Engineers
- Department of Health, Education, and Welfare
- Department of the Interior—Bureau of Mines (mineral waste, mine acid waste, municipal solid waste, recycling)
- Bureau of Land Management (public lands)
- Bureau of Indian Affairs (Indian lands)
- Geological Survey (geologic and hydrologic effects)
- Office of Saline Water (demineralization)
- Department of Transportation—Coast Guard (ship sanitation)
- Environmental Protection Agency
- River Basin Commissions (as geographically appropriate)
- Water Resources Council

NOISE

- Department of Commerce—National Bureau of Standards



Department of Health, Education, and Welfare  
 Department of Housing and Urban Development (land use and building materials aspects)  
 Department of Labor—  
 Occupational Safety and Health Administration  
 Department of Transportation—  
 Assistant Secretary for Systems Development and Technology  
 Federal Aviation Administration, Office of Noise Abatement  
 Environmental Protection Agency  
 National Aeronautics and Space Administration

## RADIATION

Atomic Energy Commission  
 Department of Commerce—  
 National Bureau of Standards  
 Department of Health, Education, and Welfare  
 Department of the Interior—  
 Bureau of Mines (uranium mines)  
 Mining Enforcement and Safety Administration (uranium mines)  
 Environmental Protection Agency

## HAZARDOUS SUBSTANCES

*Toxic Materials*

Atomic Energy Commission (radioactive substances)  
 Department of Agriculture—  
 Agricultural Research Service  
 Consumer and Marketing Service  
 Department of Commerce—  
 National Oceanic and Atmospheric Administration  
 Department of Defense  
 Department of Health, Education, and Welfare  
 Environmental Protection Agency

*Food Additives and Contamination of Foodstuffs*

Department of Agriculture—  
 Consumer and Marketing Service (meat and poultry products)  
 Department of Health, Education, and Welfare  
 Environmental Protection Agency

*Pesticides*

Department of Agriculture—  
 Agricultural Research Service (biological controls, food and fiber production)  
 Consumer and Marketing Service  
 Forest Service  
 Department of Commerce—  
 National Oceanic and Atmospheric Administration  
 Department of Health, Education, and Welfare

Department of the Interior—  
 Bureau of Sport Fisheries and Wildlife (fish and wildlife effects)  
 Bureau of Land Management (public lands)  
 Bureau of Indian Affairs (Indian lands)  
 Bureau of Reclamation (irrigated lands)  
 Environmental Protection Agency

*Transportation and Handling of Hazardous Materials*

Atomic Energy Commission (radioactive substances)  
 Department of Commerce—  
 Maritime Administration  
 National Oceanic and Atmospheric Administration (effects on marine life and the coastal zone)  
 Department of Defense—  
 Armed Services Explosive Safety Board  
 Army Corps of Engineers (navigable waterways)

Department of Transportation—  
 Federal Highway Administration, Bureau of Motor Carrier Safety  
 Coast Guard  
 Federal Railroad Administration  
 Federal Aviation Administration  
 Assistant Secretary for Systems Development and Technology  
 Office of Hazardous Materials  
 Office of Pipeline Safety  
 Environmental Protection Agency

## ENERGY SUPPLY AND NATURAL RESOURCES DEVELOPMENT

*Electric Energy Development, Generation, and Transmission, and Use*

Atomic Energy Commission (nuclear)  
 Department of Agriculture—  
 Rural Electrification Administration (rural areas)  
 Department of Defense—  
 Army Corps of Engineers (hydro)  
 Department of Health, Education, and Welfare (radiation effects)  
 Department of Housing and Urban Development (urban areas)  
 Department of the Interior—  
 Bureau of Indian Affairs (Indian lands)  
 Bureau of Land Management (public lands)  
 Bureau of Reclamation  
 Power Marketing Administrations  
 Geological Survey  
 Bureau of Sport Fisheries and Wildlife  
 Bureau of Outdoor Recreation  
 National Park Service  
 Environmental Protection Agency  
 Federal Power Commission (hydro, transmission, and supply)  
 River Basin Commissions (as geographically appropriate)  
 Tennessee Valley Authority  
 Water Resources Council  
*Petroleum Development, Extraction, Refining, Transport, and Use*

Department of the Interior—  
 Office of Oil and Gas  
 Bureau of Mines  
 Geological Survey  
 Bureau of Land Management (public lands and outer continental shelf)  
 Bureau of Indian Affairs (Indian lands)  
 Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife)  
 Bureau of Outdoor Recreation  
 National Park Service  
 Department of Transportation (Transport and Pipeline Safety)  
 Environmental Protection Agency  
 Interstate Commerce Commission  
*Natural Gas Development, Production, Transmission, and Use*

Department of Housing and Urban Development (urban areas)  
 Department of the Interior—  
 Office of Oil and Gas  
 Geological Survey  
 Bureau of Mines  
 Bureau of Land Management (public lands)

Bureau of Indian Affairs (Indian lands)  
 Bureau of Sport Fisheries and Wildlife  
 Bureau of Outdoor Recreation  
 National Park Service  
 Department of Transportation (transport and safety)  
 Environmental Protection Agency  
 Federal Power Commission (production, transmission, and supply)  
 Interstate Commerce Commission  
*Coal and Minerals Development, Mining, Conversion, Processing, Transport, and Use*

Appalachian Regional Commission  
 Department of Agriculture—  
 Forest Service

Department of Commerce  
 Department of the Interior—  
 Office of Coal Research  
 Mining Enforcement and Safety Administration  
 Bureau of Mines  
 Geological Survey  
 Bureau of Indian Affairs (Indian lands)  
 Bureau of Land Management (public lands)  
 Bureau of Sport Fisheries and Wildlife  
 Bureau of Outdoor Recreation  
 National Park Service  
 Department of Labor—  
 Occupational Safety and Health Administration  
 Department of Transportation  
 Environmental Protection Agency  
 Interstate Commerce Commission  
 Tennessee Valley Authority

*Renewable Resource Development, Production, Management, Harvest, Transport, and Use*

Department of Agriculture—  
 Forest Service  
 Soil Conservation Service  
 Department of Commerce  
 Department of Housing and Urban Development (building materials)  
 Department of the Interior—  
 Geological Survey  
 Bureau of Land Management (public lands)  
 Bureau of Indian Affairs (Indian lands)  
 Bureau of Sport Fisheries and Wildlife  
 Bureau of Outdoor Recreation  
 National Park Service  
 Department of Transportation  
 Environmental Protection Agency  
 Interstate Commerce Commission (freight rates)

*Energy and Natural Resources Conservation*

Department of Agriculture—  
 Forest Service  
 Soil Conservation Service  
 Department of Commerce—  
 National Bureau of Standards (energy efficiency)  
 Department of Housing and Urban Development—  
 Federal Housing Administration (housing standards)  
 Department of the Interior—  
 Office of Energy Conservation  
 Bureau of Mines  
 Bureau of Reclamation  
 Geological Survey  
 Power Marketing Administration  
 Department of Transportation  
 Environmental Protection Agency  
 Federal Power Commission  
 General Services Administration (design and operation of buildings)  
 Tennessee Valley Authority

## LAND USE AND MANAGEMENT

*Land Use Changes, Planning and Regulation of Land Development*

Department of Agriculture—  
 Forest Service (forest lands)  
 Agricultural Research Service (agricultural lands)  
 Department of Housing and Urban Development  
 Department of the Interior—  
 Office of Land Use and Water Planning  
 Bureau of Land Management (public lands)  
 Bureau of Land Management (public lands)  
 Bureau of Indian Affairs (Indian lands)  
 Bureau of Sport Fisheries and Wildlife (wildlife refuges)  
 Bureau of Outdoor Recreation (recreation lands)  
 National Park Service (NPS units)



Department of Transportation  
 Environmental Protection Agency (pollution effects)  
 National Aeronautics and Space Administration (remote sensing)  
 River Basins Commissions (as geographically appropriate).

*Public Land Management*

Department of Agriculture—  
 Forest Service (forests)  
 Department of Defense  
 Department of the Interior—  
 Bureau of Land Management  
 Bureau of Indian Affairs (Indian lands)  
 Bureau of Sport Fisheries and Wildlife (wildlife refuges)  
 Bureau of Outdoor Recreation (recreation lands)  
 National Park Service (NPS units)  
 Federal Power Commission (project lands)  
 General Services Administration  
 National Aeronautics and Space Administration (remote sensing)  
 Tennessee Valley Authority (project lands)

*Protection of Environmentally Critical Areas—Floodplains, Wetlands, Beaches and Dunes, Unstable Soils, Steep Slopes, Aquifer Recharge Areas, Etc.*

Department of Agriculture—  
 Agricultural Stabilization and Conservation Service  
 Soil Conservation Service  
 Forest Service

Department of Commerce—  
 National Oceanic and Atmospheric Administration (coastal areas)

Department of Defense—  
 Army Corps of Engineers

Department of Housing and Urban Development (urban and floodplain areas)

Department of the Interior—  
 Office of Land Use and Water Planning  
 Bureau of Outdoor Recreation  
 Bureau of Reclamation  
 Bureau of Sport Fisheries and Wildlife  
 Bureau of Land Management  
 Geological Survey

Environmental Protection Agency (pollution effects)

National Aeronautics and Space Administration (remote sensing)

River Basins Commissions (as geographically appropriate)

Water Resources Council

*LAND USE IN COASTAL AREAS*

Department of Agriculture—  
 Forest Service  
 Soil Conservation Service (soil stability, hydrology)

Department of Commerce—  
 National Oceanic and Atmospheric Administration (impact on marine life and coastal zone management)

Department of Defense—  
 Army Corps of Engineers (beaches, dredge and fill permits, Refuse Act permits)

Department of Housing and Urban Development (urban areas)

Department of the Interior—  
 Office of Land Use and Water Planning  
 Bureau of Sport Fisheries and Wildlife  
 National Park Service  
 Geological Survey  
 Bureau of Outdoor Recreation  
 Bureau of Land Management (public lands)

Department of Transportation—  
 Coast Guard (bridges, navigation)

Environmental Protection Agency (pollution effects)

National Aeronautics and Space Administration (remote sensing)

*REDEVELOPMENT AND CONSTRUCTION IN BUILT-UP AREAS*

Department of Commerce—  
 Economic Development Administration (designated areas)  
 Department of Housing and Urban Development  
 Department of the Interior—  
 Office of Land Use and Water Planning  
 Department of Transportation  
 Environmental Protection Agency  
 General Services Administration  
 Office of Economic Opportunity

*DENSITY AND CONGESTION MITIGATION*

Department of Health, Education, and Welfare  
 Department of Housing and Urban Development  
 Department of the Interior—  
 Office of Land Use and Water Planning  
 Bureau of Outdoor Recreation  
 Department of Transportation  
 Environmental Protection Agency

*NEIGHBORHOOD CHARACTER AND CONTINUITY*

Department of Health, Education, and Welfare  
 Department of Housing and Urban Development  
 National Endowment for the Arts  
 Office of Economic Opportunity

*IMPACTS ON LOW-INCOME POPULATIONS*

Department of Commerce—  
 Economic Development Administration (designated areas)  
 Department of Health, Education, and Welfare  
 Department of Housing and Urban Development  
 Office of Economic Opportunity

*HISTORIC, ARCHITECTURAL, AND ARCHEOLOGICAL PRESERVATION*

Advisory Council on Historic Preservation  
 Department of Housing and Urban Development  
 Department of the Interior—  
 National Park Service  
 Bureau of Land Management (public lands)  
 Bureau of Indian Affairs (Indian lands)  
 General Services Administration  
 National Endowment for the Arts

*SOIL AND PLANT CONSERVATION AND HYDROLOGY*

Department of Agriculture—  
 Soil Conservation Service  
 Agricultural Service  
 Forest Service

Department of Commerce—  
 National Oceanic and Atmospheric Administration

Department of Defense—  
 Army Corps of Engineers (dredging, aquatic plants)

Department of Health, Education, and Welfare

Department of the Interior—  
 Bureau of Land Management  
 Bureau of Sport Fisheries and Wildlife  
 Geological Survey  
 Bureau of Reclamation  
 Environmental Protection Agency  
 National Aeronautics and Space Administration (remote sensing)

River Basins Commissions (as geographically appropriate)

Water Resources Council

*OUTDOOR RECREATION*

Department of Agriculture—  
 Forest Service  
 Soil Conservation Service

Department of Defense—  
 Army Corps of Engineers  
 Department of Housing and Urban Development (urban areas)

Department of the Interior—  
 Bureau of Land Management  
 National Park Service  
 Bureau of Outdoor Recreation  
 Bureau of Sport Fisheries and Wildlife  
 Bureau of Indian Affairs

Environmental Protection Agency  
 National Aeronautics and Space Administration (remote sensing)  
 River Basin Commissions (as geographically appropriate)

Water Resources Council

APPENDIX III—OFFICES WITHIN FEDERAL AGENCIES AND FEDERAL-STATE AGENCIES FOR INFORMATION REGARDING THE AGENCIES' NEPA ACTIVITIES AND FOR RECEIVING OTHER AGENCIES' IMPACT STATEMENTS FOR WHICH COMMENTS ARE REQUESTED

*ADVISORY COUNCIL ON HISTORIC PRESERVATION*

Office of Architectural and Environmental Preservation, Advisory Council on Historic Preservation, Suite 430, 1522 K Street, N.W., Washington, D.C. 20005 254-3974

*DEPARTMENT OF AGRICULTURE<sup>1</sup>*

Office of the Secretary, Attn: Coordinator Environmental Quality Activities, U.S. Department of Agriculture, Washington, D.C. 20250 447-3965

*APPALACHIAN REGIONAL COMMISSION*

Office of the Alternate Federal Co-Chairman, Appalachian Regional Commission, 1666 Connecticut Avenue, N.W., Washington, D.C. 20235 967-4103

*DEPARTMENT OF THE ARMY (CORPS OF ENGINEERS)*

Executive Director of Civil Works, Office of the Chief of Engineers, U.S. Army Corps of Engineers, Washington, D.C. 20314 693-7188

*ATOMIC ENERGY COMMISSION*

For nonregulatory matters: Office of Assistant General Manager for Biomedical and Environmental Research and Safety Programs, Atomic Energy Commission, Washington, D.C. 20545 973-3208

For regulatory matters: Office of the Assistant Director for Environmental Projects, Atomic Energy Commission, Washington, D.C. 20545 973-7531

*DEPARTMENT OF COMMERCE*

Office of the Deputy Assistant Secretary for Environmental Affairs, U.S. Department of Commerce, Washington, D.C. 20230 967-4335

*DEPARTMENT OF DEFENSE*

Office of the Assistant Secretary for Defense (Health and Environment), U.S. Department of Defense, Room 3E172, The Pentagon, Washington, D.C. 20301 697-2111

*DELAWARE RIVER BASIN COMMISSION*

Office of the Secretary, Delaware River Basin Commission, Post Office Box 360, Trenton, N.J. 08603 (609) 883-9500

<sup>1</sup> Requests for comments or information from individual units of the Department of Agriculture, e.g., Soil Conservation Service, Forest Service, etc. should be sent to the Office of the Secretary, Department of Agriculture, at the address given above.



## PROPOSED RULES

## ENVIRONMENTAL PROTECTION AGENCY\*

Director, Office of Federal Activities, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 755-0777

\* Contact the Office of Federal Activities for environmental statements concerning legislation, regulations, national program proposals or other major policy issues.

Regional Administrator, I,  
U.S. Environmental Protection Agency  
Room 2303, John F. Kennedy  
Federal Bldg., Boston, Mass. 02203,  
(617) 223-7210

Regional Administrator, II,  
U.S. Environmental Protection Agency  
Room 905, 26 Federal Plaza  
New York, New York 10007  
(212) 264-2525

Regional Administrator, III,  
U.S. Environmental Protection Agency  
Curtis Bldg., 6th & Walnut Sts.  
Philadelphia, Pa. 19106  
(215) 597-9801

Regional Administrator, IV,  
U.S. Environmental Protection Agency  
1421 Peachtree Street  
N.E., Atlanta, Ga. 30309  
(404) 526-5727

Regional Administrator V,  
U.S. Environmental Protection Agency  
1 N. Wacker Drive  
Chicago, Illinois 60606  
(312) 353-5250

Regional Administrator VI,  
U.S. Environmental Protection Agency  
1600 Patterson Street  
Suite 1100  
Dallas, Texas 75201  
(214) 749-1962

Regional Administrator VII,  
U.S. Environmental Protection Agency  
1735 Baltimore Avenue  
Kansas City, Missouri 64108  
(816) 374-5493

Regional Administrator VIII,  
U.S. Environmental Protection Agency  
Suite 900, Lincoln Tower  
1860 Lincoln Street  
Denver, Colorado 80203  
(303) 837-3895

Regional Administrator IX,  
U.S. Environmental Protection Agency  
100 California Street  
San Francisco, California 94111  
(415) 556-2320

Regional Administrator X,  
U.S. Environmental Protection Agency  
1200 Sixth Avenue  
Seattle, Washington 98101  
(206) 442-1220

## FEDERAL POWER COMMISSION

Commission's Advisor on Environmental Quality, Federal Power Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426 386-6084

## GENERAL SERVICES ADMINISTRATION

Office of Environmental Affairs, Office of the Deputy Administrator for Special Projects, General Services Administration, Washington, D.C. 20405 343-4161

## GREAT LAKES BASIN COMMISSION

Office of the Chairman, Great Lakes Basin Commission, 3475 Plymouth Road, P.O. Box 999, Ann Arbor, Michigan 48105 (313) 769-7431

For all other EPA consultation, contact the Regional Administrator in whose area the proposed action (e.g., highway or water resource construction projects) will take place. The Regional Administrators will coordinate the EPA review. Addresses of the Regional Administrators, and the areas covered by their regions are as follows:

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

New Jersey, New York, Puerto Rico, Virgin Islands

Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

Arkansas, Louisiana, New Mexico, Texas, Oklahoma

Iowa, Kansas, Missouri, Nebraska

Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Arizona, California, Hawaii, Nevada, American Samoa, Guam, Trust Territories of Pacific Islands, Wake Island

Alaska, Idaho, Oregon, Washington

## DEPARTMENT OF HEALTH, EDUCATION AND WELFARE\*

Office of Environmental Affairs, Office of the Assistant Secretary for Administration and Management, Department of Health, Education and Welfare, Washington, D.C. 20202 983-4456

\* Contact the Office of Environmental Affairs for information on HEW's environmental statements concerning legislation, regulations, national program proposals or other major policy issues, and for all requests for HEW comment on impact statements of other agencies.

For information with respect to HEW actions occurring within the jurisdiction of the Departments' Regional Directors, contact the appropriate Regional Environmental Officer:

Region I:  
Regional Environmental Officer  
U.S. Department of Health, Education and Welfare  
Room 2007B  
John F. Kennedy Center  
Boston, Massachusetts 02203 (617) 223-6837

Region II:  
Regional Environmental Officer  
U.S. Department of Health, Education and Welfare  
Federal Building  
26 Federal Plaza  
New York, New York 10007 (212) 264-1308

Region III:  
Regional Environmental Officer  
U.S. Department of Health, Education and Welfare  
P.O. Box 13716  
Philadelphia, Pennsylvania 19101 (215) 597-6498

Region IV:  
Regional Environmental Officer  
U.S. Department of Health, Education and Welfare  
Room 404  
50 Seventh Street, N.E.  
Atlanta, Georgia 30323 (404) 526-5817

Region V:  
Regional Environmental Officer  
U.S. Department of Health, Education and Welfare  
Room 712, New Post Office Building  
433 West Van Buren Street  
Chicago, Illinois 60607 (312) 353-1644

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT\*

Director, Office of Community and Environmental Standards, Department of Housing and Urban Development, Room 7206, Washington, D.C. 20410 755-5980

Region VI:  
Regional Environmental Officer  
U.S. Department of Health, Education and Welfare  
1114 Commerce Street  
Dallas, Texas 75202 (214) 749-2236

Region VII:  
Regional Environmental Officer  
U.S. Department of Health, Education and Welfare  
601 East 12th Street  
Kansas City, Missouri 64106 (816) 374-3584

Region VIII:  
Regional Environmental Officer  
U.S. Department of Health, Education and Welfare  
9017 Federal Building  
19th and Stout Streets  
Denver, Colorado 80202 (303) 837-4178

Region IX:  
Regional Environmental Officer  
U.S. Department of Health, Education and Welfare  
50 Fulton Street  
San Francisco, California 94102 (415) 556-1970

Region X:  
Regional Environmental Officer  
U.S. Department of Health, Education and Welfare  
Arcade Plaza Building  
1321 Second Street  
Seattle, Washington 98101 (206) 442-0490

\* Contact the Director with regard to environmental impacts of legislation, policy



statements, program regulations and procedures, and precedent-making project decisions. For all other HUD consultation, contact the HUD Regional Administrator in whose jurisdiction the project lies, as follows:

- Regional Administrator I,**  
Environmental Clearance Officer  
U.S. Department of Housing and Urban Development  
Room 405, John F. Kennedy Federal Building  
Boston, Mass. 02203 (617) 223-4066
- Regional Administrator II,**  
Environmental Clearance Officer  
U.S. Department of Housing and Urban Development  
26 Federal Plaza  
New York, New York 10007 (212) 264-8068
- Regional Administrator III,**  
Environmental Clearance Officer  
U.S. Department of Housing and Urban Development  
Curtis Building, Sixth and Walnut Street  
Philadelphia, Pennsylvania 19106 (215) 597-2560
- Regional Administrator IV,**  
Environmental Clearance Officer  
U.S. Department of Housing and Urban Development  
Peachtree-Seventh Building  
Atlanta, Georgia 30323 (404) 526-5585
- Regional Administrator V,**  
Environmental Clearance Officer  
U.S. Department of Housing and Urban Development  
360 North Michigan Avenue  
Chicago, Illinois 60601 (312) 353-5680

DEPARTMENT OF THE INTERIOR<sup>2</sup>

Director, Office of Environmental Project Review, Department of the Interior, Interior Building, Washington, D.C. 20240 343-3891

INTERSTATE COMMERCE COMMISSION

Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423 343-6167

DEPARTMENT OF LABOR

Assistant Secretary for Occupational Safety and Health, Department of Labor, Washington, D.C. 20210 961-3405

MISSOURI RIVER BASINS COMMISSION

Office of the Chairman, Missouri River Basins Commission, 10050 Regency Circle, Omaha, Nebraska 68114 (402) 397-5714

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Office of the Comptroller, National Aeronautics and Space Administration, Washington, D.C. 20546 755-8440

NATIONAL CAPITAL PLANNING COMMISSION

Office of Environmental Affairs, Office of the Executive Director, National Capital Planning Commission, Washington, D.C. 20576 382-7200

NATIONAL ENDOWMENT FOR THE ARTS

Office of Architecture and Environmental Arts Program, National Endowment for the Arts, Washington, D.C. 20508 382-5785

NEW ENGLAND RIVER BASINS COMMISSION

Office of the Chairman, New England River Basins Commission, 55 Court Street, Boston, Mass. 02108 (617) 223-6244

- Regional Administrator VI,**  
Environmental Clearance Officer  
U.S. Department of Housing and Urban Development  
Federal Office Building, 819 Taylor Street  
Fort Worth, Texas 76102 (817) 334-2867
- Regional Administrator VII,**  
Environmental Clearance Officer  
U.S. Department of Housing and Urban Development  
911 Walnut Street  
Kansas City, Missouri 64106 (816) 374-2661
- Regional Administrator VIII,**  
Environmental Clearance Officer  
U.S. Department of Housing and Urban Development  
Samsonite Building, 1051 South Broadway  
Denver, Colorado 80209 (303) 837-4061
- Regional Administrator IX,**  
Environmental Clearance Officer  
U.S. Department of Housing and Urban Development  
450 Golden Gate Avenue, Post Office Box 36003  
San Francisco, California 94102 (415) 556-4752
- Regional Administrator X,**  
Environmental Clearance Officer  
U.S. Department of Housing and Urban Development  
Room 228, Arcade Plaza Building  
Seattle, Washington 98101 (206) 583-5415

<sup>2</sup> Requests for comments or information from individual units of the Department of the Interior should be sent to the Office of Environmental Project Review at the address given above.

OFFICE OF ECONOMIC OPPORTUNITY

Office of the Director, Office of Economic Opportunity, 1200 19th Street, N.W., Washington, D.C. 20506 254-8000

OHIO RIVER BASIN COMMISSION

Office of the Chairman, Ohio River Basin Commission, 36 East 4th Street, Suite 208-20, Cincinnati, Ohio 45202 (513) 684-3831

PACIFIC NORTHWEST RIVER BASINS COMMISSION

Office of the Chairman, Pacific Northwest River Basins Commission, 1 Columbia River, Vancouver, Washington 98660 (206) 695-3606

SOURIS-RED-RAINY RIVER BASINS COMMISSION

Office of the Chairman, Souris-Red-Rainy River Basins Commission, Suite 6, Professional Building, Holiday Mall, Moorhead, Minnesota 56580 (701) 237-5227

DEPARTMENT OF STATE

Office of the Special Assistant to the Secretary for Environmental Affairs, Department of State, Washington, D.C. 20520 632-7964

SUSQUEHANNA RIVER BASIN COMMISSION

Office of the Executive Director, Susquehanna River Basin Commission, 5012 Lenker Street, Mechanicsburg, Pa. 17055 (717) 737-0501

TENNESSEE VALLEY AUTHORITY

Office of the Director of Environmental Research and Development, Tennessee Valley Authority, 720 Edney Building, Chattanooga, Tennessee 37401 (615) 755-2002

DEPARTMENT OF TRANSPORTATION<sup>3</sup>

Director, Office of Environmental Quality, Office of the Assistant Secretary for Environment, Safety, and Consumer Affairs, Department of Transportation, Washington, D.C. 20590 426-4357

For information regarding the Department of Transportation's other environmental statements, contact the national office for the appropriate administration:

U.S. Coast Guard

Office of Marine Environment and Systems, U.S. Coast Guard, 400 7th Street, S.W., Washington, D.C. 20590, 426-2007

Federal Aviation Administration

Office of Environmental Quality, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, 426-8406

Federal Highway Administration

Office of Environmental Policy, Federal Highway Administration, 400 7th Street, S.W., Washington, D.C. 20590, 426-0351

Federal Railroad Administration

Office of Policy and Plans, Federal Railroad Administration, 400 7th Street, S.W., Washington, D.C. 20590, 426-1567

Urban Mass Transportation Administration

Office of Program Operations, Urban Mass Transportation Administration, 400 7th Street, S.W., Washington, D.C. 20590, 426-4020

For other administration's not listed above, contact the Office of Environmental Quality, Department of Transportation, at the address given above.

For comments on other agencies' environmental statements, contact the appropriate administration's regional office. If more than one administration within the Department of Transportation is to be requested to comment, contact the Secretarial Representative in the appropriate Regional Office for coordination of the Department's comments:

SECRETARIAL REPRESENTATIVE

Region I Secretarial Representative, U.S. Department of Transportation, Transportation Systems Center, 55 Broadway, Cambridge, Massachusetts 02142 (617) 494-2709

Region II Secretarial Representative, U.S. Department of Transportation, 26 Federal Plaza, Room 1811, New York, New York 10007 (212) 264-2672

Region III Secretarial Representative, U.S. Department of Transportation, Mall Building, Suite 1214, 325 Chestnut Street, Philadelphia, Pennsylvania 19106 (215) 597-0407

Region IV Secretarial Representative, U.S. Department of Transportation, Suite 515, 1720 Peachtree Rd., N.W. Atlanta, Georgia 30309 (404) 526-3738

Region V Secretarial Representative, U.S. Department of Transportation, 17th Floor, 300 S. Wacker Drive, Chicago, Illinois 60606 (312) 353-4000

Region V Secretarial Representative, U.S. Department of Transportation, 9-C-18 Federal Center, 1100 Commerce Street, Dallas, Texas 75202 (214) 749-1851

Region VII Secretarial Representative, U.S. Department of Transportation, 601 E. 12th Street, Room 634, Kansas City, Missouri 64106 (816) 374-2761

<sup>3</sup> Contact the Office of Environmental Quality, Department of Transportation, for information on DOT's environmental statements concerning legislation, regulations, national program proposals, or other major policy issues.



- Region VIII Secretarial Representative, U.S. Department of Transportation, Prudential Plaza, Suite 1822, 1050 17th Street, Denver, Colorado 80202 (303) 837-3242
- Region IX Secretarial Representative, U.S. Department of Transportation, 450 Golden Gate Avenue, Box 36133, San Francisco, California 94102 (415) 556-5961
- Region X Secretarial Representative, U.S. Department of Transportation, 1321 Second Avenue, Room 507, Seattle, Washington 98101 (206) 442-0590

## FEDERAL AVIATION ADMINISTRATION

- New England Region, Office of the Regional Director, Federal Aviation Administration, 154 Middlesex Street, Burlington, Massachusetts 01803 (617) 272-2350
- Eastern Region, Office of the Regional Director, Federal Aviation Administration, Federal Building, JFK International Airport, Jamaica, New York 11430 (212) 995-3333
- Southern Region, Office of the Regional Director, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320 (404) 526-7222
- Great Lakes Region, Office of the Regional Director, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018 (312) 694-4500
- Southwest Region, Office of the Regional Director, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101 (817) 624-4911
- Central Region, Office of the Regional Director, Federal Aviation Administration, 601 E. 12th Street, Kansas City, Missouri 64106 (816) 374-5626
- Rocky Mountain Region, Office of the Regional Director, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colorado 80207 (303) 837-3646
- Western Region, Office of the Regional Director, Federal Aviation Administration, P.O. Box 92007, WorldWay Postal Center, Los Angeles, California 90009 (213) 536-6427
- Northwest Region, Office of the Regional Director, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108 (206) 767-2780

## FEDERAL HIGHWAY ADMINISTRATION

- Region 1, Regional Administrator, Federal Highway Administration, 4 Normanskill Boulevard, Delmar, New York 12054 (518) 472-6476
- Region 3, Regional Administrator, Federal Highway Administration, Room 1621, George H. Fallon Federal Office Building, 31 Hopkins Plaza, Baltimore, Maryland 21201 (301) 962-2361
- Region 4, Regional Administrator, Federal Highway Administration, Suite 200, 1720 Peachtree Road, N.W., Atlanta, Georgia 30309 (404) 526-5078
- Region 5, Regional Administrator, Federal Highway Administration, Dixie Highway, Homewood, Illinois 60430 (312) 799-6300
- Region 6, Regional Administrator, Federal Highway Administration, 819 Taylor Street, Fort Worth, Texas 76102 (817) 334-3232
- Region 7, Regional Administrator, Federal Highway Administration, P.O. Box 7186, Country Club Station, Kansas City, Missouri 64113 (816) 361-7593
- Region 8, Regional Administrator, Federal Highway Administration, Room 242, Building 40, Denver Federal Center, Denver, Colorado 80225
- Region 9, Regional Administrator, Federal Highway Administration, 450 Golden Gate Avenue, Box 36096, San Francisco, California 94102 (415) 556-3895
- Region 10, Regional Administrator, Federal Highway Administration, Room 412, Mohawk Building, 222 S.W. Morrison Street, Portland, Oregon 97204 (503) 221-2065

## URBAN MASS TRANSPORTATION ADMINISTRATION

- Region I, Office of the UMTA Representative, Urban Mass Transportation Administration, Transportation Systems Center, Technology Building, Room 277, 55 Broadway, Boston, Massachusetts 02142 (617) 494-2055
- Region II, Office of the UMTA Representative, Urban Mass Transportation Administration, 26 Federal Plaza, Suite 1809, New York, New York 10007 (212) 264-8162
- Region III, Office of the UMTA Representative, Urban Mass Transportation Administration, Mall Building, Suite 1214, 325 Chestnut Street, Philadelphia, Pennsylvania 19106 (215) 597-0407
- Region IV, Office of the UMTA Representative, Urban Mass Transportation Administration, 1720 Peachtree Road, Northwest, Suite 501, Atlanta, Georgia 30309 (404) 526-3948
- Region V, Office of the UMTA Representative, Urban Mass Transportation Administration, 300 South Wacker Drive, Suite 700, Chicago, Illinois 60606 (312) 353-6005
- Region VI, Office of the UMTA Representative, Urban Mass Transportation Administration, Federal Center, Suite 9E24, 1100 Commerce Street, Dallas, Texas 75202 (214) 749-7322
- Region VII, Office of the UMTA Representative, Urban Mass Transportation Administration, c/o FAA Management Systems Division, Room 1564D, 601 East 12th Street, Kansas City, Missouri 64106 (816) 374-5567
- Region VIII, Office of the UMTA Representative, Urban Mass Transportation Administration, Prudential Plaza, Suite 1822, 1050 17th Street, Denver, Colorado 80202 (303) 837-3242
- Region IX, Office of the UMTA Representative, Urban Mass Transportation Administration, 450 Golden Gate Avenue, Box 36125, San Francisco, California 94102 (415) 556-2884
- Region X, Office of the UMTA Representative, Urban Mass Transportation Administration, 1321 Second Avenue, Suite 5079, Seattle, Washington (206) 442-0590

## DEPARTMENT OF THE TREASURY

- Office of Assistant Secretary for Administration, Department of the Treasury, Washington, D.C. 20220 964-5391

## UPPER MISSISSIPPI RIVER BASIN COMMISSION

- Office of the Chairman, Upper Mississippi River Basin Commission, Federal Office Building, Fort Snelling, Twin Cities, Minnesota 55111 (612) 725-4690

## WATER RESOURCES COUNCIL

- Office of the Associate Director, Water Resources Council, 2120 L Street, N.W., Suite 800, Washington, D.C. 20037 254-6442

## APPENDIX IV—STATE AND LOCAL AGENCY REVIEW OF IMPACT STATEMENTS

1. OMB Circular No. A-95 through its system of clearinghouses provides a means for securing the views of State and local environmental agencies, which can assist in the preparation of impact statements. Under A-95, review of the proposed project in the case of federally assisted projects (Part I of A-95) generally takes place prior to the preparation of the impact statement. Therefore, comments on the environmental effects of the proposed project that are secured during this stage of the A-95 process represent inputs to the environmental impact statement.

2. In the case of direct Federal development (Part II of A-95), Federal agencies are required to consult with clearinghouses at

the earliest practicable time in the planning of the project or activity. Where such consultation occurs prior to completion of the draft impact statement, comments relating to the environmental effects of the proposed action would also represent inputs to the environmental impact statement.

3. In either case, whatever comments are made on environmental effects of proposed Federal or federally assisted projects by clearinghouses, or by State and local environmental agencies through clearinghouses, in the course of the A-95 review should be attached to the draft impact statement when it is circulated for review. Copies of the statement should be sent to the agencies making such comments. Whether those agencies then elect to comment again on the basis of the draft impact statement is a matter to be left to the discretion of the commenting agency depending on its resources, the significance of the project, and the extent to which its earlier comments were considered in preparing the draft statement.

4. The clearinghouses may also be used, by mutual agreement, for securing reviews of the draft environmental impact statement. However, the Federal agency may wish to deal directly with appropriate State or local agencies in the review of impact statements because the clearinghouses may be unwilling or unable to handle this phase of the process. In some cases, the Governor may have designated a specific agency, other than the clearinghouse, for securing reviews of impact statements. In any case, the clearinghouses should be sent copies of the impact statement.

5. To aid clearinghouses in coordinating State and local comments, draft statements should include copies of State and local agency comments made earlier under the A-95 process and should indicate on the summary sheet those other agencies from which comments have been requested, as specified in Appendix I of the CEQ Guidelines.

[FR Doc. 73-25272 Filed 11-28-73; 8:45 am]

## DEPARTMENT OF THE INTERIOR

## Office of Oil and Gas

[ 32A CFR Ch. X ]

## OIL IMPORT BULLETIN

## Bond To Assure Payment of Fee for Oil Import License

Recent amendment of Proclamation 3279, as amended authorized the posting of a bond to assure payment of oil import license fees as an alternative to payment accompanying the application. This authority has been implemented in paragraph (d) of section 32 of Oil Import Regulation 1 (Revision 5), as amended.

The Director, Office of Oil and Gas, proposes to issue a bulletin prescribing the form of bond which will be acceptable.

Interested persons are invited to submit written comments on the proposed bulletin within thirty (30) days on or before December 31, 1973 to the Director, Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240. Each person who submits comments is asked to provide five (5) copies.

J. ROY GOODEARLE,  
Acting Director,  
Office of Oil and Gas.



OIL IMPORTS PROPOSED BULLETIN  
BOND TO ASSURE PAYMENT OF FEE FOR OIL  
IMPORT LICENSE

Paragraph (d) of section 32 of Oil Import Regulation 1 (Revision 5) provides as follows:

Applications for allocations under this section shall be accompanied by the applicant's certified check, or a cashier's check, payable to the order of the Treasurer of the United States in the amount chargeable pursuant to paragraph (1) of this section or by

a bond with a surety on the list of acceptable sureties on Federal bonds maintained by the Bureau of Accounts, Department of the Treasury, in the sum not less than the amount chargeable pursuant to paragraph (1) of this section, conditioned upon payment to the order of the Treasurer of the United States, within thirty (30) calendar days from the date of entry or withdrawal from warehouse for consumption of the commodities for the importation of which a license or licenses have issued, in the amount

chargeable pursuant to paragraph (1) of this section. Applications not accompanied by a certified check, cashier's check, or bond in the amount required shall not be considered. Applications by or for the account of a department, establishment, or agency of the United States need not be accompanied by a certified check or cashier's check or a bond as required by this paragraph.

The bond required to be posted pursuant to this provision of the oil import regulation shall be submitted in the following form.

U. S. DEPARTMENT OF THE INTERIOR -- OFFICE OF OIL AND GAS  
BOND FOR PAYMENT OF LICENSE FEES AND PENALTIES

Check here if this is used as single license bond <input type="checkbox"/> (If this box is checked, the sections of the bond marked "Continuous Bond Only" are excluded)	Check here if this is used as continuous bond <input type="checkbox"/> (If the box is checked, the sections of the bond marked "Single License Bond Only" are excluded.)
PRINCIPAL	ADDRESS OF BUSINESS OFFICE
AMOUNT OF BOND	SURETY  EFFECTIVE DATE (Continuous Bond Only)

KNOW ALL MEN BY THESE PRESENTS, That we, the above-named principal and surety, are held and firmly bound unto the United States of America in the above amount, lawful money of the United States; for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

(Single License Bond Only)  
 WHEREAS, the above-bounden principal requests issuance of an import license authorizing entry for consumption or withdrawal from warehouse for consumption of \_\_\_\_\_ (quantity) barrels of \_\_\_\_\_ within the period from \_\_\_\_\_, to and including \_\_\_\_\_ (commodity), and desires issuance of such license prior to the payment of fees therefor;

(Continuous Bond Only)  
 WHEREAS, the above-bounden principal will from time to time request issuance of import licenses authorizing entry for consumption or withdrawal from warehouse for consumption of petroleum commodities; and desires issuance of such licenses prior to the payment of fees therefor; and

NOW, THEREFORE, the condition of this obligation is such that if the above-bounden principal shall pay to the Office of Oil and Gas such license fees and penalties as may become due, pursuant to Oil Import Regulation 1 and amendments thereto, then this obligation to be void, otherwise to remain in full force and effect.

THE LIABILITY of the surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall aggregate the penalty of this bond, and in no event shall the surety's total obligation hereunder exceed said penalty.



## PROPOSED RULES

(Continuous Bond Only)

THIS bond shall continue in effect until discharged or terminated as herein provided. The principal or surety may at any time terminate this bond by written notice to the Office of Oil and Gas at its office in Washington, D.C. 20240. Such termination shall become effective thirty (30) days after receipt of said notice by the Office of Oil and Gas. The surety shall not be liable for any requests made by the principal after the expiration of said thirty (30) day period but such termination shall not affect the liability of the principal and surety for any breach of condition hereof occurring prior to the date when said termination becomes effective.

SIGNED and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

SIGNED, SEALED, and delivered in the presence of-

Witness for principal:

\_\_\_\_\_  
(name) (address) (principal) (seal)

\_\_\_\_\_  
(name) (address)

Witness for surety:

\_\_\_\_\_  
(name) (address) (surety) (seal)

\_\_\_\_\_  
(name) (address)

## CERTIFICATE AS TO CORPORATE PRINCIPAL

I, \_\_\_\_\_ certify that I am the \_\_\_\_\_ of the corporation named as principal in the within bond; that \_\_\_\_\_ who signed the said bond on behalf of the principal, was then \_\_\_\_\_ of said corporation; that I know his signature thereto is genuine; and that said bond was duly signed, sealed, and attested for an in behalf of said corporation by authority of its governing body.

[FR Doc.73-25418 Filed 11-27-73;2:44 pm] \_\_\_\_\_ (seal)

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Food and Drug Administration

[ 21 CFR Part 130 ]

## NEW DRUGS

## Relationship of Methadone Treatment Programs Operated by the Federal Government to State Methadone Authorities

Questions have arisen about the authority of State officials to inspect or approve methadone treatment programs operated by the Federal government or to require the submission of reports, pursuant to 21 CFR 130.44, to such State authorities.

After consultation with the Special Action Office for Drug Abuse Prevention, the Department of Justice, and the Veterans Administration, the Commissioner of Food and Drugs has concluded that § 130.44 should be amended to reflect that, although State officials have no legal authority to inspect, approve, or require reports from Federal programs, nevertheless, such Federal agencies will voluntarily cooperate with State agencies in permitting inspection and submit to the State authorities copies of the reports they otherwise make to Federal agencies (e.g., the annual report required to be submitted to the Food and Drug Administration pursuant to § 130.-

44). The Food and Drug Administration will continue to encourage State officials to provide their views on such programs as presently provided by the regulations.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052, as amended, 1055; 21 U.S.C. 355, 371(a)), section 303(a) of the Public Health Service Act as amended (sec. 303, 60 Stat. 423, as amended; 42 U.S.C. 242a (a)), and section 4 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (sec. 4, 84 Stat. 1241; 42 U.S.C. 257a), and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 130.44(b) (1) (v) be amended by designating existing paragraph (b) (1) (v) as paragraph (b) (1) (v) (a) and by adding a new subdivision (b) to read as follows:

## § 130.44 Conditions for use of methadone.

- (b) \* \* \*  
(1) \* \* \*  
(v) (a) \* \* \*

(b) Federal agencies have agreed to cooperate voluntarily with State agencies by granting permission on an informal basis for designated State representatives to visit Federal facilities and by

furnishing a copy of Federal reports, including the reports required under this regulation, to the State authority.

Interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal on or before January 28, 1973. Such views and comments should be addressed to the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: November 21, 1973.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.73-25312 Filed 11-28-73;8:45 am]

DEPARTMENT OF  
TRANSPORTATION

Coast Guard

[ 33 CFR Part 110 ]

[CGD 73-189P]

## NORTH EAST, MARYLAND

Proposed Special Anchorage Areas  
The Coast Guard is considering amending the anchorage regulations to



establish a special anchorage area in the Northeast River approximately one and a half miles south of North East, Maryland. The anchorage is needed to provide for the safety of pleasure craft anchoring in this vicinity. The anchorage would be for the general use of the public. In special anchorage areas, vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander (mps), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705. Each person submitting comments should include his name and address, identify the notice (CGD 73-189P) and give any reasons for any recommended change in the proposal. Copies of all submissions received will be available for examination by interested persons at the Office of the Commander, Fifth Coast Guard District.

The Commander, Fifth Coast Guard District will forward any comments received before December 31, 1973 and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed to amend Part 110 of Title 33 of the Code of Federal Regulations by adding a new § 110.70a to read as follows:

§ 110.70a Northeast River, North East, Md.

The water area west of North East Heights, Maryland enclosed by a line beginning on the shoreline at latitude 39°34'26" N., longitude 75°57'18" W.; thence westerly to latitude 39°34'26" N., longitude 75°57'29" W.; thence northeasterly to latitude 39°34'30" N., longitude 75°57'27" W.; thence easterly to the shoreline at latitude 39°34'30" N., longitude 75°57'18" W.; thence southerly following the shoreline to the point of beginning.

(Sec. 1, 30 Stat. 98, as amended, sec. 6(g) (1) (B), 80 Stat. 937, (33 U.S.C. 180), (49 U.S.C. 1655(g) (1) (B)), 49 CFR 1.46(c) (2).)

Dated: November 21, 1973.

W. M. BENKERT,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Marine Environment and Systems.

[FR Doc.73-25318 Filed 11-28-73; 8:45 am]

#### [ 46 CFR Part 146 ]

[CGD 73-173PH]

#### CORROSIVE MATERIALS

Dangerous Cargoes; Miscellaneous Amendments; Correction

In FR Doc. 73-18529 appearing in the issue for Wednesday, September 5, 1973 (38 FR 23959), item number 7, on page

23961 is corrected by changing the word "solids" in the section heading to "materials," and by striking out in the text a comma after the word "marking" and one "l" from the word "labelling," to read "labeling."

C. R. BENDER,  
Admiral, U.S. Coast Guard  
Commandant.

NOVEMBER 26, 1973.

[FR Doc.73-25318 Filed 11-28-73; 8:45 am]

#### Federal Aviation Administration

[ 14 CFR Part 71 ]

[Airspace Docket No. 73-SW-72]

#### ESTABLISHMENT AND ALTERATION OF VOR FEDERAL AIRWAYS

##### Proposed Establishment and Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would establish an east alternate to V-87 between Albuquerque, N. Mex., and Farmington, N. Mex., and realign V-19W, V-68S, and V-190S in the vicinity of Albuquerque.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth Tex. 76101. All communications received on or before December 31, 1973 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

The airspace action proposed in this docket would:

1. Realign V-19W from Albuquerque, N. Mex., to Santa Fe, N. Mex., via the INT of the Albuquerque 019° T (006° M) and the Santa Fe 268° T (255° M) radials.

2. Realign V-68S from Albuquerque, N. Mex., to Corona, N. Mex., via the INT of the Albuquerque 160° T (147° M) and the Corona 278° T (265° M) radials.

3. Add V-187E from Albuquerque, N. Mex., to Farmington, N. Mex., via the INT of the Albuquerque 345° T (332° M) and the Farmington 138° T (124° M) radials.

4. Realign V-190S from St. Johns, Ariz., to Albuquerque, N. Mex., via the INT of the St. Johns 085° T (071° M) and the Albuquerque 229° T (216° M) radials.

These changes in route structure are proposed to improve the arrival and departure routes in the Albuquerque terminal area and to reduce the distance of some airway segments.

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

Issued in Washington, D.C., on November 21, 1973.

CHARLES H. NEWPOL,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc.73-25260 Filed 11-28-73; 8:45 am]

#### National Highway Traffic Safety Administration

[ 49 CFR Part 571 ]

[Docket No. 71-7; Notice 9]

#### MOTOR VEHICLE SAFETY STANDARDS

##### Location of Identification Number

The purpose of this notice is to propose an amendment to Standard No. 126 to make optional the currently required inclusion of the vehicle identification number in the owner's manual delivered with each camper.

This option is being proposed in response to a suggestion by the Recreational Vehicle Institute that the current requirement is unduly burdensome and costly, and poses a threat to the expeditious distribution of the vehicles, in that a specific manual must accompany a specific camper. Further, errors could occur in matching a particular manual with its camper. After consideration of the Recreational Vehicle Institute petition, the agency has tentatively concluded that the vehicle identification number need not specifically appear in the owner's manual or other document delivered with each camper as required by S5.1.2(a). It appears that the purposes of the requirement would be adequately served by giving the option of stating in the owner's manual that the vehicle identification number appears on the certification label.

In consideration of the foregoing, it is proposed that in Motor Vehicle Safety Standard No. 126, 49 CFR 571.126, the second sentence of S5.1.2(a) be amended to read as follows:

S5.1.2 Owner's Manual.

(a) \* \* \* Instead of the information required by subparagraphs (b), (c), and (e) of paragraph S5.1.1, a manufacturer may use the statements, "See camper certification label for month and year of manufacture and for the Vehicle Identification Number" and "This camper conforms to all applicable Federal Motor Vehicle Safety Standards in effect on the date of manufacture".

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number



and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material, as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: December 31, 1973.

Proposed effective date: Date of issuance of amendment.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 501.8.)

Issued on November 26, 1973.

ROBERT L. CARTER,  
Associate Administrator  
Motor Vehicle Programs.

[FR Doc.73-25334 Filed 11-28-73;8:45 am]

## CIVIL AERONAUTICS BOARD

[ 14 CFR Part 298 ]

[Docket No. 26021; EDR-255A]

### CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

#### Definition of Large Aircraft; Extension of Time for Filing Comments

By notice of proposed rulemaking EDR-255, dated October 19, 1973 and published at 38 FR 29480 Thursday, October 25, 1973, the Board gave notice that it had under consideration an amendment to Part 298 of its Economic Regulations (14 CFR Part 298) to include within the definition of "large aircraft" all models of the Convair 240, 340, and 440; Martin 202 and 404; P-27 and FH-227; and Hawker Siddeley-748, as well as any other aircraft with a maximum zero fuel weight greater than 35,000 pounds. Interested persons were invited to participate in the proceeding through submission of twelve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before November 23, 1973.

Counsel for Executive Air Service, Inc. has requested a one week extension of time for filing comments to November 30, 1973. In support of the request, counsel states, *inter alia*, that the additional time is needed so that engineering technicians can complete their evaluations of various types of aircraft before comments are submitted.

The undersigned finds that good cause has been shown for an extension of time

for filing comments to November 30, 1973.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations, the undersigned hereby extends the time for submitting comments to November 30, 1973.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; (49 U.S.C. 1324).)

Dated: November 26, 1973.

[SEAL] ARTHUR H. SIMMS,  
Associate General Counsel,  
Rules and Rates Division.

[FR Doc.73-25349 Filed 11-28-73;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 73 ]

[Docket No. 19832]

### FM BROADCAST STATIONS IN KNOXVILLE, TENNESSEE

#### Table of Assignments; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations, (Knoxville, Tennessee), Docket No. 19832, RM-2086.

1. On September 26, 1973, the Commission adopted a notice of proposed rulemaking in the above-captioned proceeding. Publication was given in the FEDERAL REGISTER on October 5, 1973, 38 FR 27624. Comment and reply comment dates are presently designated as November 19 and November 30, 1973.

2. On November 15, 1973, Morgan Broadcasting Company (Morgan) requested that the time for filing comments be extended to and including December 3, 1973.<sup>1</sup> Morgan states that its consulting engineer's work schedule will not permit him to work on this project in the immediate future. Morgan has therefore retained another engineer to handle this matter thereby necessitating the additional time in which to complete the studies.

3. It appears that the requested extension is warranted: *Accordingly, it is ordered*, That the dates for filing comments and reply comments are extended to and including December 3 and December 17, 1973, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules.

Adopted: November 19, 1973.

Released: November 20, 1973.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc.73-25329 Filed 11-28-73;8:45 am]

<sup>1</sup> See FR Doc. 73-24273, published at page 31455 in the issue of Wednesday, November 14, 1973.

## [ 47 CFR Part 73 ]

[Docket No. 19879; FCC 73-1217]

### FM BROADCAST STATIONS IN CERTAIN CITIES IN ARKANSAS

#### Proposed Table of Assignments

In the matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations, (Little Rock, Benton, Batesville, and Mountain View, Arkansas), Docket No. 19879, RM-2020, RM-2064, RM-2113, and RM-2226.

1. Notice is hereby given of the institution of this proceeding to consider proposed amendments to the FM Table of Assignments, § 73.202(b) of the Commission's rules, as concerns the above-listed communities. This action is taken in consideration of the following petitions for rule making:

a. *RM-2020*. Petition of Carroll D. Caldwell, filed July 21, 1972, requesting the assignment of Channel 295 to Little Rock, Arkansas, for a fifth Class C FM assignment, to be accomplished by substituting Class C Channel 226 for the unused Channel 296A assignment at Benton, Arkansas.<sup>1</sup>

b. *RM-2064*. Petition of James A. Pearson, filed September 27, 1972, requesting the assignment of Channel 224A to Mountain View, Arkansas, for a first FM assignment. The proposal would require no changes in existing assignments.

c. *RM-2113*. Petition of Joe Biard, filed January 2, 1973, requesting the assignment of Class C Channel 226 to Batesville, Arkansas, for a first FM assignment. The proposal would require no changes in existing assignments.

d. *RM-2226*. Petition of Preston Grace, Jr., filed April 16, 1973, as amended July 23, 1973, proposing the assignment of Class C Channel 226 to Mountain View, Arkansas, for a first FM assignment. The proposal would require no changes in existing assignments.

2. These four proposals are considered together because of conflicts that arise from the requests for co-channel and adjacent channel FM assignments, and the

<sup>1</sup> Through error, a Public Notice (FCC Report No. 825) was released on August 4, 1972, announcing that, pursuant to our cutoff procedures in FM rule making proceedings, the Caldwell RM-2020 proposal would be considered as a counterproposal in Docket No. 19551 (Helena, Arkansas, et al.). The error was corrected in our Public Notice (FCC Report No. 833), released October 2, 1972, which announced that the Caldwell RM-2020 proposal would not be considered in Docket No. 19551 since there was no outstanding proposal in Docket No. 19551 in conflict with the RM-2020 proposal. Subsequently, in a First Report and Order, released December 27, 1972, in Docket No. 19551 (38 F.C.C. 2d 878), we denied a petition for reconsideration filed by Carroll D. Caldwell on October 17, 1972, of our action of October 2, 1972, removing his proposal in RM-2020 from consideration in Docket No. 19551. We advised, however, that all filings in Docket No. 19551 directed to his proposal in RM-2020 would be taken into consideration when RM-2020 was acted upon. Those filings in Docket No. 19551 by Caldwell (Comments and reply comments in support of RM-2020) and by others (Opposition to RM-2020, filed by Dan L. Winn, and Reply to RM-2020 petition, filed by Jacksonville Radio Incorporated) are included herein for consideration.



relative locations of the communities involved. In light of mileage separation requirements for Class C co-channel assignments (180 miles) and second adjacent channel assignments (65 miles), the proposals to assign Channel 226 to Benton (to effectuate the Little Rock Channel 295 proposal), Mountain View and Batesville are mutually exclusive, as are the Mountain View and Batesville Channel 224A and Channel 226 proposals, since Batesville and Mountain View are only approximately 27 miles from each other and approximately 100 and 95 miles, respectively, from Benton.

3. It appears that the showing made that each of the proposals, discussed at greater length hereafter, might serve the public interest, convenience and necessity is sufficient to warrant their consideration in a rule making proceeding. It further appears that there are alterna-

tive approaches, such as we offer for consideration herein, which could permit the making of such assignments as might be warranted to the communities involved without regard to conflicts which otherwise would exist with other of these pending proposals. Comments are therefore invited on each petitioner's proposal, individually and jointly, and on the possible alternative approaches discussed and proposed for consideration herein, as well as on any other possible alternatives. This action should not be construed, however, as the expression of a view, even tentatively, that any or all of the proposals should be adopted as proposed or at all.

4. The pertinent population data concerning the communities involved and their respective counties, based on 1970 U.S. Census figures, are as follows:

City	Population	Percent change since 1960	County	Population	Percent change since 1960
Little Rock	132,483	22.9	Pulaski	287,189	18.2
Benton	16,499	58.7	Saline	36,107	24.7
Batesville	7,209	16.1	Independence	22,723	13.3
Mountain View	1,866	39.8	Stone	6,588	8.6

Little Rock is a Standard Metropolitan Statistical Area (SMSA), which consists of its county (Pulaski) and adjoining Saline County in which Benton is located, with a total SMSA population of 323,296, which represents a 19 percent increase over its total 1960 SMSA population.

5. *Little Rock (Benton), Arkansas (RM-2020)*. The petitioner, Carroll D. Caldwell (Caldwell), a Baptist minister, seeks the assignment of Class C Channel 295 to Little Rock (by substituting Class C Channel 226 for Channel 296A at Benton) in order to make a fifth FM assignment available there for which he can apply to provide a local outlet for quality religious programming in the Little Rock area. As mentioned in footnote 1, supra, in considering this proposal, in addition to the Caldwell petition for rule making on it, we shall also consider the following pleadings in Docket No. 19551 which relate to the Caldwell proposal: comments and reply comments filed by Caldwell; opposing comments filed by Dan L. Winn (Winn), a radio engineer at North Little Rock, Arkansas; and reply comments filed by Radio Jacksonville, Incorporated, licensee of radio station KGMR (AM) and KGMR-FM, Jacksonville, Arkansas. We shall not, however, consider herewith the untimely opposing comments submitted by Joe Biard, the proponent of the conflicting Batesville Channel 226 proposal (RM-2113) herein, on July 30, 1973, for consideration with the Caldwell petition in his supplemental pleading, entitled "Amendment to Petition", or the untimely opposition to the Caldwell petition, submitted October 23, 1973, by Samuel Preston Bridges, t/a Bridges

Broadcasting Service, an applicant for Channel 296A at Benton, Arkansas.<sup>2</sup>

6. At present, Little Rock, the capital of Arkansas and its largest city, has six AM stations, four of which are unlimited time stations, and four Class C FM stations which operate on Channels 231, 239, 253 and 279, the only Little Rock FM assignments. In addition to these ten Little Rock stations, there are four other aural broadcast stations in Pulaski County: Two AM stations, one an unlimited time facility, at North Little Rock (1970 pop. 60,040), which is located adjacent to Little Rock, directly across the Arkansas River; and Radio Jacksonville's daytime-only AM station (KGMR) and FM sta-

<sup>2</sup> While the Biard untimely submission was accompanied by a request for waiver of filing requirements, the untimely submission of Bridges was not, and neither of these untimely submissions, or the Biard waiver request, advanced any argument or circumstances which would constitute good cause for the acceptance and consideration of these late-filed pleadings. In order not to undermine our processes (which has added importance in FM assignment cases because a substantial backlog exists), in the absence of a showing of extraordinary circumstances or that justice clearly requires such action, we are opposed to the acceptance of pleadings in FM proceedings after the time limit for public comment expires. No such showing has been made by these parties to warrant acceptance of their late submissions at this stage of this proceeding. They both, of course, may resubmit their untimely comments on the Caldwell proposal, together with any additional comments they may care to make on it, for consideration in the rule making proceeding which we are herein ordering on the proposal.

tion (KGMR-FM), which operates on Channel 262, at Jacksonville, Arkansas (1970 pop. 19,832), about 15 miles north-east of Little Rock. Benton, the seat of Saline County, located approximately 20 miles southwest of Little Rock, has two daytime-only AM stations and one unoccupied Class A FM assignment, Channel 296A, which the subject Caldwell proposal for Little Rock would replace with Class C Channel 226. A pending application was tendered for the Benton Channel 296A assignment on September 27, 1973.<sup>3</sup>

7. It appears from the Caldwell engineering showing that no available Class C (or Class A) FM channel meeting minimum mileage separation requirements could be assigned to Little Rock without requiring changes in other assignments, and that the proposed Class C Channel 295 assignment to Little Rock could conform with spacing requirements if the Benton Channel 296A assignment is deleted or changed. It also appears that, while no available Class A channel meeting spacing requirements could be assigned to Benton, the Caldwell proposal to assign Class C Channel 226 to Benton as a replacement for Channel 296A could meet all spacing requirements. He urges that the assignment of the proposed Class C channel to Benton, besides allowing for an additional FM assignment to Little Rock, will have the added benefit of providing Benton with a more appropriate assignment, considering its size and that of Saline County, as well as the coverage provided to the Benton area from the Little Rock and Hot Springs Class C stations.

8. A Little Rock Channel 295 station would have to operate from an antenna site at least 16 miles east of the city in order to meet the required 65-mile separation from Station KXOW-FM, Channel 292A, Hot Springs. A Benton Channel 226 station would have to operate from an antenna site at least 13 miles south of Benton to meet the required 30-mile spacing from Station KARN-FM, Channel 279, Little Rock. Caldwell claims that a Little Rock Channel 295 station would provide the required coverage to Little Rock by operating with power of 100 kW and antenna height above average terrain (HAAT) of 500 feet from a site meeting spacing requirements, approximately 20 miles southeast of the city, or by operating with the same power and 1,000 feet HAAT, from a site meeting spacing requirements, approximately 28

<sup>3</sup> The application was tendered for filing by Samuel Preston Bridges, t/a Bridges Broadcasting Service, who subsequently filed the above-discussed untimely opposition to the Caldwell petition. A previous application for the Benton assignment was tendered by Bridges on August 23, 1973. It was found to be unacceptable for technical reasons (short spacing) and was returned to him on August 31, 1973.



miles southeast of Little Rock. He also claims that a Benton Channel 226 station, operating with power of 100 kW and 500 feet HAAT, would have no difficulty in providing the required coverage to Benton from a site meeting spacing requirements. The Benton Channel 226 proposal would, however, conflict with the Batesville and Mountain View Channel 226 proposals, discussed below.

9. In his opposing comments, Winn questions the technical feasibility of the Caldwell proposal. He contends that a Little Rock Channel 295 station would, because of the hilly terrain in and around Little Rock, encounter substantial shadow effect if it operated from an antenna site in either of the areas southeast of Little Rock which Caldwell believes to be technically suitable and that it would not be able to meet the requirements of § 73.315 (a) and (b) of the rules for serving Little Rock. In addition, Winn submitted the affidavits of a number of crop duster pilots to evidence their opposition to the construction of a tall tower in the area suggested by Caldwell. He further points out that Caldwell did not submit a preclusion study as to Channel 226 for Benton.

10. In reply, Caldwell contends that Winn's belief that the shadow problem for a Little Rock Channel 295 operation would be serious is unfounded and is probably due to his use of an exaggerated elevation scale in his radial profile graphs and to not recognizing that dual polarized transmissions (i.e., horizontal and vertical polarized transmission) from the transmitter site were proposed in his showing. As to the air hazard allegation, Caldwell states that there are presently large well-marked steel structures supporting power lines in the area of the proposed tower site for a Channel 295 facility and that his tower should cause no more problem to the local crop dusting pilots than these present structures since it also would be well-marked and easily identifiable to them. With regard to the lack of a preclusion study for the proposed Benton Channel 226 assignment, as Caldwell points out, we normally do not require such a study for a proposed replacement channel assignment, especially where, as here, no other substitute channel appears to be available.

11. A comparison of the profile graphs submitted by Winn and Caldwell for a Little Rock Channel 295 operation shows that the shadow effects would occur in the same general areas. We therefore find no merit in Caldwell's allegation that the shadow effect claimed by Winn is the result of his use of exaggerated elevation scales. However, as to both the shadow effect and air hazard questions, it must be borne in mind that the location of the antenna for a Little Rock Channel 295 facility is not limited to the southeast of Little Rock. The transmitter could be located northeast of Little Rock, north of Lonoke, Arkansas, as well, and the shadow effect and any potential air hazard problem would be different. Since there are a number of possible antenna

sites, consideration of the feasibility of a specific site proposal should be undertaken, we believe, at the application stage. In any event, for our purposes at this stage, it is plain that Little Rock would be encompassed within the required 70 dBu contour from any of the possible sites considered in the Caldwell showing.

12. The Caldwell preclusion study indicates that the proposed Little Rock Channel 295 assignment would foreclose future assignments on Channels 292A, 294, 295 and 296A. Caldwell contends that there are no communities with over 10,000 population within the precluded areas which would warrant a Class C assignment. There are, however, a number of Arkansas communities in the Channel 292A and Channel 296A "precluded" areas without an FM assignment where a Class A channel could be assigned, such as Beebe (population 2,805); Lonoke (population 3,140); Cabot (population 2,903); Warren (population, 6,433); Dumas (population, 4,600); and Dermott (population, 4,250). While Caldwell claims that other available Class A channels can be assigned to these communities, none were specified. Such information should be supplied.

13. In support of his proposal, Caldwell urges that Little Rock, the largest city in Arkansas, and the geographic, cultural, economic and governmental center of the state, warrants a fifth FM assignment in view of its size, economy and rate of growth, as well as its status as the state capital, to provide needed increased diversification of programming in the Little Rock market. He states that a projection of the rate of Little Rock's rate of growth between 1960 and 1970, nearly 23 percent, indicates that Little Rock's present population is now around 138,577 and by 1980 will reach over 160,000; that its economy is diversified, with manufacturing, government, trade, agriculture and transportation the most important sectors; and that the growth of the area has resulted from many economic factors, the newest economic boost being the opening of the Arkansas River to navigation on a year-round basis. It is his view that the Arkansas River Navigation Project, which passes through Little Rock, and provides an all-year, nine-foot channel connecting with the Mississippi River and the Inland/Intercoastal Waterway System, will insure the continued economic and population growth of Little Rock. Extensive statistical data are submitted with respect to retail sales, bank deposits, airline passengers, school enrollment, utility connections, motor vehicle registrations and other "business barometers" furnished by the Little Rock Chamber of Commerce to illustrate the growth pattern of the Little Rock area since 1960 and its prospects for continued future growth.

14. In addition, Caldwell points out that, not only is Little Rock the largest city in the state, but it has more than twice the population of any other city; that it is the most rapidly growing population center in the state, with Little

Rock and North Little Rock, the third largest city in Arkansas, for all practical purposes, one single market with a combined 1970 population of nearly 200,000, representing more than two-thirds of the total population of Pulaski County and nearly 15 percent of the population of the entire state; and that this market is relatively isolated from major cities and markets, being some 40 miles from the fourth largest city in Arkansas (Pine Bluff) and approximately 137 road miles from the nearest out-of-state larger city (Memphis, Tennessee).

15. Caldwell urges that while the size of Little Rock alone justifies a fifth assignment, another consideration is that it seeks the assignment to provide the Little Rock area with a local outlet for high quality religious programming, a type of programming not presently available in the Little Rock market and for which he has discerned a need. In its reply to the Caldwell petition in Docket No. 19551, Radio Jacksonville states that Caldwell omitted its Jacksonville stations (KGMR and KGMR-FM) from his list of broadcast services available in the area and informs that, while its Jacksonville AM and FM stations do not serve, or propose to serve, the city of Little Rock, they do serve a portion of Pulaski County, including Jacksonville, Cabot, North Little Rock and the northern part of Pulaski County, and devote over 50 percent of their broadcast time to religious programs and gospel music. In reply, Caldwell states that the Jacksonville stations were not mentioned in his analysis of available services since they neither serve, nor propose to serve, the city of Little Rock, and he submits that, in view thereof, the service provided by the Jacksonville stations in no way lessens the need for a quality religious format station to serve Little Rock.

16. *Mountain View, Arkansas (RM-2064)*. The petitioner, James A. Pearson (Pearson), requests the assignment of Channel 224A to Mountain View for a first FM assignment and a first broadcast service there and in Stone County, of which Mountain View is the seat. The requested channel could be assigned to Mountain View in conformance with all mileage separation requirements without changing any existing assignment. The proposal, however, conflicts with the mutually exclusive Channel 226 proposals for Mountain View and Batesville, discussed below.

17. Petitioner urges that it would be in the public interest to provide opportunity for Mountain View and Stone County to have a first local broadcast service by making the requested assignment. He states that Mountain View is a separate, distinct community in need of a local outlet; that a "Folk Cultural Center" of national and regional interest is being opened there; and that the Blanchard Springs Caves, the largest known caves in the country, and within five miles of Mountain View, are being opened. He further states that if the requested assignment is made, he will promptly apply for its use.



18. *Batesville, Arkansas (RM-2113)*. The petitioner, Joe Biard (Biard), requests the assignment of Class C Channel 226 to Batesville for a first FM assignment there and in Independence County, of which Batesville is the seat.<sup>4</sup> The Batesville Class IV AM station (KBTA) is the only broadcast outlet presently in operation in Independence County. The requested channel could be assigned to Batesville in conformance with all mileage separation requirements without changing any existing assignment if utilized at a site at least seven miles northwest of the city. The proposal conflicts, however, with the above-mentioned Mountain View Channel 224A and Little Rock Channel 295-Benton Channel 226 proposals, as well as with the Mountain View Channel 226 proposal discussed below. With regard to the conflicting Mountain View Channel 224A proposal of Pearson, Biard proposes that the conflict be removed to permit both Mountain View and Batesville to have an FM assignment by substituting FM Channel 249A for the Channel 224A assignment to Mountain View requested by Pearson. His showing indicates that Channel 249A could be assigned to Mountain View without changing existing assignments.<sup>5</sup>

19. The proposed assignment of Channel 226 to Batesville (or Mountain View) would foreclose future assignments on Channels 224A, 226 and 228A. The areas of preclusion are limited in size, and the communities located therein which could qualify for an FM channel have assignments and do not appear to warrant an additional assignment. Benton, however, is within the "precluded" Channel 226 area, and the conflicting Caldwell Little Rock Channel 295 proposal, which would replace Channel 296A at Benton with Channel 226, is also before us.

20. Biard, in support of his petition and proposal, states that Batesville is located at the center of a fast growing area for manufacturing, agriculture and recreation, as indicated by the U.S. Census data in paragraph 4 above. He lists a number of industries in or close to the city; points to the fact that gross sales of agricultural products in Independence County are approximately \$15.2 million annually; that there is a sizeable timber industry in the area; that, hunting

and fishing, as well as the annual White River Water Carnival and the Ozark Poultry Festival, attract a great many visitors; and that the community is the home of Arkansas College, a four year liberal arts institution founded in 1872. If the requested assignment is made, Biard states that he intends to apply for it and proposes, in addition to the usual broadcast services, to provide Batesville and the many surrounding communities with such services as general newscasts about each local area, special school bus announcements during the winter months, and announcement of calls for blood donors, of general highway conditions, and of church and civic club meetings and activities.

21. *Mountain View, Arkansas (RM-2226)*. The petitioner, Preston Grace, Jr. (Grace), seeks the assignment of Channel 226 to Mountain View for a first assignment because of the belief that a wide-coverage Class C channel would better serve the needs of Mountain View, Stone County and the north central Arkansas area than would a Class A assignment, such as Channel 224A, proposed by Pearson, and that Channel 226 could be more efficiently utilized at Mountain View with minimum impact on other assignments than at Batesville. He points out that a natural ridge of mountain exists between Batesville and Mountain View which shields the reception into Mountain View and that it would require a careful selection of a site in order that service would be provided to a wide area, including Mountain View and Batesville. He claims that finding such a site would be easier if Channel 226 is assigned to Mountain View instead of to Batesville. While Channel 226, as to Batesville, must be utilized at a site at least seven miles northwest of the city, it can be used in Mountain View itself or at any point twenty miles east of Mountain View to a location seven miles northwest of Batesville. The preclusionary effect of a Mountain View Channel 226 assignment would be the same as for a Batesville Channel 226 assignment, discussed in paragraph 19 above.

22. Opposing comments on the Grace proposal were filed by Biard, the Batesville Channel 226 proponent. He is of the view that Batesville warrants the proposed Channel 226 assignment over Mountain View since it is the larger community and he believes that Channel 226 in Batesville would make for a better service. Biard also points out that his alternative Channel 249A proposal for Mountain View, discussed in paragraph 18 above, would enable both Batesville and Mountain View to have an FM assignment.

23. Grace, in support of his proposal, states that while a Class A assignment to Mountain View is to be desired over no assignment, there is a distinct need for a Class C assignment there to provide a first local aural broadcast service to Mountain View and a wide-area service in Stone County and this north central Arkansas area, which includes Inde-

pendence County and Batesville. He urges that, although the population of Mountain View and Stone County does not at present indicate the need for a wide-coverage Class C FM service, it is warranted in view of developments which indicate a need for the service in the near future and preplanning to provide the service. Grace points out that Mountain View and Stone County constitute a growing semi-rural area, with Mountain View, the county seat, serving as the county's only commercial center of activity of any consequence and also as the focal point of a folk music cultural movement. The area, in his view, has an extremely bright potential for further, long run, exceptional population and economic growth as a result of two developments in particular: the construction of the Folk Cultural Center in Mountain View, for which over 3.4 million dollars has already been spent, and the development of the Blanchard Caverns, on which 5 million dollars in federal funds have thus far been spent, and which are due to open this year. Grace considers it nearly certain that these developments will greatly increase tourism in the area, pointing out that it is projected that by 1975 over half a million visitors will be touring the caverns annually and that the Folk Cultural Center will be open daily to visitors except in the winter months, and then on weekends, with a 1,000 seat auditorium for nightly folk music programs, 17 craft shops, facilities for training and education, as well as a restaurant and 60-unit motel. He expects the Folk Center to not only stimulate the economy in its every-day operation but also to encourage similar craft-oriented operations, such as the Dulcimer Factory at Mountain View, which manufactures rare musical instruments, to locate in the area. He claims the area is already feeling an economic boost from these developments and that construction, which includes new supermarkets, a restaurant, travel park, and extensive road work between Mountain View and Blanchard Caverns, is on the increase. Statistical data was also submitted with respect to population, income and housing, family income and bank deposits and accounts for Mountain View, Stone and Independence counties, and Batesville to reflect the past and present upward growth trend of this area. If the requested Class C assignment is made, Grace states that he intends to apply for it as soon as it becomes available.

#### DISCUSSION

24. The petitioners, we believe, have each made an adequate showing to warrant consideration of a possible assignment to Little Rock, Batesville and Mountain View. From our study of their conflicting proposals and the available FM channel assignment possibilities, it appears that there are several ways that the conflicts could be resolved in conformity with technical requirements to provide Little Rock with an additional Class C FM assignment and Mountain View and Batesville each with a Class A

<sup>4</sup> Several supporting letters were also received from Batesville residents.

<sup>5</sup> Attached to the Biard petition for rule making is a copy of a letter from Biard to Pearson informing him of the Biard Mountain View Channel 249A proposal to remove the conflict with his Batesville Channel 226 proposal. Also attached is a request for waiver of any cutoff date regarding the Pearson Mountain View Channel 224A proposal which would preclude consideration of the Biard alternate Channel 249A proposal for Mountain View to remove the conflict with the Pearson Channel 224A proposal and his Batesville Channel 226 proposal. The request is granted since, at this stage, we are considering all possible non-conflicting alternatives for proposed assignments to the communities herein involved.



assignment or one of them with a Class C assignment should we decide, after further consideration in rulemaking, any or all of them warrant an assignment. Assuming that Channel 295 would be assigned to Little Rock and Channel 226 would be substituted for Channel 296A at Benton, it appears that it would be technically feasible to provide Class A assignments to both Mountain View and Batesville or a Class C assignment to one of them in one of the following manners:

	City	Channel
Alternative I.....	Mountain View.....	224A or 249A.
	Batesville.....	249A, 224A.
Alternative II.....	Mountain View.....	277.
Alternative III.....	Batesville.....	277.
Alternative IV.....	Mountain View.....	277.
	Batesville.....	249A or 228A.
Alternative V.....	Mountain View.....	224A.
	Batesville.....	277.

25. Channel 226 could also be assigned to either Mountain View or Batesville if it is not substituted for Channel 296A at Benton, as proposed, in order to permit the assignment of Channel 295 to Little Rock. Channel 226 appears, however, to be the only available FM channel which could replace the Benton Channel 296A assignment. Considering Benton's size (1970 population, 16,499), there appears no justifiable reason for deleting its only FM assignment without replacement. While the assignment of a wide-area Class C channel to either Batesville or Mountain View may possibly be merited, notwithstanding that Class C channels are not normally assigned to communities the size of Batesville (1970 population, 7,209) or Mountain View (1970 population, 1,866), it appears that a Class C assignment to both of them, considering their size and proximity (27 miles), could not be justified and that the conflict with the Little Rock-Benton proposal could be avoided by considering possible assignment of Channel 277 instead of Channel 226 to one of them.

26. Staff study indicates that Channel 277 could be used just as efficiently as Channel 226 at Mountain View since it could also be used in the community or at an antenna site about six miles east of Mountain View where the highest point on the mountain ridges exists or at a site 15 to 20 miles southeast, as well as at other sites on the mountain ridges. It also appears that Channel 277 would be a feasible assignment for Batesville, even though it would not allow the antenna to be located as close to the community as would Channel 226. However, from a required antenna site at least 13 miles southwest or 20 miles west of Batesville, a Class C Channel 277 station would be able to provide the requisite signal over Batesville.

27. The supporting comments submitted on conflicting Class C proposals for Batesville and Mountain View should furnish sufficient information to enable us to assess the merit of a Class C as-

ignment to the community proposed over the other community and despite our Class C assignment criteria. Among other things, information should be supplied concerning the distance of these communities from large population centers and the aural broadcast services available to the area. In addition, a showing should be made of the area and population that a station on the proposed Class C assignment would serve as compared to a Class A station, and of the area and population, if any, which would receive a first or second FM service from a station on the proposed Class C assignment, and as compared to a Class A station. For this purpose, the procedure outlined in Roanoke Rapids and Goldsboro, North Carolina, 9 F.C.C. 2d 672 (1967) should be followed.

28. In view of the foregoing, and pursuant to authority found in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, we propose to consider amendment of the FM Table of Assignments, § 73.202(b) of the Commission's rules, as alternatively proposed by us for consideration for the named communities below:

City	Channel No.	
	Present	Proposed
Little Rock, Ark.....	231, 239, 253, 279.	231, 239, 253, 279, 285.
Benton, Ark.....	286A.	226A <sup>1</sup>
and		
ALTERNATIVE I		
Mountain View, Ark.....		224A or 249A.
Batesville, Ark.....		249A, 224A.
ALTERNATIVE II		
Mountain View, Ark.....		277.
Batesville, Ark.....		
ALTERNATIVE III		
Mountain View, Ark.....		277. <sup>2</sup>
Batesville, Ark.....		
ALTERNATIVE IV		
Mountain View, Ark.....		277.
Batesville, Ark.....		249A or 228A.
ALTERNATIVE V		
Mountain View, Ark.....		224A.
Batesville, Ark.....		277. <sup>3</sup>

<sup>1</sup> In order to meet the minimum spacing requirements of our rules, a site 16 miles east of Little Rock would be required.

<sup>2</sup> To meet spacing requirements, a site 13 miles south of Benton would be required.

<sup>3</sup> To meet spacing requirements, a site 13 miles southwest or 20 miles west of Batesville is required.

29. *Showings required.* Comments are invited on the proposals discussed above. Proponents will be expected to answer whatever questions are raised and to supply whatever information is requested in the Notice, and to answer other questions that may be presented in initial comments. The proponents of the proposed assignments are expected to file comments even if they only resubmit or incorporate by reference their former pleading. They should also restate their present intention to apply for the channel if it is assigned and, if authorized,

to build the station promptly. Failure to file may lead to denial of the request.

30. *Cutoff procedures.* The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rulemaking which conflict with the proposals in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

31. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before January 5, 1974, and reply comments on or before January 15, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

32. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

33. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street NW.).

Adopted: November 21, 1973.

Released: November 27, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>\*</sup>

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.73-25320 Filed 11-28-73;8:45 am]

[ 47 CFR Part 73 ]

[Docket No. 19877]

#### FM BROADCAST STATIONS IN CERTAIN CITIES IN NEW HAMPSHIRE

##### Proposed Table of Assignments

In the matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations. (Sanford, Maine, and Rochester, New Hampshire), Docket No. 19877.

1. The Commission, on its own motion, proposes to make changes in the Table of FM Assignments to alleviate the short-spacing situation affecting the only channel assigned to Rochester, New Hampshire. Comments are invited on the proposal described below, which would substitute Channel 244A (now assigned to Sanford, Maine) at Rochester for

\* Commissioner H. Rex Lee absent.



Channel 280A and would substitute Channel 221A for Channel 244A at Sanford.

2. Although applied for, there is no presently authorized use of Channel 280A at Rochester. The newly developed interest in use of the channel pointed up the fact that it was short-spaced. Fortunately, there appears to be a remedy. Thus, if Channel 244A now assigned to Sanford, Maine, but now vacant, were assigned to Rochester, New Hampshire, there would be no spacing problem. Channel 221A could then be assigned to Sanford to replace Channel 244A. Although not part of this proceeding, it may well be that Channel 280A, once removed from Rochester, could be put to better use elsewhere in the area.

3. Comments on the above proposal are invited. There is one additional matter to consider in connection with our proposal and comments responsive to it which are filed. Because of the proximity of the communities involved to the Canadian border, this matter requires coordination with that Country's officials. It is our expectation that Canadian views on the proposal can be received in sufficient time to avoid any delay in what otherwise would have been the expected time in which to conclude this proceeding.

4. *Cutoff procedure.* The following procedure will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rule-making which conflict with the proposal in this notice, they will be considered as comments in this proceeding, and Public Notice to that effect will be given, as long as filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

5. In view of the foregoing and pursuant to authority contained in sections 4(i), 5(d)(1), 303 and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, we propose for consideration the following revisions in our FM Table of Assignments (§ 73.202(b) of the rules) with respect to the cities listed below:

City	Channel No.	
	Present	Proposed
Sanford, Maine.....	244A	221A
Rochester, N.H.....	280A	244A

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before January 5, 1974, and reply comments on or before January 15, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties, shall be made in written comments, reply comments, or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the Commission's rules and

regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street NW., Washington, D.C.

Adopted: November 20, 1973.

Released: November 23, 1973.

[SEAL] WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc.73-25321 Filed 11-28-73;8:45 am]

[ 47 CFR Part 73 ]

[Docket No. 19876]

FM BROADCAST STATIONS IN WICHITA FALLS, TEXAS

Proposed Table of Assignments

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Wichita Falls, Texas), Docket No. 198760.

1. The Commission hereby proposes on its own motion to remove FM Channel 236, one of the channels assigned to Wichita Falls, Texas.

2. Wichita Falls, Texas, presently has four FM channel assignments, Channel 225, 236, 260, and 277, all Class C. An application is pending for Channel 225 and Channel 260 is assigned to Station KLUR(FM). Although Station KNTD (FM) is licensed for Channel 236, it was granted a construction permit to change to Channel 277 and to increase its facilities. This need to change channels was occasioned by the short-spacing on Channel 236 to Station KAMC(FM), Arlington, Texas, on Channel 235 which pre-dated our rules specifying minimum mileage spacings. Because of this short-spacing, both stations are restricted by our rules to facilities not to exceed 50 kW E.R.P. However, with a change in frequency, the restrictions on both would be removed and both would be able to operate with maximum facilities.

3. Because of the serious short-spacing affecting the "grandfathered" Channel 236 assignment at Wichita Falls, there is no possibility that this channel could be put to efficient use there. Accordingly, we are proposing to delete the short-spaced channel, and we invite comments on this proposal. We are not now providing for a substitute channel. As a consequence, Wichita Falls would have only three assignments. Since Wichita Falls' population is almost 100,000, however, there is no necessary impediment to its having four channels. Therefore, we will consider counter-proposals which urge the assignment of a substitute channel. We expect any party proposing such a substitution to document not only the availability of the channel for such use but its lack of serious preclusionary impact as well. In addition we need the usual assurance that the interested party would proceed to promptly put such channel to use.

4. *Cutoff procedure.* The following procedure will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rule-making which conflict with the proposal in this notice, they will be considered as comments in this proceeding, and Public Notice to that effect will be given, as long as filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

5. In view of the foregoing and pursuant to authority contained in sections 4(i), 5(d)(1), 303 and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, we propose for consideration the following revision in our FM Table of Assignments (§ 73.202(b) of the rules) with respect to the city listed below:

City	Channel No.	
	Present	Proposed
Wichita Falls, Tex.....	225, 236, 260, 277	225, 260, 277

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before January 5, 1974, and reply comments on or before January 15, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties, shall be made in written comments, reply comments, or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street NW., Washington, D.C.

Adopted: November 20, 1973.

Released: November 23, 1973.

[SEAL] WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc.73-25322 Filed 11-28-73;8:45 am]

[ 47 CFR Part 25 ]

[Docket No. 19770]

COMMUNICATIONS SATELLITE CORP.  
AND COMSAT GENERAL CORP.

Order Extending Time for Comments

In the matter of amendment of Part 25 of the Commission's rules and regulations with respect to Commission authorization of the issuance of securities, borrowing of money, or assumption of obligations in respect of the securities of



another person by the Communications Satellite Corporation.

1. The Communications Satellite Corporation (Comsat) and COMSAT General Corporation (Comsat General) have filed a joint request, dated November 20, 1973, to extend to November 30, 1973 the time for filing comments in the above-referenced proceeding. (Published at 38 FR 29819, in the issue of Monday, October 29, 1973.)

2. By Orders, released July 24, 1973, September 25, 1973 and October 23, 1973, the Chief, Common Carrier Bureau extended the original time for filing comments in this proceeding. These extensions were granted on condition that Comsat or Comsat General notify the Commission at least 60 days in advance should either corporation propose to engage in any financing during the period prior to final Commission action on the rules proposed in this proceeding.

3. The last two extensions of time was granted to provide time to consider the relationship between the comments in this proceeding and the Commission's Memorandum Opinion, Order and Authorization, (FCC 73-958), issued on September 12, 1973, concerning Comsat's applications for a domestic satellite system, which required Comsat to submit to the Commission a revised plan for the financing of Comsat General. On November 14, 1973, Comsat filed said financing plan. Comsat and Comsat General now state that they are in the process of finalizing their comments but that in view of the length and importance of the filings they are preparing and the intervention of the Thanksgiving holiday, they need an additional four day extension.

4. Accordingly, pursuant to § 0.303(c) of the Commission's rules and regulations, since good cause has been shown to exist: *It is ordered*, That the time for filing comments in the above-referenced proceeding is extended until November 30, 1973 and the time for filing reply comments is extended until December 11, 1973: *Provided*, That Comsat and Comsat General comply with the condition set forth in paragraph 2 above.

Adopted and Released: November 21, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] A. C. ROSEMAN,  
Chief, International and Satellite  
Communications Division.

[FR Doc. 73-25328 Filed 11-28-73; 8:45 am]

FEDERAL RESERVE SYSTEM

[ 12 CFR Part 210 ]

FEDERAL RESERVE BANKS

Proposed Transfer of Funds

Under section 16 of the Federal Reserve Act (12 U.S.C. 248(o)), the Board of Governors is authorized to promulgate regulations governing the transfer of funds through Federal Reserve Banks, their Branches, and regional facilities. Since the inception of wire transfers of

funds—a forerunner of modern electronic funds transfers—some 50 years ago, such transfers have been regulated only by instructions issued by the Board to the Federal Reserve Bank and by Federal Reserve Bank operating circulars issued to member banks.

The Board is currently considering the promulgation of regulations relating to this matter in the form hereinafter set forth, which will be consistent with the expanding use of electronic funds transfers as a substitute for checks. This regulation is intended to delineate the legal rights and responsibilities of the parties and the procedures to be used henceforth for such funds transfers within the Federal Reserve System. At the same time, as the processing of check volume becomes increasingly costly to the economy, and as the technology of funds transfers enters a new phase, the Board takes this opportunity to solicit comments on the basic structure of the nation's payments mechanism, including the role of the Federal Reserve System and other institutions.

The proposed new rules are in the form of an amendment to Regulation J. The present provisions relating to check collections would become Subpart A of the Regulation. The rules regarding electronic transfers of funds through Federal Reserve facilities would be designated as Subpart B and Subpart C of the Regulation, dealing, respectively, with the transfers of credits and debits. The rules regarding collection of checks and other items, contained in Subpart A, would not apply to the processing of electronic items.

Under the proposed regulation, a request for transfer of funds through a Reserve Bank initiated by one bank (the "transferor") for credit to another bank (the "transferee") contained in certain approved media, would be referred to as a "credit item" in Subpart B. An instruction for the payment of money by a "payor" bank, initiated by a "payee" bank, contained in approved media, is designated as a "debit item" under Subpart C. The regulation would specify the terms and conditions under which such items would be processed for member banks by the Reserve Banks.

In the past, telegraphic transfers of funds have been initiated primarily by means of an oral or written communication from the transferor bank and manually processed through Reserve Banks for subsequent delivery to the transferee bank. Present wire transfer volumes in most Reserve Banks have already exceeded a level at which manual processing is feasible. Displacement of such low speed manual operations by high speed electronic processing is nearing completion.

The context in which the proposed regulation is presented is set forth in the Board's statement of policy issued on June 18, 1971 (57 Federal Reserve Bulletin, June, 1971 at 546-547). In that statement the Board assigned a high priority to the improvement of the Nation's payments mechanism and to the de-

velopment of an electronic substitute for an overburdened check collection system.

To aid in the consideration of further action in this area by the Board, interested persons are given the opportunity herein, for a period of 120 days, to submit relevant data, views, or arguments. The Board wishes to encourage the widest possible participation in this process and may extend the period if circumstances warrant. In addition to comment on the specific proposal contained in the regulation, and in recognition of the fact that Regulation J is but one part of a system which has broad economic and financial implications, the Board invites comments on other issues concerning electronic funds transfers, including:

1. What are the appropriate roles in the ownership and operation of the various components and adjuncts of an electronic funds transfer system of (a) the Federal Reserve System; (b) other public bodies; and (c) private institutions or groups thereof, including: Commercial banks; automated clearing houses operated by clearing house associations or other associations of commercial banks; bank or nonbank credit card companies; savings and loan associations; mutual savings banks; credit unions; the "bank wire"; and nondepository institutions such as: Communication utilities or companies, electronic equipment vendors or service bureaus, and vendors generally whose convenience or other credit extension may cause them to act as "concentrators" or otherwise to affect the flow of money payments.

2. What should be the extent and conditions of access to the funds transfer system by various depository institutions? Should other financial or nonfinancial institutions have access to the system? If so, on what terms?

3. How the cost of electronic funds transfers should be allocated, including such questions as whether the Federal Reserve should charge for any use of its transfer facilities; if so, against whom should the charges be levied, whether they should cover all costs, and whether reserves maintained by member banks should be taken into account in any fee schedule which might differentiate between Federal Reserve member and non-member institutions?

This notice is published pursuant to section 553(b) of Title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors.

Any material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20561, to be received not later than March 8, 1974. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

To implement its proposal, the Board is considering amending Regulation J (12 CFR Part 210) as set forth below:

1. The title of Part 210 would be changed to read as follows:

**PART 210—COLLECTION OF CHECKS AND OTHER ITEMS AND TRANSFERS OF FUNDS**

2. The Table of Contents of Part 210 would be changed to read as follows:



**Subpart A—Collection of Checks and Other Items**

- Sec.
- 210.1 Authority and scope.
- 210.2 Definitions.
- 210.3 General provisions.
- 210.4 Sending of items to Federal Reserve Banks.
- 210.5 Sender's agreement.
- 210.6 Status and warranties of Federal Reserve Bank.
- 210.7 Presentment for payment.
- 210.8 Presentment of noncash items for acceptance.
- 210.9 Remittance and payment.
- 210.10 Time schedule and availability of credits with respect to cash items.
- 210.11 Availability of proceeds of noncash items.
- 210.12 Return of cash items.
- 210.13 Chargeback of unpaid cash items and noncash items.
- 210.14 Timeliness of action.
- 210.15 Effect of direct presentment of certain warrants.
- 210.16 Operating letters.

**Subpart B—Transfers of Funds—Credit Transfers**

- 210.50 Authority and scope.
- 210.51 Definitions.
- 210.52 General provisions.
- 210.53 Approved media for issuance, transmission or recording of transfer items.
- 210.54 Transferor's agreement.
- 210.55 Transferee's agreement.
- 210.56 Issuance of transfer items and telephonic requests for transfers of funds.
- 210.57 Handling of transfer items and telephonic requests.
- 210.58 Time limits.
- 210.59 Advice of credit.
- 210.60 Issuance and handling of requests for revocation of transfer items and telephonic requests.
- 210.61 Final payment, right to withdraw or use funds.
- 210.62 Timeliness of action.
- 210.63 Liability of a Federal Reserve Bank.
- 210.64 Operating circulars.

**Subpart C—Transfers of Funds—Debit Transfers**

- 210.70 Authority and scope.
- 210.71 General provisions.
- 210.72 Definitions.
- 210.73 Receipt of debit items.
- 210.74 Handling of debit items.
- 210.75 Ordering bank's agreement.
- 210.76 Federal Reserve Bank agreement.
- 210.77 Payment.
- 210.78 Time schedule.
- 210.79 Return.
- 210.80 Chargeback.
- 210.81 Timeliness of action.
- 210.82 Liability of a Federal Reserve Bank.
- 210.83 Operating circulars.

AUTHORITY: Sec. 553(b), Title 5, U.S.C., and 1362.2(a), rules of procedure of the Board of Governors.

3. Part 210 would be amended by inserting immediately before § 210.1 a heading reading:

**Subpart A—Collection of Checks and Other Items**

4. Paragraph (a) of § 210.2 would be amended, but without change in footnotes, to read as follows:

(a) The term "item" means any instrument for the payment of money, whether negotiable or not, which is payable in a Federal Reserve district,<sup>1</sup> is sent by a sender or a nonbank depositor to a Federal Reserve Bank for handling under

this part, and is collectible in funds acceptable to the Federal Reserve Bank of the district in which the instrument is payable; except that the term does not include any check which cannot be collected at par,<sup>2</sup> nor does it include any item as defined in § 210.51(a).

5. Part 210 would be amended to change the words "this part" wherever they occur in §§ 210.1-210.6 to read "this subpart."

6. Part 210 would be amended by adding after § 210.16 the following:

**Subpart B—Transfers of Funds—Credit Transfers**

**§ 210.50 Authority and scope.**

Pursuant to the provisions of paragraph 1 of section 13 of the Federal Reserve Act, as amended (12 U.S.C. 342), paragraph (f) of section 19 of the Federal Reserve Act (12 U.S.C. 464), paragraph 14 of section 16 of the Federal Reserve Act (12 U.S.C. 248(o)), paragraphs (i) and (j) of section 11 of the Federal Reserve Act (12 U.S.C. 248 (i) and (j)), and other provisions of law, the Board of Governors of the Federal Reserve System has promulgated this subpart governing the handling by Federal Reserve Banks of transfer items and telephonic requests for transfers of funds (hereinafter referred to as telephonic requests).

**§ 210.51 Definitions.**

As used in this subpart, unless the context otherwise requires:

(a) The term "item" means any instrument for the payment of money, issued, transmitted or received in accordance with this Subpart.

(b) The term "instrument for the payment of money" means any writing evidencing a right to the payment of money, addressed by one person to another, and contained in or on any medium approved by § 210.53 for the issuance, transmission or recording of transfer items.

(c) The term "transferor" means a member bank, a corporation which maintains an account with a Federal Reserve Bank in conformity with the requirements of § 211.7 of this chapter (Regulation K), a Federal Reserve Bank, an international organization, or a foreign correspondent, or other institution authorized by a Federal Reserve Bank, to issue or send a transfer item to a Federal Reserve Bank, or to request a Federal Reserve Bank by telephone to debit its account and transfer funds to a designated transferee.

(d) The term "transferee" means a member bank, a corporation which maintains an account with a Federal Reserve Bank in conformity with the requirements of § 211.7 of this chapter (Regulation K), a Federal Reserve Bank, an international organization, or a foreign correspondent, or other institution maintaining an account on the books of a Federal Reserve Bank, which is designated in a transfer item or telephonic request to receive the amount thereof.

(e) The term "beneficiary" means a person, firm or corporation (other than the transferee) designated in a transfer item or telephonic request to receive the amount thereof for his or its own use by credit to an account maintained with the transferee or otherwise from the transferee.

(f) The term "transfer item" means either (1) an item issued by a transferor (other than a Federal Reserve Bank) to a Federal Reserve Bank for a debit to an account of the transferor at such Federal Reserve Bank and for a credit to a transferee named in such item, or (2) an item issued by a Federal Reserve Bank to another Federal Reserve Bank for credit to such other Federal Reserve Bank or any other transferee.

(g) The term "international organization" means any international organization for which the Federal Reserve Banks are empowered to act as depositaries or fiscal agents subject to regulation by the Board of Governors of the Federal Reserve System and for which a Federal Reserve Bank has opened and is maintaining an account.

(h) The term "foreign correspondent" means any of the following for which a Federal Reserve Bank has opened and is maintaining an account: a foreign bank or banker, or foreign state as defined in section 25(b) of the Federal Reserve Act (12 U.S.C. 632), or a foreign correspondent or agency referred to in section 14(e) of that Act (12 U.S.C. 358).

(i) The terms "nonbank transferor" and "nonbank transferee" respectively means any department, agency, instrumentality, independent establishment, or office of the United States, or any corporation other than a transferor or a transferee, which maintains or uses an account with a Federal Reserve Bank. Except as may otherwise be provided by any applicable statutes of the United States or regulations issued or arrangements made thereunder, the provisions of this subpart and of the operating circulars of the Federal Reserve Banks applicable to a transferor or to a transferee, as the case may be, are applicable respectively to a nonbank transferor, and to a nonbank transferee.

**§ 210.52 General provisions.**

In order to afford to the banks of the country a direct, expeditious, and economical system for the transfer of funds, each Federal Reserve Bank, in accordance with the terms and conditions set forth in this subpart, shall receive, process and act upon transfer items and telephonic requests and, where appropriate, shall itself issue transfer items and telephonic requests; and the provisions of this subpart and the operating circulars of the Federal Reserve Banks shall be binding upon transferors and transferees.

**§ 210.53 Approved media for issuance, transmission or recording of transfer items.**

A transfer item may be contained in any one of the following media:



(a) A letter, memorandum or other similar writing;

(b) A telegram (including TWX, TELEX, and any similar form of communications); and

(c) Any form of communication, other than voice, which is registered upon, or is in form suitable for being registered upon, magnetic tape, disc or any other medium designed to capture and contain in durable form conventional signals used for the electronic communication of messages.

#### § 210.54 Transferor's agreement.

By its action in issuing and sending any transfer item, contained in any of the media specified in § 210.53, to a Federal Reserve Bank, or by its action in telephonically requesting a Federal Reserve Bank to transfer funds to a designated transferee, a transferor shall be deemed: (a) to authorize said Federal Reserve Bank to apply a corresponding debit to its account; (b) to authorize said Federal Reserve Bank to handle and act upon the transfer item or telephonic request and the Federal Reserve Bank at which the transferee's account is maintained to handle and act upon a transfer item or telephonic request of equivalent import, in accordance with the provisions of this subpart and the operating circulars of such Federal Reserve Banks; and (c) to agree that such provisions shall, insofar as they are made applicable thereto, govern the relationships between such transferor and such Federal Reserve Banks.

#### § 210.55 Transferee's agreement.

(a) A transferee, other than a Federal Reserve Bank, designated in a transfer item or telephonic request to receive the amount thereof, by its action in maintaining or using an account at a Federal Reserve Bank, shall be deemed to authorize that Federal Reserve Bank to execute a transfer of funds to it by making corresponding credit entries on its books.

(b) A transferee, other than a Federal Reserve Bank, receiving from a Federal Reserve Bank the amount of a transfer item or of a telephonic request and an advice of credit which designates a beneficiary to receive the amount, shall be deemed to agree (1) that it will promptly credit said beneficiary's account or otherwise make the amount of the transfer item or telephonic request available to the beneficiary for withdrawal or other use; and (2) that, if it is unable to do so because of circumstances beyond its control, it will give prompt notice of the facts to the Federal Reserve Bank from which it received such amount.

#### § 210.56 Issuance of transfer items and telephonic requests for transfer of funds.

(a) Any transferor, other than a Federal Reserve Bank, may, in accordance with the provisions of this subpart and the operating circulars of the Federal Reserve Bank with which it maintains or uses an account, issue transfer items and

telephonic requests to that Federal Reserve Bank for the transfer of funds to transferees for their own use or the use of beneficiaries: *Provided*, That each transferor shall maintain with such Federal Reserve Bank a daily net balance sufficient to cover the transfers of funds debited to its account.

(b) Any Federal Reserve Bank may, in accordance with the provisions of this subpart, issue transfer items or telephonic requests to another Federal Reserve Bank for its own use or the use of any other transferee or any beneficiary.

(c) If, at any time during a Federal Reserve Bank's business day, a transferor does not have a daily net balance sufficient to cover the transfers of funds debited to its account at the Federal Reserve Bank during that day, that Federal Reserve Bank shall have a security interest in any or all assets of such transferor in its possession.

(d) The Federal Reserve Banks may, from time to time, establish in their operating circulars the minimum or maximum dollar amounts, or both, which will be transferred without charge upon receipt of a transfer item or telephonic request and may also impose reasonable service charges for transfers of funds below any such minimum so established.

#### § 210.57 Handling of transfer items and telephonic requests.

(a) Where the transferor and the transferee maintain or use accounts at the same office of a Federal Reserve Bank, such office receiving a transfer item or telephonic request shall execute a transfer of funds by making corresponding debit and credit entries to those accounts.

(b) Where the transferor and the transferee do not maintain or use accounts at the same office of a Federal Reserve Bank, the office first receiving the transfer item or telephonic request shall debit the transferor's account in the amount to be transferred and shall, as a transferor, issue a transfer item or telephonic request of equivalent import to the office at which the transferee's account is maintained; and that office shall execute a transfer of funds to the transferee by making corresponding debit and credit entries.

(c) When a Federal Reserve Bank having in due time received a transfer item or telephonic request subsequently obtains knowledge that, for whatever reason, it will be unable to effectuate a transfer of funds to the transferee on the day requested, said Federal Reserve Bank shall, within a reasonable time thereafter, notify the transferor of the delay.

#### § 210.58 Time limits.

(a) Each Federal Reserve Bank shall include in its operating circulars a schedule of the time limits showing, with respect to interdistrict, interoffice, and intraoffice transfers of funds, the hours on each business day during which it will receive from transferors transfer items and telephonic requests for consummation on the day of receipt and may in-

clude therein a schedule of time limits during which it will receive transfer items and telephonic requests for consummation on the next business day.

(b) Unless otherwise instructed, each Federal Reserve Bank handling transfer items and telephonic requests will use its best efforts to effect the transfers of funds to the designated transferees on the day of receipt: *Provided*, That such items and requests reach the Federal Reserve Bank not later than the time shown in its schedule of time limits, except that no representation shall be made by a Federal Reserve Bank to the effect that transfers will be consummated on the day requested.

(c) In emergency or other unusual circumstances, a Federal Reserve Bank may, in its discretion, receive after the hours shown in its schedule of time limits transfer items and telephonic requests for consummation on that business day, but only upon the understanding, in the case of an interoffice or interdistrict transfer, that completion of each requested transfer shall be discretionary with the office at which the transferee's account is maintained.

#### § 210.59 Advices of credit and debit.

(a) Written advice of credit in respect of an executed transfer of funds shall be given to the transferee by the Federal Reserve Bank with which it maintains or uses an account or, when the transferor or transferee has so requested, immediate advice of credit shall be given to the transferee by telegraph, telephone, or other form of electronic telecommunications. Immediate advice may also be given where, in the judgment of said Federal Reserve Bank, the nature of the transaction or the amount involved justifies such an action.

(b) Written advice of debit in respect of a transfer of funds shall be given to the transferor by the Federal Reserve Bank with which it maintains or uses an account where funds have been transferred, pursuant to a telephonic request, to a transferee for the account of a beneficiary. Immediate advice of debit (in lieu of written advice) may be given by telegraph, telephone, or other form of electronic telecommunications where, in the judgment of said Federal Reserve Bank, the nature of the transaction or the amount involved justifies such action. If, within 10 business days of the transferor following receipt of the advice of debit, the transferor fails to send to said Federal Reserve Bank written objection to such debit, the transferor shall be deemed to have approved the debit.

#### § 210.60 Issuance and handling of requests for revocation of transfer items and telephonic requests.

(a) Any transferor including a Federal Reserve Bank that has issued a transfer item or a telephonic request may issue to the Federal Reserve Bank with which it maintains or uses an account a request for revocation of such



transfer item or telephonic request. A Federal Reserve Bank shall handle a request for revocation in accordance with the provisions of its operating circulars and this subpart.

(b) *Intraoffice revocation.* Where the transferor including a Federal Reserve Bank and transferee maintain or use accounts at the same Federal Reserve Bank, that Federal Reserve Bank upon receipt of a request for revocation:

(1) Shall cancel the transfer item or telephonic request, if the request for revocation is received at such time and in such manner as to afford that Federal Reserve Bank a reasonable opportunity to act prior to the final payment of the transfer item or telephonic request in question; or

(2) At the transferor's request, shall send a request to the transferee that it return the funds described in the request for revocation to the transferor, if the request for revocation is received later than the time specified in subparagraph (1) of this paragraph.

(c) *Interdistrict and interoffice revocation.* Where the transferor and transferee do not maintain accounts at the same Federal Reserve Bank or at the same Federal Reserve office, the transferor's Federal Reserve Bank upon receipt of a request for revocation:

(1) Shall cancel the transferor's transfer item or telephonic request, if the request for revocation is received at such time and in such manner as to afford it a reasonable opportunity to act prior to issuing its own transfer item or telephonic request; or

(2) At the transferor's request, shall issue a request for revocation of its transfer item or telephonic request to the Federal Reserve Bank at which the transferee's account is maintained, if the request for revocation is received later than the time specified in subparagraph (1) of this paragraph; and

(i) If the Federal Reserve Bank's request for revocation is received at such time and in such manner as to afford the transferee's Federal Reserve Bank a reasonable opportunity to act prior to final payment of the Federal Reserve Bank's transfer item, the transferee's Federal Reserve Bank shall return the funds described in the request for revocation to the transferor; or

(ii) If the Federal Reserve Bank's request for revocation is received later than the time specified in subdivision (i) of this subparagraph, transferee's Federal Reserve Bank, at the transferor's request, shall send a request to the transferee that it return the funds described in the request for revocation to the transferor.

(d) To correct an erroneous or otherwise irregular transfer of funds, a Federal Reserve Bank, upon its own initiative or at the request of another Federal Reserve Bank, may send a request to the transferee to return funds previously transferred to it.

**§ 210.61 Final payment, right to withdraw or use funds.**

(a) A transfer item or telephonic request issued by a transferor is finally paid at the time an advice of credit is sent or telephoned to the transferee by a Federal Reserve Bank.

(b) Subject to the right of a Federal Reserve Bank to apply the transferred funds to an obligation owed to the Federal Reserve Bank by the transferee, credit given by a Federal Reserve Bank for a transfer of funds to the transferee's account becomes available for withdrawal as of right by the transferee upon the sending or telephoning of an advice of credit by the Federal Reserve Bank.

**§ 210.62 Timeliness of action.**

If, because of interruption of communications facilities, war, emergency conditions or other circumstances beyond its control, a Federal Reserve Bank shall be delayed beyond the time limits provided in this subpart or in the Bank's operating circulars or by the applicable law of any State in taking any action with respect to a transfer item or a telephonic request, including but not limited to making corresponding credit and debit entries on its books, sending appropriate advice of credit to the transferee and otherwise making funds available for withdrawal or other use, or, where necessary, effectively transmitting a transfer item or telephonic request of equivalent import to the Federal Reserve Bank at which the transferee's account is maintained, the time of such Bank for taking or completing such action, as limited by this subpart or by the operating circulars, or by the applicable law of any State, thereby delayed shall be extended for such time after the cause of the delay ceases to operate as shall be necessary to take or complete the action, provided the Bank exercises such diligence as the circumstances require.

**§ 210.63 Liability of a Federal Reserve Bank.**

(a) A Federal Reserve Bank, in connection with the matters specified in this subpart or its operating circulars, shall not have, nor shall it assume, any responsibility to a transferee, a beneficiary, or any other party, except its immediate transferor nor shall a Federal Reserve Bank have or assume any liability except for its own or another Federal Reserve Bank's lack of good faith or failure to exercise ordinary care, and, except as herein provided, a Federal Reserve Bank shall not be liable for the insolvency, neglect, misconduct, mistake, or default of another bank or person, including a transferor.

(b) Subject to the limitations on liability hereinabove stated, where a Federal Reserve Bank's conduct, notwithstanding its exercise of good faith and ordinary care, results in a failure to credit the amount of a transfer item or telephonic request to the account of a transferee on the day requested, unless otherwise instructed at the time notice is given the transferor, the Federal Reserve Bank

shall complete the transfer on the next business day with debits and credits posted to the appropriate accounts as of the day the transfer was to have been consummated.

(c) Subject to the limitations on liability hereinabove stated, if the failure to credit the amount of the transfer item or telephonic request to the account of the transferee resulted from a failure on the part of any Federal Reserve Bank to exercise ordinary care or to act in good faith, the transferor shall have the right to recover from the Federal Reserve Bank with which it maintains or uses an account any damages proximately caused by such failure: *Provided, however,* That whether any consequential damages are proximately caused by the Federal Reserve Bank's failure to exercise ordinary care or lack of good faith is a question of fact to be determined in each case.

(d) The Federal Reserve Bank at which the account of the transferee is maintained shall be deemed to agree to indemnify the Federal Reserve Bank at which the transferor's account is maintained for any loss or expense sustained (including but not limited to attorneys' fees and expense of litigation) as a result of the transferee's Federal Reserve Bank's failure to exercise ordinary care or to act in good faith with respect to a transfer item or telephonic request issued to it by the transferor's Federal Reserve Bank at the request of the transferor.

**§ 210.64 Operating circulars.**

Each Federal Reserve Bank shall issue operating circulars (sometimes referred to as operating letters or bulletins), not inconsistent with this subpart, governing the details of its funds transfer operation and containing such provisions as are required or permitted by this subpart.

**Subpart C—Transfers of Funds—Debit Transfers**

**§ 210.70 Authority and scope.**

Pursuant to the provisions of section 13 of the Federal Reserve Act, as amended (12 U.S.C. 342), paragraph (f) of section 19 of the Federal Reserve Act (12 U.S.C. 464), section 16 of the Federal Reserve Act (12 U.S.C. 248(o); 12 U.S.C. 360), paragraphs (i) and (j) of section 11 of the Federal Reserve Act (12 U.S.C. 248(i) and (j)), and other provisions of law, the Board of Governors of the Federal Reserve System has promulgated this subpart governing the handling by Federal Reserve Banks of debit items.

**§ 210.71 General provisions.**

In order to provide for the efficient and economical transfer of bank balances on the books of the Federal Reserve Banks and as a means of improving the nation's payments mechanism, the Board of Governors of the Federal Reserve System has promulgated this subpart. Each Federal Reserve Bank, in accordance with the terms and conditions set forth in this subpart, shall receive, process, and act upon debit items in accordance with the



terms and conditions set forth in this subpart, and the provisions of this subpart and applicable operating circulars of the Federal Reserve Banks shall be binding upon ordering banks and payor banks.

#### § 210.72 Definitions.

As used in this subpart, unless the context otherwise requires: (a) The term "ordering bank" means a member bank issuing and sending a debit item to the Federal Reserve Bank with which it maintains an account.

(b) The term "payor bank" means the bank designated in a debit item as the bank by which the amount of the item is payable and which is located in a Federal Reserve District.

(c) The term "debit item" means an instrument for the payment of money, contained in any of the media approved by § 210.53 of Subpart B of this part, for payment by a payor bank and for credit to the ordering bank, which is issued and sent by an ordering bank to a Federal Reserve Bank for handling under this subpart.

(d) The term "State" means any State of the United States, the District of Columbia, or Puerto Rico, or any territory, possession or dependency of the United States.

(e) The term "banking day" means any day during which a bank is open to the public for carrying on substantially all its banking functions.

(f) The term "wire" includes telephone, telegraph, and cable.

#### § 210.73 Receipt of debit items.

(a) A debit item may be contained in any of the media approved by § 210.53 of Subpart B of this part that is acceptable to the Federal Reserve Bank handling the debit item and shall be deemed to be the same debit item notwithstanding that the medium in which it is contained may change during its handling or return under this subpart.

(b) An ordering bank may, if permitted by the Federal Reserve Bank with which it maintains an account, telephone a debit item issued by the ordering bank to such Federal Reserve Bank. Such telephone message may be recorded by such Federal Reserve Bank.

(c) Unless otherwise agreed, a Federal Reserve Bank shall receive debit items only from the head office of an ordering bank and shall send debit items only to the head office of a payor bank.

#### § 210.74 Handling of debit items.

(a) An ordering bank may, in accordance with the provisions of this Subpart and the applicable operating circulars of the Federal Reserve Bank with which it maintains an account, issue and send

<sup>1</sup> For the purposes of this subpart, the Virgin Islands and Puerto Rico shall be deemed to be in or of the Second Federal Reserve District and Guam and American Samoa shall be deemed to be in or of the Twelfth Federal Reserve District.

debit items to that Federal Reserve Bank.

(b) Where the ordering bank and payor bank are located in the same Federal Reserve territory, the Federal Reserve Bank receiving the debit item will transfer it to the payor bank over the Federal Reserve telecommunications network or by any other means selected by such Federal Reserve Bank.

(c) Where the ordering bank and payor bank are not located in the same Federal Reserve territory, the Federal Reserve office first receiving the debit item will transfer it over the Federal Reserve System telecommunications network to the Federal Reserve office of the territory within which the payor bank is located, and such other Federal Reserve office will transfer the debit item to the payor bank over the Federal Reserve telecommunications network or by any other means selected by such Federal Reserve office.

#### § 210.75 Ordering bank's agreement.

For purposes of this section, the term "ordering bank" includes a Federal Reserve Bank sending a debit item to another Federal Reserve Bank.

(a) By its action in sending any debit item to a Federal Reserve Bank, an ordering bank shall be deemed to authorize said Federal Reserve Bank and the Federal Reserve Bank in whose district the debit item is payable to handle and act upon the debit item, in accordance with the provisions of this subpart and the applicable operating circulars of such Federal Reserve Banks.

(b) An ordering bank shall be deemed to warrant to each Federal Reserve Bank handling the debit item: (1) That it is authorized to give the authority specified in paragraph (a) of this section, and (2) that it is authorized to obtain transfer of the funds in the manner called for by the debit item; and such ordering bank shall be deemed to agree to indemnify each such Federal Reserve Bank for any loss or expense sustained (including but not limited to attorney's fees and expenses of litigation) resulting from the failure of such ordering bank to have the authority to give such authority and warranties or resulting from any action taken by the Federal Reserve Bank within the scope of its authority in handling the debit item.

(c) Whenever any action or proceeding is brought in any court against a Federal Reserve Bank, based upon the alleged failure of such ordering bank to have the authority to give the authority and warranties specified in paragraphs (a) and (b) of this section, or upon any action taken by the Federal Reserve Bank within the scope of its authority in handling such a debit item, or upon any warranty or authority with respect thereto made by the Federal Reserve Bank consistently with § 210.76, the Federal Reserve Bank may, upon the entry of a final judgment or decree in such action or proceeding, recover from the ordering bank the amount of attorney's fees and other expenses of litigation ac-

tually incurred, and, in addition, any amount required to be paid by the Federal Reserve Bank under such judgment or decree, together with interest thereon, by charging the amount thereof to any account of the ordering bank maintained on the books of the Federal Reserve Bank or another Federal Reserve Bank, by the Federal Reserve Bank (or if the ordering bank is the Federal Reserve Bank, by the ordering bank) against such other Federal Reserve Bank, provided only (1) that the Federal Reserve Bank shall have made reasonable demand on the ordering bank in writing to assume the defense of the action or proceeding, and (2) that the ordering bank shall not have made any other provision acceptable to the Federal Reserve Bank for the payment of such amount. A Federal Reserve Bank against which any such charge has been entered may recover from the ordering bank, in any case herein provided, as if the action or proceeding against the Federal Reserve Bank which entered the charge had been brought against it. The failure of any Federal Reserve Bank to avail itself of the remedy provided by this paragraph shall not prejudice the enforcement by it in any other manner of the indemnity agreement referred to in paragraph (b) of this section.

#### § 210.76 Federal Reserve Bank agreement.

By its action in transferring any debit item, a Federal Reserve Bank shall be deemed to warrant to the payor bank and to any other Federal Reserve Bank handling such debit item that it is authorized to obtain payment of the funds called for by the debit item, but otherwise such a Federal Reserve Bank shall not have, and shall not be deemed to assume, any liability to such payor bank or Federal Reserve Bank except for its own lack of good faith or failure to exercise ordinary care.

#### § 210.77 Payment.

A payor bank becomes accountable for the amount of each debit item received by it from a Federal Reserve Bank at the close of the payor bank's banking day on which the debit item was so received<sup>1</sup> if it retains such item after the close of such banking day, unless prior to such time, it pays for the item as herein provided. Payment therefor shall be effected on such day or receipt by a debit to an account on the books of a Federal Reserve Bank. If the banking day on which an item is received by a payor bank is

<sup>1</sup> A debit item received by a payor bank shall be deemed to have been received by the bank on its next banking day if the item is received under one of the following circumstances: (1) On a day other than a banking day for it, or (2) on a banking day for it, but (a) after its regular banking hours, or (b) after a "cut-off hour" established by the Federal Reserve Bank of the district in which the payor bank is located, or (c) during afternoon or evening periods when it is open for limited functions only.



not a banking day for the Federal Reserve Bank from which the item was received, any payment made hereunder shall be effected on the banking day of both such Federal Reserve Bank and such payor bank next following the day of receipt of such item.

#### § 210.78 Time schedule.

(a) Each Federal Reserve Bank shall include in its operating circulars a time schedule showing when the amount of any debit item received by it will be counted as reserve for the purposes of Part 204 of this chapter (Regulation D) and become available for withdrawal or other use by the ordering bank. The ordering bank will be given either immediate credit or deferred credit for such amount in accordance with such time schedule. Notwithstanding the provisions of its time schedule, a Federal Reserve Bank may in its discretion refuse at any time to permit the withdrawal or other use of credit given for any debit item for which the Federal Reserve Bank has not yet received payment in actually and finally collected funds.

(b) A Federal Reserve Bank will use its best efforts to transmit debit items on the day of receipt: *Provided*, That the debit item is received by a Federal Reserve Bank not later than the time shown in the time schedule referred to in paragraph (a) of this section, except that no representation shall be made by a Federal Reserve Bank to the effect that debit items will be transmitted on the day of receipt.

#### § 210.79 Return.

(a) A payor bank that receives a debit item from a Federal Reserve Bank and that pays for such debit item as provided in this subpart shall have the right to recover any payment so made if, before it has finally paid the debit item, it returns the debit item before the close of business of its banking day next following the banking day of receipt. In accordance with the provisions of this subpart and the applicable operating circulars of the Federal Reserve Banks, debit items shall be returned to the Federal Reserve Bank from which they were received in a form acceptable to such Federal Reserve Bank, and in the same medium in which they were received by the payor bank unless the payor bank obtains the written authority of such Federal Reserve Bank to return debit items in another medium specified in § 210.53 of Subpart B of this part. In the event such medium is other than by the Federal Reserve telecommunications

network to the Reserve Bank, wire advice of nonpayment shall be given as to any debit item of \$1,000 or over.

(b) Any payor bank which receives a credit or obtains a refund for the amount of any payment made by it in respect of a debit item received by it from a Federal Reserve Bank shall be deemed (1) to warrant to such Federal Reserve Bank, to any other Federal Reserve Bank handling the item and to the ordering bank that it took all action necessary to entitle it to recover such payment within the time or times limited therefor by the provisions of this subpart, and (2) to agree to indemnify any such Federal Reserve Bank for any loss or expense sustained (including but not limited to attorneys' fees and expenses of litigation) resulting from its action in giving such credit or making such refund, or in making any charge to, or obtaining any refund from, the ordering bank. No Federal Reserve Bank shall have any responsibility for determining whether the action hereinabove referred to was timely.

#### § 210.80 Chargeback.

If a Federal Reserve Bank does not receive payment in actually and finally collected funds for any debit item for which it gave credit, the amount of such item shall be charged back to the party receiving such credit. If such a chargeback is made to the account of an ordering bank, such ordering bank shall not have any right of recourse upon, interest in, or right of payment from, any reserve account or other funds or property of the payor bank in the possession of a Federal Reserve Bank. No authorization to charge upon any reserve account or other funds or property in the possession of a Federal Reserve Bank, issued for the purpose of paying for any debit item handled under the terms of this Subpart, will be acted upon after receipt by such Federal Reserve Bank of notice of suspension or closing of the bank making the payment for its own or another's account.

#### § 210.81 Timeliness of action.

If, because of interruption of communication facilities, suspension of payments by another bank, war, emergency conditions or other circumstances beyond its control, any bank (including a Federal Reserve Bank) shall be delayed beyond the time limits provided in this subpart or the operating circulars of the Federal Reserve Banks, or prescribed by the applicable law of any State in taking any action with respect to a debit item, the time of such bank, as limited by this

subpart or the operating circulars of the Federal Reserve Banks, or the applicable law of any State, for taking or completing the action thereby delayed shall be extended for such time after the cause of the delay ceases to operate as shall be necessary to take or complete the action, provided that the bank exercises such diligence as the circumstances require.

#### § 210.82 Liability of a Federal Reserve Bank.

A Federal Reserve Bank will act only as an agent of its ordering bank, or of a Federal Reserve Bank transmitting debit items to it, with respect to the handling of debit items under this subpart. A Federal Reserve Bank will not act as the agent or subagent of nor shall it assume any responsibility to any other person. A Federal Reserve Bank, in connection with the matters specified in this Subpart or its operating circulars, shall not have, nor shall it assume, any liability to an ordering bank, or another Federal Reserve Bank, except for its own lack of good faith or failure to exercise ordinary care.

#### § 210.83 Operating circulars.

Each Federal Reserve Bank shall issue operating circulars (sometimes referred to as operating letters or bulletins), not inconsistent with this subpart, governing the details of its debit item operation and containing such provisions as are required or permitted by this subpart.

By order of the Board of Governors,  
November 15, 1973.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.

[FR Doc.73-25269 Filed 11-28-73; 8:45 am]

### INTERSTATE COMMERCE COMMISSION

[ 49 CFR Ch. X ]

[No. Ex Parte No. 272]

#### INVESTIGATION INTO LIMITATIONS OF CARRIER SERVICE ON C.O.D. AND FREIGHT-COLLECT SHIPMENTS

NOVEMBER 23, 1973.

At the request of Hollis G. Duensing, General Solicitor of Association of American Railroads, the time for filing petitions for reconsideration in this proceeding has been extended from December 3, 1973, to January 3, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-25440 Filed 11-28-73; 8:45 am]



# Notices

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

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### ELIGIBILITY OF ATKASOOK AS A NATIVE VILLAGE

##### Administrative Determination

This is a written decision on a protest filed pursuant to 43 CFR Part 2650 by the Department of the Navy, Naval Petroleum and Oil Shale Reserves, hereinafter referred to as Protestant, Washington, D.C. 20360. The protest was dated October 24, 1973, and received on October 26, 1973, by the Director, Juneau Area Office, Bureau of Indian Affairs. Protestant objects to the Native Village of Atkasook being added to the list of proposed eligible Native Villages on the ground that "Clearly less than twenty-five Natives were residents of the village of Atkasook \* \* \* on the 1970 census enumeration date."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(2) of the Act is quoted as follows: "Within two and one-half years from the date of enactment of this Act, the Secretary shall review all of the villages listed in paragraph (b)(1) hereof, and village shall not be eligible for land benefits under paragraph 14(a) and (b), and any withdrawal for such village shall expire, if the Secretary determines that—

(A) Less than twenty-five Natives were residents of the village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; \* \* \* ." (Emphasis ours).

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 census date) as well.

Section 2651.2 of Title 43 CFR, contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of October 30, 1973, 52 Natives had been certified for enrollment in the Na-

tive Village of Atkasook. On June 10, 1973, a field investigation was completed of Atkasook and at that time seventeen Natives who used the village for a period of time in 1970 had been certified for enrollment to this village. The 25 or more Natives who have been certified for enrollment to Atkasook represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and at least thirteen Natives enrolled thereto had used the village during 1970 as a place where they actually lived for a period of time.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protest, together with his record of findings of fact and proposed decision, and does hereby render a decision determining that the Native Village of Atkasook is eligible for land benefits under said Act.

The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2 (a)(5) of Title 43 CFR, on or before December 21, 1973.

Appellant shall have not more than 15 days from the date of filing of his notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval.

MORRIS THOMPSON,  
Director.

NOVEMBER 23, 1973.

[FR Doc.73-25331 Filed 11-28-73; 8:45 am]

## Bureau of Land Management

### RICHFIELD DISTRICT ADVISORY BOARD

#### Notice of Meeting

The Richfield Grazing District Advisory Board will meet on December 20, 1973, at 9:00 a.m. in the Richfield District BLM Office, 850 North Main Street, Richfield, Utah. The purpose of this meeting is to discuss the following agenda items:

1. Election of Advisory Board Officers.
2. Grazing applications.
3. Grazing transfers.
4. Exchange-of-use applications.
5. Cooperative Agreements.
6. Predator Control Procedures.
7. BLM—Glen Canyon National Resource Area Cooperative Grazing Agreement.
8. Policy on private investment.
9. Progress under the Wild Free Roaming Horse and Burro Act.

The meeting will be open to the public as space is available. Time will be available for a limited number of brief statements by members of the public. Written statements may be filed with the Board before or after the meeting. Those wishing to make an oral statement should reform the Advisory Board Chairman, Carlyle Baker, Teasdale, Utah 84773, prior to the meeting of the Board. Written statements should be submitted to Mr. Baker, c/o Richfield District Bureau of Land Management, 850 North Main Street, Richfield, Utah 84701.

PEARL M. PARKER,  
District Manager.

[FR Doc.73-25292 Filed 11-28-73; 8:45 am]

### WORLAND DISTRICT ADVISORY BOARD

#### Notice of Meeting

NOVEMBER 20, 1973.

Notice is hereby given that the Worland District Advisory Board will hold a meeting on December 12, 1973, at the Worland District Office, Bureau of Land Management, Worland, Wyoming. The agenda for the meeting will include election of Chairman and Vice-chairman, election of representatives to the Wyoming State Multiple Use Advisory Board, consideration of applications for the 1974 grazing season, and horse and burro regulations.

The meeting will be open to the public as space is available. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement



should inform the Advisory Board Chairman prior to the meeting of the Board. Any interested person may file a written statement with the Board for its consideration.

Written statements and requests to appear before the Board should be submitted to John Rankine, Chairman, c/o District Manager, Bureau of Land Management, P.O. Box 119, Worland, Wyoming 82401.

RICHARD E. CLEVELAND,  
District Manager.

[FR Doc. 73-25273 Filed 11-28-73; 8:45 am]

## DEPARTMENT OF COMMERCE

### Domestic and International Business

#### HARVARD MEDICAL SCHOOL, ET AL.

#### Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, by December 19, 1973.

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

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

Docket Number: 74-00156-33-46040. Applicant: Harvard Medical School, 25 Shattuck Street, Boston, Massachusetts 02115. Article: Electron Microscope, Model JEM 100B and Goniometer Stage. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to carry out a wide variety of studies in the following areas: Viral morphogenesis and structure; genetics; immunology, medical and pathogenic bacteriology; physiology, protein and nucleic acid structure and function; and determination of subcellular components of both normal and virally infected bacterial and animal cells. The article will also be used by faculty and technical staff to pursue their research, and by graduate students to carry out research projects, needed to complete the Ph. D. degree in Microbiology and Molecular Genetics. In addition, the article will be used in a graduate course in Theory and Techniques of Electron Microscopy. Application received by Commissioner of Customs, October 1, 1973.

Docket Number: 74-00173-99-46040. Applicant: Mount Sinai Medical Center of Greater Miami, 4300 Alton Road, Miami Beach, Florida 33140. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in for instruction in which residents receive training in Anatomic and Clinical Pathology and routine diagnostic methods using the microscope to identify and demonstrate basic concepts of structure and ultrastructure in pathologic processes. Application received by Commissioner of Customs: October 12, 1973.

Docket Number: 74-00174-01-46040. Applicant: Lowell Technological Institute, 1 Textile Avenue, Lowell, Massachusetts 01854. Article: Electron Microscope, Model JEM 100 with Tilting Stage. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the study of structural ordering in specially prepared high-polymer samples. A major research area is the formation of a class of materials by polymerization of fluid crystalline monomers. Research is also to be conducted on the crystal structures formed by stiff-chained polymers. Structural features in polyelectrolyte membranes will also be examined in another research area. Application received by Commissioner of Customs: October 15, 1973.

Docket Number: 74-00175-33-46070. Applicant: Case Western Reserve University, 10900 Euclid Avenue, Cleveland, Ohio 44106. Article: Scanning Electron Microscope, Model S4-10. Manufacturer: Kent Cambridge Scientific Instruments, United Kingdom. Intended use of article: The article is intended to be used in conducting the following experiments:

- Sequence of blood clotting steps;
- Sequence of corrosion fatigue in polymers;
- Studies of artificial heart valves;
- Studies of endosteal blade-vent implant; and
- Vascular effects of sickle cell anemia in humans.

The article will also be used for educational purposes in the following courses:

- EMMS 509—Electron Microscopy.
- EMMS 204—Materials Laboratory II.
- EMMS 308—Characterization of Materials.
- EMAC 679—Polymer Characterization Laboratory II.
- EMMS 304—Materials Projects Laboratory.
- EBME 306—Introduction to Biomedical Materials.
- EBME 405—Materials for Prosthetic and Orthotic Use.
- EBME 406—Polymers in Medicine.

Application received by Commissioner of Customs: October 15, 1973.

Docket Number: 74-00176-33-46040. Applicant: Tuskegee Institute, Purchasing Department, P.O. Box 1239, Tuskegee Institute, Ala. 36088. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments,

NVD, The Netherlands. Intended use of article: The article is intended to be used in experiments to identify by electron microscopy ultrastructural changes in the following tissues:

- In vitro grown cells (Hela and Mouse fibroblasts),
- Brain, uterus and liver of Mice and Sheep,
- Rat liver,
- Oviduct and uterine tissue from rabbits, rats, and some birds, and
- Developing Oocytes isolated from Ovaries of Salamanders. Specific projects to be investigated include: (I) Diet Related Toxemia in Pregnancy, (II) Pesticides in Mammalian Cell Systems, (III) Ultrastructural changes Induced in Animal tissue by listeria Monocytogenes and its Components, (IV) Thyroid Hormone and Ablastin Influence on Trypanosoma Lewis Mitochondria, (V) The Influence of Drugs on Ultrastructural changes in the Female Genital Tract, and
- Ultrastructure of Lampbrush Chromosomes.

The article will also be used in the course Techniques in Electron Microscopy which will include some theory of electron optics, the preparation of specimens and the operation of the electron microscope and associated equipment. Application received by Commissioner of Customs: October 16, 1973.

Docket Number: 74-00177-01-77095. Applicant: University of Illinois at Chicago Circle, Box 4348, Chicago, Illinois 60680. Article: Photoelectron Spectrometer, Model PS-18. Manufacturer: Perkin-Elmer, United Kingdom. Intended use of article: The article is intended to be used for basic research on the electronic structure of biological molecules. Among the systems to be studied are the biological purines and pyrimidines, certain porphyrins and numerous pharmacological molecules. The experiments to be conducted are measurements of the photoelectron spectra of the free (gas phase) molecules. The article will also be used by graduate students in basic research as partial fulfillment of the requirement for the degree of Doctor of Philosophy. The students will be instructed about operation and use of the photoelectron spectrometer and will be encouraged to pursue creative research on their own. Application received by Commissioner of Customs: October 16, 1973.

Docket Number: 74-00178-99-46500. Applicant: Howard University Medical School, 520 W Street NW., Washington, D.C. 20001. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used in graduate course in ultrastructure to train students in the techniques of electron microscopy including fixation, embedding, sectioning and the use of the electron microscope. Application received by Commissioner of Customs: October 16, 1973.

Docket Number: 74-00179-01-74600. Applicant: The Catholic University of America, Vitreous State Laboratory,



Keane Hall-B-2, 620 Michigan Avenue NE., Washington, D.C. 20017. Article: One (1) "Malvern" High Speed Digital Correlator Type K7023. Manufacturer: Precision Devices and Systems, United Kingdom. Intended use of article: The article is intended to be used in research on liquids and liquid mixtures ranging from high temperature molten oxide mixtures to viscous organic lubricants to determine the viscoelastic behavior of these liquids at high pressure in order that lubricants can be designed for high speed turbine engines and to develop optical fibres which have small composition and density fluctuations and thus have low light scattering for use in communications devices. Application received by Commissioner of Customs: October 16, 1973.

Docket Number: 74-00180-33-46040. Applicant: Morehouse College, 223 Chestnut Street SW., Atlanta, Ga. 30314. Article: Electron Microscope, Model EM-9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for study of the unsolved problem of the linearity of all axial structures during the regeneration of the tadpole tail and the notochord is especially puzzling in this regard. The article will also be used in the course Biology 487; 488. Techniques in Electron Microscopy to develop some proficiency in the use of the electron microscope by a large number of students. Application received by Commissioner of Customs: October 15, 1973.

Docket Number: 74-00182-99-26000. Applicant: Staten Island Community College, 715 Ocean Terrace, Staten Island, New York 10301. Article: Standard Constructive Device for the Theory of Electricity. Manufacturer: Dr. Clemenz, West Germany. Intended use of article: The article is intended to be used for instructor demonstrations in the courses ET-2 Industrial Electricity Theory and ET-26 Electric Machine I. The objective of the courses is to establish an understanding of electricity and electrical machine fundamentals in the minds of the students who are electrical utility employees enrolled in an Industrial Management curriculum. Application received by Commissioner of Customs: October 18, 1973.

Docket Number: 74-00183-33-19095. Applicant: Medical College of Georgia, 1459 Gwinnett Street, Augusta, Georgia 30902. Article: Scanning Microdensitometer. Manufacturer: Vickers Ltd., United Kingdom. Intended use of article: The article is intended to be used in the investigation of the involvement of cycling—noncycling cell transitions in a variety of disease processes, especially aging. Specimens from normal, untreated, and treated diseased skin from human donors of different ages are collected and epidermal chalone samples prepared and measured by an *in vitro* bioassay in which the number of cycling and noncycling cells are determined. A portion of the specimen is also histologically prepared, cytochemically stained and the cell cycle distribution pattern cy-

tophotometrically determined. Specifically, this article will be used to measure the following parameters on an individual cell basis:

Feulgen—DNA Content  
Methyl Green Basophilia  
Silver Grain Counts  
Chromatin Heterogeneity

The article will also be used by predoctoral, post doctoral and resident medical students in a number of research projects. In addition, a formal course on analytical microscopy which will include eyephotometry and autoradiography will be offered to provide a basic understanding of the microspectrophotometer and its application to biomedical research. Application received by Commissioner of Customs October 19, 1973.

Docket Number: 74-00184-33-46040. Applicant: The University of Texas at El Paso, Biological Sciences Department, El Paso, Texas 79968. Article: Electron Microscope, Model EM 10. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to examine a wide variety of biological materials including bacteriophages, bacteria, algae, fungi, xerophytic and mesophytic plant tissues, invertebrate and vertebrate tissues. Experiments to be conducted include:

A. Morphological studies of negative stained preparations of recently isolated new bacteriophages.

B. Ultrastructural studies of new species of chemo-synthetic bacteria compared to established species.

C. Morphological studies of new species of diatoms.

D. A comparison of ultra-thin sections of fungi prepared for the detection of malate synthetase with freeze-etch preparations of microbodies in the same tissue.

E. Detection of synaptonemal complexes and division apparatus in ultra-thin sections of fungi.

F. High resolution EM studies of the possible role of the Golgi-ER complex in fungal wall formation.

G. Comparison of chloroplasts from xerophytic plants with chloroplasts from mesophytic plants.

H. Morphologic characteristics of new trematode species.

I. Combined autoradiography—EM studies of thin sections of mouse uterus and intestine to determine correlations between the structure of the paracoplasmic reticulum and caveolae intracellulars treated with epinephrine, acetylcholine and oxytocin.

J. Combined autoradiography—EM studies of embryonic mouse tissues at various parturition ages under *in vivo* conditions.

K. Fine-structural studies of changes in microtubules and microfilaments during secretion of acetylcholine in mouse neurons.

Application received by Commissioner of Customs: October 23, 1973.

Docket Number: 74-00185-00-46070. Applicant: University of Wisconsin, Department of Geology & Geophysics, Science Hall, Madison, Wisconsin 53706. Ar-

Article: Optical Microscope. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in routine quantitative analysis; in the study of the cathodoluminescence of minerals. The objectives of this research are (i) to quantitatively analyze esp. rocks, minerals, and metals (ii) to make correlations of the luminescence properties of minerals and explore their use in Geology. Application received by Commissioner of Customs: October 23, 1973.

Docket Number: 74-00186-33-46040. Applicant: University of South Alabama, Department of Anatomy, U.S.A. College of Medicine, 307 Gaillard Drive, Mobile, Alabama 36688. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for teaching and research activities by the entire Medical College faculty. Experiments involving the high resolution capabilities of the article will include studies on the secretory mechanisms of glands and the influence of hormones, drugs, and other substances on this mechanism. Virus cancer cells and special studies of the nervous system will also be undertaken. The courses to be taught with the use of high resolution, transmission electron microscopy will be entitled "Biological Ultrastructure" or something similar and will include technical experience in specimen preparation for electron microscopy, instructions in the actual use of the instrument and lectures on interpretation of ultrastructure. Application received by Commissioner of Customs: October 25, 1973.

Docket Number: 74-00187-33-43780. Applicant: St. Luke's Hospital Center, 114 Street & Amsterdam Avenue, New York, New York 10025. Article: Cannulating Duodenoscope. Manufacturer: Olympus Company, Japan. Intended Use of Article: The article is intended to be used for the following investigative purposes:

1. Visualization of the biliary duct—to evaluate its usefulness in the exclusion of extrahepatic obstructive jaundice;

2. Visualization of the pancreatic ducts—to evaluate its usefulness in the exclusion of obstruction to pancreatic outflow;

3. Studies of the normal variation in biliary and pancreatic duct anatomy;

4. To evaluate whether collection of pancreatic secretions is useful in the diagnosis of pancreatic disease.

The article will also be used for the teaching of postgraduate Research Fellows of Columbia University in the advantages of duct cannulation. Application received by Commissioner of Customs: October 23, 1973.

Docket Number: 74-00188-33-90000. Applicant: Millard Fillmore Hospital, 3 Gates Circle, Buffalo, New York 14209. Article: Computerized Axial Tomography System (EMI-Scanner). Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for diagnosis of brain tumors,



cerebral hemorrhages, subdural hematomas and traumatic injuries to the brain. Research will be conducted to develop the capability of the article to diagnose different types of tumors of all sizes in all areas of the central nervous system and to compare results with conventional techniques. Stroke patients will be evaluated with the equipment to develop improved diagnosis and prognostic capability through serial studies. Investigation will be conducted as to the capability of the article to identify the plaques in multiple sclerosis patients. The article will also be used to evaluate the role of hyper osmolar treatment of subdural hematomas and (b) for the study of patients who have already undergone stereotaxi surgery for Parkinsonism. Application received by Commissioner of Customs: October 20, 1973.

Docket Number: 74-00189-00-46040.  
Applicant: Environmental Protection Agency, National Environmental Research Center, Cincinnati, Ohio 45268.  
Article: Accessories for use with JEM 100B/SEG Electron Microscope consisting of: 1. ASID—high resolution scanning device for use with SEG. 2. WFM—wave form monitor for use with ASID. 3. SEG—side entry Be specimen holder for use with NDS. 4. SEG—side entry bulk specimen holder for use with ASID. Manufacturer: JEOL Ltd., Japan. Intended use of article: The articles are accessories to an existing electron microscope to be used in research investigations in the areas of advanced waste treatment, analytical quality control, environmental toxicology and water supply. The articles will be used for high resolution studies of virus-infected cells, virions, isolated viral nucleic acids and proteins, and small parasitic bacteria such as those of the *Bdellovibrio* type. Another aspect will be its use for particulate identification in water samples, visualization of the colloidal material remaining after treatment of waste waters, and determination of polymer attachment in the process of flocculation and stabilization. In addition, smoke and dust particulates of importance of inhalation toxicology, will be investigated as well as ultrastructural evaluation of biological samples for tissue pathology and morphology after animal exposure to these pollutants. Application received by Commissioner of Customs: October 23, 1973.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director,

Special Import Programs Division.

[FR Doc.73-25294 Filed 11-28-73;8:45 am]

#### Maritime Administration

#### WAGES OF OFFICERS AND CREWS

#### Proposed Amendments to the Manual of Procedures

Notice is hereby given that the Assistant Secretary of Commerce for Maritime Affairs and the Maritime Subsidy Board are considering proposed amendments to

the General Provisions and Part One (Wages of Officers and Crews) of the Manual of General Procedures for Determining Operating-Differential Subsidy (Manual), adopted by the Maritime Subsidy Board on June 17, 1971. The amendments would discontinue the one-year and two-year cost regression methods for determining operating-differential subsidy rates for wages, subsistence on passenger vessels, maintenance and repairs, and insurance by providing for the use of current cost data of the subsidized period. The proposed amendments would become effective with the 1972 subsidy rates and will require changes only in the following sections of the General Provisions and Part One of the Manual:

#### GENERAL PROVISIONS

Page vi—para. B.2.  
Page ix—para. C.1.(a) and C.2.  
Page x—para. C.3. and C.4.(a).

#### PART ONE

Page 2—para. D., E., F., and G.  
Page 12.  
Pages 14 thru 16—para. A., B.1-3, and C.1.  
Page 21—para. C.8.  
Pages 22 and 23—para. D.  
Pages 24 and 25—para. C.  
Pages 26 and 27—para. A., C. and D.  
APPENDIX A

Interested parties are invited to file written comments on the proposed change in subsidy rate procedures. Comments shall be filed with the Secretary, Maritime Subsidy Board, Maritime Administration, Washington, D.C. 20230, not later than December 19, 1973. Copies of the proposed amendments may be obtained from the Secretary.

Dated: November 26, 1973.

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

JAMES S. DAWSON, Jr.,  
Secretary.

[FR Doc.73-25361 Filed 11-28-73;8:45 am]

#### Office of the Secretary

#### FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 15—COMPUTER SYSTEMS SECURITY

#### Notice of Establishment

In accordance with the provisions of the Federal Advisory Committee Act (P.L. 92-463) and OMB/Justice Department guidelines on the Act, and after consultation with the Office of Management and Budget, it has been determined that the establishment of the Federal Information Processing Standards Task Group 15—Computer Systems Security is in the public interest in connection with the performance of duties imposed on the Department by law.

Task Group 15 will advise the Secretary of Commerce through the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) on matters relating to protecting and controlling access to the data and services of computer systems. The Group will function solely as an advisory

body, and in compliance with the requirements of P.L. 92-463. It will function under the Department's National Bureau of Standards and report to FIPSCAC.

Task Group 15 will consist of up to 40 members selected on the basis of their specialized knowledge of the technical aspects of computer systems security. Members will be selected by the Assistant Secretary of Commerce for Science and Technology from Federal agencies and other public and private organizations.

Task Group 15's charter will be filed under P.L. 92-463, thirty days from the date of this notice.

Dated: November 23, 1973.

GUY W. CHAMBERLIN,  
Assistant Secretary for  
Administration.

[FR Doc.73-25332 Filed 11-28-73;8:45 am]

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### Center for Disease Control

#### OCCUPATIONAL SAFETY AND HEALTH

#### Request for Information on Safety Procedures

Section 22(d)(1) of the Occupational Safety and Health Administration of 1970 (29 U.S.C. 671(d)(1)) provides that the Director of the National Institute for Occupational Safety and Health is authorized to conduct such research and experimental programs as he determines are necessary for the development of criteria for new and improved occupational safety and health standards. The Institute is currently collecting information and data concerning safety procedures and equipment for worker egress from high machinery and structures in industry.

The information and data collected will be analyzed and evaluated relative to the following areas:

1. Warning devices and labels which should be required for the prevention of injury to workers on high places.
2. The need for medical examinations for workers in high areas, the frequency of such examinations, the specific diagnostic tests which should be used, and the rationale.
3. Engineering control, taking into account weather considerations, and the technical feasibility of such control.
4. Specifications for the conditions under which personal protective devices should be required.
5. Work practices for prevention of injury under normal conditions and those which may be instituted under emergency conditions.
6. The types of records concerning workers in high areas that employers should be required to maintain.
7. The type and specifications for safety devices and equipment necessary to protect the worker and allow for his egress from various high structures.
8. Injury data from the lack of safety devices in high areas.

Any person having information or data which is not readily available in the open literature on this subject or any other area which the person considers relevant to the establishment of a safe and healthful workplace involving egress



from high areas is invited to submit two (2) copies of such information, with accompanying documentation, to the Assistant Institute Director for Research and Standards Development, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Rockville, Maryland 20852, by February 27, 1974.

All information received will be available for public inspection after the development of the respective recommended standard, research analysis report or criteria document.

Dated: November 20, 1973.

EDWARD J. BAIER,  
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc.73-25293 Filed 11-28-73; 8:45 am]

#### FOOD AND DRUG ADMINISTRATION TRI-VALLEY GROWERS

Canned Peaches, Canned Pears and Canned Fruit Cocktail Deviating from Identity Standards; Temporary Permit for Market Testing

##### Correction

In FR Doc. 22753, appearing on page 29630 in the issue of Friday, October 26, 1973, the reference in the last line of the penultimate paragraph to "1973" should read "1974".

#### Office of Education

#### HIGHER EDUCATION PERSONNEL FELLOWSHIPS

Proposed Criteria for Funding of Applications for Fiscal Year 1974; Notice of Cutoff Date for Filing Applications

1. (a) Pursuant to the authority contained in title V Part E of the Higher Education Act of 1965, as amended (20 U.S.C. 1119b-1119b-1), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare proposes to issue criteria set forth below on the basis of which applications submitted by institutions of higher education under section 541 of title V-E of the Act (20 U.S.C. 1119b) will be judged. Title V-E of the Act authorizes a program of support for the award of fellowships for the training of persons who are serving or preparing to serve as teachers, administrators, or educational specialists in institutions of higher education.

(b) The proposed criteria read as follows:

The Commissioner will select applications to be funded under title V, Part E of the Higher Education Act of 1965 on the basis of the following criteria:

(1) The extent to which the proposed training program is concerned with the following national priorities:

(i) Training higher education personnel who are concerned with the needs of low-income and minority students, including personnel who will serve in developing institutions;

(ii) Training educational personnel for two-year junior and community colleges, particularly in urban areas, or

(iii) Preparing women and minority students entering or reentering graduate education for careers in higher education.

(2) The extent to which the application contains concrete data and other information evidencing need in higher education to which the program is addressed.

(3) The extent to which the objectives of the training program are stated clearly and are sharply focused to meet the need.

(4) The extent to which the application contains a clear and detailed description of training procedures which will effectively achieve the objectives.

(5) The extent to which the proposed program includes effective procedures for evaluation of the impact of the training in meeting the need.

(6) The extent to which the proposed staff of the program is qualified to achieve its specific objectives.

(7) The extent to which the applicant has established effective communication with target groups who will receive the impact of the training, such as college administrators and faculty, students, the local community, and parents.

(8) The extent to which the application provides evidence that the institution and groups involved in the training program are committed to its objectives.

(9) The ability of the applying institution to offer a high quality graduate higher education personnel preparation program.

(10) The amount and extent of previous planning and development of the program.

(11) The extent to which a carefully conceived and effectively supervised internship experience is included as an integral feature of the training proposal.

(c) Interested persons are invited to submit written comments, suggestions, or objections regarding these criteria to the Division of University Programs, U.S. Office of Education, 7th and D Streets SW., Room 4673-ROB, Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m. All relevant material received on or before December 14, 1973, will be considered.

2. In order to receive consideration, applications for grants for fellowships from funds available for the Fiscal Year 1974 under title V, part E of the Higher Education Act must be received by the Office of Education on or before January 3, 1974. If such 35th day falls on a weekend or on a national holiday, then applications must be received no later than the first business day following such day. Application forms may be obtained from and are to be submitted to Higher Education Personnel Training Programs, Bureau of Higher Education, Office of

Education, 7th and D Streets SW., Washington, D.C. 20202.

(Catalog of Federal Domestic Assistance Program Number 13.462; Higher Education Personnel Fellowships.)

Dated: October 29, 1973.

JOHN OTTINA,  
U.S. Commissioner of Education.

Approved: November 23, 1973.

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

[FR Doc.73-25340 Filed 11-28-73; 8:45 am]

#### DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73 262N]

#### TOWING INDUSTRY ADVISORY COMMITTEE

##### Notice of Open Meeting

This is to give notice pursuant to Pub. L. 92-463, Sec. 10(a), approved October 6, 1972, that the Towing Industry Advisory Committee will conduct an open meeting on December 13, 1973, in Room 2234 of the NASSIF Building, 400 Seventh Street SW., Washington, D.C. The one day meeting will begin at 8:30 a.m. and is expected to last all day.

This will be the first meeting of the Committee since its reconstitution under the Chairmanship of Mr. William C. McNeal of New Orleans, Louisiana. Items included on the agenda are the following:

1. Coast Guard Liaison.
2. Oil Pollution.
3. Bridges.
4. Personnel.
5. Occupational Safety and Health Act.
6. Ports and Waterways.
7. Admeasurement.
8. Rules of the Road.
9. Regulations concerning tank vessels and hazardous cargoes.

The Towing Industry Advisory Committee was chartered by the Commandant of the Coast Guard on August 3, 1973 to advise the Marine Safety Council on matters regarding safe towing operations. Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing:

Commandant (G-CMC)

U.S. Coast Guard

Washington, D.C. 20590,

or by calling: 202-426-1477

Dated: November 26, 1973.

D. H. CLIFTON,  
Captain, U.S. Coast Guard, Acting  
Chief, Office of Merchant  
Marine Safety.

[FR Doc.73-25315 Filed 11-28-73; 8:45 am]



National Highway Traffic Safety  
Administration

[Docket No. EX73-8; Notice 2]

AVANTI MOTOR CORP.

Petition for Temporary Exemption From  
Motor Vehicle Safety Standards

On September 5, 1973, notice was published (38 FR 23987) that Avanti Motor Corporation had petitioned for an exemption until September 1, 1976, from the bumper corner impact requirements of 49 CFR 571.215, Standard No. 215 (paragraph S5.2), as well as a much shorter exemption from a portion of Standard No. 208.

Avanti has now informed us that the exemption from Standard No. 215 should cover the front and rear pendulum impact requirements, effective September 1, 1973, of S5.2 as well, for the same reasons set forth in its original petition. Accordingly, the NHTSA is reopening the comment period for an additional 20 days to receive views on Avanti's new request.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Avanti described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. Notice of disposition of the petition will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: December 19, 1973.

Proposed effective date: Date of issuance of exemption.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on: November 20, 1973.

ROBERT L. CARTER,  
Associate Administrator,  
Motor Vehicle Programs.

[FR Doc. 73-25335 Filed 11-28-73; 8:45 am]

[Docket No. EX73-4; Notice 2]

CUSHMAN MOTORS

Petition for Temporary Exemption From  
Motor Vehicle Safety Standards

This notice grants the petition of  
Cushman Motors for a temporary ex-

emption of its Haulster model from S5 of Motor Vehicle Safety Standard No. 122, *Motorcycle Brake Systems*, from January 1, 1974, to September 1, 1974.

On June 5, 1973 (38 FR 14785), the NHTSA published notice of a petition by Cushman, on grounds of substantial economic hardship, that its three-wheeled Haulster model be exempted from the stopping distance requirements of Standard No. 122, until January 1, 1977. Cushman alleged that it could not meet the requirements without an increase in wheel size from 8 to 9 inches or an increase in the braking effort in the front wheel. Use of a larger wheel would, in Cushman's opinion, render the vehicle less stable by raising its center of gravity. Tooling and engineering costs were estimated at \$50,000. Standard No. 122 requires preburnish effectiveness stops from 30 mph and 35 mph in not more than 54 feet and 74 feet respectively. Data submitted by Cushman indicate that the Haulster, which has a top speed of 39 mph, stops from these speeds in 56-63 feet, and 79-83 feet. Total system effectiveness values required by Standard No. 122 from 30 and 35 mph are 43 and 58 feet respectively; the Haulster stops in 54-62 feet, and 77-88 feet. Partial system effectiveness distances from 30 and 35 mph are 97 feet and 132 feet. Haulster's rear wheel mechanical system can stop the vehicle in 86-98 and 120-129 feet. Fewer than 1,000 Haulsters were manufactured in 1972.

No comments were received in response to the notice of June 5, 1973.

In the notice, this agency commented that if the proposed redefinition of "motorcycle and Standard

"motorcycle" (38 FR 12818) is adopted, the Haulster would no longer be categorized as a motorcycle and Standard No. 122 would be inapplicable. The NHTSA has now amended the definition of motorcycle (38 FR) effective September 1, 1974, to include only those three-wheeled vehicles having handlebars and a seat that is straddled by a driver. Since the Haulster has a steering wheel and bench seat, effective September 1, 1974, it will cease to be classified as a motorcycle and to be required to comply with Standard No. 122. The NHTSA has concluded that to require Cushman to retool the Haulster for the 8 months that it will be subject to Standard No. 122 would cause it substantial economic hardship. Although the total system effectiveness varies significantly from the requirements of S5, given the low production of the Haulster the NHTSA has concluded that to allow it a temporary exemption from S5 of Standard No. 122 will not have a significant effect on traffic safety.

In consideration of the foregoing, Cushman Motors is granted NHTSA Exemption No. 73-4, exempting its Haulster model manufactured from January 1, 1974, to September 1, 1974, from compliance with S5 of Federal Motor Vehicle Safety Standard No. 122, *Motorcycle Brake Systems*.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159, (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51.)

Issued on November 23, 1973.

JAMES B. GREGORY,  
Administrator.

[FR Doc. 73-25336 Filed 11-28-73; 8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 18078, 17909; Order 73-11-97]

FLYING TIGER LINE INC.

Order Regarding Service Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of November 1973.

By Order 73-10-86, dated October 24, 1973, the Board directed all interested parties to show cause why the Board should not (1) rescind those standard mileages for the Flying Tiger Line Inc. (FTL), which were established by Order 73-8-31, dated August 7, 1973; (2) adopt the standard mileages proposed therein for FTL; and (3) dismiss the investigation of the issue of the standard mileage of FTL between Seattle and Tokyo and to all points affected by this mileage for the period August 12, 1969, through March 31, 1972, assigned for hearing by Order 73-8-31.

An objection and answer to Order 73-10-86 were filed by the Seattle Parties<sup>1</sup> on November 2 and November 9, 1973, respectively. In their answer, the Seattle Parties stated that they had recently filed a petition requesting the Board to delete from the outstanding mail rate orders the San Francisco/Seattle-Tokyo common-rating provisions for the transportation of priority and Military Ordinary Mail and thus wished to insure that any Board action in this proceeding will not prejudice their petition.

The pleading of the Seattle Parties does not raise any material issue of fact concerning the findings and conclusions proposed by Order 73-10-86 within the meaning of the Board's Procedural Regulations,<sup>2</sup> and, indeed, is not even addressed to those findings and conclusions.

The Board's disposition of FTL's past-period mail rates does not affect consideration of any pending or future petitions on the subject of common-rating.<sup>3</sup> Since no objections to the adoption of the proposed findings and conclusions have been filed, all persons are deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board.

For the reasons stated in Order 73-10-86, we have decided to adopt the findings and conclusions proposed therein.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the Board's regulations 14 CFR Part 302:

<sup>1</sup> The Seattle Parties include the Seattle Chamber of Commerce, the Port of Seattle, the City of Seattle, the County of King, and the Puget Sound Traffic Association.

<sup>2</sup> 14 CFR 302.306 and 302.307.

<sup>3</sup> See footnote 4 of Order 73-10-86.



*It is ordered, That:*

1. The standard mileages for The Flying Tiger Line Inc. which were established by Order 73-8-31 are rescinded.

2. Effective August 12, 1969, Order 68-9-9, dated September 4, 1968, as amended by Order 69-7-11, dated July 2, 1969, is further amended by adding to page 4 of Appendix A of Order 69-7-11 the standard mileages for The Flying Tiger Line Inc. which are appended to Order 73-10-86.

3. The investigation of the issue of the standard mileage of the Flying Tiger Line Inc. between Seattle and Tokyo and to all points affected by this mileage for the period August 12, 1969, through March 31, 1972, assigned for hearing by Order 73-8-31 is dismissed.

4. This order will be served on the Postmaster General, The Flying Tiger Line Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., American Airlines, Inc., Continental Air Lines, Inc., Trans World Airlines, Inc., and the Seattle Parties.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
*Secretary.*

[FR Doc.73-25347 Filed 11-28-73;8:45 am]

### COMMISSION ON CIVIL RIGHTS VERMONT STATE ADVISORY COMMITTEE

#### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont State Advisory Committee to this Commission will convene at 7:30 p.m. on November 29, 1973, in the Conference Room of the Waterman Building at the University of Vermont, Burlington, Vermont 05401.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, at 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss the feasibility of undertaking a proposed minority students' conference at the University of Vermont.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 20, 1973.

ISAIAH T. CRESWELL, Jr.,  
*Advisory Committee  
Management Officer.*

[FR Doc.73-25286 Filed 11-28-73;8:45 am]

### CIVIL SERVICE COMMISSION

#### COST OF LIVING COUNCIL

#### Notice of Revocation 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 revokes the authority of the Cost of Living Council to fill by noncareer executive assignment in the excepted service the position of General Counsel, Office of the General Counsel, Pay Board.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc.73-25300 Filed 11-28-73;8:45 am]

#### COST OF LIVING COUNCIL

#### Notice of 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 Cost of Living Council to fill by noncareer executive assignment in the excepted service the position of Deputy General Counsel, Office of the General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc.73-25304 Filed 11-28-73;8:45 am]

#### DEPARTMENT OF THE ARMY

#### Notice of Grant of Authority To Make 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 Army to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary of the Army (Civilian Aide Program), Office of the Secretary of the Army.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc.73-25305 Filed 11-28-73;8:45 am]

#### DEPARTMENT OF DEFENSE

#### Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Principal Research and Project Officer, Office of the Assistant Secretary of Defense (Public Affairs), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc.73-25301 Filed 11-28-73;8:45 am]

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### Notice of 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 Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Program Systems, Office of the Assistant Secretary for Planning and Evaluation, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc.73-25303 Filed 11-28-73;8:45 am]

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Office of Housing Programs, Office of the Director, Housing Management.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc.73-25308 Filed 11-28-73;8:45 am]

#### DEPARTMENT OF JUSTICE

#### Notice of 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 Justice to fill by noncareer executive assignment in the excepted service the position of Director, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc.73-25302 Filed 11-28-73;8:45 am]

#### DEPARTMENT OF TRANSPORTATION

#### Notice of 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 Transportation to fill by noncareer executive assignment in the excepted



service the position of Director, Program Management, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc.73-25300 Filed 11-28-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Notice of 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 Transportation to fill by noncareer executive assignment in the excepted service the position of Chief, Scientist, Office of Assistant Secretary for Systems Development and Technology, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc.73-25306 Filed 11-28-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

Notice of 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 General Services Administration to fill by noncareer executive assignment in the excepted service the position of Assistant Director for Resource Analysis, Office of Preparedness, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc.73-25307 Filed 11-28-73;8:45 am]

ENVIRONMENTAL PROTECTION  
AGENCY

AEC FACILITIES

Memorandum of Understanding

The Atomic Energy Commission (AEC) and the Environmental Protection Agency (EPA) have responsibilities under various statutes and Reorganization Plan No. 3 (1970) for public health and safety and for environmental protection. In order to fix an appropriate interface of the respective functions of the two agencies and to avoid unnecessary duplication with regard to AEC-owned, contractor-operated facilities (AEC facilities), EPA and the AEC have executed a memorandum of understanding with regard to AEC facilities. The text of the memorandum is set forth below.

Dated at Washington, D.C., this 23d day of November 1973.

For the Environmental Protection Agency.

JOHN QUARLES,  
*Acting Administrator.*

NOVEMBER 23, 1973.

AEC-EPA MEMORANDUM OF UNDERSTANDING  
WITH RESPECT TO AEC FACILITIES

The Atomic Energy Commission (AEC) and the Environmental Protection Agency (EPA) have responsibilities under various statutes and Reorganization Plan No. 3 (1970) for public health and safety and for environmental protection. In order to fix an appropriate interface of the respective functions of the two agencies and to avoid unnecessary duplication with regard to AEC-owned, contractor-operated facilities (AEC facilities), AEC and EPA recognize and agree as follows:

1. AEC facilities are subject to generally applicable environmental radiation standards established by the EPA, outside the site boundary, and such facilities will be operated under applicable law so as to comply with such standards.
2. The Administrator of the EPA may enter AEC facilities at reasonable times for such purposes as will enable him to establish and verify generally applicable environmental standards, subject to the requirements of applicable law. It is understood that such purposes would not include the right or responsibility for establishing operating conditions for AEC facilities in meeting generally applicable environmental standards. Responsibility for facility operations within site boundaries for AEC facilities and in meeting EPA generally applicable environmental standards at the site boundary are AEC's. Any acts by the EPA pursuant to the foregoing would be taken in consultation with AEC. The terms "establish and verify" encompass the following purposes: (a) the determination, for a particular radionuclide or radionuclides, whether or not a problem exists for which a generally applicable environmental standard should be established; (b) the acquisition of information concerning the parameters required for the establishment of such standards, and (c) the determination that such standards, once established, are successful in controlling the problem identified. "Establishment and Verification" will to the extent feasible be accomplished by AEC's furnishing to EPA appropriate data on pollutants acquired within AEC facility site boundaries in order to assist EPA in determining the nature and quantity of pollutants that may enter the general environment outside AEC facility site boundaries. National security clearances may be required for EPA personnel seeking entry to AEC facilities.
3. EPA will advise and obtain AEC comments prior to the publication of AEC-furnished data relating to pollutants emanating from AEC facilities.
4. EPA will furnish technical advice and assistance to AEC upon request on release of pollutants to the environment from AEC facilities.

Executed this 10th day of April 1973,  
by:

ATOMIC ENERGY COMMISSION  
ROBERT E. HOLLINGSWORTH,  
*General Manager.*

ENVIRONMENTAL PROTECTION AGENCY  
DAVID D. DOMINICK,  
*Assistant Administrator for  
Hazardous Materials Control.*

[FR Doc.73-25351 Filed 11-28-73;8:45 am]

TOYO KOGYO CO. ET AL.

Suspension Requests and Dispositions on  
Emission Controls

In the June 4, 1973, FEDERAL REGISTER (38 FR 14708), notice was given of application by Checker Motors Corporation for a one year suspension of the 1975 light duty vehicle exhaust emission standards. After public hearing, the Administrator on July 16, 1973, granted a one year suspension to Checker and twenty-six other manufacturers who had subsequently filed applications. The decision on these applications and the interim standards that will apply to these manufacturers for 1975 model year vehicles were announced at 38 FR 20365 (July 31, 1973).

Subsequently, Classic Industries, Inc., and Automobili F. Lamborghini s.p.a. applied for suspension of 1975 emission standards. Review of these applications indicated that each company had made all good faith efforts to meet the 1975 emission standards. Accordingly, EPA published in the FEDERAL REGISTER a notice of its intention to grant the request for suspension after thirty (30) days unless any interested person requested a public hearing on the applications. No such request was received and pursuant to the August 21, 1973, notice, the request for suspension stands granted as to Classic Industries, Inc., and Automobili F. Lamborghini s.p.a.

On September 11, 1973, Toyo Kogyo Co., Ltd., also requested suspension of 1975 emission standards. Toyo Kogyo is the manufacturer of reciprocating engine and rotary engine powered vehicles, and has limited its request to only those vehicles equipped with reciprocating engines. However, any grant of suspension under section 202(b)(5)(A) of the Clean Air Act, as amended, is applicable to all light duty vehicles manufactured by the requesting manufacturer.

I intend to grant suspension of the standards with respect to Toyo Kogyo for its 1975 model year light duty vehicles thirty (30) days from date of publication of this notice, unless within such period, any interested person requests in writing, a public hearing on the application. Such written request must be filed with the Director, Mobile Source Enforcement Division, Environmental Protection Agency, Room 3220-J, 401 M Street SW., Washington, D.C. 20460. The intent to grant the suspension is based on information provided by Toyo Kogyo in its application for suspension and testimony given by Toyo Kogyo representatives in past proceedings under section 202(b)



(5) (A) of the Act. This evidence supports the finding that Toyo Kogyo has made all good faith efforts in attempting to meet the original 1975 model year emission standards.

Any request for hearing should state the reasons why the announced intention of the Administrator should be considered further at a public hearing. Any person requesting such a hearing may be subpoenaed pursuant to section 307(a) of the Clean Air Act to give testimony at the hearing.

The Clean Air Act requires that interim standards be set if a suspension is granted. The interim standards to apply to 1975 model year light duty vehicles sold by the applicants to whom suspension is granted are set forth at 38 FR 20365 (July 31, 1973).

Toyo Kogyo's application for suspension is available for public review in the Freedom of Information Center, Room 232, Waterside Mall West Tower, 401 M Street SW., Washington, D.C. 20460.

Dated: November 23, 1973.

JOHN QUARLES,  
Acting Administrator.

[FR Doc. 73-25352 Filed 11-28-73; 8:45 am]

#### CHEVRON CHEMICAL CO.

##### Notice of Establishment of Temporary Tolerances

Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804, submitted a petition (3G1396) requesting establishment of temporary tolerances for residues of the herbicide paraquat (1,1'-dimethyl-4,4'-bipyridinium ion) derived from application of either the bis(methyl sulfate) or the dichloride salt, calculated in both instances as the cation, in or on the raw agricultural commodities sunflower seeds at 5 parts per million and eggs and the meat, fat, and meat by-products of hogs and poultry at 0.01 part per million (negligible residue).

It has been determined that these temporary tolerances will protect the public health. They are therefore established on condition that the herbicide be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the Chevron Chemical Co. name.

These temporary tolerances expire November 26, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: November 26, 1973.

JOHN B. RITCH, Jr.,  
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 73-25353 Filed 11-28-73; 8:45 am]

#### ROHM AND HAAS CO.

##### Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512 (21 U.S.C. 346a(d) (1))), the following notice is issued:

In accordance with § 180.8 *Withdrawal of petitions without prejudice* of the pesticide procedural regulations (40 CFR 180.8), Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, has withdrawn its petition (PP 3F1366), notice of which was published in the FEDERAL REGISTER of April 20, 1973 (38 FR 9849), proposing the establishment of a tolerance for residues of the herbicide 2,4-dichlorophenyl p-nitrophenyl ether in or on the raw agricultural commodity garlic at 0.1 part per million.

Dated: November 26, 1973.

JOHN B. RITCH, Jr.,  
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 73-25354 Filed 11-28-73; 8:45 am]

#### FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19660; FCC 73-1199]

##### INTERNATIONAL RECORD CARRIERS

##### Scope of Operations in Continental U.S.; Memorandum Opinion and Order Enlarging Issues

1. On October 30, 1973, the Commission issued an Order (FCC 73-1103) published at 38 FR 30297 in the issue of Friday, November 2, 1973, herein instituting an expedited hearing on the entire matter of the request of The Western Union Telegraph Company (WU) for an increase in the currently prescribed division of charges received by it for the landline handling of outbound and inbound international telegraph message traffic. We indicated in said Order that the hearing would be upon issues to be specified by further order. In furtherance of our desire for an expedited hearing, the Chief, Common Carrier Bureau, requested the interested parties to submit statements, outlining with specificity what they believe to be the relevant issues upon which evidence should be adduced, and such views as might best conduce to an orderly and expeditious hearing. In response thereto, WU, IIT World Communications Inc. (ITTWC), RCA Global Communications, Inc. (RCAGC), TRT Telecommunications Corporation (TRT) and Western Union International, Inc. (WUI), filed written statements.

2. The views of the parties as to the issues to be included herein, in some respects involve broad considerations of the relationships between domestic and international telegraph operations. For example, it is recommended that inquiry be made into such matters as a re-evaluation of the methods and practices involved in the pickup and delivery of international traffic originating at or

delivered to hinterland points outside the established gateway cities; the possibility of providing WU's telex and TWX subscribers free direct access to the international record carriers; whether WU should be permitted or required to phase out of the landline handling of international message traffic; and, whether WU's present procedures for routing international telegraph message traffic are unduly circuitous and uneconomical. For the most part, however, the issues recommended by the parties relate primarily to what changes, if any, in the current division of charges are justified in light of WU's revenues, expenses and investment in the landline handling of international message traffic and the impact, if any, such increases would have upon the revenues, rates of return and traffic volumes of the international carriers. It is within this latter area of concern that our determination to designate for hearing WU's request for an increase in landline divisions of charges was largely influenced. The recommendations of the parties in this regard have been most helpful in delineating the relevant areas of inquiry raised by WU's request for relief. Insofar as the wide-ranging issues suggested by some of the parties are concerned, we believe they can be more adequately and appropriately addressed in separate proceedings and that any final action herein will not prejudice our ability to fully and fairly consider them within their proper context.

3. Upon careful consideration of the various views of the parties and all other matters of record, we have determined that the need, if any, for increases in the current divisions of charges requires inquiry not only into Western Union's revenues, expenses and investment related to the landline handling of international telegraph messages, but also into the reciprocal impact of any such increase on the revenues, rates of return, and traffic volumes of the respondent international carriers. However, to minimize delay, and at the same time avoid any unnecessary hearings, we shall require that the presiding Administrative Law Judge, at the conclusion of the landline portion of the proceeding, issue an interim decision on the need, if any, of Western Union for increases in divisions. In the event such decision concludes that increases are warranted, the hearings will continue on the international aspect of the proceeding. However, no increases in divisions of charges, if found to be warranted, shall be prescribed prior to final action on all of the designated issues, unless otherwise ordered by the Commission on good cause shown.

Accordingly, it is ordered, Pursuant to section 202, 204 and 205 of the Communications Act, in addition to those sections mentioned in the order herein released October 30, 1973, that the hearing shall be upon the following issues:

(a) Whether the current divisions of charges between Western Union and the respondent international record carriers for the landline handling by Western Union within the Continental United



**CABLE TV FEDERAL/STATE-LOCAL  
ADVISORY COMMITTEE**

**Notice of Meeting**

NOVEMBER 21, 1973.

A special meeting of the Steering Committee of the FCC Cable Television Advisory Committee on Federal/State-Local Regulatory Relationships with the Commissioners of the Federal Communications Commission will be held on December 11, 1973, at 9:30 a.m. in the Commission meeting room. The Commissioners will discuss the final report of the Steering Committee which was submitted on September 21, 1973. The primary emphasis of the meeting will be on "Part II" of the report dealing with the problem of "three-tiered" regulation of cable television.

The meeting is open to the public.

FEDERAL COMMUNICATIONS  
COMMISSION.

[SEAL] VINCENT J. MULLINS,  
Secretary.

[PR Doc.73-25327 Filed 11-28-73;8:45 am]

[Docket No. 19660; FCC 73-1203]

**INTERNATIONAL RECORD CARRIERS**

**Scope of Operations in the Continental  
U.S.; Memorandum Opinion and Order  
Instituting Investigation**

1. The Commission has before it for consideration (a) a petition for rulemaking filed by ITT World Communications Inc. (ITT) under section 222(e) (3) of the Communications Act seeking changes to the formula for distribution of outbound international messages (formula); (b) comments on that petition filed by RCA Global Communications, Inc. (RCA), Western Union International, Inc. (WUI), TRT Telecommunications Corp. (TRT), French Telegraph Cable Co. (French Cable), Canadian National Railway Co. (CNR), Canadian Pacific, Ltd. (CPL) and The Western Union Telegraph Co. (WU); (c) a reply filed by ITT; and (d) supplementary comments filed, in response to a request of the Chief, Common Carrier Bureau, by RCA, WUI, French Cable, TRT, CPL and WU amplifying the positions taken in their originally filed comments. The ITT petition alleges that the formula, as presently written, is anachronistic and no longer provides a distribution among the international record carriers (IRC's)

<sup>1</sup> As originally filed, the petition was denominated a "complaint" in accordance with the language of section 222(e) (3). However, since it involved a request for a change in the formula, which is a "rule" within the meaning of section 551(4) of the Administrative Procedure Act, 5 U.S.C. 551 (1971), it was treated as a petition for rulemaking and assigned the file number RM-690. For simplicity, the complaint will be referred to herein as a petition for rulemaking or petition.

of outbound international message traffic which is just, reasonable, or equitable in the public interest. The petition further requests the Commission thoroughly to review the workings of the formula and to prescribe a new formula which will be equitable to all parties. (Published at 38 FR 30297 in the issue of Friday, November 2, 1973.)

2. The present dispute centers around the formula developed pursuant to section 222(e) (1) of the Communications Act. That section provides that

The consolidated or merged carrier [WU] shall \* \* \* distribute among the international telegraph carriers, telegraph traffic by wire or radio destined to points without the continental United States. \* \* \* in accordance with such just, reasonable, and equitable formula in the public interest as the interested carriers shall agree upon and the Commission shall approve \* \* \* 47 U.S.C. 222(e) (1) (1970).

The question before us is whether the formula currently in effect, which was initially prescribed by the Commission in 1943, is now outmoded. Section 222(e) (3) provides that the formula may be revised whenever, upon a complaint or upon its own motion and after a full hearing, the Commission determines that the formula no longer operates so as to fulfill the statutory requirements. We believe that the ITT petition and associated pleadings make a prima facie showing that the current formula is or will be unjust, unreasonable, or inequitable and thus not in the public interest.

3. Section 222 was enacted in 1943 to permit the merger of WU and The Postal Telegraph Cable Co. (Postal). As a result of the merger, WU would become the sole domestic telegraph carrier with an extensive landline network.<sup>2</sup> Congress feared that this would put WU in a position where it could favor its own international division (WU Cables) over the independent IRC's with respect to traffic originating in the hinterland. Therefore, the section included a provision requiring WU to divest itself of its cable division. Since divestment was not made a precondition of the merger, WU would continue its international operations until such time as a purchaser for them was found. Section 222(e) was included to provide a method for insuring fair distribution among the IRC's of outbound international message traffic by WU, avoiding favoritism of either its own cable division pending divestment or another carrier. We approved the merger application on September 27, 1943, 10 F.C.C. 148 (Docket 6517), and issued an accompanying "Separate Report of the Commission on Formulas for the Distribution of International Traffic," 10 F.C.C.

<sup>2</sup> There was a limited IRC domestic message service prior to World War II. However, during the war, the War Communications Board ordered those operations terminated for reasons of national security, and they were never resumed.

States of outbound and inbound international telegraph message traffic is unjust, reasonable, inequitable, or otherwise not in the public interest.

(b) In connection with (a) above—

(1) What are the revenues, expenses and investment properly attributable to the landline handling by Western Union of international telegraph messages, both currently and for a reasonable future period of at least one year?

(2) On the basis of (b) (1) above, what changes, if any, in the levels and structure of the current divisions of charges are required to meet Western Union's revenue requirements for the period mentioned in (b) (1) above?

(c) What are, or will be, the effects of any increases in the divisions of charges that may be found to be required under (b) (2) above, on the revenues and rates of return of the respondent international carriers, assuming that such increases are absorbed by them?

(d) Whether the effect of any increases on the respondent international carriers is such as to warrant an increase in international public message charges to the public and, if so, the amount or amounts thereof and the effect of such increases on the volume of international message traffic and the revenues resulting therefrom both to Western Union and the respondent international record carriers.

(e) On the basis of findings and conclusions reached on the above issues, what changes, if any, in the current divisions of charges and/or charges to the public, should be prescribed by the Commission which will be just, reasonable and in the public interest?

It is further ordered, That the presiding Administrative Law Judge shall, upon completion of the taking of evidence on issues (a) and (b) (1) and (2), prepare an interim decision which shall be subject to exceptions and requests for oral argument as provided in 47 CFR 1.276 and 1.277 after which the Commission shall issue its decision as provided in 47 CFR 1.282, provided however, that should the interim decision of the presiding Administrative Law Judge conclude that changes in the current divisions of charges are warranted, evidence shall be taken promptly on issues (c), (d), and (e) and, provided further, that no increases in divisions of charges, found to be warranted, shall be prescribed prior to final Commission action on all of the issues designated herein, unless otherwise ordered by the Commission on good cause shown.

Adopted: November 21, 1973.

Released: November 26, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

[PR Doc.73-25323 Filed 11-28-73;8:45 am]



184. In this document, we adopted a method of distribution which, with some modifications,<sup>7</sup> remains in effect today.

4. The formula, which is set forth in the attached Appendix, provides generally that each IRC should receive from WU a sufficient number of unrouted international messages so that the gross international tolls such IRC would receive from all traffic (routed as well as unrouted) destined to a particular geographical sub-area<sup>8</sup> would accord with that carrier's proportionate share of the total tolls to each subarea during the base year.<sup>9</sup> An IRC is given a quota of messages, taking into consideration not only the number but also the length of the messages, to the geographical areas it was authorized to serve in 1942 that would achieve the general goal of the formula. In the event that the messages turned over in any month do not fulfill a carrier's quota, the formula provides for that carrier an increased number of messages to assure that its quota is met thereafter. Day-to-day administration of the formula is conducted by the International Formula Committee, made up of representatives of the interested IRC's, which issues, through its staff the International Quota Bureau, instructions to WU directing it to distribute unrouted messages. We have the responsibility to oversee the operation of the formula as a whole and to assure that it continues to serve the public interest.

5. In 1961 we approved a plan under which the American Securities Corp. would purchase the WU Cables division and operate it as an independent IRC under the corporate name of Western Union International, Inc.<sup>7</sup> With the consummation of divestment in 1963, WU was no longer in a position where it could favor its own international operations. At that time, we approved certain modifications to the formula to reflect the effect of the divestment. However, we did not engage in a thoroughgoing review of the formula or make any structural revisions.

<sup>7</sup> In 1961, in connection with the WU divestment, we modified the formula to substitute WUI for WU Cables division and to reflect the fact that thereafter WUI would be an independent IRC.

<sup>8</sup> A customer sending an outbound international telegram via WU may either specify the international carrier he wishes to handle the message (a "routed" telegram) or merely file the message with WU without further direction (an "unrouted" message). The formula, which provides in Section III that specific routings are to be honored, was designed to provide a fair distribution of total message traffic.

<sup>9</sup> The formula created three Areas: (1) Area "A" (Atlantic), (2) Area "B" (Latin America) and (3) Area "C" (Pacific). Each area is divided into "Subareas" to cover specific countries and territories.

<sup>10</sup> The "base year" under the formula is, generally, 1942 (the last full year prior to the merger). The formula, however, provided that where service to a country within a sub-area of Areas A or C had been interrupted by the war, the base period for determination of quotas would be the last twelve-month period prior to the interruption in which all interested IRC's were normally handling traffic to that country.

<sup>11</sup> 30 F.C.C. 323 (Docket No. 6517) (1961).

6. In December 1972, in Docket No. 19660, we initiated a general inquiry into the relationship between WU and the IRC's.<sup>5</sup> Among the matters included in that inquiry is the ITT petition at issue herein. This investigation arose from a series of interrelated filings bearing on the general question of the interface between the domestic and international telegraph fields. At the time we instituted this docket, we stated our belief that these matters would best be considered together. However, in view of the developments which have taken place since we instituted Docket No. 19660, it now appears that the best and most expeditious course is for us to consider further the ITT petition and associated responses separately at this time.

7. In its petition, ITT isolated three aspects of the present formula which it claims need correction: (1) The quota system; (2) "Schedule B"; and (3) the gateway concept. With respect to the quota system, ITT alleges that the technical, operational, and corporate changes which have occurred in the international message industry since 1943 have made it anachronistic. Under the formula, the quotas are designed to preserve each IRC's relative market share at its 1942 or earlier level. ITT notes that, although the present structure was arguably necessary to prevent WU from favoring its cable division, its continued validity is doubtful because the divestment of that division has put WU in a position where it can no longer so favor itself. More fundamentally, however, ITT charges that the existence of sizeable "deficiencies" and "overages,"<sup>6</sup> and the fact that the formula provides no way to eliminate

<sup>5</sup> 38 F.C.C. 2d 548 (1972).

<sup>6</sup> The amount of unrouted traffic due a carrier under its quota is affected by the amount of routed traffic it carries to a particular geographical subarea. If, through specifically-routed traffic alone, a carrier exceeds its quota for any category of traffic to a subarea (defined as an "overage") the formula calls for unrouted traffic to be withheld from that carrier in other categories so as to balance off the excess. Similarly, when unrouted traffic turned over to a carrier, when added to routed traffic, is insufficient to satisfy its quota to any subarea (a "deficiency"), it is to receive increased amounts of unrouted traffic thereafter until its deficiency is eliminated. ITT included figures in its petition to show that on an overall basis, it and WUI were in an overage position, with RCA and others in a deficit position. RCA was also in a deficit position with respect to Schedule B traffic. ITT argues that to the extent a carrier strives to increase its routed traffic, it loses unrouted traffic, so that the present formula inhibits competition. It also points out that RCA has no gateway quota to Areas A and B, so that its hinterland quota to those areas is not reduced by routed gateway traffic, as are ITT's and WUI's, where its gateway traffic is proportionately greater than it was in the base year. In view of its overages, and consequent lack of participation in unrouted traffic, it believes it is deprived of the opportunity to develop such market and to gain any return traffic from abroad that may result from the handling of unrouted traffic. It also cites other examples which it believes illustrate formula inequities—U.K. and Eire, South America, Japan.

them, indicate a basic weakness which should be corrected. ITT also challenges the continued validity of "Schedule B" to the formula. Under this provision, WU agreed to give RCA certain amounts of traffic taken from its quotas to subareas of Area A (Atlantic). ITT characterizes this agreement as a "gift," which was made to compensate RCA for its pre-merger lack of access to a domestic land-line system,<sup>10</sup> and argues that any disadvantage RCA suffered must be considered to have been redressed in the time since the formula was instituted. Finally, ITT believes that, in connection with a review of the formula, the "gateway" concept should be modified to reflect more accurately modern operating techniques, such as automatic switching, which permit handling to and from any point in the United States, without processing at present gateways, as contrasted with the IRC's manual handling of messages at gateways in 1943. In view of this, ITT believes gateway cities, which were tied to old operating limitations, should not be restricted to those currently authorized. ITT requests that, after hearing, the Commission revise the formula to meet modern conditions, including:

- (a) Cancellation of all existing overages and deficiencies;
- (b) Ordering WU to turn over unrouted traffic equally to all IRC's authorized to serve the point of destination;
- (c) Cancellation of the quotas for the Canadian carriers under appendix 2 to the formula.<sup>11</sup>

<sup>10</sup> Prior to the merger, the WU Cables division relied on the WU domestic landline network to provide pickup and delivery for international message traffic to and from the hinterland. ITT's predecessor in the formula collectively referred to as the "A, C, & R group," had an exclusive arrangement with Postal under which the ITT companies turned over to Postal unrouted inbound traffic in return for all its unrouted outbound traffic. RCA, however, had no such arrangements. RCA, however, did have a pre-merger contract with WU which provided that WU would turn some traffic over to it in return for RCA's inbound traffic. Additionally, RCA had arrangements with WU for exchange of traffic to and from trans-Pacific points.

<sup>11</sup> Section 222 provided that, notwithstanding the fact that pickup and delivery of international messages within the continental United States is defined as a domestic telegraph operation, the IRC's may pick up and deliver such messages "in the cities which constitute gateways approved by the Commission as points of entrance into or exit from the continental United States \* \* \*." See 47 U.S.C. § 222(a) (5) (1971).

<sup>12</sup> Appendix 1 to the formula provides that CNR and CPL be given quotas to certain points in Australasia. This provision arose because prior to the merger WU had a contract with CNR to turn over specifically-routed traffic destined for those points. Postal had a similar contract with CPL, except that unrouted traffic was also covered. The formula provides that specifically routed traffic be turned over to the two Canadian carriers and that sufficient unrouted traffic be turned over to CPL so that its pre-merger share of the total traffic (routed and unrouted) to the areas in question would be generally maintained. ITT argues that the contractual rights which resulted in this provision "can certainly be deemed to have been fulfilled \* \* \*." See ITT petition at pp. 11-12.



(d) Ordering WU to turn over all routed traffic to the carrier of the sender's choice without any regard to the distribution of unrouted traffic, if it can carry the traffic out of the country;

(e) Prescribing that gateway traffic originated by an IRC itself should have no bearing on the distribution of outbound unrouted traffic.

(f) Cancellation of Schedule B of the formula; and

(g) Upon revision of the formula, abolition of gateway quotas and distribution of unrouted traffic filed with WU equally among the IRC's, allowing the IRC's to operate in "new" "gateway" cities upon an appropriate section 214 finding.

8. Essentially, none of the parties who filed comments herein disputes the factual allegations in the ITT petition. However, some of them take exception to certain features of the ITT proposal for a new formula. The position of the parties may be summarized as follows:

WU. WU's present interest in the Formula lies in the establishment of provisions which are substantially clear and explicit so that it may readily determine the identity of the IRC to which traffic is to be transferred, and the means to make interpretations of the formula or resolve disputes. Any revision should provide for the distribution to be made by WU of international record traffic specifically routed via a Canadian carrier, or via an IRC which cannot carry such traffic out of the United States. In addition, any revision should not inhibit WU from changing its operating methods in pursuance of its modernization program. The present Formula is becoming increasingly incompatible with modern handling and processing of international telegrams. Instead of the present formula, all traffic should be required to be specifically routed by the sender. If this cannot be done, then responsibility for distribution should be transferred to an entity of the IRC's such as the International Quota Bureau. Failing this, unrouted traffic to a particular area should be transferred to one IRC, so as to simplify handlings. All costs of distribution should be borne by the IRC's, and WU should make a reasonable profit on its services in distribution of traffic. So far as ITT proposes expansion of existing gateways, WU opposes such a step. Since it has withdrawn from international operations, the IRC's should not expand into the domestic field. Moreover, the IRC's should not maintain independent offices in present gateways, but should use WU offices. In any event, any treatment of the gateway question in the Formula should be resolved in a manner consistent with any modification of the industry structure in Docket No. 19690.

RCA. The ITT proposal seeks only to advance ITT's interest. ITT has an overage of \$23.9 million as of October 1972, and RCA has an underage of \$45.8 million. RCA says the cumulative overages and underages must be viewed in light of intentions at the time the Formula was prescribed. It asserts that the Formula reflects the pre-merger situation, in which WU Cables and ITT were closely allied with an extensive landline system, and have roughly equal proportions of in and out traffic, whereas RCA could never approach this position, since it had no close affiliation with a landline system. RCA voluntarily gave up gateway quotas to Areas A and B, to rely on its own efforts. ITT, which has said it did not plan to open additional gateway offices, promptly did so and doubled its advantage, obtaining additional traffic and diminishing unrouted traffic in gateways. WUI received substantial Area C traffic for which it never

had quotas, giving it overages and causing RCA to have underages. WU entered into solicitation practices for WUI in both gateways and hinterland, and WUI has a hinterland overage while RCA and ITT have deficits. ITT's position ignores its own cumulative overage, and it has failed to establish a cause and effect relationship for its contention. It has not been inhibited by the Formula. With regard to Schedule B, it was neither a gift to RCA nor a price for unanimity on the Formula submitted to the Commission. ITT did not oppose it in 1943, and RCA does not take a single unrouted message from ITT. Since RCA has a substantial deficit under Schedule B, it cannot be said to have been compensated for the inequalities intended to be removed by Schedule B. In summary, ITT's approach is an arbitrary one, and reflects none of the public interest considerations recognized as important by the Commission in 1943. RCA, with the heaviest deficit, would be the chief victim. The basic problem is one of not having a method to liquidate deficiencies, and any revision must recognize and account for them. ITT has failed to make a prima facie case.

WUI. In the interest of expedition, any possible Formula revisions should be explored preliminarily by the interested carriers, using section XI of the Formula, which provides for an International Formula Committee, as a vehicle. Such course could eliminate or minimize tedious formal hearings. WUI will not comment at this time on ITT's proposals, since it is preferable to explore them in the Committee, and, moreover, they are lacking in detail, and there is a question as to whether the showing made is adequate to warrant a section 223 proceeding. In any event, such issues as free direct access and gateway city charges should be first resolved.

French Cable. As French is not a party to the formula, it made no comment either on ITT's allegations or on its recommendations. However, it did indicate its desire to participate in the resolution of the conflict.

TRT. This company supports the ITT view that the Formula requires revision. It proposes the following changes:

1. That existing "overages" and "deficiencies" be eliminated;
2. That any carrier handling routed traffic to a foreign or overseas destination be eligible to handle unrouted traffic;
3. That each carrier be allocated a percentage of unrouted traffic tolls to each country or overseas destination in proportion to that carrier's share of the total routed traffic tolls to that country or overseas destination;
4. That in determining each carrier's share of the total routed traffic tolls only those tolls which are derived from messages originating outside the gateways be included;
5. That the percentages for each carrier and each country or overseas destination be determined annually for the latest complete year;
6. That the carriers report to the FCC the number and the tolls of all routed and unrouted messages to each country or overseas destination;
7. That the computation of the percentages and the verification of the reporting be the responsibility of the FCC;
8. That the IQB be dissolved.

TRT states that: The suggestion above that the unrouted traffic be allocated by country or overseas destination in proportion to the routed traffic for each carrier which is derived from messages originating outside the gateways would serve as an incentive for each carrier to main-

tain service quality and to be responsive to customers' requirements. Competition would be encouraged, and successes in innovation and providing more attractive service to the using public would be rewarded by increases in both routed and unrouted traffic. (Under the present quota system, increases in routed traffic have negative effects on unrouted traffic.) However, it is essential that tolls generated from messages originating within the gateways be excluded in calculating the amount of total routed traffic for each carrier so as to avoid undue preferences to the three larger U.S. international record carriers resulting from their favored gateway status. The suggested manner of handling unrouted outbound traffic has the advantages of simplicity and equity. It also provides for automatic updating of the percentage distributions annually. Furthermore, this method would not be affected by any changes in gateways, or hinterland direct access that the Commission might make in the future.

CPL. CPL opposes the ITT proposal with respect to unrouted traffic distributed to Canadian carriers, arguing that it would violate section 222(e)(1) in that CPL had an exclusive contract with Postal Telegraph, assumed by WU after merger, under which CPL received unrouted traffic to Australasia and the British West Indies, and, in return, transferred to Postal all inbound traffic from these areas to routes served by Postal. It states that the Commission, in adopting the Formula, agreed that WU should continue to transfer to CPL sufficient outbound traffic to these areas to maintain its percentage share in total routed and unrouted traffic to these points. The memorandum of understanding adopting the contract is still in existence, having been periodically renewed, so that CPL's pre-existing contract rights prevent the ITT proposed change. Moreover, equity could militate against a change, since CPL transfers traffic to WU. In addition, statements made by the Commission in its decision in the Formula in 1943, support continuance of the quotas.

CNR. This Canadian company also opposes the ITT proposal and takes exception to the statement that any pre-merger contract with WU or Postal Telegraph can be now deemed to have been fulfilled. It believes the contractual obligations of WU are subsisting in law, and that its right to a quota continues subject to the same protection as those of other international carriers. In the alternative, it suggests that if the present Formula requires revision, any new Formula should not liquidate deficiencies without some compensatory equitable provision being made in favor of the carriers in a deficiency position.

9. In response to the more recent comments, ITT points out that the Commission has never reviewed the Formula, and asserts that none of the commenting carriers has pointed out a good reason for delay. It states that, although it had suggested specific remedies, it does not contend that no other remedy would serve the public interest. It questions the feasibility of the WU suggestion that all traffic be routed, (though it states that this is an ultimate objective or a reasonable objective), in view of the effort required to educate the public, and the



tendency of WU employees to treat a specification of "WU" as a routing via WUI. It believes that TRT's proposal is more viable, insofar as it suggests that unrouted traffic be allocated in proportion to routed traffic. It characterizes the responses of others as obstructionist or dilatory. ITT says that the CPL-WU memorandum of understanding was extended without consideration by the Commission; that the overages and deficiencies referred to by RCA illustrate the need for a new Formula and do not represent commitments or obligations of any carrier; and that the WUI suggestion, that free direct access and additional gateways require prior resolution, is without merit.

#### DISCUSSION

10. The formula presently in effect was prescribed by us in 1943. While we believed at that time that the formula reasonably fulfilled the section 222(e) (1) requirements, we have recognized that it might become outmoded with the passage of time. In fact, at the time we approved the divestment proposal of WU and American Securities Corp. we noted that

[d]uring the period since [the merger], it has always been at least implicit in our administration of the formula that, in addition to being a device for an equitable distribution of outbound traffic, handled by [WU], among the international carriers, the formula as now written is an interim document designed to provide protection to the other international carriers against any favoritism on behalf of [WU's] cable system so long as such system is part of Western Union. 30 P.C.C. 323, 373-4 (1961).

In that proceeding we did approve amendments to the formula to reflect the fact that thereafter WUI (the divested WU cables division) would be an independent IRC with no connection to WU. However, since we noted that we had not been asked to overhaul the basic structure of the formula, we left that question to an appropriate proceeding. The matters set out in the instant petition and responses thereto, raise a substantial question as to whether the formula has kept pace with the developments in the industry since 1943. We agree that it is time, some 30 years later, to reevaluate that structure in light of present realities. While we included this subject in Docket No. 19660, to be considered along with other matters, it appears that, at this time, a more intensive analysis should be given to the formula and possible revisions. Accordingly, we are instituting a special investigation into this matter.

11. While we agree that the formula needs to be re-examined, we think that our inquiry should be broader than that requested in the ITT petition. Both TRT and WU have made alternative proposals which appear to us equally worthy of further consideration. Other interested parties, in view of our desire thoroughly to explore the question of formula revision, may wish to offer other proposals for our consideration at this time. So that the

resulting revisions may best serve the public interest, we believe that, consistent with an expeditious resolution of this matter, we should consider all relevant views. We intend, therefore, that the investigation ordered herein should explore the whole matter without being tied to the proposals and views of any one party.

12. We note that ITT has acknowledged that its own views are not necessarily the only ones which will serve the public interest. ITT may well wish to review further its announced position in view of the alternatives advanced by the other parties. Some of the parties herein withheld comment on the merits of the ITT petition pending further formal action. Moreover, the parties have not commented on the WU or TRT proposals, which were submitted in response to the letter of May 25, 1973, from the Chief, Common Carrier Bureau.

13. Under these circumstances, the most expeditious course is to have the interested parties submit detailed and explicit written positions setting out the facts and other considerations (legal, policy, etc.) which are relevant to a decision on the several issues presented by the pleadings. We shall provide for responses thereto and replies. We believe that this proceeding is an appropriate one for the application of this approach. To the extent that an oral hearing is necessary or desirable, upon review of the submissions indicated above, we shall, of course, consider an appropriate request by any party, or take action on our own motion.

14. We have referred above (paragraph 11) to the possibility that other parties may wish to propose changes in addition to those suggested by ITT, TRT, and WU. Should this be so, any such party may, to the extent it believes our order herein otherwise precludes such submission, request an appropriate amendment of such order.

15. *Accordingly, it is ordered.* Pursuant to sections 4(i), 4(j), 201, 222, and 403 of the Communications Act of 1934, That an investigation is hereby instituted to determine whether the distribution of telegraph message traffic under the formula prescribed pursuant to section 222 (e) (1) of the Communications Act for the distribution of outbound international message traffic handled by The Western Union Telegraph Co. is unjust, unreasonable, or inequitable or not in the public interest and, if so, the nature of the amendments which the Commission should make thereto;

16. *It is further ordered.* That the investigation ordered herein shall include inquiry into the following issues:

(1) The exact manner in which the distribution of traffic is presently being made, broken down by carrier, category of traffic, and areas and sub-areas.

(2) The nature, extent and reason for the existing overages and deficiencies in assigned quotas. In this connection, each carrier shall present full data with respect to its overages or deficiencies, by area and subareas, as of each year-end

for the ten (10) years ending December 31, 1972, and an estimate for the year ending December 31, 1973; as well as the totals, by area and sub-area, since distribution began under the formula.

(3) The present defects in the formula, pointing out with specificity the effect of each claimed defect not only on the respondent, but also on other international record carriers and on the quality of service provided to and the rates charged the using public.

(4) The specific amendments which should be made to the formula to remove each such defect, the effect each such amendment will have on respondent, other international record carriers, and on the quality of service provided to and the rates charged the using public.

In answering issues (3) and (4), attention should be directed to the proposals of ITT, WU, and TRT. Responses and replies will, of course, also be directed to any new matter which may be raised in the initial statements filed pursuant hereto.<sup>24</sup>

17. *It is further ordered.* That, to the extent provided for herein, the petition for rulemaking filed by ITT World Communications Inc. is granted and is otherwise denied in all respects;

18. *It is further ordered.* That ITT World Communications Inc., RCA Global Communications, Inc., Western Union International, Inc., TRT Telecommunications Corp., The French Telegraph Cable Co., The Western Union Telegraph Co., Canadian National Railway Co., and Canadian Pacific, Ltd. are hereby made parties respondent to the investigation instituted herein;

19. *It is further ordered.* That the International Formula Committee, including its staff the International Quota Bureau, is hereby made a party respondent for the purpose of furnishing such information that it may have within its possession or knowledge concerning the operation of the formula that may be required by the Commission for the resolution of this matter;

20. *It is further ordered.* That the following procedures will be followed in this investigation:

(1) Respondents shall file, and other interested persons may file, within sixty (60) days of the release of this Order, statements of fact and memorandums of law relative to the issues set out herein;

(2) Responses to initial statements shall be filed thirty (30) days after the statements are due, and replies to such responses shall be filed within fifteen (15) days after the filing of responses;

(3) All statements filed by a respondent, or other interested persons, shall be served upon all other respondents and all further pleadings shall be served on those respondents and all other persons filing statements herein;

<sup>24</sup> We do not, however, think that a resolution of the issue raised by ITT with respect to redefining gateway concepts is a prerequisite to revision of the formula and do not propose to address it in this proceeding.



21. It is further ordered, That the Commission will make such further orders herein as are necessary or desirable.

Adopted: November 21, 1973.

Released: November 26, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.73-25324 Filed 11-28-73; 8:45 am]

**WESTERN CONNECTICUT BROADCASTING  
CO. AND RADIO STAMFORD, INC.**

[Docket Nos. 19872, 19873, FCC 73-1186]

**Designating Applications for Consolidated  
Hearing on Stated Issues**

In the matter of applications of The Western Connecticut Broadcasting Company (WSTC), Stamford, Connecticut, Docket No. 19872, File No. BR-1150, Has: 1400 kHz, 250 W, 1 kW-LS, U, for renewal of license; Radio Stamford, Inc., Stamford, Connecticut, Docket No. 19873, File No. BP-19162, Requests: 1400 kHz, 250 W, 1 kW-LS, U, for construction permit.

1. The Commission has before it for consideration the above-captioned applications which are mutually exclusive in that they seek to use the same frequency in the same community.

2. On October 17, 1973, the Commission adopted its Decision (FCC 73-1074) in Docket No. 19043 declining to revoke the licenses for WSTC (AM and FM), while at the same time ordering Western Connecticut to forfeit the sum of \$10,000.<sup>1</sup> On April 1, 1972, during the pendency of the revocation proceeding, the license for WSTC expired. Since the application of Radio Stamford, Inc., was filed on March 1, 1972, it is timely and thus entitled to comparative consideration with the application for renewal.<sup>2</sup>

3. In our aforementioned Decision we found that Western Connecticut's repeated violations of section 315 of the Act, in the absence of any mitigating factors, warranted revocation. Our conclusion, however, that the licensee's overall programming was sufficient to tip the

<sup>1</sup> Commissioner H. Rex Lee absent; Commissioner Reid concurring in the result.

<sup>2</sup> Issues raised by the show cause order were whether the licensee censored broadcast material of political candidates, afforded equal opportunities to candidates, improperly maintained records and logs, lacked candor in responding to Commission inquiries and possessed the requisite qualifications to remain a licensee. Subsequently, the Review Board added an issue to determine whether the licensee's programming had been meritorious. *Western Connecticut Broadcasting Company*, 26 FCC 2d (1970).

<sup>3</sup> Previous requests by Radio Stamford to have its application for construction permit consolidated in the WSTC proceeding were denied by the Commission. *Radio Stamford, Inc.*, 35 FCC 2d 776, reconsideration denied 39 FCC 2d 84 (1973). Subsequently, Western Connecticut entered an appeal before the U.S. Court of Appeals for the District of Columbia Circuit in Case No. 73-1201 which is still pending.

scales against revocation and permit imposition of the maximum forfeiture was subject to the specific caveats set out in paragraph 32 of the Decision, namely, that the ruling (i) resolves only the question of revocation; (ii) does not establish or forecast our position with respect to any policy on programming standards that may ultimately result from the Commission's inquiry into the matter of "superior past programming" which might give a renewal applicant a "plus of major significance" in comparison with a competing applicant (Docket No. 19154, 31 FCC 2d 443 (1971)); and (iii) does not, by virtue of our determination on the programming issue, necessarily create for the licensee a preferred position in any forthcoming comparative proceeding involving its renewal application. Finally, we noted that the revocation proceeding would become part of the licensee's file and may be considered when action is taken on its renewal. In light of these caveats, and the fact that ultimately all licensees must be held accountable for their performance during their previous license term, the matters raised during the revocation proceeding may be considered within the context of the comparative issue specified below. Moreover, Western Connecticut is bound by the record in Docket No. 19043 and the resolution of issues in that proceeding is res judicata as to the licensee.

4. The president and largest single stockholder (22 percent) of Radio Stamford is Alphonsus J. Donahue, formerly president of Donahue Sales Corporation. That company is now a division of Textron, Inc., and is managed by Mr. Donahue. On March 25, 1970, the Federal Trade Commission in Docket No. C-1713, issued a consent order directing Donahue Sales Corporation to cease and desist from engaging in certain price-fixing practices in connection with the sale of packaged zippers, spooled thread, and other products for the home sewing market. Attached to the order was a complaint alleging specific violations of Federal Trade Commission Act (Title 15 U.S.C. § 41). The complaint was drafted by the Bureau of Restraint of Trade and would have been presented to the F.T.C. for adoption had not Donahue Sales Corporation entered into the consent agreement. Although this Commission is not charged with the enforcement of anti-trust laws, if an applicant or a principal thereof has been involved in unlawful practices, an analysis of the substance of these practices must be made in order to determine the ability of the applicant to use the proposed facilities in the public interest. Uniform Policy as to Violation by Applicants of Laws of the United States, 1 RR 91:495 (1951). Thus, in keeping with our long-standing policy, an appropriate issue will be included.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the facts and circumstances relating to trade practices engaged in by Donahue Sales Corporation which resulted in the issuance by the Federal Trade Commission of a consent order in Docket No. C-1713 and whether such practices reflect upon the basic and/or comparative qualifications of Radio Stamford, Inc., to be a licensee of the Commission.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

7. It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof under Issue No. 1 shall be on Radio Stamford, Inc.

8. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: November 14, 1973.

Released: November 21, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.73-25319 Filed 11-28-73; 8:45 am]

**JERRY LAWRENCE, ET AL.**

[Docket Nos. 19865, etc., FCC 73-1198]

**Designating Applications for Consolidated  
Hearing on Stated Issues**

In regard to applications of Jerry Lawrence, Santa Paula, California, Docket No. 19865, File No. BPH-8051, requests: 96.7 MHz, #244; 3 kW (H & V); 300 feet, William F. Wallace and Anne K. Wallace, joint tenants, Santa Paula, California, Docket No. 19866, File No. BPH-8105, requests: 96.7 MHz, #244; 87 W (H & V); 1,500 feet, Clark Ortone, Inc., Fillmore, California, Docket No. 19867, File No. BPH-8111, requests: 96.7 MHz, #244; 3 kW (H & V); 300 feet, Class A Broadcasters, Inc., Fillmore, California, Docket



No. 19868, File No. BPH-8234, requests: 96.7 MHz #244; 87 W (H & V); 1,515 feet, for construction permits.

1. The Commission has before it for consideration the above-captioned applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. Accordingly, the applications must be designated for hearing.

2. Analysis of the financial portion of the application of Clark Ortone, Inc., indicates that it will require \$33,665 to construct and operate the proposed facility for a period of one year. In itemized form, this total cost consists of \$10,385 in construction costs and \$23,280 in operating expenses. The applicant plans to meet the requirement with new capital which apparently is to be derived from the sale of stock. The amount of new capital, approximately \$20,000, however, would still fall short of the required \$33,665. In addition, the applicant failed to comply with the instructions outlined in section III, page 3, paragraph 4(a) through 4(e), of FCC Form 301. Since the applicant has failed to provide personal or corporate balance sheets or to specify what first-year operating costs consist of, the Commission is unable to find that the applicant is financially qualified. Moreover, the applicant has failed to issue any stock and none has been subscribed. Clark Ortone, president of the applicant, is under the impression that before shares can be issued a "lengthy application for qualification of the offer and sale of securities by permit" must be made under California's corporate securities law. Mr. Ortone asserts that he will hold a majority interest (about 70 percent) with "most of the remainder" divided between the two other officers, Gary Hamilton and Michael Remenih. Ortone goes on to state that there may be other investors, but they will own only an "insignificant" amount. In light of the above uncertainties, the Commission believes that a substantial question exists as to the applicant's basic legal qualifications.

3. The Wallace application proposes to duplicate the programming of commonly owned station KLIQ (AM) during the daytime hours when that station is permitted to operate. Therefore, evidence regarding program duplication will be admissible under the contingent comparative issue. The showing permitted under that issue will be limited to evidence concerning the benefits derived from the proposed duplication, and a full comparison of the applicant's program proposals will not be permitted in the absence of a specific programming inquiry. *Jones T. Sudbury*, 8 FCC 2d 360, 10 RR 2d 114 (1967).

4. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, a contingent comparative issue will be specified in addition to an issue to determine which of the proposals would best provide a fair, efficient and equitable distribution of radio services pursuant to section 307(b) of the Communications Act.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations that would receive FM service of 1 mV/m or better from the respective proposals, together with the availability of other primary (1 mV/m or better for FM) aural services in such areas.

2. To determine whether Clark Ortone, Inc., is legally, financially and otherwise qualified to construct and operate the proposed station.

3. To determine, in light of section 307(b) of the Communications Act, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the event that it is concluded that a choice between applicants should not be based solely on considerations relating to section 307(b), which of the proposals would best serve the public interest.

5. To determine, in light of the evidence adduced under the above issues, which, if any, of the applications should be granted.

7. It is further ordered, That the applicants shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by § 1.221(c) of the rules.

8. It is further ordered, That the applicants shall give notice of the hearing within the time and in the manner specified in § 1.594 of the rules, and shall seasonably file the statement required by § 1.594(g).

Adopted: November 14, 1973.

Released: November 21, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.73-25325 Filed 11-28-73;8:45 am]

[FCC 73-1200]

#### RADIO SAMOA, LTD.

#### Standard Broadcast Application Ready and Available for Processing

NOVEMBER 21, 1973.

The following application seeks the facilities of government-owned station WVUV on the Island of Tutuila, American Samoa:

BP-19448 NEW, Leone, American Samoa  
Radio Samoa, Ltd.  
Req: 1120 kHz, 10 kW, U

Pursuant to the provisions of § 1.227 (b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be consolidated with the above application must be tendered no later than March 7, 1974.

The attention of any party in interest desiring to file pleadings concerning this application, pursuant to section 309(d) (1) of the Communications Act of 1934, as amended, is directed to § 1.581(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.73-25326 Filed 11-28-73;8:45 am]

#### FEDERAL MARITIME COMMISSION

[Docket No. 73-76]

#### GALVESTON WHARVES AND COOK TERMINAL CO.

#### Order of Investigation and Hearing

Two agreements between the Board of Trustees of the Galveston Wharves (Galveston) and Cook Terminal Company, Inc. (Cook), and one agreement between Galveston and Cook Industries, Inc., have been filed for Commission approval and have been assigned Federal Maritime Commission Agreements Nos. T-2814, T-2814-A, and T-2814-B.

Agreement No. T-2814 provides that Galveston will construct, to Cook's specifications, a materials handling facility designed for the warehousing, storage, conditioning, and shipping of bulk agricultural commodities.

Agreement No. T-2814-A provides for the lease to Cook of the materials handling facility constructed by Galveston pursuant to Federal Maritime Commission Agreement No. T-2814, for a term of thirty years (with renewal options for a total of twenty additional years). The agreement provides that Cook will operate the facility as a public elevator and materials handling facility for the warehousing, storage, marketing, conditioning and shipping of bulk commodities.

Agreement No. T-2814-B provides that Cook Industries will guarantee the obligations of Cook Terminal Company, Inc. to Galveston under Agreement No. T-2814-A.

Pursuant to notice of the filing of Agreements Nos. T-2814, T-2814-A, and T-2814-B in the FEDERAL REGISTER on July 19, 1973, a formal complaint and protest was filed on behalf of Louis Dreyfus Corporation requesting that the agreements be made the subject of a formal proceeding to determine whether they are approvable under section 15 of the Shipping Act, 1916, and that such proceeding be consolidated with Docket No. 73-7, In the Matter of Agreement No. T-2719, a Commission proceeding involving an agreement between Louis Dreyfus Corporation and the Port of Houston Authority.

<sup>1</sup> Action by the Commission November 21, 1973. Commissioners Burch (Chairman), Robert E. Lee, Johnson, Reid, Wiley, and Hooks.



The Commission has carefully reviewed the protests and replies and is of the opinion that the issues presented by these agreements are such that the agreements should be made the subject of a formal investigation to determine whether they should be approved, disapproved or modified pursuant to section 15 of the Shipping Act, 1916. We are also of the opinion that this matter can be better handled through the format of a separate investigation and hearing rather than consolidating the matter with Docket No. 73-7.

Now, therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, an investigation and hearing be instituted to determine:

1. Whether Agreements Nos. T-2814, T-2814-A, and T-2814-B should be approved, disapproved or modified pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814);

2. Whether the implementation of Agreements Nos. T-2814, T-2814-A, and T-2814-B will result in any practice which will subject any person, locality or description of traffic to undue or unreasonable prejudice or disadvantage in violation of section 16 of the Shipping Act, 1916 (46 U.S.C. 815);

3. Whether the implementation of Agreements Nos. T-2814, T-2814-A, and T-2814-B will result in any practice which is unjust or unreasonable in violation of section 17 of the Shipping Act, 1916 (46 U.S.C. 816);

It is further ordered, That the request by Louis Dreyfus Corporation for consolidation of this matter with Docket No. 73-7 is hereby denied;

It is further ordered, That Cook Terminal Company, Inc.; Cook Industries, Inc., and the Board of Trustees of the Galveston Wharves be made respondents, and that Louis Dreyfus Corporation be made petitioner in this proceeding;

It is further ordered, That in the event any modification of these agreements are filed with the Commission, such agreement(s) shall be made subject to this investigation for approval, disapproval, or modification under the standards of section 15 of the Shipping Act, 1916;

It is further ordered, That the proceeding herein ordered be assigned for hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined and announced by the Administrative Law Judge;

It is further ordered, That notice of this order and notice of hearing be published in the FEDERAL REGISTER and copy of such order and notice of hearing be served upon respondents and petitioner;

It is further ordered, That persons other than respondents, petitioner, and Hearing Counsel who desire to become parties in this proceeding and to participate therein shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in accordance with Rule 5(1) of the Commission's rules of practice and

procedure, 46 CFR 502.72, with a copy to all parties; and

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[FR Doc.73-25345 Filed 11-28-73;8:45 am]

#### KLOSTERS REDERI A/S

##### Certificates of Financial Responsibility; Order of Revocation

In the matter of certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P-5 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,031.

Whereas, Klosters Rederi A/S % Norwegian Caribbean Lines, 100 Biscayne Boulevard, Miami, Florida 33132 has ceased to operate the passenger vessel M/S SUNWARD; and

Whereas, Klosters Rederi A/S has returned Certificate (Performance) No. P-5 and Certificate (Casualty) No. C-1,031 applying only the M.S. SUNWARD for revocation.

It is ordered, That Certificate (Performance) No. P-5 and Certificate (Casualty) No. C-1,031 applying to the M/S SUNWARD be and are hereby revoked effective November 21, 1973.

It is further ordered, that a copy of this order be published in the FEDERAL REGISTER and served on certificant.

By the Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.73-25346 Filed 11-28-73;8:45 am]

#### FEDERAL POWER COMMISSION

[Docket No. E-8333]

##### CENTRAL TELEPHONE AND UTILITIES CORP.

##### Notice of Compliance Filing

NOVEMBER 23, 1973.

Take notice that on November 19, 1973, Central Telephone and Utilities Corporation (Central Tel) filed with the Commission executed counterparts of contracts with REA Cooperative and Municipal Wholesale customers. This filing, according to Central Tel completes its filings in response to ordering paragraph (C) of the Commission's order dated September 26, 1973, in this docket. Central Tel states that copies are being furnished to all parties.

Any person desiring to be heard or to protest said filing should file comments 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 comments should be filed on or

before November 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken. Those already permitted intervention in this docket need not file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,  
Acting Secretary.

[FR Doc.73-25296 Filed 11-28-73;8:45 am]

[Docket No. RP73-109]

#### EL PASO NATURAL GAS CO.

##### Notice of Tariff and Service Agreement Filing

NOVEMBER 23, 1973.

Take notice that on November 7, 1973, El Paso Natural Gas Company (El Paso) tendered for filing and acceptance two (2) firm service agreements, each dated October 25, 1973, between El Paso, as Seller, and Colorado Interstate Gas Company (C.I.G.) and Mountain Fuel Supply Company (Mountain Fuel), respectively, as Buyers, and certain revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 3, applicable to El Paso's Northwest Division System. El Paso claims that the proposed changes in the tendered service agreements and revised tariff sheets are prompted by the conversion of the rates under Rate Schedule PL-1 from an Mcf basis to a therm basis to become effective on November 25, 1973.

The filing indicates that on July 20, El Paso filed a Motion for Approval of Stipulation and Agreement in settlement of rate proceedings in Docket Nos. RP71-14, RP71-84, RP71-137 and RP72-151. As a part of that Stipulation and Agreement El Paso states that it agreed to undertake the conversion of the rates under Rate Schedule P1-1 from an Mcf basis to a therm basis at such time as El Paso moved to place into effect the rates filed and suspended at Docket No. RP73-109. El Paso filed concurrently with the instant tender its motion to place into effect on November 25, 1973, said Northwest Division System rates now under suspension at Docket No. RP73-109, together with the proposed conversion of the rates applicable to Rate Schedule P1-1 from an Mcf basis to a therm basis.

Accordingly, the filing states that the tendered service agreements and revised tariff sheets are designed to implement necessary revisions giving effect to the conversion of the rates under Rate Schedule P1-1 to a therm basis, as reflected in the tariff sheet submitted as part of El Paso's said concurrent motion at Docket No. RP73-109. El Paso states further, however, that if for any reason its proposal to convert the Rate Schedule P1-1 rates as proposed in said motion to become effective on November 25, 1973, is not accepted and permitted to become effective, the tendered service agreements and revised tariff sheets contained in the



instant filing should be deemed withdrawn. El Paso, pursuant to the Commission's regulations requests waiver of § 154.22 of said regulations as necessary, so as to permit the tendered service agreements and revised sheets to become effective on November 25, 1973. While acceptance and effectiveness of the tendered service agreements will result in an increase in Northwest Division System revenues applicable to Rate Schedule P1-1, El Paso requests, that the tendered service agreements and revised tariff sheets be accepted subject to final disposition of the proceedings pending at Docket No. RP73-109.

El Paso states that a copy of the instant filing and the enclosures thereto have been transmitted to each of El Paso's Northwest Division System customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before November 29, 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 filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,  
Acting Secretary.

[FR Doc.73-25299 Filed 11-28-73;8:45 am]

[Docket No. E-7625]

### MISSISSIPPI POWER CO.

#### Notice of Proposed Tariff Filings

NOVEMBER 23, 1973.

Take notice that on June 21, 1973, Mississippi Power Company filed in Docket No. E-7625 proposed supplement No. 2 to Original Sheet No. 14 of its FPC Electric Tariff Original Volume No. 1. Mississippi proposes thereby, effective June 28, 1973, to serve East Mississippi Electric Power Association at the Quitman, Mississippi delivery point under the terms and provisions of its filed tariff based on its claim of cancellation of the prior governing agreement between the parties, FPC Rate Schedule No. 28, on June 27, 1973.

Take further notice that on October 16, 1973, Mississippi filed herein proposed supplement No. 1 to Original Sheet No. 14 of its tariff, proposing thereby, effective October 13, 1973, to serve East Mississippi at the Meridian, Mississippi delivery point under the terms and provisions of its tariff based on its claim of cancellation of the prior governing agreement, FPC Rate Schedule No. 27, on October 12, 1973.

Any person desiring to be heard with respect to Mississippi Power Company's

filings herein, 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 28, 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, parties who have already been permitted to intervene in Docket No. E-7625 need not file additional petitions to intervene. Copies of Mississippi Power Company's filings herein are on file with the Commission and available for public inspection.

MARY B. KIDD,  
Acting Secretary.

[FR Doc.73-25298 Filed 11-28-73;8:45 am]

### FEDERAL RESERVE SYSTEM

#### BANK OF VIRGINIA COMPANY

##### Proposed Retention of Commonwealth Mortgage Co.

Bank of Virginia Company, Richmond, Virginia, has applied, pursuant to § 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y, for permission to indirectly retain voting shares of Commonwealth Mortgage Company, Richmond, Virginia, through its wholly owned subsidiary, Bank Virginia Financial, Inc., Richmond, Virginia. Notice of the application was published in the following newspapers:

Richmond, Virginia: The Richmond News Leader, November 3, 1973.  
Richmond, Virginia: The Richmond Times-Dispatch, November 3, 1973.  
Norfolk, Virginia: Virginian-Pilot, November 3, 1973.  
Roanoke, Virginia: The Roanoke Times, November 3, 1973.  
Raleigh, North Carolina: The News and Observer, November 5, 1973.  
Washington, D.C.: The Washington Post, November 2, 1973.

Applicant states that the proposed subsidiary would engage in the activities of interim development and construction lending, residential permanent mortgage lending, commercial permanent mortgage lending and servicing of permanent mortgages. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking

practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 18, 1973.

Board of Governors of the Federal Reserve System, November 21, 1973.

[SEAL] THEODORE E. ALLISON,  
Assistant Secretary of the Board.

[FR Doc.73-25271 Filed 11-28-73;8:45 am]

### FIRST LAUREL SECURITY CO.

#### Formation of Bank Holding Company

First Laurel Security Co., Laurel, Nebraska, 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 (less directors' qualifying shares) of Security National Bank, Laurel, Nebraska. 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 Kansas City, Missouri. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than December 17, 1973.

Board of Governors of the Federal Reserve System, November 20, 1973.

[SEAL] THEODORE E. ALLISON,  
Assistant Secretary of the Board.

[FR Doc.73-25270 Filed 11-28-73;8:45 am]

### FRANKLIN BANCORPORATION

#### Order Approving Formation of Bank Holding Company

Franklin Bancorporation, Somerset, New Jersey, 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)) of formation of a bank holding company through acquisition of 100 percent of the voting shares of Franklin State Bank, Franklin Township, New Jersey (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been



timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a newly formed company organized for the purpose of acquiring Bank.<sup>1</sup> Bank has deposits of approximately \$274 million, and operates a total of 23 offices in four counties. (All banking data are as of December 31, 1972, and reflect acquisitions through September 30, 1973.) The transaction is merely a reorganization whereby the present shareholders will change their direct control of Bank to indirect control through Applicant. Accordingly, the Board concludes that consummation of the proposal will not eliminate any existing or potential competition, increase concentration of banking resources, or have an undue adverse effect on the other banks in the relevant area.

Bank has recently merged with First New Jersey Bank, Union, New Jersey, which had been in less than satisfactory condition. The instant proposal will benefit the overall condition of the merged institution in that Applicant has committed to increase Bank's capital accounts, and improvements are expected regarding earnings and asset quality. In view of these expected benefits, the financial resources and future prospects of Bank are viewed as consistent with approval. The management of Bank is satisfactory. The management, financial condition, and future prospects of Applicant, which are dependent upon those of Bank, appear generally satisfactory and are consistent with approval of the application. There is no evidence in the record that the banking needs of the communities to be served are not being met. However, as a result of the flexibility afforded by the holding company structure and the improved financial condition of Bank resulting from the proposal, Applicant and Bank should be better able to expand and improve their services. Hence, considerations relating to the convenience and needs of the communities to be served are consistent with approval.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

<sup>1</sup> Bank, under the authority of New Jersey law, also operates four wholly owned non-banking subsidiaries that engage in activities at locations at which the bank may operate. Those subsidiaries, which engage in commercial finance activities, computer servicing activities, sale and service of residential mortgages, and armored car services, do not require approval of the Board, pursuant to section 4(c)(5) of the Bank Holding Company Act and section 225.4(e) of Regulation Y.

By order of the Board of Governors,<sup>2</sup>  
effective November 19, 1973.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.

[FR Doc.73-25266 Filed 11-28-73;8:45 am]

### NBS FINANCIAL CORPORATION

#### Order Approving Acquisition of Bank

NBS Financial Corporation, Southfield, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for Board approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of National Bank of Royal Oak, Royal Oak, Michigan (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the 24th largest of 42 bank holding companies in Michigan, controls one bank, with aggregate deposits of approximately \$97 million,<sup>3</sup> representing 0.4 percent of the State's total deposits. Acquisition of Bank would increase Applicant's share of State deposits by 0.2 percentage points and would not significantly increase the concentration of banking resources in the State. Upon consummation of the proposed acquisition, Applicant would become the 21st largest bank holding company in Michigan.

Bank (\$45.6 million in deposits) is the 26th largest of 43 banking organizations in the Detroit banking market (approximated by Wayne, Oakland and Macomb Counties) and controls approximately 0.3 percent of the deposits in that market. Applicant's sole subsidiary bank, National Bank of Southfield (Southfield Bank), is located 4½ miles from the nearest office of Bank. Although the service areas of Southfield Bank and Bank are contiguous, only a slight overlap occurs. Bank draws 4.6 percent of its total deposits from the service area of Southfield Bank and Southfield Bank draws but 3.5 percent of its total deposits from Bank's service area. In the Board's judgment, consummation of the proposed acquisition would not eliminate any meaningful existing competition between the two institutions. Moreover, the development of future competition between Bank and Applicant's subsidiary bank appears unlikely. Michigan branch banking laws prohibit both Bank and Southfield Bank from opening offices in the other's service area. In addition, Applicant does not appear to be a likely candidate for de novo entry into Royal Oak. The Board con-

<sup>2</sup> Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher, and Holland.

<sup>3</sup> Banking data are as of December 31, 1972.

cludes, therefore, that competitive considerations are consistent with approval of the application.

As a one-bank holding company, Applicant also owns 100 percent of Capital Corporation of Michigan, a mortgage and factoring company. However, this company is not yet actively engaged in business. Therefore, acquisition of Bank would not, in the Board's judgment, have an adverse interface between Bank and Applicant's nonbanking subsidiary.

The financial and managerial resources and future prospects of Bank, and of Applicant and its subsidiary bank are regarded as satisfactory. Considerations relating to banking factors are consistent with approval of this application.

Consummation of the proposed acquisition will result in assuring to Bank that Applicant will provide those activities for Bank now being performed informally. Although there is no evidence in the record to indicate that banking needs of the residents of Royal Oak area are not currently being met, the proposed affiliation will likely expand the range of services presently offered by Bank. Affiliation with Applicant should provide Bank greater access to the Applicant's financial and managerial resources and thereby enable it to provide additional banking services to the residents of the Royal Oak area. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,<sup>2</sup>  
effective November 19, 1973.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.

[FR Doc.73-25268 Filed 11-28-73;8:45 am]

### UNITED FIRST FLORIDA BANKS, INC.

#### Order Approving Acquisition of Bank

United First Florida Banks, Inc., Tampa, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 85 percent or more of the voting shares of Marine Bank of Kissimmee, Kissimmee, Florida (Bank), a proposed new bank.

<sup>2</sup> Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher, and Holland.



Notice of the application, affording opportunity for interested persons to submit their comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The application has been considered in light of the factors set out in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant presently controls, or has Board approval to acquire, 38 subsidiary banks in Florida with total deposits of \$1,226.7 million, representing 6.22 percent of bank deposits in the state. (Banking data are as of December 31, 1972, adjusted to reflect holding company formations and acquisitions approved by the Board through October 1, 1973.) Acquisition of Bank upon its formation will cause no immediate increase in Applicant's share of total deposits in Florida banks or in Applicant's share of deposits held by banks in the Osceola County banking market in which the proposed bank would be located. The three banks in the market are held by large multi-bank holding companies, and so it is not likely that Applicant will have a dominant market position in the future. The proposed acquisition thus has no anti-competitive effects.

Although Applicant will not introduce banking services not currently available in the market, the proposed new bank would offer residents of the area the convenience of an alternative source of banking services. Convenience and needs factors are consistent with approval.

Considerations relating to the financial and managerial resources and future prospects of Applicant and Bank are regarded as satisfactory and consistent with approval of the application, especially in view of Applicant's commitments to increase the capital of a number of its subsidiary banks. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record in this case, the application is approved for the reasons summarized above. However, the transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Marine Bank of Kissimmee, Kissimmee, Florida, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup> effective November 19, 1973.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.

[FR Doc.73-26267 Filed 11-28-73; 8:45 am]

<sup>1</sup> Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher, and Holland.

## GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.;  
Temporary Reg. E-26]

### LEASING OF MOTOR VEHICLES

#### Policy and Procedures

To: Heads of Federal agencies.

1. *Purpose.* This regulation establishes policy and procedures for the leasing of motor vehicles by Federal agencies.

2. *Effective date.* This regulation is effective on November 29, 1973.

3. *Expiration date.* This regulation expires June 30, 1974, unless sooner revised or superseded. Prior to the expiration date, this regulation will be codified, as appropriate, in the permanent regulations of the General Services Administration appearing in Title 41 CFR, Public Contracts and Property Management.

4. *Applicability.* The provisions of this regulation apply to all executive agencies. Other Federal agencies are encouraged to obtain their requirements in the same manner.

5. *Background.* The President has emphasized the necessity for nationwide conservation of energy resources and has directed that steps be taken to reduce the consumption of these resources to the maximum extent possible. In furtherance of the President's program, it has been determined that more efficient management of Government-operated motor vehicles must be achieved, especially in the leasing of these vehicles. The use of a single agency source for such leasing will result in greater control over the type and numbers of vehicles leased and in the reduction of fuel consumption.

6. *Leasing of motor vehicles.* All requirements for leased vehicles exceeding the maximum order limitation (\$500 of Federal Supply Schedule, Industrial Group 751—Motor Vehicle Rental Without Driver, shall be submitted to the Regional Director, Procurement Division, Federal Supply Service, of the supporting region. The request shall include full justification as to the need for such leased vehicles and a certification that other means of transportation are not available or not suitable. Further the type of vehicle requested shall be limited to Type I, II, or III or the equivalent thereto, unless otherwise authorized by the agency head. The anticipated duration of the lease shall also be included in the request.

7. *Exemption.* Leasing of medium and heavy trucks for periods of less than 90 days and all charter services are exempted from the provisions of this regulation.

8. *Assistance.* For requirements not covered by the provisions of this regulation, agencies may obtain assistance from the Regional Director, Procurement Division, Federal Supply Service, of the supporting region.

9. *Agency comments.* Comments concerning the effect or the impact of this regulation on agency operations or programs should be submitted to the Gen-

eral Services Administration (FP), Washington, DC 20406, no later than March 1, 1974, for possible incorporation into the permanent regulation.

ARTHUR F. SAMPSON,  
Administrator of  
General Services.

NOVEMBER 28, 1973.

[FR Doc.73-25512 Filed 11-28-73; 11:34 am]

[Federal Property Management Regs.;  
Temporary Reg. G-13]

### REDUCTION IN FUEL CONSUMED BY SEDANS, STATION WAGONS, AND TRUCKS IN THE INTERAGENCY MOTOR POOL SYSTEM

#### Policies and Procedures

To: Heads of Federal agencies.

1. *Purpose.* a. This regulation prescribes policies and procedures to be followed to achieve a 15 percent reduction in fuel consumed by sedans, station wagons, and trucks in the Interagency Motor Pool System.

b. The policy and procedures set forth herein, together with other actions such as the 50 miles per hour speed limit established by the President, should result in a savings of 9.6 million gallons of vehicle fuel per year in Interagency Motor Pool System operations.

2. *Effective date.* This regulation is effective on November 29, 1973.

3. *Expiration date.* This regulation expires December 31, 1974, unless sooner revised or superseded.

4. *Applicability.* The provisions of this regulation apply to all executive agencies. Other Federal agencies are encouraged to conform so that maximum benefits may be realized in reducing fuel consumption by Government-owned and operated motor vehicles.

5. *Background.* In consonance with the President's program to achieve further reductions in energy consumed by all Federal agencies, it is essential that additional steps be taken to immediately reduce motor vehicle fuel consumption throughout the Federal Government.

6. *General policy.* All executive agencies participating in the Interagency Motor Pool System shall reduce by 15 percent the number of miles operated by motor vehicles in such systems to achieve a corresponding reduction in fuel consumed. Where agencies fail to achieve this objective, vehicles will be removed from service by GSA in accordance with the criteria established in attachment A, part 1 below.

7. *GSA action.* a. GSA regional motor equipment personnel will meet with agency field officials early in December 1973, in order to advise of actions required to achieve the objective stated in paragraph 1, and to assist them in realizing that objective.

b. Further, there will be a 15 percent reduction in dispatch service available from interagency motor pools. Dispatch services will be refused between pool cities when public transportation will meet the needs of the agency.



8. *Required action by agencies.* a. Agencies shall achieve a 10 percent reduction in miles operated by December 15, 1973; and a 15 percent reduction by December 31, 1973, and each subsequent reporting period thereafter. These reductions apply to the four basic vehicle classes; i.e., sedans, station wagons, light trucks, and heavy trucks. The basis for calculating such reductions is contained in attachment A, part 2 below.

b. Agencies shall submit GSA Form 494, Monthly Vehicle Use Record, as of the 15th and last of each month, commencing with December 1973. This form shall be mailed so as to be received by the appropriate motor pool on or before the 5th working day after the end of the reporting period.

(1) Agency field offices maintaining a consistent record of exceeding the 15 percent reduction in miles traveled shall not be required to submit GSA Form 494 on a semi-monthly basis.

(2) Agency field offices failing to maintain their 15 percent reduction in miles traveled shall have such semi-monthly reporting procedures reinstated.

c. The fuel savings and mileage reduction guidelines contained in attachment B shall be implemented to the maximum extent feasible commensurate with

the achievement of agency missions and the objective stated in paragraph 1.

9. *Assistance.* Agencies may request the assistance of the General Services Administration in complying with the provisions of this regulation by contacting the General Services Administration (FZT), Washington, D.C. 20406, telephone (703) 577-3075.

10. *Effect on other issuances.* This regulation augments the policy in FPMP 101-39 as it pertains to agency use of motor vehicles in the Interagency Motor Pool System.

11. *Comments or suggestions.* Agency views concerning the effect of this regulation on agency operations or programs should be submitted to the General Services Administration (FP), Washington, D.C. 20406, no later than March 31, 1974, for consideration and possible incorporation into the permanent regulations.

ARTHUR F. SAMPSON,  
Administrator of  
General Services.

NOVEMBER 28, 1973.

ATTACHMENT A

PART 1—VEHICLE REMOVAL CRITERIA

a. When an agency fails to stay within the assigned mileage ceiling the agency will

be required to reduce the number of vehicles in service. The reduction will be determined by the agency's utilization rate (average number of miles traveled per vehicle for the prior month) and by the number of miles the agency has exceeded the ceiling. The attached chart indicates the exact number of vehicles to be removed from service.

b. Example: If an agency's utilization rate is 860 miles per vehicle per month and the agency has missed their ceiling by 15,300 miles:

1. Round actual utilization rate to nearest 50 unit interval—860 to 850.

2. Round mileage overage to nearest thousand unit interval—15,300 to 15,000.

3. Locate row 850 on attached Vehicle Removal Chart and follow across to the 15,000 column. This intersection of the row and column will indicate the number of vehicles to be removed from service—18.

c. Should an agency fail to meet the mileage ceiling by more than 20,000 miles, the number of vehicles to be withdrawn will be calculated by adding those columns which equal the total overage, i.e., ceiling missed by 25,000 miles in the above example—add column 20 plus column 5 for a total of 30 vehicles to be withdrawn.

d. Vehicles removed from service shall not be replaced by the agency by renting, leasing, or by authorizing the use of privately owned vehicles.



## NOTICES

## VEHICLE REMOVAL CHART

## NUMBER OF MILES OVER MILEAGE CEILING

Utilization Rate	1,000	2,000	3,000	4,000	5,000	6,000	7,000	8,000	9,000	10,000
500	2	4	6	8	10	12	14	16	18	20
550	2	4	5	7	9	11	13	15	16	18
600	2	3	5	7	8	10	12	13	15	17
650	2	3	5	6	8	9	11	12	14	15
700	2	3	4	6	7	9	10	11	13	14
750	2	3	4	5	7	8	9	11	12	13
800	1	3	4	5	6	8	9	10	11	13
850	1	2	4	5	6	7	8	10	11	12
900	1	2	3	4	6	7	8	9	10	11
950	1	2	3	4	5	6	7	8	9	11
1,000	1	2	3	4	5	6	7	8	9	10
1,050	1	2	3	4	5	6	7	8	9	10
1,100	1	2	3	4	5	5	6	7	8	9
1,150	1	2	3	3	4	5	6	7	8	9
1,200	1	2	3	3	4	5	6	7	8	8
1,250	1	2	3	3	4	5	6	6	7	8
1,300	1	2	2	3	4	5	5	6	7	8
1,350	1	2	2	3	4	4	5	6	7	7
1,400	1	2	2	3	4	4	5	6	6	7
1,450	1	2	2	3	4	4	5	6	6	7
1,500	1	2	2	3	4	4	5	5	6	7
1,550	1	2	2	3	3	4	5	5	6	6
1,600	1	2	2	3	3	4	4	5	6	6
1,650	1	2	2	3	3	4	4	5	5	6
1,700	1	2	2	3	3	4	4	5	5	6
1,750	1	2	2	3	3	4	4	5	5	6
1,800	1	1	2	2	3	3	4	4	5	6
1,850	1	1	2	2	3	3	4	4	5	5
1,900	1	1	2	2	3	3	4	4	5	5
1,950	1	1	2	2	3	3	4	4	5	5
2,000	1	1	2	2	3	3	4	4	5	5

## VEHICLE REMOVAL CHART

## NUMBER OF MILES OVER MILEAGE CEILING

Utilization Rate	11,000	12,000	13,000	14,000	15,000	16,000	17,000	18,000	19,000	20,000
500	22	24	26	28	30	32	34	36	38	40
550	20	22	24	25	27	29	31	33	35	36
600	18	20	22	23	25	27	28	30	32	33
650	17	18	20	22	23	25	26	28	29	31
700	16	17	19	20	21	23	24	26	27	29
750	15	16	17	19	20	21	23	24	25	27
800	14	15	16	18	19	20	21	23	24	25
850	13	14	15	16	18	19	20	21	22	24
900	12	13	14	16	17	18	19	20	21	22
950	12	13	14	15	16	17	18	19	20	21
1,000	11	12	13	14	15	16	17	18	19	20
1,050	10	11	12	13	14	15	16	17	18	19
1,100	10	11	12	13	14	15	15	16	17	18
1,150	9	10	11	12	13	14	15	16	17	17
1,200	9	10	11	12	13	13	14	15	16	17
1,250	8	10	10	11	12	13	14	14	15	16
1,300	8	9	10	11	12	12	13	14	15	16
1,350	8	9	10	10	11	12	13	14	15	15
1,400	8	8	9	10	11	11	12	13	14	15
1,450	8	8	9	10	10	11	12	13	14	14
1,500	7	8	9	9	10	11	11	12	13	14
1,550	7	8	8	9	10	10	11	12	13	13
1,600	7	8	8	9	9	10	11	11	12	13
1,650	7	7	8	8	9	10	10	11	12	12
1,700	6	7	8	8	9	9	10	11	11	12
1,750	6	7	7	8	9	9	10	11	11	12
1,800	6	7	7	8	8	9	9	10	11	11
1,850	6	7	7	8	8	9	9	10	10	11
1,900	6	6	7	7	8	9	9	10	10	11
1,950	6	6	7	7	8	8	9	9	10	10
2,000	6	6	7	7	8	8	9	9	10	10



## PART 2—MEASUREMENT OF MILEAGE REDUCTION

Agencies must achieve a 15 percent reduction in miles operated in each of the four basic vehicle classes, i.e., sedans, station wagons, light trucks and heavy trucks. The baseline for measuring an agency's mileage reduction will be the miles operated in the corresponding period of the base year (Fiscal Year 1973) adjusted for subsequent changes in vehicles assigned to the agency. Each GSA Motor Pool will calculate the adjusted base and mileage ceiling for each semi-monthly reporting period for each agency activity served by the GSA Motor Pool. The formula for determining the baseline and mileage ceiling is as follows:

$$1. M \times \frac{V_1}{V_2} + 6 = \text{Adjusted Base}$$

2. Adjusted Base x .85 = Mileage Ceiling  
Where:

M = Miles operated in corresponding quarter of base year (FY 73)

$V_1$  = Number of vehicles assigned in corresponding quarter of base year (FY 73)

$V_2$  = Number of vehicles assigned at beginning of present reporting period.

## ATTACHMENT B

## FUEL SAVINGS MILEAGE REDUCTION GUIDELINES

- Substitution of public transportation whenever possible.
- Stringent control of vehicle use for official purposes only.
- Reduction in vehicle use through curtailment of low priority programs.
- Reduction in frequency of security patrols, recruitment activities and other activities not necessary for the safety and welfare of the general public.
- Reduction in recall of vehicles now in storage because of seasonal use.
- Prohibition of use of vehicles on Saturdays, Sundays or holidays except for essential purposes.
- Establishment of tight criteria for use of air conditioning in vehicles.
- Enforcement of disciplinary action against drivers exceeding 50 miles per hour.
- Termination of assignment of sedans used mainly in pool cities where public transportation is available; dispatch service is to be used where public transportation will not meet requirements.
- Replacement of 8 cylinder sedans used mainly for intracity operation with 6 cylinder sedans by rotating vehicles between using agencies. Additional rotations will be made when compact sedans now being purchased for pool operations are received.
- Review of truck assignments to determine if smaller size vehicles can be used. This review will emphasize replacement of pickups and other light trucks used for passenger carrying operations.
  - Review of shuttle or group movement operations to insure passenger carrying vehicles are utilized to rated capacity.
  - Extension of engine oil changes to 6,000 mile intervals for vehicles not under warranty.
  - Establishment of training programs to insure observance of proper driving and maintenance practices as set forth in GSA FPMR Bulletins G-82, and Supplement 1 and G-86.

[FR Doc.73-25513 Filed 11-28-73; 11:35 am]

## SECURITIES AND EXCHANGE COMMISSION

[811-2236]

## BONDQUEST DEBENTURE FUND, INC.

## Notice of Proposal To Terminate Registration

NOVEMBER 23, 1973.

Notice is hereby given that the Commission proposes, pursuant to section 8 (f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that Bondquest Debenture Fund, Inc., 127 John St. 19th Floor, New York, New York 10038. (Fund), an open-end, diversified management investment company, has ceased to be an investment company, as defined in the Act.

Fund was organized as a Delaware corporation on September 1, 1971, and filed a Notification of Registration on Form N-8A and a Registration Statement on Form N-8B-1 under the Act with the Commission on October 28, 1971.

On September 25, 1973, the Board of Directors of Fund adopted a resolution that Fund should be dissolved and its assets liquidated and distributed according to law and suspended the further offering of shares of Fund. At a Special Meeting of Stockholders of Fund held on October 16, 1973, a majority of the stockholders entitled to vote thereon approved the dissolution of Fund. As of October 22, 1973, Fund had total assets of approximately \$5,237, total liabilities of approximately \$5,237, and no shareholders.

Section 8(f) of Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given, that any interested person may, not later than December 20, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be

issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.73-25277 Filed 11-28-73; 8:45 am]

[File No. 500-1]

## BROGAN ASSOCIATES, INC.

## Notice of Suspension of Trading

NOVEMBER 20, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Brogan Associates, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2:00 p.m. e.s.t. on November 20, 1973, through November 29, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.73-25284 Filed 11-28-73; 8:45 am]

[812-3539]

## BACHE &amp; COMPANY, INC.

## Notice of Application Filed

NOVEMBER 21, 1973.

Notice is hereby given that Bache & Co., Incorporated, 100 Gold Street, New York, New York 10038 (Applicant), as representative of a group of underwriters (Underwriters), including underwriters who may also be named as additional representatives of the Underwriters, which proposes to underwrite a proposed public offering of shares of beneficial interest (Shares) of Massachusetts Fund for Income (Fund), a registered management investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) requesting that Applicant and any other representatives of the Underwriters (Representatives) and, to the extent necessary, any of their co-underwriters, be exempted from section 30(f) of the Act in connection with their transactions inci-



dent to the distribution of Shares of the Fund. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Fund is presently a closed-end company but will become an open-end company upon the sale and delivery of the Shares to the Underwriters.

Shares of the Fund are to be purchased by the Underwriters pursuant to an Underwriting Agreement to be entered into between the Underwriters, represented by the Representatives, and the Fund. It is intended that the several Underwriters will make a public offering of all the Fund's Shares which Underwriters are to purchase under the Underwriting Agreement, at the price therein specified, as soon on or after the effective date of the Company's Registration Statement on Form S-4 (Registration Statement) as the Representatives deem advisable. Such Shares are initially to be offered to the public at per share public offering prices and subject to underwriting commissions as set forth in the Fund's prospectus in the Registration Statement. Although 1,500,000 Shares have been included for registration in the Registration Statement, the actual number of Shares which may be the subject of the proposed public offering may be increased or decreased by the Representatives and the Fund shortly before the effective date of the Registration Statement and the proposed public offering depending upon market conditions.

In addition to purchases from the Fund and sales to customers, there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, over-allotments, and sales of Shares purchased in stabilization.

Applicant states that the Representatives and possibly one or more Underwriters are likely to acquire individually from the Fund, in accordance with the provisions of the Underwriting Agreement, more than 10 percent of the Shares of the Fund that will be outstanding at the time of the closing with the Underwriters.

Section 30(f) of the Act subjects every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of outstanding securities of the Fund to the same duties and liabilities as those imposed upon corporate insiders by section 16 of the Exchange Act for the purpose of preventing the unfair use of information.

Rule 16b-2 under the Exchange Act exempts certain transactions in connection with a distribution of securities from the operation of section 16(b) which gives an issuer the right to insider short term profits in trading in any equity security of the issuer. Rule 16b-2(a)(3) states that to qualify for such exemption the aggregate participation of persons not within the purview of section 16(b) of the Exchange Act must be at least equal to the participation of persons receiving the exemption under rule 16b-2.

Applicant states that while the purpose of the purchase of the Shares by the Representative and other Underwriters will be for resale in connection with the initial distribution of the Shares, and that purchases and sales of the Shares by the Underwriter will, therefore, be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of rule 16b-2, it is possible that the Representatives and one or more of the Underwriters may not be exempted from section 16(b) of the Exchange Act by the operation of rule 16b-2 thereunder because the Representatives and one or more of the Underwriters who may each purchase more than 10 percent of the Shares of the Fund may in the aggregate purchase more than 50 percent of the Shares of the Fund.

Applicant contends, however, that since no Underwriter has any inside information or possibility of using inside information and, moreover, because there is no inside information in existence since the Fund, prior to the initial distribution, will have virtually no assets or business of any sort, the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given, that any interested person may, not later than December 11, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter, accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such requests shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following December 11, 1973, unless the Commission thereafter orders a hearing upon request or upon the Commission's own

motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 73-25278 Filed 11-28-73; 8:45 am]

[70-5352]

**EASTERN UTILITIES ASSOCIATES, ET AL**  
Post-effective Amendment Regarding Increase in Amount of Open Account Advances

NOVEMBER 20, 1973.

In the matter of Eastern Utilities Associates, P.O. Box 2333, Boston, Massachusetts 02107; Blackstone Valley Electric Co., P.O. Box 1111, Lincoln, Rhode Island 02865; Brockton Edison Co., 36 Main Street, Brockton, Massachusetts 02403; Fall River Electric Light Co., 85 North Main Street, Fall River, Massachusetts 02722; Montaup Electric Co., P.O. Box 391, Fall River, Massachusetts 02722.

Notice is hereby given that Eastern Utilities Associate (EUA), a registered holding company, and its four electric utility subsidiary companies, Blackstone Valley Electric Company (Blackstone), Brockton Edison Company (Brockton), Fall River Electric Light Company (Fall River), and Montaup Electric Company (Montaup), have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, 9(a), 10, and 12 (f) of the act and rule 43(a) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By order in this proceeding dated June 29, 1973 (Holding Company Act Release No. 18012), the Commission authorized, among other things, that during the period ending January 21, 1974, Blackstone, Brockton, and Fall River could receive certain open-account advances from EUA, in the maximum aggregate amounts to be outstanding at any one time as follows: Blackstone, \$22,040,000; Brockton \$26,790,000; and Fall River, \$1,700,000.

Blackstone has retired \$14,515,000 principal amount of First Mortgage and Collateral Trust Bonds and expects to redeem additional Bonds in the principal amount of \$9,196,000. As a result of this reduction in capitalization, certain provision relating to Blackstone's outstanding preferred stock will require that Blackstone reduce its outstanding bank borrowings. Blackstone also expects to require approximately \$1,280,000 to meet construction expenditures and other cash



requirements in excess of cash estimated to be generated from operations through January 2, 1974. To obtain the necessary funds for the above purposes, Blackstone proposes to increase its borrowings on open account from EUA by the same amount. It is therefore proposed that EUA be authorized to advance Blackstone up to \$1,800,000 in addition to the \$22,040,000 previously authorized, bringing the total amount of authorized open account advances from EUA to Blackstone to \$23,840,000. The additional amount sought to be authorized is the approximate amount by which anticipated cash needs of Blackstone through January 2, 1974, exceed its presently authorized borrowings from EUA.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. No fees and expenses are expected to be incurred in connection with the proposed transaction beyond those previously authorized in this proceeding by this Commission's supplemental order dated September 25, 1973 (Holding Company Act Release No. 18103).

Notice is further given that any interested person may, not later than December 17, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.73-25279 Filed 11-28-73; 8:45 am]

[File No. 500-1]

**EQUITY FUNDING CORP. OF AMERICA**  
Notice of Suspension of Trading

NOVEMBER 21, 1973.

The common stock of Equity Funding Corporation of America being traded on the New York Stock Exchange, the Midwest Stock Exchange, the Pacific-Coast Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, the Boston Stock Exchange; warrants to purchase the common stock being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange; 9½ percent debentures due 1990 being traded on the New York Stock Exchange; and 5½ percent convertible subordinated debentures due 1991 being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities on the above-mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from November 23, 1973, through December 2, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.73-25281 Filed 11-28-73; 8:45 am]

[File No. 500-1]

**GIANT STORES CORP.**  
Notice of Suspension of Trading

NOVEMBER 21, 1973.

The common stock of Giant Stores Corp. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Giant Stores Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from November 23, 1973, through December 2, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.73-25282 Filed 11-28-73; 8:45 am]

[File No. 500-1]

**INDUSTRIES INTERNATIONAL, INC.**  
Notice of Suspension of Trading

NOVEMBER 21, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 23, 1973, through December 2, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.73-25283 Filed 11-28-73; 8:45 am]

[File No. 500-1]

**MEDIATRICS, INC.**

Notice of Suspension of Trading

NOVEMBER 20, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Mediatrics, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2:00 p.m., e.s.t., on November 20, 1973 through November 29, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.73-25285 Filed 11-28-73; 8:45 am]

**MIDDLE SOUTH UTILITIES, INC.**

Proposed Long-Term Borrowings by  
Non-utility Subsidiary Company

NOVEMBER 20, 1973.

In the matter of Middle South Utilities, Inc., 280 Park Avenue, New York, New York 10017; Arkansas Power & Light Company, Ninth and Louisiana Streets, Little Rock, Arkansas 72203; Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174; Mississippi Power & Light Company, P.O. Box 1640, Jackson, Mississippi 39205; New Orleans Public Service, Inc., P.O.



Box 60340, New Orleans, Louisiana 70160; System Fuels, Inc., 225 Baronne Street, New Orleans, Louisiana 70112.

Notice is hereby given that System Fuels, Inc. (SFI), a jointly owned non-utility subsidiary company of Arkansas Power & Light Company (AP&L), Louisiana Power & Light Company (LP&L), Mississippi Power & Light Company (MP&L), and New Orleans Public Service, Inc. (NOPSI), hereinafter collectively referred to as the "Operating Companies," each an electric utility subsidiary company of Middle South Utilities, Inc. (MSU), a registered holding company, have filed an application-declaration and amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, 9(a), 10, 12(b), and 12(f) of the Act and rules 43, 45(b) (1) and (b) (2), 50(a) (3), 90, and 91 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

In furtherance of its corporate purpose to procure, store, and transport fuel for the Operating Companies, SFI has, as of August 31, 1973, effected total aggregate borrowings of \$40,981,000, comprised of borrowings of \$25,500,000 from the Operating Companies (HCAR 17400), \$12,000,000 from the Hibernia National Bank in New Orleans (Hibernia) (HCAR 17797 and 18097), and \$3,481,000 from the First National Bank of Chicago (HCAR 17821). SFI states that it will require, for the three calendar year period from 1974 through 1976, additional capital of approximately \$173,500,000, of which \$63,500,000 is to be allocated for fuel procurement, \$54,000,000 for fuel storage and handling, \$31,000,000 for fuel transportation, all as hereinafter described, and \$25,000,000 to repay, upon maturity in December, 1974, bank loans placed or to be placed with Hibernia to finance fuel oil inventory.

Pursuant to Commission Order dated December 17, 1971 (HCAR 17400), SFI was authorized to borrow from the Operating Companies from time to time through December 31, 1973, an aggregate amount not to exceed \$30,000,000 outstanding at any one time, for terms of not more than 10 years. While SFI anticipates borrowing from banks, insurance companies and other non-affiliated lenders to finance, in part, its three year fuel supply program (Fuel Program), SFI states that it must be able to continue to utilize borrowings from the Operating Companies at times when such outside financing is unavailable. SFI consequently proposes to enter into, as of January 1, 1974, a loan agreement (Agreement) with the Operating Companies, whereby SFI would borrow from time to time through December 31, 1975, and only to the extent that outside sources of financing were not available, an aggregate amount not to exceed \$90,000,000 outstanding at any one time. This amount is exclusive of the \$30,000,000 previously authorized to be borrowed by SFI (HCAR 17400). Additional loan commitments from the Operating Com-

panies, if required to complete SFI's Fuel Program, will be the subject of future filings with the Commission.

Each of the Operating Companies will provide for each loan under the Agreement an amount in such proportion as its kwh sales for the preceding calendar year bear to the total kwh sales of the Operating Companies for that year, computed in both cases by including sales to rural electric cooperatives and municipalities but excluding sales to other public utilities. These loans will be evidenced by SFI notes (Notes) which will bear interest at an annual rate, adjusted monthly on the first day of each month, equal to the highest annual rate of interest for such month borne by any short-term bank borrowings of the particular Operating Company making the loan on the last day of the preceding month, or if no such bank borrowings are outstanding, the prevailing prime commercial rate generally charged by commercial banks in New York City to responsible and substantial corporate borrowers. Each Note will be prepayable in any amount without premium or penalty, and will mature not later than 25 years after its date of issue; provided, however, that all Notes representing each borrowing shall mature on the same date.

Other proposed transactions, described more fully below, relate to: (a) The acquisition by SFI from AP&L, LP&L, and MP&L of certain bulk storage and handling facilities under construction together with land rights and servitudes necessary for operation, (b) the acquisition by SFI from AP&L, LP&L, MP&L, and NOPSI of certain land rights and servitudes on which bulk storage and handling facilities are to be constructed by SFI, (c) the assurance by the Operating Companies, or guaranty by MSU, of any contract entered into by SFI in the ordinary course of its fuel supply business, and (d) the performance of services by the Operating Companies for SFI at SFI facilities located in proximity to facilities of the Operating Companies.

#### I. FUEL PROCUREMENT

SFI states it contemplates capital requirements of \$63,500,000 during the next three calendar years for its fuel procurement program. Of this three-year total, SFI plans to allocate: (i) \$35,000,000 for exploration and acquisition of natural gas and oil reserves, principally in the tri-state area of Arkansas, Louisiana, and Mississippi; (ii) \$22,500,000 to finance fuel oil inventory of approximately 7,500,000 barrels for 1974, 9,000,000 barrels for 1975 and 10,500,000 barrels for 1976; and (iii) \$6,000,000 for survey and investigation charges and preliminary construction costs prior to construction of a 150,000 to 200,000 barrels daily capacity refinery (under a joint venture with non-affiliated utilities).

#### II. FUEL STORAGE AND HANDLING FACILITIES

In order to acquire and maintain an adequate inventory of fuel oil for use by the Operating Companies, SFI plans to acquire, by 1975, additional bulk oil storage and handling facilities which will afford a total capacity of 6,425,000 barrels. Facilities with a capacity of 5,425,000

barrels will be located at points of usage and will be owned by SFI. Facilities providing 1,000,000 barrels storage capacity will be located at a deep water terminal and will be leased by SFI for 10 years with renewal options. The capital requirement to achieve this capacity is estimated to be \$49,000,000, of which approximately \$5,000,000 will be expended in 1973. This total amount includes the cost of improvements to, or complete replacement of, certain fuel oil unloading facilities.

Accordingly, SFI proposes to acquire certain facilities or portions thereof currently owned or under construction by AP&L, LP&L, and MP&L, together with land rights and servitudes necessary for their operation. The estimated total cost of such facilities is \$15,651,000. The purchase price to be paid by SFI to the respective Operating Companies will be the latter's book cost as of the closing dates. It is contemplated that all closing dates will be prior to January 31, 1974, and that the aggregate purchase price of the facilities as constructed to the closing dates will be \$14,720,000. On the closing dates the various land rights and servitudes necessary to operate the facilities will be acquired by SFI from the respective Operating Companies. It is estimated that the additional cost to be incurred by SFI after the closing dates for completion of construction or installation will be \$931,000. SFI states it will finance the acquisition of those facilities to be completed in 1973 from borrowings authorized by Commission Order dated December 17, 1971 (HCAR 17400).

SFI also proposes to lease, or acquire servitudes for, the land owned by the Operating Companies upon which additional facilities are to be constructed by SFI, and to acquire such additional land rights, all as may be required to operate such facilities. The amount of rental payments for land which is leased or the consideration for other land rights and servitudes will total \$11,390 per year.

Due to the scarcity of fossil fuels (other than coal) and nuclear unit delays, the MSU system anticipates adding coal-fired generating stations, and to that end, AP&L has presently embarked on the construction of a coal-fired generating station. SFI states it plans to own the coal handling facilities at the site and will use them in conjunction with other of its transportation facilities. SFI anticipates initial construction expenditures of \$10,000,000 during 1974 through 1976 for coal handling facilities at the AP&L station.

#### III. FUEL TRANSPORTATION PROGRAM

SFI anticipates total capital expenditures of \$31,000,000 during the next three calendar years for its fuel transportation program. Of this total amount, an estimated \$21,500,000 will be expended to purchase tugboats and barges capable of transporting 480,000 barrels of fuel oil. Approximately \$9,500,000 will be applied to coal transportation, which includes \$7,500,000 to pay part of the cost for five (5) coal trains and \$2,000,000 for an advanced feasibility study related to a coal pipeline from Wyoming to Arkansas.



## IV. ADDITIONAL PROPOSALS

Applicants-declarants state that certain sellers of fuel and equipment related thereto have refused to contract with SFI without some form of assurance that the Operating Companies or MSU will support SFI in its contractual obligations. In this respect, it is proposed that the Commission authorize the Operating Companies, in connection with a transaction in the ordinary course of SFI's fuel supply business and not involving the issuance of a security, to assure any party contracting with SFI that the Operating Companies will, in accordance with their respective shares of ownership of the common stock of SFI, take such action as may be appropriate from time to time to keep SFI in a sound financial condition so that it may discharge its obligations under the particular contract. On the limited occasions where the above assurance of the Operating Companies is insufficient, it is proposed that MSU have the power to assure the party contracting with SFI by guaranteeing the performance by SFI of its obligations under such contract. It is stated that all guarantees to be issued by MSU at any one time outstanding shall not exceed an aggregate of \$75,000,000.

SFI states that personnel employed by the Operating Companies at locations in close proximity to sites where SFI has located or contemplates locating various of its facilities, have the ability to perform all services required by SFI with respect to such facilities, including design, engineering, construction supervision, operation and maintenance. It is proposed that, where it is found to be more economical and efficient for personnel of the Operating Companies to perform such services for SFI, SFI be allowed to obtain such services, at cost, from the Operating Companies.

SFI requests authority to file certificates of notification required under Rule 24 on a quarterly basis with respect to the progress of its Fuel Supply Program. MSU states it will file certificates of notification required under Rule 24 within 10 days in the event any aforementioned guarantee is effected. SFI states it will also furnish, on or before December 1 in each year, a copy of SFI's budget and projected cash flow statement for the next succeeding calendar year.

SFI states that the proceeds to be derived from borrowings under the Agreement will be used to finance SFI's programs during the period 1974 through 1976 as outlined in Items I through III hereinabove and to repay the borrowings from Hibernia used to finance fuel oil inventory.

SFI represents that, in carrying out its financing program for the years 1974 through 1976, it will maintain the aggregate of its capital stock, surplus, and principal amount of its indebtedness to the Operating Companies at an amount equal to at least 35 percent of SFI's total capitalization.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at \$23,500, includ-

ing counsel fees of \$20,000. SFI states that no state or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 14, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration, as amended, which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 73-25275 Filed 11-28-73; 8:45 am]

[File No. 24W-3141]

## SCIENTRONIC CORP.

Order Temporarily Suspending Exemption,  
Statement of Reasons Therefor, and  
Notice of Opportunity for Hearing

NOVEMBER 21, 1973.

Scientronic Corporation (Scientronic), 8220 Castor Avenue, Philadelphia, Pennsylvania 19152, incorporated in the State of Pennsylvania on January 12, 1970, filed with the Commission on May 23, 1973, a Notification on Form 1-A and an Offering Circular relating to an offering of 1,000 convertible debentures at an offering price of \$500 per debenture for an aggregate offering of \$500,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, pursuant to the provisions of section 3(b) thereof and regulation A promulgated thereunder.

The Commission, on the basis of information provided by its staff, has reason to believe that:

A. The Offering Circular of Scientronic Corporation contains untrue statements

of material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading particularly with respect to:

1. The fact that it did not possess sufficient books and records to justify or support the financial and other information contained in its Offering Circular;

2. The fact that its property and facilities were materially overstated;

3. Disclosure of its planned use of proceeds from the offering;

4. Disclosure of its financial condition;

5. The state of product development and ability to commence manufacture of its product;

6. Disclosure of its capitalization and working capital;

7. Disclosure of its past sales of stock in violation of the registration provisions of the federal securities laws; and

8. Disclosure of the contingent liability incurred by reason of its sale of stock in violation of the registration provisions of the federal securities laws.

B. The terms and conditions of Regulation A have not been complied with in that:

1. Scientronic failed to include Item (10) of the Notification on Form 1-A as required by Rule 255 under which disclosure of its proposed issuance of common stock to various individuals was required to be set forth.

2. Scientronic failed to include Item (11) of the Notification on Form 1-A as required by Rule 255 which specifies the inclusion of various exhibits as part of a Regulation A filing, some of which were applicable to Scientronic and were not filed.

3. Scientronic failed to disclose the residential addresses of two directors as required pursuant to Item (3) of the Form 1-A Notification.

4. The Financial Statements supplied with Scientronic's Offering Circular failed to meet the requirements of Schedule I, paragraph 11.

5. The offering, if made, would exceed the \$500,000 limitation of Regulation A in that Scientronic is subject to the provisions of rule 253(a)(2) and failed to properly escrow shares required to be escrowed by rule 253(c).

C. The offering, if made, would be in violation of the anti-fraud provisions of Section 17 of the Securities Act of 1933, as amended.

It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of Scientronic Corporation under Regulation A be temporarily suspended.

It is ordered, Pursuant to rule 261(a) of the general rules and regulations under the Securities Act of 1933, that the exemption under regulation A be and hereby is temporarily suspended.

It is further ordered, Pursuant to rule 7 of the Commission's rules of practice, that the Issuer file an answer to the allegations contained in this order within thirty days of the entry thereof.



Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.73-25276 Filed 11-28-73;8:45 am]

[File No. 500-1]

#### STANNDCO DEVELOPERS, INC.

##### Notice of Suspension of Trading

NOVEMBER 21, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Stanndco Developers, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 23, 1973, through December 2, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.73-25280 Filed 11-28-73;8:45 am]

#### SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30; Rev. 14, Amdt. 5]

##### REGIONAL DIRECTORS

##### Delegation of Authority To Conduct Program Activities in the Field Offices

Delegation of Authority No. 30 (Revision 14) (37 FR 12651), as amended (37 FR 14840, 37 FR 19405, 37 FR 21466, and 37 FR 23594), is hereby further amended to include approval and certain other authority for handicapped assistance loans. Part I, Sections A and B are revised to read as follows:

##### PART I—FINANCING PROGRAM

SECTION A. Loan approval authority. . . .

4. *Handicapped Assistance Loans.* To approve or decline handicapped assistance loans not exceeding \$350,000 (SBA share).

5. *Disaster Loans.* See Part II, Sec. a., paragraphs 1 and 2.

*Sec. B. Other financing authority—1. Loan participation agreements.* To enter into business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, occupational health and safety, strategic arms limitation economic injury, and handicapped assistance loan participation agreements with banks.

3. *Cancel, reinstate, modify, and amend authorizations.* To cancel, reinstate, modify, and amend authorizations for all loans, i.e., business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, occupational health and safety, strategic arms limitation economic injury, and handicapped assistance loans.

*Effective date.*—November 5, 1973.

THOMAS S. KLEPPE,  
Administrator.

NOVEMBER 19, 1973.

[FR Doc.73-25291 Filed 11-28-73;8:45 am]

[License No. 05/05-0096]

#### HEIZER CAPITAL CORP.

##### Notice of Application for a License as a Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (38 FR 30836, November 7, 1973), under the name of Heizer Capital Corporation (HCC), Suite 4100, 20 North Wacker Drive, Chicago, Illinois 60606, for a license to operate in the State of Illinois as a small business investment company under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors and sole stockholder are:

E. F. Heizer, Jr., Suite 4100, 20 North Wacker Drive, Chicago, Illinois 60606.	Chairman of the Board, President and Director
Jon D. Hill, Suite 4100, 20 North Wacker Drive, Chicago, Illinois 60606.	Treasurer and Director
Robert L. Tomz, Suite 4100, 20 North Wacker Drive, Chicago, Illinois 60606.	Secretary and Director
William N. Stirlen, Suite 4100, 20 North Wacker Drive, Chicago, Illinois 60606.	Director
Charles G. James, Suite 4100, 20 North Wacker Drive, Chicago, Illinois 60606.	Director
Heizer Corporation, Suite 100, 4100, 20 North Wacker Drive, Chicago, Illinois 60606.	100 percent owner of proposed SBIC.

Drive, Chicago, Illinois 60606. No beneficial shareholder of Heizer Corporation owns, directly or indirectly, 10 percent or more of the voting securities thereof.

The company will begin operations with a capitalization of \$2,500,000.

Heizer Corporation (HC) was funded in September 1969, by the sale of \$81,100,000 of Senior Notes and Preferred Stock to 35 Institutional investors, none of which invested 10 percent or more of the total funds.

At June 30, 1973, the total assets of HC were over \$90,600,000 and stockholders' equity was over \$61,600,000. There were 28 full time employees at June 30, 1973.

The proposed wholly owned Small Business Investment Company (SBIC), HCC, will have the benefit of the strength of the parent corporation and will have venture capital opportunities presented to it due to the large number of private placement proposals submitted to HC. From September 1969 to June 1973, more than 3,800 investment proposals were submitted from a variety of business enterprises, many of which would qualify as "small businesses" as that term is defined by SBA.

The proposed SBIC, HCC, combined with the financial and personnel resources of its parent, HC, will be able to participate in financing relatively large capital requirements of independent small businessmen who, without this type of combined strength, might not be able to obtain SBIC financing, nor possibly to obtain suitable equity type financing from any source.

Subject to applicable SBA Rules and Regulations, HC may invest alone or may jointly finance with associates in qualified independent small businesses, and may also provide management assistance to such small concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owner and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Notice is further given that any interested person may not later than December 14, 1973, submit to SBA, written comments on the proposed company. Any 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 Chicago, Illinois.

Dated: November 28, 1973.

JAMES THOMAS PHELAN,  
Deputy Associate Administrator  
for Investment.

[FR Doc.73-25491 Filed 11-28-73;11:10 am]



## DEPARTMENT OF LABOR

Office of the Secretary

NINA FOOTWEAR CO., INC.

## Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of October 30, 1973, the U.S. Tariff Commission made a report of the results of its investigation (TEA-W-210) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted by the United Shoe Workers of America, AFL-CIO, on behalf of the former workers of the Nina Footwear Co., Inc., Long Island City, New York. In this report, the Commission found that articles like or directly competitive with footwear for women produced by Nina Footwear Co., Inc., are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

Upon receipt of the Tariff Commission's affirmative finding, the Department, through the Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation.

Following this, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 FR 18342; 37 FR 2472; 38 FR 30797; 29 CFR Part 90). In the recommendation she noted that concession generated imports like or directly competitive with women's footwear produced by Nina Footwear Co., Inc. increased substantially. In the period 1969-1973, the company's customers turned increasingly to imports. In an effort to compete with imports, the company introduced style changes, consolidated production in 1969, and began to import on a large scale in 1970. Despite these efforts, sales declined substantially after 1970 and the company sustained losses. Unemployment and underemployment of a significant number of the company's workers, caused in major part by increased import competition, began in December 1970 and ended in October 1973. All production workers were laid off before or during August 1973, when the plant closed, but a group of administrative and clerical workers were retained through October 1973 to complete work related to the plant closing. The firm and remaining employees are currently engaged solely in the importation of shoes. After due consideration, I make the following certification:

All workers, hourly, piecework, and salaried, of the Long Island City plant (Dolls and Guys) and the corporate office of Nina Footwear Co., Inc., Long Island City, New York, who became unemployed or underemployed after December 19, 1970, and before November 3,

1973, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 21st day of November 1973.

JOEL SEGALL,  
Deputy Under Secretary  
International Affairs.

[FR Doc.73-25368 Filed 11-28-73;8:45 am]

## INTERSTATE COMMERCE COMMISSION

Office of Hearings

[Notice No. 396]

## ASSIGNMENT OF HEARINGS

NOVEMBER 26, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 124783 Sub 15, Kat. Express, Inc., now assigned November 28, 1973, at Nashville, Tenn., is cancelled and the application is dismissed.

MC-C-8088, Point Express, Inc.—Investigation And Revocation Of Certificates—, now assigned November 27, 1973, at Columbus, Ohio, is cancelled.

MC 124692 Sub 87, Sammons Trucking, now assigned November 27, 1973, at Phoenix, Ariz., is cancelled and the application is dismissed.

MC-C-8144, Arkansas-Best Freight System, Inc., Investigation And Revocation Of Certificates, now assigned January 14, 1974, at Kansas City, Mo., is cancelled.

I&S No. 8878, Increased Minimum Weights, Grain Products & Related Articles, No. 42731, Grain Products in the United States, Now assigned November 28, 1973, at Washington, D.C., is postponed indefinitely.

MC 87511 Sub 15, Sala Motor Freight Line, Inc., continued to December 17, 1973 (4 days), in the A. D. Smith Memorial Auditorium, First Floor, Department of Education Bldg., North and Fourth Streets, Baton Rouge, Louisiana.

MC-C-8139, E. L. Farmer & Company—Investigation And Revocation Of Certificates, now assigned November 29, 1973, at Dallas, Tex., is cancelled.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-25363 Filed 11-28-73;8:45 am]

[EX PARTE No. 241; Exemption No. 10; 3rd rev.]

It appearing, that the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners

would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 359, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, with inside length 44 ft. 6 in. or less, and bearing reporting marks assigned to the railroads named below,<sup>1</sup> shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, Reporting marks: CNJ.  
Detroit and Mackinac Railway Company, Reporting marks: D&M.

Effective November 19, 1973, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., November 19, 1973.

INTERSTATE COMMERCE COMMISSION,  
R. D. PFAHLER,  
Agent.

[FR Doc.73-25364 Filed 11-28-73;8:45 am]

## Office of Proceedings

[Notice No. 160]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 21, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, by December 14, 1973. 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 Com-

<sup>1</sup>Manufacturers Railway Company eliminated.



mission, Washington, D.C., and also in field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 22195 (Sub-No. 150 TA), filed November 12, 1973. Applicant: DAN DUGAN TRANSPORT COMPANY, 41st & Grange Avenue, P.O. Box 946, Sioux Falls, S. Dak. 57101. Applicant's representative: Fred Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Pennington County, S. Dak., to points in North Dakota, for 180 days. SUPPORTING SHIPPER: South Dakota Cement Plant, P.O. Box 351, Rapid City, S. Dak. 57701, John E. Doane, Director of Transportation & Terminals. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 60756 (Sub-No. 7 TA), filed November 2, 1973. Applicant: CRESCENT MOTOR LINE, 7153 Lone Oak Road, P.O. Box 2625, Spartanburg, S.C. 29303. Applicant's representative: P. B. Chappell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic resins*, in bulk, in shipper owned containers, from Forester, S.C., and Wellford, S.C., on the one hand, and, on the other, Rocky Mount, N.C., for 180 days. SUPPORTING SHIPPER: Phillips Fibers Corporation, P.O. Box 66, Greenville, S.C. SEND PROTESTS TO: E. E. Strotheld, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Bldg., 1200 Main Street, Columbia, S.C. 29201.

No. MC 82492 (Sub-No. 91 TA), filed November 12, 1973. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William J. Boyd, 29 South La Salle Street, Suite 330, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fort Dodge, Iowa, to points in Kentucky, for 180 days. SUPPORTING SHIPPER: Kold Storage, Inc., P.O. Box 1181, Fort Dodge, Iowa 50501. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 106398 (Sub-No. 689 TA), filed November 12, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 51096 Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from Canton, S. Dak., to points in Minnesota, Iowa, Nebraska, North Dakota,

South Dakota, Wisconsin, Montana, Wyoming, and Colorado, for 180 days. SUPPORTING SHIPPER: Dean Robinson, Dispatcher, Town and Country Mobile Homes, Inc., P.O. Box 156, Canton, S. Dak. 57013. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240, Old P.O. Bldg., 215 NW., Third, Oklahoma City, Okla. 73102.

No. MC 107557 (Sub-No. 2 TA), filed November 12, 1973. Applicant: FERRO RARO TRANSPORTATION COMPANY, INC., 305 Tenth Street, Jersey City, N.J. 07302. 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: *Packing house products*, such as fresh, frozen and processed pork and beef and pork and beef products; turkeys and turkey parts, from Jersey City, N.J., to New York, N.Y., and points in New Jersey and those in Nassau, Suffolk, and Westchester Counties, N.Y., for 180 days. SUPPORTING SHIPPER: The Sperber-Peterman-Grabow Sales Co., 1118 Clifton Avenue, Clifton, N.J. 07013. SEND PROTESTS TO: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 111401 (Sub-No. 399 TA), filed November 12, 1973. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Wardelle Earle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *No. 2 Burner Fuel*, in bulk, in tank vehicles, from Monument, N. Mex., to Tulsa, Okla., for 180 days. SUPPORTING SHIPPER: Joe Deal, President, Asphalt and Petroleum Industries, Inc., Suite 126, 6111 East Skelly Drive, Tulsa, Okla. 74135. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 113828 (Sub-No. 210 TA), filed November 13, 1973. Applicant: O'BOYLE TANK LINES, INCORPORATED, Mlg: P.O. Box 30006, Washington, D.C. 20014, and Off: 5320 Marinelli Drive, Montrose Industrial Park, Rockville, Md. 20852. Applicant's representative: William P. Sullivan, Federal Bar Building West, 1819 H Street NW, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydroxylamine sulfate solution, sodium bisulphite solution, and sodium hydrosulphite solution*, from the plant-site of Virginia Chemicals, Inc., at Portsmouth, Va., to points in New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Tennessee, and Georgia, for 180 days. SUPPORTING SHIPPER: Virginia Chemicals, Inc., 3340 West Norfolk Road, Portsmouth, Va. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Interstate Commerce Com-

mission, Bureau of Operations, 12th Street & Constitution Avenue NW, Washington, D.C. 20423.

No. MC 115524 (Sub-No. 24 TA), filed November 12, 1973. Applicant: BURSCHE TRUCKING, INC., 415 Rankin Road, NE., Albuquerque, N. Mex. 87107. Applicant's representative: Don F. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, including *brick and tile*, requiring special unloading equipment, from Denver, Pueblo, and Trinidad, Colo., to points in New Mexico, for 180 days. SUPPORTING SHIPPER: The Summit Pressed Brick and Tile Company, Thirteenth and Erie, Pueblo, Colo. 81002. SEND PROTESTS TO: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, New Mexico 87101.

No. MC 116947 (Sub-No. 27 TA), filed November 7, 1973. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street SW., Atlanta, Ga. 30310. Applicant's representative: William Addams, 5299 Roswell Road NW., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden carpet tacking*, from the plantsite of Continental Tackless Corporation, 400 Mack Drive, Croydon Industrial Park, Croydon, Pa. 19019, to points in Alabama, Florida, Georgia, and Tennessee, for 180 days. SUPPORTING SHIPPER: Continental Tackless Corporation, 400 Mack Drive, Croydon Industrial Park, Croydon, Pa. 19019. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 118178 (Sub-No. 18 TA), filed November 12, 1973. Applicant: BILL MEEKER, P.O. Box 11184, 1632 North Mosley, Wichita, Kans. 6E202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Dubuque Packing Co., at Mankato, Kans., to points in Iowa, Illinois, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Dubuque Packing Co., P.O. Box 4225, Wichita, Kans. 67204. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 118535 (Sub-No. 59 TA), filed November 5, 1973. Applicant: JIM TIONA, JR., 111 South Prospect Street, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry organic fertilizer, soil conditioners, organic fertilizer materials, organic fertilizer in-*



redients, from Caldwell, Tex., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Wonderlife Corporation of America, 4931 Douglas, Des Moines, Iowa 50310. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 124333 (Sub-No. 20 TA), filed November 13, 1973. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, Del. 19720. Applicant's representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Marcus Hook, Pa., and Seaford, Del., to points in Delaware, Maryland, and Virginia, on the Delmarva Peninsula, for the account of Emulasta Products of Delmarva, Inc., Talmage, Pa., for 180 days. SUPPORTING SHIPPER: Emulasta Products of Delmarva, Inc., Talmage, Pa. 17580. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 134145 (Sub-No. 40 TA), filed November 12, 1973. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 8010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machines, computing, and parts, materials, and supplies* used in the manufacturing thereof, between Campton, Ky., and Nashville, Tenn., for 180 days. SUPPORTING SHIPPER: Computer Peripherals, Inc., Control Data Corp., 8100 34th Avenue South, Minneapolis, Minn. 55440. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 135797 (Sub-No. 16 TA), filed November 6, 1973. Applicant: J. B. HUNT TRANSPORT, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning, scouring, or washing compounds; or soap; liquid or other than liquid; or soap powder* and (2) *drugs, chemicals, medicines, or toilet preparations*, from the plantsite of Amway Corporation at Arlington, Tex., to New Orleans and Shreveport, La.; Tulsa and Oklahoma City, Okla.; Little Rock, Ark.; Topeka and Wichita, Kans.; Kansas City and St. Louis, Mo.; and Albuquerque, N. Mex., for 180 days. SUPPORTING SHIPPER: Anway Corporation, 2001 Timberlake Drive, Arlington, Tex. 76011.

SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

No. MC 138128 (Sub-No. 4 TA), filed November 9, 1973. Applicant: LEMMONS & CO., INC., 535 South 2d Street, Boonville, Ind. 47601. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, (1) from points in Wabash County, Ill., to points in Gibson County, Ind., and (2) from points in Williamson County, Ill., to points in Vanderburgh and Warrick Counties, Ind., for 180 days. SUPPORTING SHIPPERS: Amax Coal Co., Indianapolis, Ind.; Arkla Air Conditioning Co., Evansville, Ind.; and Bucyrus-Erie Company, Evansville, Ind. SEND PROTESTS TO: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn. Street, Indianapolis, Ind. 46204.

No. MC 138617 (Sub-No. 2 TA), filed November 12, 1973. Applicant: JIM'S TRUCK SERVICE, INC., 607 Dearborn Avenue, Waterloo, Iowa 50703. 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: *General commodities*, between Waterloo, Iowa, on the one hand, and, on the other, points in that part of Iowa located on and north of Iowa Highway 92 and on and east of U.S. Highway 169, restricted to traffic having a prior or subsequent movement by rail TOFC service, for 180 days. SUPPORTING SHIPPER: Illinois Central Gulf Railroad, 135 East Eleventh Place, Chicago, Ill. 60605. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 138736 (Sub-No. 4 TA), filed November 6, 1973. Applicant: F B M TRUCKING, INC., 310 East Lanier Avenue, Fayetteville, Ga. 30349. Applicant's representative: Virgil H. Smith, Suite 12, 1387 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal working machinery on skids*, in van trailers, from Greensboro, N.C., to the plantsite of Meyer Machinery Company at Los Angeles, Calif., for 180 days. SUPPORTING SHIPPER: Meyer Machinery Company, 2528 South Santa Fe Avenue, Los Angeles, Calif. 90058. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

No. MC 139170 (Sub-No. 2 TA), filed November 12, 1973. Applicant: FRANK W. MADDEN COMPANY, 1288 East Archwood Avenue, Akron, Ohio 44306. Applicant's representative: James E. Davis, 611 West Market Street, Akron,

Ohio 44303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete building components and accessory parts*, from points in Summit County, Ohio, to Elizabeth, N.J.; Fort Knox, Ky.; and New Castle, Ind., for 180 days. SUPPORTING SHIPPER: FCE Dillion Precast Systems, Seasons Road, Hudson Township, Summit County, Ohio. SEND PROTESTS TO: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-25365 Filed 11-29-73; 8:45 am]

[Notice 96]

**MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS**

NOVEMBER 23, 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<sup>1</sup> 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 representa-

<sup>1</sup> Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.



tive is named. If the protest includes a request for oral hearing, such request 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 76 (Sub-No. 5), filed October 9, 1973. Applicant: MAWSON & MAWSON, INC., P.O. Box 125, Old Lincoln Highway, Langhorne, Pa. 19047. 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: *Iron and steel articles*, from the plant site of Bethlehem Steel Corporation at Lackawanna, N.Y., to points in Illinois, Indiana, Michigan (lower Peninsula), and Ohio.

NOTE.—Common control was approved in MC-F-10040. 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 730 (Sub-No. 355), filed October 5, 1973. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94612. Applicant's representative: R. N. Coolege (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid*, in bulk, in tank vehicles, from points in Arizona to points in California.

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 San Francisco, or Los Angeles, Calif.

No. MC 2860 (Sub-No. 131), filed September 14, 1973. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Francis W. McNery, 1000 Six-

teenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, and *poultry and seafood* other than frozen, from Wilmington, Del., and points in Delaware, Maryland, and Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, West Virginia, Wisconsin, those in Virginia west of U.S. Highway 1, and those in Connecticut, Massachusetts, and Rhode Island (except those on or within 10 miles of U.S. Highway 1, from the New York-Connecticut State line to Boston, Mass., those on or within 10 miles of U.S. Highway 5 from New Haven, Conn., to Springfield, Mass., and those on or within 10 miles of U.S. Highway 20 from Springfield to Boston, Mass.); and (2) *canned goods and preserved foods*, from Wilmington, Del., to points in Ohio and West Virginia, restricted to service at Wilmington, Del. for purposes of joinder only.

NOTE.—Common control was approved in Docket No. MC-F-11377. The applicant states that the requested authority can be tacked with its existing authority for (1) at Wilmington, Del. and points on the Del-Mar-Va Peninsula to serve points in Southern New England, New York, Eastern Pennsylvania, New Jersey, and Maryland and for authority requested in (2) at Wilmington, Del. to provide a through service from points on the Del-Mar-Va Peninsula, Maryland, New Jersey, Pennsylvania, New York, Massachusetts, Rhode Island, and Connecticut, to points in Ohio and West Virginia. Applicant presently holds authority wholly duplicative of that sought via a gateway on the Del-Mar-Va peninsula. The purpose of the instant application is to establish a gateway at Wilmington, Del. to continue operations presently performed through the Del-Mar-Va gateway. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2880 (Sub-No. 133), filed October 3, 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: *Metal cans*, with or without can ends, from Baltimore, Md., and Philadelphia, Pa., to Suffolk, Va.

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. 248), filed October 10, 1973. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32207. 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) serving the plantsite of Kelsey Hayes Co., French & Hecht Division, located at or near Walcott, Iowa, as an off-route point in connection with carrier's regular route operations, and (2) serving the plantsite of B. F. Goodrich located at or near St. Paris, Ohio, as an off-route point in connection with carrier's regular route operation.

NOTE.—Common control was approved in Docket Nos. MC-F-10966, MC-F-11594, and MC-F-10795. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., Indianapolis, Ind., or Chicago, Ill.

No. MC 16965 (Sub-No. 7), filed October 15, 1973. Applicant: FRANKLIN TRUCKING, INC., 210 E. Washington St., P.O. Box 412, Hartford City, Ind. 47348. Applicant's representative: Donald W. Smith, One Indiana Square, Suite 2465, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite and warehouse facilities of Hoerner Waldorf Corporation at Columbus, Ind., to points in Ohio, Illinois, and Kentucky, under continuing contract with Hoerner Waldorf Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 25798 (Sub-No. 250), filed October 9, 1973. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *canned and preserved foodstuffs* (except frozen foodstuffs), from the warehouse facilities of Green Giant Company located at or near Tucker, Ga., to points in Florida and those points in Georgia and Alabama south of U.S. Highway 80.

NOTE.—Common control was approved in MC-F-8953. 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 Tampa, Fla., or Minneapolis, Minn.

No. MC 25798 (Sub-No. 251), filed September 24, 1973. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from South Edmeston and Walton, N.Y., Hagerstown, Md., and Elizabeth, N.J., to points in Alabama, Florida, Georgia, South Carolina, and Tennessee.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its lead at (1) all points in South Carolina on frozen foods, dairy products, fresh fruits, and fresh vegetables to serve points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, West Virginia and Wisconsin; (2) at Charles-



ton, S.C., on food products to serve points in North Carolina on and west of Highway 52; (3) at Port Wentworth, Ga., on sugar with lead and Sub 157 to serve points in North Carolina; and (4) at Port Wentworth, Ga., on food products to serve points in North Carolina on and west of Highway 52. Applicant states it could tack at Fountain Inn, S.C., in Sub 239 on frozen foods (pending) to serve points in Arizona, California, Colorado, Kansas, Oregon, Texas and Washington. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 26396 (Sub-No. 99), filed October 4, 1973. Applicant: POPELKA TRUCKING CO., a corporation doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Jacob P. Billig, 1126 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Agricultural chemicals, including pest and weed control*, from the plantsite and warehouse facilities of Monsanto Company at or near Muscatine, Iowa, to the ports of entry on the International Boundary line between the United States and Canada located in Montana, North Dakota, and Minnesota, restricted to the transportation of shipments having an immediately subsequent movement in foreign commerce; and (2) *lumber and lumber products, forest products, and wood products*, from ports of entry on the International Boundary line between the United States and Canada located in Idaho, Montana, and Washington, to points in Nebraska, Kansas, South Dakota, Oklahoma, and Texas, restricted to traffic having a prior movement in foreign commerce.

Note.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont.

No. MC 35628 (Sub-No. 354), filed September 17, 1973. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a Corporation, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packing-houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Madison Foods, Inc., Madison, Nebr., to points in Arkansas, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin, restricted to traffic originating at the

named plantsite and destined to the named destination states.

Note.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 35807 (Sub-No. 42), filed August 30, 1973. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, 210 Baker Street NW., Atlanta, Ga. 30313. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Commercial papers, documents, and written instruments* (except currency and negotiable securities) (a) between New York, N.Y.; New Milford, Conn., and Lake Success, N.Y., (b) between points in Fairfield County, Conn., on the one hand, and, on the other, points in New York, N.Y., (c) between Bridgeport, Conn., on the one hand, and, on the other, New York, N.Y., and Boston, Mass.; and (2) *coin, gold bullion, silver bullion, and precious metals* (a) between points in Fairfield County, Conn., on the one hand, and, on the other, Attleboro, Mass., and (b) between Fairfield County, Conn., on the one hand, and, on the other, points in New York, N.Y., and points in Nassau County, N.Y., under continuing contracts with banks and financial institutions and Handy & Harmon, Inc.

Note.—If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Washington, D.C.

No. MC 44447 (Sub-No. 30), filed October 3, 1973. Applicant: SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus, Ohio 43212. Applicant's representative: Taylor C. Burneson, 88 East Broad Street, Suite 1680, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between Marysville, Ohio, and Bellefontaine, Ohio: (a) From Marysville, Ohio, over U.S. Highway 33 to Bellefontaine, Ohio, and return over the same route; (4) Between Indianapolis, Ind., and Cincinnati, Ohio: (a) From Fort Wayne, Ind., over U.S. Highway 33 to Fort Wayne, Ind., and return over the same route; (3) Between Fort Wayne, Ind., and Ligonier, Ind.: (a) From Fort Wayne, Ind., over U.S. Highway 33 to Ligonier, Ind., and return over the same route; (4) Between Indianapolis, Ind., and Cincinnati, Ohio: (a) From Indianapolis, Ind., over Interstate Highway 74 to Cincinnati, Ohio, and return over the same route; (5) Between Napoleon, Ohio, and Fort Wayne, Ind.: (a) From Napoleon, Ohio, over U.S. Highway 24 to Fort Wayne, Ind., and return over the same route; and (6) Be-

tween Columbus, Ohio, and the junction of Ohio Highway 4 and U.S. Highway 20: (a) From Columbus over U.S. Highway 23 to Marion, Ohio, thence over Ohio Highway 4 to junction U.S. Highway 20 (near Bellevue, Ohio), and return over the same route, in (1) through (6) above, as alternate routes for operating convenience only, serving no intermediate points, in connection with carrier's regular route operations.

Note.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 44735 (Sub-No. 10), filed October 3, 1973. Applicant: KISSICK TRUCK LINES, INC., 1600 Genesee, P.O. Box 5687, Kansas City, Mo. 64102. Applicant's representative: Lee K. Mathews, 411 No. 7th Street, Rm. 1302, St. Louis, Mo. 63101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except those articles which because of size or weight require the use of special equipment), from Alton, Ill., and the plantsite and storage facilities of Laclede Steel Company located at or near Madison, Ill., to points in Missouri (except points in St. Louis, St. Louis County, and the Kansas City Commercial Zone).

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. Louis or Kansas City, Mo.

No. MC 50069 (Sub-No. 471), filed October 5, 1973. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon (Toledo), Ohio 43612. 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: *Gasoline and fuel oils*, from Clermont, Ind., to points in Kentucky.

Note.—Common control and 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 Washington, D.C.

No. MC 58549 (Sub-No. 17), filed October 2, 1973. Applicant: CLINE MUNDY, doing business as GENERAL MOTOR LINES, 1534 Granby Street NE., P.O. Box 5157, Roanoke, Va. 24012. Applicant's representative: Francis W. McInerney, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Tennessee on and east of Tennessee Highway 70 and points in Virginia on and south of a line beginning at the Kentucky-Virginia State Boundary line and extending along U.S. Highway 421 to its intersection with U.S. High-



way 58 at or near Dot, Va., thence along U.S. Highway 58 to its intersection with U.S. Highway 23 at or near Duffield, Va., thence along U.S. Highway 23 to its intersection with U.S. Highway 58 and 421 at or near Weber City, Va., thence along U.S. Highway 58 and 421 to its intersection with U.S. Highway 11 at or near Bristol, Va.-Tenn., thence along U.S. Highway 11 to its intersection with U.S. Highway 58 at or near Abingdon, Va., thence along U.S. Highway 58 to its intersection with Virginia Highway 91 at or near Damascus, Va., thence along Virginia Highway 91 to the Virginia-Tennessee State Boundary line, restricted to traffic having a prior subsequent movement by rail.

**NOTE.**—Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 41 at points in Virginia named above to serve points in Virginia on and west of a line beginning at the North Carolina-Virginia State Boundary line and extending along U.S. Highway 501 to its intersection with U.S. Highway 60 at or near Buena Vista, thence along U.S. Highway 60 to its intersection with U.S. Highway 11 at or near Lexington, thence along U.S. Highway 11 to its intersection with U.S. Highway 250 at or near Staunton, thence along U.S. Highway 250 to the West Virginia-Virginia State Boundary line, restricted against serving points in Augusta and Giles Counties, Va., and further restricted to the transportation of traffic having a prior or subsequent movement by rail or air. If a hearing is deemed necessary, applicant requests it be held at Bristol, Va.-Tenn., or Washington, D.C.

No. MC 58549 (Sub-No. 18), filed October 2, 1973. Applicant: CLINE MUNDY, doing business as, GENERAL MOTOR LINES, 1534 Granby Street NE., P.O. Box 5157, Roanoke, Va. 24012. Applicant's representative: Francis W. McInerney, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Roanoke, Va., on the one hand, and, on the other, points in Virginia within (50) fifty miles of Pulaski, Va.

**NOTE.**—Applicant states that the requested authority can be tacked with its existing authority at Roanoke to serve additional points in Virginia. If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va., or Washington, D.C.

No. MC 59120 (Sub-No. 37), filed October 9, 1973. Applicant: EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, Pa. 15201. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between Charleston, W. Va., and Parkersburg, W. Va.; From Charleston, W. Va., over U.S. Highway 60 to Huntington, W. Va., thence over West Virginia

Highway 2 to Parkersburg, W. Va., and return over the same route, serving all intermediate points.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 59150 (Sub-No. 82), filed October 8, 1973. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Composition board, and materials and supplies used in the distribution and/or installation thereof* (except in bulk), from the facilities of the Celotex Corporation located at Marion, S.C., to points in Alabama, Delaware, District of Columbia, Florida, Georgia, Louisiana (east of the Mississippi River), Maryland, Mississippi, North Carolina, South Carolina, 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 Jacksonville or Tampa, Fla.

No. MC 59680 (Sub-No. 210), filed October 15, 1973. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, P.O. Box 5689, Dallas, Tex. 75222. Applicant's representative: Oscar P. Peck (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the plant site and facilities of Transcontinental Gas Pipe Line Corp., and subsidiary companies at or near Twin Oaks, Delaware County, Pa., as an off-route point in connection with carrier's authorized regular route operations to and from Philadelphia, Pa.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 61396 (Sub-No. 257), filed October 1, 1973. Applicant: HERMAN BROS., INC., 2565 St. Mary's, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: J. Raymond Chesney (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite of Armak Chemical Co., located in Grundy County, Ill., to points in California, Connecticut, Georgia, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, and Wisconsin.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 61403 (Sub-No. 223), (CORRECTION), filed September 17, 1973, published in the FEDERAL REGISTER issue of November 15, 1973 as MC-61403 (Sub-No. 233), and republished in part, as corrected, this issue. Applicant: THE MASON AND DIXON TANK LINES, INC., Highway 11W, P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, Suite 1201, 370 Lexington Avenue, New York, N.Y. 10017.

**NOTE.**—The purpose of this partial republication is to indicate the correct Docket Number assigned to this proceeding in No. MC-61403 (Sub-No. 223), in lieu of No. MC-61403 (Sub-No. 233) which was previously published in error. The rest of the notice remains as previously published.

No. MC 61592 (Sub-No. 311), filed October 15, 1973. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: E. A. DeVine (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber, poles, piling, wood products, timbers, and cross-ties*, treated or untreated, from points in Mississippi, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Tennessee, and Wisconsin.

**NOTE.**—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 61825 (Sub-No. 59), filed October 1, 1973. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: George S. Hales (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Glass*, from Toledo, Ohio, to points in Georgia, North Carolina, South Carolina and Virginia (except Bassett, Martinsville, and Rocky Mount, Va.).

**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 63417 (Sub-No. 57), filed October 2, 1973. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 1814 Hollins Road, NE., P.O. Box 2888, Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 15th Street, Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bathroom and plumbing fixtures, parts, attachments, and accessories*, in straight or mixed shipments, from Evansville and Rockport, Ind., to points in Alabama, Georgia, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, 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 Washington, D.C., or Evansville, Ind.

No. MC 63792 (Sub-No. 19), filed October 4, 1973. Applicant: TOM HICKS TRANSFER COMPANY, INC., 4132 Peters Road, Harvey, La. 70058. Applicant's representative: C. W. Ferebee, P.O. Box 283, Harvey, La. 70058. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roadbuilding, earthmoving, construction and contractors' machinery and parts thereof* when moving at the same time or separately, from the plantsite or storage facilities of Koehring, Inc., at Chattanooga, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Texas, Tennessee, North Carolina, and South Carolina.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Chattanooga, Tenn.

No. MC 109124 (Sub-No. 17), filed October 5, 1973. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Avenue, Fairmont, W. Va. 26554. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glazing units, glass and glass products, and machinery, materials, equipment, and supplies*, used in connection with the manufacture, sale, transportation, or distribution of glazing units, glass and glass products (except commodities in bulk), between the plantsite of Fourco Glass Company, Jerry's Run (Flemington District, Taylor County), W. Va., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to transportation of shipments originating at and destined to the above named origin and destination territory.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 72140 (Sub-No. 62), filed October 3, 1973. Applicant: SHIPPERS DISPATCH, INC., 1216 West Sample Street, South Bend, Ind. 46619. Applicant's representative: Richard L. Andrysiak (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 Crossroads Press, a division of World Color Press, Effingham, Ill., as an off-route point in connection with authorized carrier's regular route service at St. Louis, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 82044 (Sub-No. 4), filed September 16, 1973. Applicant: STAR WEST CARTAGE CO., INC., 4320 West 41st Street, Chicago, Ill. 60632. Applicant's representative: Phillip A. Lee, 120 West Madison, Suite 618, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry bulk sugar and newsprint* in rolls, (a) between points within the territory bounded by a line beginning at Winthrop Harbor, Ill., and extending west along the Illinois-Wisconsin State boundary line to East Dubuque, Ill., thence along the east bank of the Mississippi River to Rock Island, Ill., thence south along U.S. Highway 67 to Rushville, Ill., thence in a southeasterly direction through Beardstown to Springfield, Ill., thence in a northeasterly direction through Decatur and Pesotum to the Illinois-Indiana State boundary line at a point five (5) miles east of Grape Creek, Ill., thence north along said State line to a point directly west of Dyer, Ind., thence east along U.S. Highway 30 to a point four (4) miles north of Beatrice, Ind., thence north to Lake Michigan and thence along the southwest shore of Lake Michigan to Winthrop Harbor, Ill., including the points named and points on the indicated portions of the highways specified; and (b) between points within the territory bounded by a line beginning at South Beloit, Ill., and extending west through Warren, Ill., to Galena, Ill., thence in a southeasterly direction to Peoria, Ill., thence east to Onarga, Ill., thence in a northeasterly direction to Warsaw, Ind., thence north to Goshen, Ind., thence in a northwesterly direction through Niles, Mich., to Bridgman, Mich., thence in southwesterly and northwesterly directions along the shore of Lake Michigan to Winthrop Harbor, Ill., and thence west through Twin Lakes, Wis., to South Beloit, including the points named, (a) and (b) under a continuing contract or contracts with Great Western Sugar Company and Wacker Warehouse Co., Inc.

NOTE.—Applicant holds authority to perform operations in the territory described above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 82841 (Sub-No. 131), filed October 2, 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: *Iron and steel and iron and steel articles*, from East Chicago, Ind., to points in North Dakota and South Dakota.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 85465 (Sub-No. 59), filed October 2, 1973. Applicant: WEST NEBRASKA EXPRESS, INC., P.O. Drawer 952, Scottsbluff, Nebr. 69361. Applicant's representative: Roland Rice, 1111 E Street, NW., Suite 618 Perpetual Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements, and agricultural machinery and implement parts, agricultural irrigation systems parts, warehouse handling equipment and warehouse handling equipment parts, and materials, equipment, and supplies* used in the manufacture of each of the foregoing, from all points east of the western boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, to Gering, Nebr., restricted to the transportation of traffic destined to the plantsite of Lockwood Corporation, Gering, Nebr.

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 Gering, Nebr., or Cheyenne, Wyo.

No. MC 89782 (Sub-No. 10), filed September 26, 1973. Applicant: STORDAHL TRUCK LINES, INC., P.O. Box 658, Thief River Falls, Minn. 56701. Applicant's representative: William S. Rosen, 630 Osborn Bldg., St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except commodities in bulk, and Classes A and B explosives), (1) Between Thief River Falls, Minn., and the International Boundary line between the United States and Canada, serving the intermediate points of Noyes, Minn., those points between Noyes, Minn., and the International Boundary line between the United States and Canada, Pembina, N. Dak., and those points between Pembina, N. Dak., and the International Boundary line between the United States and Canada: (a) From Thief River Falls over U.S. Highway 59 to junction Minnesota Highway 175, thence over Minnesota Highway 175 to junction U.S. Highway 75, thence over U.S. Highway 75 to the International Boundary line between the United States and Canada, and return over the same route; (b) From Thief River Falls over U.S. Highway 59 to junction Minnesota Highway 175, thence over Minnesota Highway 175 to junction U.S. Highway 75, thence over U.S. Highway 75 to junction Minnesota Highway 171, thence over Minnesota Highway 171 to junction North Dakota Highway 59, thence over North Dakota Highway 59 to junction



Interstate Highway 29, thence over Interstate Highway 29 to the International Boundary line between the United States and Canada, and return over the same route; (c) From Thief River Falls over Minnesota Highway 1 to junction U.S. Highway 75, thence over U.S. Highway to the International Boundary line between the United States and Canada, and return over the same route; (d) From Thief River Falls over Minnesota Highway 1 to junction U.S. Highway 75, thence over U.S. Highway 75 to junction Minnesota Highway 171, thence over Minnesota Highway 171 to North Dakota Highway 59, thence over North Dakota Highway 59 to junction Interstate Highway 29, thence over Interstate Highway 29, to the International Boundary line between the United States and Canada, and return over the same route; (e) From Thief River Falls over Minnesota Highway 1 to junction Minnesota Highway 75, thence over Minnesota Highway 75 to junction Minnesota Highway 175, thence over Minnesota Highway 1 to junction North Dakota Highway 5, thence over North Dakota Highway 5 to junction Interstate Highway 29, thence over Interstate Highway 29 to the International Boundary line between the United States and Canada, and return over the same route; and (f) From Thief River Falls over Minnesota Highway 1 to junction North Dakota Highway 54, thence over North Dakota Highway 54 to junction North Dakota Highway 44, thence over North Dakota Highway 44 to junction Interstate Highway 29, thence over Interstate Highway 29 to the International Boundary line between the United States and Canada, and return over the same route;

(2) Between St. Paul, Minn., and Minneapolis, Minn., and their commercial zones and the International Boundary line between the United States and Canada serving the intermediate points of Pembina, N. Dak., those points between Pembina, N. Dak., and the International Boundary line between the United States and Canada, Noyes, Minn., and those points between Noyes, Minn., and the International Boundary line between the United States and Canada: (a) From St. Paul over Minnesota Highway 280 to junction Minnesota Highway 36, thence over Minnesota Highway 36 to junction Interstate Highway 35W, thence over Interstate Highway 35W to junction U.S. Highway 10, thence over U.S. Highway 10 to junction Minnesota Highway 23, thence over Minnesota Highway 23 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction Interstate Highway 94, thence over Interstate Highway 94 to junction U.S. Highway 75, thence over U.S. Highway 75 to the International Boundary line between the United States and Canada, and return over the same route; and (b) From St. Paul over Minnesota Highway 280 to junction Minnesota Highway 36, thence over Minnesota Highway 36 to junction Interstate Highway 35W, thence over Interstate Highway 35W to junction U.S. Highway 10,

thence over U.S. Highway 10 to junction Minnesota Highway 23, thence over Minnesota Highway 23 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction Interstate Highway 94, thence over Interstate Highway 94 to junction U.S. Highway 75, thence over U.S. Highway 75 to junction Minnesota Highway 171, thence over Minnesota Highway 171 to junction North Dakota Highway 59, thence over North Dakota Highway 59 to Interstate Highway 29, thence over Interstate Highway 29 to the International Boundary line between the United States and Canada, and return over the same route; and (3) Between Noyes, Minn., and Pembina, N. Dak., serving all intermediate points: From Noyes over U.S. Highway 75 to junction Minnesota Highway 171, thence over Minnesota Highway 171 to junction North Dakota Highway 59, thence over North Dakota Highway 59 to Pembina, and return over the same route.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at either Thief River Falls, or St. Paul, Minn.

No. MC 94430 (Sub-No. 35) filed September 28, 1973. Applicant: WEISS TRUCKING COMPANY, INC., Mingo, Ind. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement*, from Detroit, Mich., to points in that part of Ohio on and south of a line beginning at Sandusky, Ohio, and extending along U.S. Highway 6 through Fremont, Bowling Green, and Napoleon, Ohio, to junction Ohio Highway 34, thence along Ohio Highway 34 to Bryan, Ohio, thence along Ohio Highway 2 to Junction U.S. Highway 6, thence along U.S. Highway 6 to the Ohio-Indiana State line.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Washington, D.C.

No. MC 99780 (Sub-No. 30) filed October 9, 1973. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 N.E. Bond, Peoria, Ill. 61603. Applicant's representative: John R. Zang (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Garment hangers, dry cleaners and laundry supplies, fly swatters, springs and miscellaneous wire products* (except commodities in bulk), (1) from the plant site of Laidlaw Corp. at Monticello, Wis., to points in Minnesota, Iowa, Illinois, Indiana, Ohio, Michigan and Wisconsin; and (2) from the plant site of Laidlaw Corp. at Peoria, Ill., to the plant site of Laidlaw Corp. at Monticello, 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 or Peoria, Ill.

No. MC 100449 (Sub-No. 37) filed October 9, 1973. Applicant: MALLINGER TRUCK LINE, INC., R.F.D. 4, Fort Dodge, Iowa 50501. 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: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Flavorland Industries, Inc. at West Fargo, N. Dak., to points in Illinois, Iowa, Minnesota, Texas, 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 Omaha, Nebr. or St. Paul, Minn.

No. MC 102616 (Sub-No. 884) filed October 9, 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: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Alto, Mich., to points in 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 Cleveland, Ohio.

No. MC 103993 (Sub-No. 782) filed October 9, 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 Dakota County, Minn., to points in the United States (except Alaska and Hawaii).

**NOTE.**—Common control was approved in MC-F-10057. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 103993 (Sub-No. 783) filed October 9, 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 Stueben and Oneida Counties, N.Y., to points in the United States (except Alaska and Hawaii).

**NOTE.**—Common control was approved in MC-F-10057. 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 Elmira, N.Y.



No. MC 103993 (Sub-No. 784), filed October 9, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2300 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 Lincoln Parish, La., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control was approved in MC-P-10067. 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 Shreveport, La.

No. MC 104430 (Sub-No. 40), filed October 11, 1973. Applicant: CAPITAL TRANSPORT COMPANY, INC., P.O. Box 408, Highway 24 West, McComb, Miss. 39648. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blackstrap molasses*, in bulk, in tank vehicles, from Baton Rouge, La., to McComb, Miss.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss. or Houston, Tex.

No. MC 105006 (Sub-No. 4) filed October 9, 1973. Applicant: L. L. SMITH TRUCKING, P. O. Box 566, Powell, Wyo. 82435. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lost circulation materials* including drilling mud, additives and chemicals, between points in Colorado, Utah 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 either (1) Casper, Wyo.; (2) Salt Lake City, Utah; or (3) Denver, Colo.

No. MC 105463 (Sub-No. 10) filed October 9, 1973. Applicant: C. E. HORNBACK, INC., P.O. Box 176, Tama, Iowa 52339. Applicant's representative: William L. Fairbank 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paperboard*, from Minneapolis and St. Paul, Minn., to Marshalltown, Iowa, under contract with Packaging Corporation of America.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn. or Des Moines, Iowa.

No. MC 106398 (Sub-No. 688) filed October 10, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

*Trailers*, designed to be drawn by passenger automobiles, in initial movements and *buildings*, in sections mounted on wheeled undercarriages from points of manufacture, in Weld County, Colo., 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 Denver, Colo.

No. MC 106839 (Sub-No. 5) (CLARIFICATION) filed July 5, 1973, published in the FEDERAL REGISTER issue of September 27, 1973, and republished as corrected, this issue. Applicant: LARSEN MOTOR LINES, INC., 440 Erato Street, New Orleans, La. 70120. Applicant's representative: Henry O'Connor, Jr., 1440 Oil & Gas Building, New Orleans, La. 70112. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Refrigerants and such merchandise as is dealt in by retail hardware and appliance stores*, between New Orleans, La., and its Commercial Zone and Pascagoula, Miss.: From New Orleans, La., over U.S. Highway 90 and/or Interstate Highway 10 to Pascagoula, Miss., serving all intermediate points and serving no off-route points.

NOTE.—The purpose of this republication is to clearly set forth applicant's proposed authority as serving no off-route points in lieu of the previous publication stating that it was serving off-route points. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 107295 (Sub-No. 658) filed August 1, 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: *Building board and insulating materials*, between Huntington, Ind., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Huntington, Ind. to provide a through service (1) in Sub-No. 87: from Superior, Wis. to points in Alabama, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Kansas, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Montana, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming; (2) in Sub-No. 96: from Pittsburg, Kans. to points in Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Idaho, Iowa, Kansas, Maine, Maryland, Massachusetts, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming; (3) in Sub-No. 114: from

Cloquet, Minn. to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Idaho, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming; (4) in Sub-No. 115: from Bemidji and Duluth, Minn. to points in Arizona, California, Colorado, Idaho, Minnesota, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming;

(5) in Sub-No. 120: From Chesapeake, Va. to points in Arizona, California, Colorado, District of Columbia, Florida, Georgia, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Utah, Washington, and Wyoming; (6) in Sub-No. 128: from Henry County, Tenn. to points in Alabama, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Maine, Maryland, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Oregon, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming; (7) in Sub-No. 174: from Phillips, Wis. to points in Arizona, California, Colorado, Connecticut, Idaho, Iowa, Kansas, Maine, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oregon, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, and Wyoming; (8) in Sub-No. 180: Part (1) from East St. Louis, Ill. to points in Alabama, Arizona, Arkansas in and East of U.S. Highway 67, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming; Part (2) from Chicago Heights, Ill. to points in Alabama, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan (the Upper Peninsula), Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming; and Part (3) from Kansas City, Mo. to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming;

(9) in Sub-No. 182: Part (3) from Memphis, Tenn. to points in Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Idaho, Maine, Massachusetts, Montana, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Washington, West Virginia, and Wyoming; (10) in Sub-No. 183: Part (1) from Henry County, Tenn. to points in Alabama,



Arizona, California, Florida, Georgia, Idaho, Mississippi, Nevada, Oregon, South Carolina, Utah, and Washington; Part (2) from L'Anse, Mich. to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; Part (3) from Fort Dodge, Iowa to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; Part (4) from Port Clinton, Ohio to points in Arizona, California, Idaho, Lower Peninsula of Michigan, Nevada, Oregon, Pennsylvania, Utah, and Washington; and Part (5) from Dubuque, Iowa to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; (11) in Sub-No. 184: from Carteret and Edgewater, N.J., Chester, W. Va., Deposit, N.Y. and Philadelphia, Pittston and Sunbury, Pa. to points in Arizona, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Maine, Maryland, Massachusetts, Nevada, New Hampshire, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, and West Virginia; (12) in Sub-No. 185: Part (1) from San Antonio, Tex. to points in Arizona, California, Idaho, Nevada, Oregon, Texas, Utah, and Washington; Part (2) from Hamlin, Tex. to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Kentucky, Louisiana, Mississippi, Nevada, New Mexico, Oklahoma, Oregon, Tennessee, Texas, Utah, and Washington; Part (3) from Marro, La. to points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Idaho, Kansas, Louisiana, Minnesota, Mississippi, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, and Washington; and Part (4) and (5) from Fairfield, Ala. to points in Alabama, Arizona, California, Florida, Georgia, Idaho, Mississippi, Montana, Nevada, New Mexico, Oregon, Rhode Island, Utah, and Washington;

(13) In Sub-No. 186: Part (1) from Lagro, Ind. to points in Arizona, California, Florida, Idaho, Nevada, New York on and east of Interstate Highway 81, Ohio, Oregon, Pennsylvania, Utah, Washington, and West Virginia; and Part (2) from Camden, Ark. to points in Arizona, California, Idaho, Louisiana, Mississippi, Nevada, Oklahoma, Oregon, Tennessee, Texas, Utah, and Washington; (14) in Sub-No. 204: from Ewing Township, Mercer County, N.J. to points in Alabama, Arizona, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Maine, Maryland, Massachusetts, Nevada, New Hampshire, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, and West Virginia; (15) in Sub-No. 219: from Wright City, Mo. to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington; (16) in Sub-No. 246: from Lodi, N.J. to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico (except Albuquerque), New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee (except Memphis), Texas, Utah (except Salt Lake City), Vermont, Virginia, Washington, West Virginia, and Wyoming; (17) in Sub-No. 251: from Pittsburg,

Kans. to points in Alabama, District of Columbia, Georgia, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, and Texas; (18) in Sub-No. 277: Part (3) from Meridian, Miss. to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Kansas, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming; Part (4) from Arkadelphia, Ark. to points in Alabama, Arkansas, Florida, Georgia, Mississippi, and Tennessee; and Part (5) from Rotan, Tex. to points in Arizona, Arkansas, Illinois, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, and Utah;

(19) In Sub-No. 291: Part (2) from Stanhope, N.J. to points in Alabama, Arizona, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Maine, Maryland, Massachusetts, Nevada, New Hampshire, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, and West Virginia; (20) in Sub-No. 297: Part (1) from Akron, N.Y. to points in Arizona, California, Idaho, Nevada, New York, Ohio (except Hamilton and Lucas Counties), Oregon, Utah, and Washington; Part (2) from Chicago, Ill. to points in Alabama, Arizona, California, Florida, Georgia, Idaho, Illinois, Montana, Nevada, North Carolina, Oregon, South Carolina, Utah, Virginia on and south of U.S. Highway 460 and east of U.S. Highway 301, and Washington; Part (3) from Grand Rapids, Mich. to points in Alabama, Arizona, California, Georgia, Idaho, Michigan, Nevada, North Carolina, Oregon, South Carolina, Utah, Virginia on and south of U.S. Highway 460 and east of U.S. Highway 301 (except Richmond, Petersburg, Roanoke, and Lynchburg), and Washington; Part (4) from Marshall County, Kans. to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Missouri west of U.S. Highway 63, Nebraska, Nevada, Oklahoma, Oregon, Utah, and Washington; and Part (5) from Wilmington, Del. to points in Arizona, California, Delaware, Idaho, Nevada, Oregon, Utah, and Washington; (21) in Sub-No. 302: Part (1) from Lockport, N.Y. to points in Alabama, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Kansas, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming; and Part (2) from Bristol, Ind. to points in Alabama, Arizona, California, Colorado, Connecticut, Delaware, District of Co-

lumbia, Florida, Georgia, Idaho, Indiana, Kansas, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming;

(22) in Sub-No. 367: from Grand Rapids, Mich. to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington West Virginia, and Wyoming; (23) in Sub-No. 383: from Ann Arbor, Mich. to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington West Virginia, and Wyoming; (24) in Sub-No. 420: from Sedalia, Mo., to points in Alabama, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Kansas, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming; (25) in Sub-No. 434: Part (1) from Cleveland, Ohio, to points in Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming; and Part (2) from Minneapolis, Minn., to points in Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Washington, Wisconsin, and Wyoming;

(26) in Sub-No. 438: from Doswell, Va. to points in Arizona, California, Colorado, Florida, Georgia, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, and Wyoming; (27) in Sub-No. 593: from Franklin, Ohio to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania west of U.S. Highway 219 (except Johnstown and New Castle, Pa. and points in Erie, Allegheny, Westmoreland, Washington, Beaver, and Butler Counties, Pa.), Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming; and (28) in Sub-No. 600: from Suffolk, Va. to points in Arizona, California, Colorado, Delaware, District of Columbia, Florida, Georgia, Idaho, Kansas, Kentucky,



Maryland, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 679) filed October 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: *Composition board, and materials and supplies* used in the distribution and installation thereof (except in bulk), from the facilities of the Celotex Corporation located in Marion County, S.C., to points in the United States located on and east of the western borders of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

Note.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 107445 (Sub-No. 5) filed September 17, 1973. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 West Troy Avenue, Indianapolis, Ind. 46225. Applicant's representative: K. Clay Smith, P.O. Box 33051, Indianapolis, Ind. 46203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products*, from points in Hancock County, Ky. on the one hand, and, on the other, points in Massachusetts, Connecticut, Pennsylvania, New York, New Jersey, Ohio, Michigan, Illinois, Missouri, Iowa, 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 Indianapolis, Ind. or Pittsburgh, Pa.

No. MC 107818 (Sub-No. 67) filed October 11, 1973. Applicant: GREENSTEIN TRUCKING COMPANY, a Corporation, 260 N.W. 12th Avenue, P.O. Box 608, Pompano Beach, Fla. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from South Edmeston and Walton, N.Y.; Elizabeth, N.J.; and Hagerstown, Md. to points in North Carolina, South Carolina, Georgia, Florida, Alabama, 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 Atlanta, Ga. or Miami, Fla.

No. MC 108053 (Sub-No. 124) filed October 12, 1973. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 129, Fremont, Nebr. 68025. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier,

by motor vehicle, over irregular routes, transporting: *Foodstuffs* in vehicles equipped with mechanical refrigeration (except commodities in bulk in tank vehicles), from the plantsite and warehouse facilities of Kraft Foods located at or near Springfield, Mo., to points in California, Idaho, Nevada, Oregon, Utah, and Washington, restricted to traffic originating at the named origin and destined to the named destination points.

Note.—Common control was approved in MC-P-7351. 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 108053 (Sub-No. 125), filed October 5, 1973. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 129, Fremont, Nebr. 68025. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Commodities* dealt in by wholesale, retail, and chain grocery and food business houses, from the plantsite and storage facilities of Armour-Dial, Inc., located in Aurora Township (Kane County), Ill., to points in California 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 Chicago, Ill.

No. MC 108449 (Sub-No. 360) filed October 4, 1973. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Mankato, Minn., to points in Iowa.

Note.—Common control was approved in MC-P-11504. Applicant states that the requested authority can be tacked with its existing authority in Sub-Nos. 161, 56, 89, 136, 199, 228, 99, 100, 269, 274, and 321 on various commodities related to petroleum products at Mankato, Minn. to serve additional points in Iowa. Additional tacking possibilities exist as follows: In Sub-No. 161, on liquid chemicals, in bulk, at the plantsite of Hawkeye Chemical Company located at or near Clinton, Iowa to provide a through service from Mankato, Minn. to points in Illinois, Minnesota, Missouri, Ohio, Nebraska, Wisconsin, Michigan, Indiana, and Kentucky; in Sub-No. 56, (1) on liquid fertilizer, in bulk, in tank vehicles, at Sioux City, Iowa to provide a through service from Mankato, Minn. to points in Nebraska, South Dakota, and Minnesota and (2) on fertilizer, in bags, at Charles City, Iowa to provide a through service from Mankato, Minn. to points in Wisconsin and those in South Dakota on and east of U.S. Highway 81; in Sub-No. 89, on liquid fertilizer and fertilizer solutions, in bulk, in tank vehicles, at Dakota City, Iowa to provide a through service from Mankato, Minn. to Alnsworth, Nebr. and points in Nebraska on and east of U.S. Highway 183, and points in South Dakota east of the Missouri River; in Sub-No. 89, on liquid fertilizer and fertilizer solutions, in bulk, in tank vehicles,

(1) at West Union, Iowa to provide a through service from Mankato, Minn. to points in Minnesota, Wisconsin, and Illinois and (2) at Sanborn, Iowa to provide a through service from Mankato, Minn. to points in Minnesota, Wisconsin, and Illinois; in Sub-No. 136, on anhydrous ammonia, fertilizers, fertilizer compounds, ammonium nitrate, and nitrogen solutions, at Fort Madison, Iowa to provide a through service from Mankato, Minn. to points in Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin; in Sub-No. 199, on anhydrous ammonia, in bulk, in tank vehicles, at the plant of Consumers Cooperative Association located at or near Fort Dodge, Iowa to provide a through service from Mankato, Minn. to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota; in Sub-No. 228, on anhydrous ammonia, in bulk, at the plantsite and storage facilities of Monsanto Company located at or near Garner, Iowa to provide a through service from Mankato, Minn. to points in Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin; in Sub-No. 257, on anhydrous ammonia, in bulk, at the plant and storage facility of Armour Agricultural Chemical Company located near Bellevue (Jackson County), Iowa to provide a through service from Mankato, Minn. to points in Kansas, Nebraska, South Dakota, Minnesota, North Dakota, Wisconsin, Illinois, Indiana, Michigan, and Missouri; in Sub-No. 339, on anhydrous ammonia, in bulk, at the terminal and loading facilities located on the ammonia pipeline of Gulf Central Pipeline Company, at or near Algona and Iowa Falls, Iowa to provide a through service from Mankato, Minn. to points in Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, Missouri, and Illinois; in Sub-No. 99, on petroleum and petroleum products, at Black Hawk County, Iowa to provide a through service from Mankato, Minn. to points in that part of Minnesota on and south of Highway 19, and that part of Wisconsin on and south of U.S. Highway 16 and on and west of U.S. Highway 51; in Sub-No. 100, on liquefied petroleum gas, at the site of the terminal outlet of Mid-America Pipeline Co. pipeline (a) located at or near Sanborn, Iowa to provide a through service from Mankato, Minn. to points in Minnesota, North Dakota and South Dakota, and (b) located at or near Iowa City, Iowa to provide a through service from Mankato, Minn. to points in Illinois, Minnesota, and Wisconsin; and (2) at Mankato, Minn. to provide a through service from the terminal outlet of the Mid-America Pipeline Company pipeline located at or near Janesville, Wis. to points in Iowa; in Sub-No. 227, on petroleum products, in bulk, in tank vehicles, at Bettendorf and Linwood, Iowa to provide a through service from Mankato, Minn. to points in Illinois on, west and north of a line beginning at the Illinois-Wisconsin State Boundary line and extending along U.S. Highway 51 to its intersection with U.S. Highway 24 near El Paso, Ill., thence along U.S. Highway 24 to the Mississippi River at Quincy, Ill.; in Sub-No. 269, on petroleum and petroleum products, (1) at Mankato, Minn. to provide a through service from the Williams Brothers Pipe Line Company terminal located at or near St. Cloud, Minn. to points in Iowa and (2) at the Williams Brothers Pipe Line Company terminal located at or near Spencer or Spirit Lake, Iowa to provide a through service from Mankato, Minn. to points in Illinois, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin; in Sub-No. 274, on asphalt and asphalt products, and tar and tar products, in bulk, at Des Moines, Iowa to provide a through service from Mankato, Minn. to points in Minnesota, Nebraska and South Dakota; and in Sub-No. 321, on



petroleum and petroleum products, in bulk, at the storage facilities utilized by American Oil Company in Dubuque, Iowa to provide a through service from Mankato, Minn. to points in Illinois, Minnesota and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn. or Chicago, Ill.

No. MC 109124 (Sub-No. 17), filed October 1, 1973. Applicant: SENTELE TRUCKING CORPORATION, 210 Alexis Road, Toledo, Ohio 43612. Applicant's representative: James M. Burtch, 100 E. Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building, paving, roofing, and insulating materials*, from Oregon, Ohio, to points in Illinois, Indiana, Michigan, Kentucky, Pennsylvania, New York, and West Virginia; and (2) *materials and supplies* used in the manufacture of building, paving, roofing, and insulating materials, from points in Illinois, Indiana, Michigan, Kentucky, Pennsylvania, New York, and West Virginia, to Oregon, Ohio.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Oregon, Ohio to provide a through service from Chicago, Chicago Heights, Joliet, Waukegan, and Wilmington, Ill. and Lowell, South Bend and East Chicago, Ind. to points in New York, Pennsylvania (east of Highway 219), West Virginia (south of U.S. Highway 50), and Kentucky (except Ashland, Cavington, and Newport). If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110563 (Sub-No. 115) filed October 15, 1973. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747 Ohio Building, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from New York, N.Y., Wilmington, Del. and Jersey City, Newark, Bayonne and Port Elizabeth, N.J., to points in Pennsylvania, (except Philadelphia), Ohio, Indiana, Illinois, Wisconsin, Michigan, Iowa, Minnesota, Missouri, South Dakota, Kentucky, Kansas and Nebraska.

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., Philadelphia, Pa. or Washington, D.C.

No. MC 110988 (Sub-No. 303) filed October 11, 1973. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: E. Stephen Heisley, 666 11th Street, NW., Washington, D.C. 2001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium phosphate*, dry, in bulk, in tank vehicles, from Joliet, Ill., to points in Pennsylvania.

NOTE.—Common control was approved in MC-F-10290. 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 112107 (Sub-No. 6) filed October 10, 1973. Applicant: NEW ENGLAND MOTOR FREIGHT, INC., 520 Main Street, Wallington, N.J. 07057. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk), serving Branchburg, N.J. as an off-route point in connection with carrier's regular route operations between Paterson, N.J. and Providence, R.I.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 111309 (Sub-No. 7) filed September 27, 1973. Applicant: RELAY TRANSPORT, INC., 400 Tiffany St., Bronx, N.Y. 10474. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carbonated beverages*, in containers, *new and used containers, closures, lids, and packaging materials*, between the plant and warehouse sites of Pepsi-Cola Metropolitan Bottling Company, Inc., located at Long Island City, Brooklyn, Bronx and Mt. Vernon, N.Y., Teterboro, Jersey City and New Brunswick, N.J. and (2) *new containers, closures, lids, and packaging materials*, (a) from points in Pennsylvania, New York, Connecticut, and New Jersey, to the plant sites of Pepsi-Cola Metropolitan Bottling Company, Inc., located at Long Island City, Brooklyn, and Mt. Vernon, N.Y. and (b) from points in Pennsylvania, New York and Connecticut to the plant sites of Pepsi-Cola Metropolitan Bottling Company, Inc., located at Teterboro and Jersey City, N.J., under a continuing contract with Pepsi-Cola Metropolitan Bottling Company, Inc.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 111320 (Sub-No. 58) filed September 18, 1973. Applicant: KEEN TRANSPORT, INC., 2001 Barlow Road, P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: James E. Wilson, Suite 1032, Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Power cranes*; (2) *tower cranes*; (3) *tractors, with or without attachments* (except truck tractors); (4) *self-propelled cranes, backhoes, and shovels*; and (5) *attachments and parts* for the above named commodities, from Hampton, Newport News, Portsmouth, Chesapeake, and Norfolk, Va., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

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 112148 (Sub-No. 58), filed October 2, 1973. Applicant: WORSTER-IOWA, INC., Gay Road, R D #1, North East, Pennsylvania 16428. 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: *Meats, meat products, meat byproducts and articles distributed by meat packing-houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plant site of Madison Foods, Inc., Madison, Nebr., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont, restricted to the transportation of traffic originating at the above named plant site and destined to the above named states.

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 112595 (Sub-No. 54) filed October 4, 1973. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton, Ohio 45638. Applicant's representative: James W. Muldoon, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid coal tar*, in bulk, in tank vehicles, from Ironton, Ohio, to points in Kentucky and West Virginia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Washington, D.C.

No. MC 113158 (Sub-No. 24) filed October 3, 1973. Applicant: TODD TRANSPORT COMPANY, INC., Secretary, Md. 21664. 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: (1) *Malt beverages*, from the plant and facilities of Joseph Schlitz Brewing Company in Forsyth County, N.C., to Salisbury, and East New Market, Md.; and (2) *used empty malt beverage containers*, from Salisbury and East New Market, Md., to the plant and facilities of Joseph Schlitz Brewing Company in Forsyth County, N.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. or Philadelphia, Pa.

No. MC 113175 (Sub-No. 6) filed October 9, 1973. Applicant: JOE M. CROCKER, doing business as JOE CROCKER TRUCKING, P.O. Box 7558, Holly and Wood Streets, Corpus Christi,



Tex. 78415. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization, or unpacking, uncrating and decontainerization of such shipments, between points in Austin, Chambers, Fort Bend, Galveston, Grimes, Harris, Jefferson, Liberty, Montgomery, Orange, San Jacinto, Waller, and Wharton Counties, 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 Corpus Christi, San Antonio or Houston, Tex.

No. MC 113175 (Sub-No. 7) filed October 9, 1973. Applicant: JOE M. CROCKER, doing business as, JOE CROCKER TRUCKING P.O. Box 7558, Holly and Wood Streets, Corpus Christi, Tex. 78415. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, having a prior or subsequent movement, in containers, beyond the points authorized, and restricted to the performance of pickup and delivery service in connection with packing, crating, containerization and unpacking, uncrating and decontainerization of such traffic, between Corpus Christi, Tex., on the one hand, and, on the other, points in Live Oak, Karnes, Goliad, De Witt, Hidalgo, Calhoun, Jackson, Matagorda, Brazoria, Kenedy, Willacy and Cameron Counties, 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 Corpus Christi or San Antonio, Tex.

No. MC 113198 (Sub-No. 4) filed October 9, 1973. Applicant: HENRY J. UNTERMOEHLEN, doing business as UNTERMOEHLEN BLOCK AND COAL COMPANY, Palmer and North West Street, Arma, Kans. 66712. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the Mackie Clemens Mine No. 22 located at or near Mulberry, Kans., to the Empire District and Electric Power Plant located in Jasper County, Mo. (near Opolis, Kans.), under a contract or contracts with Mackie-Clemens Fuel Company of Pittsburg, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans.

No. MC 113459 (Sub-No. 84) filed October 9, 1973. Applicant: H. J. JEFFERIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Ap-

plicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in San Juan County, Utah; and Sheridan and Albany Counties, Wyo., to points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, 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 Albuquerque, N. Mex. or Dallas, Tex.

No. MC 113855 (Sub-No. 281) (AMENDMENT), filed July 19, 1973, published in the FEDERAL REGISTER issue of November 15, 1973 and republished as amended this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size or weight require the use of special equipment, and *related machinery parts and related contractors' materials and supplies*, when their transportation is incidental to the transportation of commodities which because of size or weight require the use of special equipment; and *commodities* which do not require the use of special equipment when moving on the same shipment or on the same bill of lading as commodities which by reason of size or weight require the use of special equipment and (2) *self-propelled articles*, each weighing 15,000 lbs. or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, restricted to commodities which are transported on trailers, between points in Illinois, Wisconsin, and Iowa, on the one hand, and, on the other, points in South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, and Arkansas.

NOTE.—Applicant states that the requested authority can be tacked with Subs. 1, 80, 84, 147, 217, and 251, on transportation of size and weight commodities or self-propelled articles weighing 15,000 lbs. or more, at points in Iowa, Illinois, or Wisconsin to provide a service between points in South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, and Arkansas, on the one hand, and, on the other, points in Minnesota, North Dakota, South Dakota, Montana, Wyoming, Nebraska, Colorado, Idaho, Oregon, Washington, Nevada, and California and in addition with Sub 63, at Elgin, Ill. to provide service between points in South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi and Arkansas, on the one hand, and, on the other, points in Indiana, Kentucky, West Virginia, Pennsylvania, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia. Applicant further indicates that the requested authority can be tacked: (a) In Sub-No. 160 at St. Bethlehem and Clarksville, Tenn., to serve points in North Dakota, South Dakota,

Nebraska, Kansas, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon and Washington; (b) In Sub-No. 1 at points in Iowa, Illinois and Wisconsin, to provide service between a specific territory in Minnesota, on the one hand, and, on the other, points in South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi and Arkansas; (c) In Sub-No. 2 at points in Iowa, to provide service between points in South Dakota, on the one hand, and, on the other, points in South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, and Arkansas; and

(d) In Sub-No. 59 at points in Iowa, Illinois and Wisconsin, to provide service between points in South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi and Arkansas on the one hand, and, on the other, ports of entry on the United States-Canada Boundary line at or near Sweetgrass, Mont., and Portal, N. Dak. The following tacking possibilities will provide through service from points in South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, and Arkansas to the points specified: (e) In No. MC-113855 at Racine and Horicon, Wis., Rock Island and Rockford, Ill., and Burlington, Des Moines, Dubuque, Ottumwa and Waterloo, Iowa, to serve points in Idaho, Washington, Wyoming, Oregon, California, Nevada, Utah, Arizona, New Mexico, and Montana; (f) at Rockford, Ill., and Racine and Horicon, Wis., to serve points in Colorado; (g) In Sub-No. 3 at Ottumwa, Iowa, and Chicago, East Moline, Rock Island, and Springfield, Ill., to serve Alden, Minn. and points within ten miles of Alden; (h) In Sub-No. 7 at points in Iowa, Illinois and Wisconsin, to serve ports of entry on the United States-Canada Boundary line located in Minnesota and the Province of Ontario; (i) In Sub-No. 16 at Aurora, Mattoon, Deerfield, Quincy, Peoria, Decatur, Joliet, and Springfield, Ill., to serve points in Utah, Arizona, California and Nevada; (j) In Sub-No. 29 at Waterloo and Dubuque, Iowa, to points in Idaho, Washington, Wyoming, Oregon, California, Nevada, Utah, Arizona, New Mexico, Montana, North Dakota, and portions of Minnesota; (k) In Sub-No. 35 at Kankakee, Ill., to serve points in Alaska, Arizona, California, Idaho, Nevada, Oregon, and Washington; (l) In Sub-No. 37 at Kewanee, Ill., to serve points in Washington, Oregon, California, Idaho, Nevada and Utah; (m) In Sub-No. 38 at Racine, Wis., Rock Island, Ill., and Burlington, Iowa, to serve points in New Mexico, Wyoming, Montana, Oregon, Idaho, Utah, Washington, Arizona, Nevada, and ports of entry on the United States-Canada Boundary line in North Dakota and Minnesota; (n) In Sub-No. 39 at a specific territory in Illinois, to serve points in California, Arizona, Nevada, and Utah; (1) at Madison County, Ill. and a specified territory in Illinois, to serve points in Oregon, Washington, Idaho, Montana, North Dakota and South Dakota; (2) at points in Iowa on and east of U.S. Highway 69, to serve points in California, Arizona, Nevada, Utah, Oregon, Washington, Idaho and Montana; and (3) at points in Waukesha and Milwaukee Counties, Wis., to serve points in Oregon, Washington, Idaho, Montana, Wyoming, North Dakota and South Dakota; (o) In Sub-No. 54 at Danville, Ill., to serve points in Arizona, California, Colorado, Minnesota, Nevada, New Mexico, Utah and Wyoming; (p) In Sub-No. 57 at Bartonville, Ill., to serve points in Montana, Wyoming and Idaho; (q) In Sub-No. 71 at Cedar Rapids, Iowa, Aurora, Joliet, Moxville, Peoria, Morton, Decatur, Deerfield, Springfield and Harvey, Ill., and Milwaukee, Wis., and points within 15 miles of Peoria, Ill., to serve points in Arizona, Nevada, Utah, California, Oregon, Washington, Idaho and Montana; (r) In Sub-No. 73 at Horicon, Wis., to serve points in North Dakota, South Dakota, Nebraska, and Minnesota (except



Bloomington, Minn., and points in the Minneapolis-St. Paul Commercial Zone); (s) In Sub-No. 99 at Schofield, Wis. and the proving-ground site of Dot Manufacturing Corporation located in Lincoln County, Wis., to serve points in Arizona, California, Colorado, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming;

(t) In Sub-No. 109 at Decatur, Morton and Joliet, Ill., to serve points in Arizona, Nevada, Utah, California, Oregon, Washington, Idaho, Montana, and ports of entry on the United States-Canada Boundary line located in Minnesota and North Dakota; (u) In Sub-No. 138 at Springfield, Ill., to serve points in Minnesota, Iowa, Missouri, Kansas, Oklahoma, Texas, North Dakota, South Dakota, Nebraska, Arkansas, Montana, Wyoming, Colorado, New Mexico, Arizona, Nevada, Utah, Idaho, Washington, Oregon and California; (v) In Sub-No. 160 at La-Crosse, Wis., to serve points in North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon and Washington; (w) In Sub-No. 167 at Evansville, Wis., to serve points in Colorado, Idaho, Montana, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming; and (x) In Sub-No. 197 at Pella, Iowa, to serve points in the United States (except Alaska and Hawaii). The purpose of this republication is to indicate applicant's additional tacking possibilities. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 113908 (Sub-No. 289), filed September 13, 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: *Vinegar and vinegar stock* including fermented, quick process and distilled vinegar, vinegar malt, naphthalene acetate, salt-calcium acetate, vinegar acid-acetic acid, vinegar wine and other vinegar and vinegar stock, in bulk, in tank and hopper vehicles, between the following points and the Commercial Zones thereof: Rogers, Ark.; Delta and Denver, Colo.; Chicago, Ill.; Hutchinson and Wichita, Kans.; Bailey, Belding and Fremont, Mich.; St. Paul, Minn.; Kansas City, Marionville and Nixa, Mo.; Lyonville and North Rose, N.Y.; Charlotte, N.C.; Oklahoma City, Okla.; Memphis, Tenn.; Dallas, Houston and Paris, Tex.; and Wenatchee and Yakima, Wash.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in (1) Sub 105 at Nixa, Mo., to serve points in Iowa, Ohio, Indiana, Oklahoma, Louisiana, Mississippi, Colorado, Arkansas and Texas (except points in Harris County, Tex.); (a) at Marionville, Mo., to serve points in Oklahoma and Arkansas; and (b) at Rogers, Ark., to serve points in Texas and Missouri; (2) in Sub 112 at Fremont, Mich., to serve points in Little Rock, Ark.; (3) in Sub 124 at Rogers, Ark.; Kansas City, Marionville or Nixa, Mo.; Dallas, Houston, or Paris, Tex. to serve all points in this Application; (4) in Sub 172 at Dallas, Tex., to serve

points in Illinois, Indiana, Iowa, and Ohio; (5) in Sub 174 at Nixa, Mo., to serve points in Illinois and Michigan; (6) in Sub 177 at Hutchinson and Wichita, Kans., to serve points in Arkansas, Colorado, Illinois, Iowa, Missouri, Nebraska, Oklahoma and Texas; (7) in Sub 178 at Chicago, Ill., to serve points in California and Washington; (8) in Sub 184 at Fremont, Bailey or Belding, Mich., to serve points in New York, Pennsylvania, Ohio, Kentucky, Tennessee, Delaware and Maryland; (9) in Sub 185 at Fremont, Bailey or Belding, Mich., to serve points in Minnesota, Iowa, Kansas, Nebraska, and Colorado; (10) in Sub 193 at Rogers, Ark.; Delta or Denver, Colo.; Bailey, Belding, or Fremont, Mich.; St. Paul, Minn.; Marionville or Nixa, Mo.; Oklahoma City, Okla.; Memphis, Tenn.; and Dallas, Houston or Paris, Tex., to serve points in California; (11) in Sub 213 at St. Paul, Minn.; Bailey, Belding or Fremont, Mich.; and Memphis, Tenn., to all points in this Application; and (12) in Sub 186 at Bailey, Belding and Fremont, Mich.; Oklahoma City, Okla.; Dallas, Houston and Paris, Tex.; and Rogers, Ark., to serve points in Texas, Oklahoma, Arkansas, Mississippi, Louisiana, Alabama and Georgia. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo., Chicago, Ill., or Washington, D.C.

No. MC 114211 (Sub-No. 206), filed October 3, 1973. Applicant: WARREN TRANSPORT, INC., 324 Manhard, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Bethlehem Steel Corporation located at or near Lackawanna, N.Y. to points in Illinois, Indiana, Iowa, Michigan (lower peninsula), Ohio and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not designate a location.

No. MC 114273 (Sub-No. 149), filed October 9, 1973. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery or chewing gum, and novelty gums* (not otherwise indicated), from Duryea, Pa., to points in Indiana, Ohio, Michigan, Illinois, Kentucky, Oklahoma, Texas and New Mexico.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114552 (Sub-No. 88) filed September 25, 1973. Applicant: SENN TRUCKING COMPANY, a Corporation, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 18th St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, and materials and supplies used in the distribution and installation thereof* (except in bulk),

from the facilities of The Celotex Corporation in Marion County, S.C., to points in the United States on and east of the western boundaries of Minnesota, Iowa, Illinois, Kentucky, Tennessee, Mississippi and Louisiana (except that portion of Louisiana west of the Mississippi River).

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 31 at the plantsite and warehouse facilities of Vancouver Plywood Co. located at Charlotte, N.C.; in Sub-No. 33 at Tupper Lake, N.Y.; in Sub-No. 35 and 39 at the plant and warehouse sites of Weyerhaeuser Co. located at Adel, Ga.; in Sub-No. 40 at points in Greenwood County, S.C.; in Sub-No. 41 at Charlotte, N.C.; in Sub-No. 43 and 53 at the plantsite of Ply-Gem Corporation located at Queenstown, N.Y.; in Sub-No. 44 at the plantsite and warehouse facilities of Abitibi Corporation located near Roaring River, N.C.; in Sub-No. 45 at the plantsite and storage facilities of Westvaco Corporation located at North Charleston, S.C.; in Sub-No. 52 at points in Manatee County, Fla.; in Sub-No. 57 at the plantsite of Masonite Corporation at or near Spring Hope, N.C.; in Sub-No. 58 at the plantsite of Sumter Plywood Corporation near Livingston, Ala.; in Sub-No. 59 at the plantsite of Holly Hill Lumber Co., at or near Holly Hill and Walterboro, S.C.; and in Sub-No. 62 at the facilities of Plywood Panels, Inc. located at or near New Orleans, La., to provide a through service from the facilities of the Celotex Corporation in Marion County, S.C. to points in the eastern United States as described above. Additional tacking possibilities exist at those tacking points indicated above to provide a through service from the Celotex Corporation located in Marion County, S.C.; in Sub-Nos. 33 and 57 to points in Arkansas; in Sub-No. 35 to points in Louisiana; in Sub-No. 40 to points in Louisiana, North Dakota, South Dakota, Nebraska, Arkansas, and Oklahoma; in Sub-No. 41 to points in Texas; in Sub-No. 44 to points in Arkansas, Colorado, Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas; and in Sub-No. 46 at points in Middlesex County and Brooklyn, N.Y. to points in Arkansas, California, Idaho, Kansas, Louisiana, Nevada, Oklahoma, Utah, Oregon, Texas and Washington. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Tampa, Fla. or Columbia, S.C.

No. MC 115181 (Sub-No. 28) filed October 4, 1973. Applicant: HAROLD M. FELTY, INC., R.D. #1, Pine Grove, Pa. 17963. Applicant's representative: John W. Dry, 541 Penn Street, Reading, Pa. 19601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete masonry units, clay products, and materials* related thereto (except in tank vehicles), from the plantsite of Glen-Gary Corporation located at or near Hanover Township (Lehigh County) Pa., to points in Virginia, District of Columbia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire and Maine.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa. or Washington, D.C.

No. MC 115322 (Sub-No. 96) filed October 11, 1973. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa,



Fla. 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plant-site and storage facilities of Union Carbide Corporation located at or near Tucker, Ga., to points in Florida.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 115331 (Sub-No. 351), filed October 3, 1973. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and plastic materials*, in bulk, from the plantsites and facilities utilized by General Electric Plastics located at or near Mount Vernon, Ind. to points in Minnesota, Illinois, Indiana, Ohio, Michigan, Connecticut, Massachusetts, Wisconsin, Kentucky, North Carolina, Pennsylvania, California, New Jersey, New York, Virginia, and Louisiana.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at East St. Louis, Ill., to provide a through service from the plantsites and facilities of General Electric Plastics located at or near Mount Vernon, Ind. to points in St. Louis County, Mo. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo. or Chicago, Ill.

No. MC 115524 (Sub-No. 23) filed September 10, 1973. Applicant: BURSCHE TRUCKING, INC., 415 Rankin Rd. NE., Albuquerque, N. Mex. 87107. Applicant's representative: James E. Sneed, P.O. Box 2223, 215 Lincoln Avenue, Santa Fe, N. Mex. 87501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, including roofing, roofing products and supplies and equipment, composition and prepared roofing, and insulation materials* (except commodities, the transportation of which because of their size or weight requires the use of special equipment and commodities in bulk in tank vehicles), (1) from Dallas, Fort Worth, Houston, San Antonio, Lubbock, Waxahachie, Danglefield, Tex.; Denver, Colo.; Joplin, Mo.; Phillipsburg, Kans.; Camden, Ark.; Marrero, La.; Ardmore, Oklahoma City, Stroud, Wynnewood and McCurtain County, Okla., to points in Arizona, Colorado, and New Mexico; (2) from Mesa and Phoenix, Ariz., to points in Colorado and New Mexico; and (3) from Albuquerque, N. Mex. to points in Arizona and Colorado, under contract with Roofing Wholesale Co., Inc.

NOTE.—Applicant holds common carrier authority in MC-135082, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex. or Phoenix, Ariz.

No. MC 115904 (Sub-No. 32) filed October 12, 1973. Applicant: LOUIS GROVER, 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, fitting, and products*, from points in Adams, Arapahoe, and Denver Counties, Colo., to points in Arizona, California, Idaho, Montana, Oregon, Utah, Washington, 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 Salt Lake City, Utah, or Idaho Falls, Idaho.

No. MC 116004 (Sub-No. 30) filed October 3, 1973. Applicant: TEXAS-OKLAHOMA EXPRESS, INC., P.O. Box 47112, Dallas, Tex. 75247. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment): (1) Between Pauls Valley, Okla. and Ada, Okla.: From Pauls Valley, Okla., over Oklahoma Highway 19 to Ada, Okla., and return over the same route and (2) Between Davis, Okla. to Ada, Okla.: From Davis, Okla., over Oklahoma Highway 7 to its intersection with Oklahoma Highway 12, thence over Oklahoma Highway 12 to Ada, Okla., and return over the same route, serving all intermediate points on Routes (1) and (2).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas, Tex., or Oklahoma City or Ada, Okla.

No. MC 116254 (Sub-No. 138) filed October 4, 1973. Applicant: CHEM-HAULERS, INC., 1510 Martin Ave., P.O. Box 245, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum furnace residue* unsuitable for future metal extraction, from Mt. Pleasant, Tenn., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, 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 Nashville, Tenn.

No. MC 117439 (Sub-No. 46) filed October 1, 1973. Applicant: BULK TRANSPORT, INC., U.S. Highway 190, P.O. Box 89, Port Allen, La. 70767. Applicant's representative: John Schwab, P.O. Box 3036, 617 North Boulevard, Baton Rouge, La. 70821. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral*

*grit and blast-cleaning grit*, in bulk, in tank vehicles, from New Orleans, La., to points in Mississippi and Alabama.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La. or Houston, Tex.

No. MC 117765 (Sub-No. 169), filed October 9, 1973. Applicant: HAHN TRUCK LINES, INC., 5315 N.W. 5th, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers and *related advertising material*, from Monroe, Wis., and Memphis, Tenn., to points in Kansas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117815 (Sub-No. 216) filed September 13, 1973. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: Jack H. Blanshan, 29 South LaSalle Street, Chicago, Ill. 60603. 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 Certificates 61 M.C.C. 209 and 766* (except hides and commodities in bulk, in tank vehicles), from the plantsite of Madison Foods, Inc., located at Madison, Nebr., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, restricted to the transportation of traffic originating at the above named plantsite and destined to the above named destination states.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr. or Chicago, Ill.

No. MC 118989 (Sub-No. 99) filed October 11, 1973. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Robert H. Levy, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers, empty (except refuse containers), and incidental parts thereof*, from the plant and warehouse sites of Schoeneck Containers, Inc. located at or near Milwaukee (New Berlin) Wis., to points in Illinois, Indiana, Iowa, Kentucky, Michigan (lower peninsula), Minnesota, Missouri, and Ohio.

NOTE.—Applicant states 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 119086 (Sub-No. 5) filed October 11, 1973. Applicant: MILLER TRUCKING CO., INC., R. F. D. #2



Taneytown, Md. 21787. Applicant's representative: William B. Dulany, Box 525, 127 East Main Street, Westminster, Md. 21157. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Ladlesburg, Md., to New York, N.Y., and points in its commercial zone, and Brentwood and Plainview, N.Y.; and *empty containers and damaged, non-saleable and returned shipments* of bakery products on return, under contract with Smith Bakeries, Incorporated.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Baltimore, Md.

No. MC 119639 (Sub-No. 11) filed September 28, 1973. Applicant: INCO EXPRESS, INC., 3600 South 124th Street, Seattle, Wash. 98168. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between points in King, Pierce and Kittitas Counties, Wash., on the one hand, and, on the other, ports of entry on the International Boundary line between the United States and Canada at or near Blaine, Sumas and Oroville, 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 Seattle, Wash.

No. MC 119789 (Sub-No. 184) filed October 4, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 1612 East Irving Blvd., Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles*, from Columbus, Ohio, to points in Louisiana, Texas, Oklahoma, Missouri, and Colorado, and (2) *adhesives, plastic articles, paper articles, paper boxes, and printed advertising matter*, from Bainbridge, N.Y., to points in California, 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 Columbus, Ohio, or Dallas, Tex.

No. MC 123405 (Sub-No. 34) filed October 4, 1973. Applicant: FOOD TRANSPORT, INC., P.O. Box 1041, York, Pa. 17405. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, (1) from Derry Township (Dauphin County), Pa., to points in North Carolina, South Carolina, Georgia, Florida, Texas, Oklahoma, Ar-

kansas, and Louisiana, and (2) from Lebanon, Pa., to points in North Carolina, South Carolina, Georgia, and Florida.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 123407 (Sub-No. 144) filed October 9, 1973. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Joists, rafters, and roof trusses*, from the facilities of Trus Joist Corporation at or near Winchester, Va., to points in Delaware, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, West Virginia, the District of Columbia, North Carolina, Florida, Georgia and South Carolina; and (2) *materials*, (except commodities in bulk) used in the manufacture of the above-described commodities, from points in the above-described destination area to the above-described origin.

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 123407 (Sub-No. 145) filed October 9, 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: *Lumber and forest products* (except wood chips and commodities in bulk), *pressure treated poles, pressure treated posts and pressure treated lumber*, from points in Lawrence and Pennington Counties, S. Dak., to points in Ohio, Indiana, Illinois, Wisconsin, Michigan, Iowa, and Minnesota.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at the named origin and destinations making possible various service between points in the United States (except Alaska and Hawaii), but applicant has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123407 (Sub-No. 146), filed October 9, 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: *Iron and steel, and iron and steel articles, and aluminum and aluminum products*, from Chicago, Ill., and points in the Chicago, Ill. Commercial Zone, to points in Iowa, Nebraska, Minnesota, 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 at the named origin and destination points making possible various service between points in the United States (except Alaska and Hawaii), but applicant has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 147), filed October 9, 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: *Pipe, couplings, connections, valves and materials and supplies* used for the installation thereof, from Minneapolis, Minn., to points in North Dakota, South Dakota, Wisconsin and Iowa.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at the named origin and destinations making possible various service between points in the United States (except Alaska and Hawaii), but applicant has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 123640 (Sub-No. 12) filed October 9, 1973. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Ave., Fort Wayne, Ind. 46803. Applicant's representative: Irving Klein, 280 Broadway, New York, N.Y. 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are sold or dealt in by wholesale hardware houses*, between Dixon, Ill., on the one hand, and, on the other, points in Indiana, Missouri, Wisconsin, Minnesota, Iowa, Nebraska, Illinois and points in Michigan on the west of a line beginning at the Indiana-Michigan State line, thence northerly along Interstate Highway 69 to intersection U.S. Highway 27, thence along U.S. Highway 27 (through and including Lansing, Mich.) to intersection Interstate Highway 75, thence along Interstate Highway 75 to the International Boundary line between the United States and Canada; and points in the Sioux City, Iowa Commercial Zone, under contract with Hardware Wholesalers, Inc., Dixon, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124078 (Sub-No. 570) filed October 9, 1973. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand*, in bulk, from points in Benton County, Tenn., to points in Missouri on and east of U.S. Highway 65; (2) *cement dust*, in bulk, from Nazareth, Pa., to points in New Jersey and New York; and (3) *clay*, in bulk, from Pell City, Ala., to Balti-



more, Md. and points in Baltimore County, Md.

**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 Chicago, Ill.

No. MC 124127 (Sub-No. 4) filed October 2, 1973. Applicant: ALLEN RUSSELL, doing business as, ALLEN RUSSELL TRUCKING COMPANY, Route 2, Franklin, Ky. 42134. Applicant's representative: Carl U. Hurst, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *wire, wire cages, and wire products*; and (2) *materials and supplies*, used in the manufacture of poultry equipment, between the plant-site of Bilt-Rite Products, Inc., Russellville, Ky., on the one hand, and, on the other, points in North Dakota, South Dakota, Montana, Wyoming, Idaho, Colorado, New Mexico, Arizona, Utah, Nevada, California, Oregon, Washington, and New Hampshire, under contract with Bilt-Rite Products, Inc.

**NOTE.**—Applicant holds common carrier authority in MC 119519 and Sub-Nos. 9 and 15, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 124211 (Sub-No. 234) filed October 5, 1973. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Accelerators, chemicals, latex, plastics, plastic materials and products, preservatives, rubber, rubber materials and products*, and (2) *commodities used in the production, distribution and sale of those commodities described in (1) above*, between points in Calhoun, and Ouachita Counties, Ark., Cook, Lake, Marshall, Putnam, and Will Counties, Ill., Wayne County, Mich., Hennepin and Ramsey Counties, Minn., and Cuyahoga, Lorain, and Summit Counties, Ohio; on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

**NOTE.**—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124511 (Sub-No. 20) filed October 3, 1973. Applicant: JOHN F. OLIVER, E. Highway 54, P.O. Box 223, Mexico, Mo. 65265. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except such articles which, because of size and weight, require the use of special equipment), from Alton, Ill. and plantsite and storage facilities of Laclede Steel Company at Madison, Ill., to points in Missouri (except St. Louis), points in St. Louis County, and

points in the Kansas City, Mo. Commercial Zone).

**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. Louis or Kansas City, Mo.

No. MC 124251 (Sub-No. 30) filed October 1, 1973. Applicant: JACK JORDAN, INC., P.O. Box 689, Dalton, Ga. 30720. Applicant's representative: Ariel V. Conlin, 53 Sixth Street, N.E., Atlanta, Ga. 30308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex and latex compounds*, in bulk, in tank vehicles, from points in Gordon County, Ga., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Ohio and Kentucky.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or Chattanooga, Tenn.

No. MC 124692 (Sub-No. 122) filed October 1, 1973. Applicant: SAMMONS TRUCKING, a Corporation, P.O. Box 1447, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling tile, insulation materials, siding materials, sounding board and materials* used in the installation thereof, from International Falls, Minn., to points in North Dakota, South Dakota and Nebraska.

**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, Ore. or Boise, Idaho.

No. MC 125466 (Sub-No. 3) filed October 2, 1973. Applicant: V & P CARRIERS, INC., 665 Berriman Street, Brooklyn, N.Y. 11208. Applicant's representative: Edward M. Alfano and John L. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bicycles and children's velocipedes*, from North Bellport, N.Y., to points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, and the District of Columbia; and *returned and damaged shipments* of the above-described commodities, from points in above-specified destination territory to North Bellport, N.Y. and (2) *materials, supplies, and equipment* used in the manufacture of bicycles and children's velocipedes, from points in Alabama, Georgia, Illinois, Indiana, Michigan, New York, Ohio, and Tennessee, to North Bellport, N.Y., with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with Iverson Cycle Corporation, a wholly owned subsidiary of Stelber Industries, Inc., of Valley Stream, N.Y.

**NOTE.**—Applicant presently performs the operations requested herein from a Brooklyn, N.Y. origin point. By the instant application, applicant seeks to serve its present shipper at new facilities. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126537 (Sub-No. 32), filed September 26, 1973. Applicant: KENT I. TURNER, KENNETH E. TURNER, AND ERVIN L. TURNER, a partnership, doing business as, TURNER EXPEDITING SERVICE, Post Office Box 21333, Standiford Field, Louisville, Ky. 40231. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the Greater Cincinnati Airport located near Erlanger, Ky., on the one hand, and, on the other, O'Hare Field, Chicago, Ill., restricted to the transportation of traffic having an immediately prior or immediately subsequent movement by aircraft.

**NOTE.**—Dual operations may be involved. Applicant states that it is presently authorized by tacking its certificate MC-126537 (Sub-No. 1) and certificate MC-126537 (Sub-No. 6) at Louisville, Ky., to render service between the Greater Cincinnati Airport near Erlanger, Ky., and O'Hare Field, Chicago, Ill. The purpose of this application is to eliminate the Louisville, Ky. gateway. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky. or Cincinnati, Ohio.

No. MC 126939 (Sub-No. 1) filed October 9, 1973. Applicant: W. GRAY BRAXTON, doing business as, W. GRAY BRAXTON TRUCKING CO., P.O. Box 186, Cottondale, Fla. 32431. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, poles, posts and timber*, (1) between points in Florida, Georgia, Alabama, Mississippi, Louisiana, Tennessee, North Carolina, South Carolina and Texas; and (2) from Blountstown, Fla., to points in Indiana.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tallahassee, Fla.

No. MC 127505 (Sub-No. 59) filed October 17, 1973. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, Route 2, Mendota, Ill. 61342. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum products* (except commodities in bulk), from the facilities of Amax Aluminum Mill Products, Inc. located in Grundy County, Ill., to points in Colorado, Idaho, Nevada, Oregon, Utah and Washington;



(2) returned shipments of aluminum and aluminum products (except commodities in bulk), from points in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Idaho, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Utah, Virginia, Washington, West Virginia, Wisconsin, Oregon and the District of Columbia, to the facilities of Amax Aluminum Products, Inc. in Grundy County, Ill.; (3) aluminum scrap and material used in the manufacture of aluminum and aluminum products (except commodities in bulk), from points in Indiana, Ohio, Pennsylvania, Michigan and Maryland, to the facilities of Amax Aluminum Mill Products, Inc. in Grundy County, Ill.; and (4) aluminum and aluminum products (except commodities in bulk), from the facilities of Amax Aluminum Mill Products, Inc. in Grundy County, Ill., to Chicago, Ill., (1), (2) and (3) restricted to the transportation of shipments originating at the named origins and destined to the named destination points, and (4) restricted to shipments having a subsequent movement by rail or water.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127774 (Sub-No. 6), filed October 9, 1973. Applicant: HAINES TRANSPORT, INC., P.O. Box 207, Greenfield, Iowa 50849. Applicant's representative: Thomas E. Leahy, Jr., 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from Lawrence, Kans., to points in Arkansas, Missouri, Nebraska, and Oklahoma.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 127834 (Sub-No. 94) filed October 11, 1973. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. 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: *Iron and steel and iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities which because of size or weight require the use of special equipment), from Cleveland, Canton, Youngstown and Warren, Ohio and points in Allegheny, Beaver, Mercer, Venango, Washington and Westmoreland Counties, Pa., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, Texas and Wisconsin.

**NOTE.**—Common control was approved in Docket No. MC-F-11481. 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. or Nashville, Tenn.

No. MC 128030 (Sub-No. 48) filed October 10, 1973. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Rural Route #1, Urbana, Ill. 61801. Applicant's representative: James F. Flanagan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Artificial Christmas trees and accessories*, (a) from the plantsite and warehouse facilities of Gordon Industries, Inc. located at or near Chicago, Ill. to points in the United States (except Alaska and Hawaii), and (b) from the plantsite and warehouse facilities of Gordon Industries, Inc. located at or near Newburgh, N.Y., to points in Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia; (2) returned or rejected shipments from those destination points named in 1(b) above, to the plantsite and storage facilities of Gordon Industries, Inc. located at or near Chicago, Ill. and Newburgh, N.Y.; and (3) *polyvinyl chloride* (except in bulk), from Ramsey, N.J., to the plantsite and storage facilities of Gordon Industries, Inc. located at Chicago, Ill.

**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 Springfield or Chicago, Ill.

No. MC 128273 (Sub-No. 147) filed October 10, 1973. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Refined copper and materials and supplies* used in the manufacture and distribution of refined copper, between Amarillo, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128383 (Sub-No. 40) filed October 9, 1973. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, and motor vehicles requiring the use of special equipment) between Chicago-O'Hare International Airport at Chicago, Ill., The Greater Cincinnati

Airport at or near Cincinnati, Ohio, Weir Cook Airport, Indianapolis, Ind., Hopkins International Airport at Cleveland, Ohio, and the Greater Pittsburgh Airport, Pittsburgh, Pa., restricted to the transportation of traffic having a prior or subsequent movement by air or moving in a substitute for air service.

**NOTE.**—Applicant states that tacking possibilities exist with its pending authority in Subs 17 and 22 at Indianapolis, Ind., Cleveland, Ohio or Pittsburgh, Pa., to provide service between the airports named above, on the one hand, and, on the other, JFK International Airport, New York, N.Y., LaGuardia Airport, New York, N.Y., or Newark Airport, Newark, N.J. Further tacking possibilities exist with its pending authority in Sub 32 at Chicago to provide service between the airports named herein, on the one hand, and, on the other, the Kansas City International Airport, Kansas City, Mo., and the Minneapolis-St. Paul Airport, Minneapolis, Minn. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128645 (Sub-No. 7) filed October 11, 1973. Applicant: RAY L. KRALL, P.O. Box 335, Carson, Wash. 98610. Applicant's representative: David C. White, 2400 S.W. 4th Avenue, Portland, Ore. 97201. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, (a) from Carson, Wash., to Albany, Mollala and Portland, Ore., and (b) from Portland, Ore., to Sumner Wash., (1a and b) under a continuing contract or contracts with Wilkins Kaiser & Olsen, Inc. of Carson, Wash.; and (2) *plywood* from Astoria and Tillamook, Ore., to Washougal, Wash. under a continuing contract or contracts with Ellison's Industries, Inc. of Washougal, Wash.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 128951 (Sub-No. 7) filed October 4, 1973. Applicant: ROBERT H. DITTRICH, doing business as, BOB DITTRICH TRUCKING, 312 North Garden Street, New Ulm, Minn. 56073. Applicant's representative: Charles F. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, between points in Minnesota, on the one hand, and, on the other, points in North Dakota, South Dakota, Montana, Nebraska, Iowa, Wisconsin and Illinois.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 128988 (Sub-No. 34), filed October 1, 1973. Applicant: JO/KEL, INC., P.O. Box 1249, 159 South Seventh Avenue, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Plastic rolls, sheets, trays*



and forms, from City of Industry, Calif., to Brentwood, Garden City, Brooklyn, and Latham, N.Y.; Southfield, Mich.; Chicago, Blue Island, Bridgeview and Elk Grove Village, Ill.; Beaver Heights, Md.; New Brunswick, East Paterson, Lebanon, Plainfield, Garfield, Totowa, and South Brunswick, N.J.; Middleton, Framingham, Lawrence, and Needham, Mass., restricted against the transportation of commodities in bulk or those which by reason of size or weight require the use of special equipment, under continuing contract with A and E Plastic Pak Co., Inc., its divisions and subsidiaries.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 128988 (Sub-No. 35) filed October 10, 1973. Applicant: JO/KEL, INC., P.O. Box 1249, 159 South Seventh Avenue, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products*, between the facilities of J. W. Carroll and Sons, Division of U.S. Industries, Inc. at or near Posen, Ill. and Fallsington, Pa.; and (2) *commodities* named in (1) above, and *materials, equipment and supplies* used in the manufacture, sale and distribution of plastic products, (a) from Florence, Ky., to Posen, Ill. and Fallsington, Pa.; and (b) from Chicago, Ill., to Fallsington, Pa., restricted to traffic originating at or terminating at the facilities of J. W. Carroll and Sons, Division of U.S. Industries, Inc. at or near Posen, Ill. and Fallsington, Pa., and further restricted against the transportation of commodities, in bulk and commodities which by reason of size or weight require the use of special equipment, under continuing contract with J. W. Carroll and Sons, Division of U.S. Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 129687 (Sub-No. 5) filed October 3, 1973. Applicant: CHARRO TRUCKING CORP., 700 Eastgate Blvd. South, Garden City, Long Island, N.Y. 11530. Applicant's representative: Jay M. Kaplowitz, 375 Park Avenue, New York, N.Y. 10022. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail supermarkets and equipment and supplies used therein*, between Garden City (Nassau County), N.Y., on the one hand, and, on the other, Danbury, Conn., under contract with Waldbaum, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133065 (Sub-No. 26) filed October 10, 1973. Applicant: ECKLEY TRUCKING AND LEASING, INC., P.O. Box 156, Mead, Nebr. 68041. Applicant's representative: Gailyn L. Larsen, 521 So. 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over

irregular routes, transporting: (1) *Air handling units, makeup air systems, heating and ventilating units, gas unit heaters, and cooling and heating systems*, from Hastings, Nebr., to points in Alaska, Delaware, Maine, Massachusetts, Montana, New Hampshire, New Mexico, Nevada, North Dakota, Rhode Island, South Carolina, South Dakota, Vermont, West Virginia, and the District of Columbia; and (2) *equipment, materials, and supplies* used in the manufacture and production of the above-described commodities, from points in Alaska, Delaware, Florida, Idaho, Maine, Massachusetts, Montana, New Hampshire, New Mexico, Nevada, North Carolina, North Dakota, Oklahoma, Rhode Island, South Carolina, South Dakota, Vermont, Utah, Washington, West Virginia, Wyoming, and the District of Columbia, to Hastings, Nebr., under a continuing contract, or contracts, with Hastings Industries, Inc. of Hastings, Nebr.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 133437 (Sub-No. 4) filed October 11, 1973. Applicant: DAVIS CARTAGE CO., a Corporation, 1957 Findley Avenue, Saginaw, Mich. 48601. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, corn, syrup, dextrose and blends thereof, and dried sugar beet pulp and sugar beet molasses*, blended, from points in Bay County, Mich., to points in Illinois, Indiana, New York, Pennsylvania, Ohio, and Wisconsin, under a continuing contract or contracts with Monitor Sugar Company of Bay City, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 133485 (Sub-No. 9) filed September 26, 1973. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminster Street, Providence, R.I. 02909. Applicant's representative: Morris J. Levin, 1620 Eye Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bullion, coin and precious metals*, in armored cars escorted by armed guards, (a) between Providence, R.I., on the one hand, and, on the other, points in Connecticut on and west of the Connecticut River; (b) between Providence, R.I., on the one hand, and, on the other, ports of entry on the International Boundary line between the United States and Canada located in New York, Vermont, and Maine; and (c) between the Chicago, Ill. Commercial Zone, on the one hand, and, on the other, New York, and West Point, N.Y. and Providence, R.I.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at Providence, R.I. to provide a through service from points in Canada to points in southern Massachusetts and New York. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I. or New York, N.Y.

No. MC 133689 (Sub-No. 35) filed October 5, 1973. Applicant: OVERLAND EXPRESS, INC., 651—1st Street SW., New Brighton, Minn. 55112. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. 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, in tank vehicles), from the plant site of Madison Foods, Inc., Madison, Nebr., to points in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia, restricted to the transportation of traffic originating at the above-named plant site and destined to the above 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 Chicago, Ill. or Washington, D.C.

No. MC 134574 (Sub-No. 14) filed September 20, 1973. Applicant: FIGOL DISTRIBUTORS LIMITED, 11041-105th Avenue, Edmonton, Alberta, Canada. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from points in California, Oregon, and Washington, to ports of entry on the International Boundary line between the United States and Canada located in Washington, Idaho, and Montana, restricted to shipments destined to the Provinces of Alberta and Saskatchewan, Canada.

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 San Francisco, Calif. or Billings, Mont.

No. MC 134844 (Sub-No. 2) filed October 11, 1973. Applicant: JON LARRYMORE SWANSON, doing business as SWANSON DELIVERY SERVICE, P.O. Box 64, Mishawaka, Ind. 46544. Applicant's representative: Robert W. Loser, II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics, toilet preparations, advertising, and promotional products*, from Mishawaka, Ind., to points in Adams, Allen, Blackford, Cass, Carroll, DeKalb, Grant, Howard, Huntington, Jay, Lagrange, Miami, Noble, Pulaski, Steuben, Tippecanoe, Wabash, Wells, White and Whitley Counties, Ind., restricted to a transportation service to be performed under a continuing contract, or con-



tracts, with Avon Products, Inc. at Cincinnati, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind. or Cincinnati, Ohio.

No. MC 134958 (Sub-No. 7), filed October 1, 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 by-products, 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 M.C.C. 209 and 766 (except commodities in bulk and hides and skins), from the plant site, warehouses, and storage facilities used by Blue Bird Food Products Co., at or near Philadelphia, Pa., to points in Utah, under contract with Blue Bird Food Products Company of Philadelphia.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Philadelphia, Pa.

No. MC 134922 (Sub-No. 55), filed October 9, 1973. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooked bakery goods, not frozen, in cans, in cartons, in vehicles equipped with mechanical refrigeration, from Little Rock, Ark., to points in Alabama, Arizona, California, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Mississippi, Nebraska, New Mexico, North Carolina, Oklahoma, Ohio, Tennessee, Texas, and Virginia.*

NOTE.—Applicant states that the requested authority cannot be tacked with the existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Dallas, Tex.

No. MC 135007 (Sub-No. 37) filed October 5, 1973. Applicant: AMERICAN TRANSPORT, INC., P.O. Box 37406 Millard Station, Millard, Nebr. 68137. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract 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 commodities in bulk) (1) from the plantsites and storage facilities utilized by Spencer Foods, Inc. at or near Spencer, Hartley and Cherokee, Iowa, and Fremont, Nebr., to points in Connecticut, Delaware, Maryland, Massa-*

*chusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Vermont, New Hampshire, Maine, and the District of Columbia; and (2) from points in Colorado, Kansas, Texas and Iowa, to the plantsites and storage facilities utilized by Spencer Foods, Inc. at or near Schuyler, Nebr. and Hartley, Iowa under contract with Spencer Foods, Inc.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Omaha, Nebr.

No. MC 135007 (Sub-No. 38) filed October 10, 1973. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, Nebr. 68127. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet padding and materials and supplies used in the installation thereof, from points in Connecticut, to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington and Wyoming, under contract with William Volker & Company.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif. or Omaha, Nebr.

No. MC 135065 (Sub-No. 7) filed October 12, 1973. Applicant: DUBOSE TRUCKING COMPANY, INC., Rt. 1, Box 257, Denham Springs, La. 70726. Applicant's representative: Cordell H. Haymon, Suite 301-101 St. Ferdinand, Baton Rouge, La. 70801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Book pages, folded or unfolded, (1) from Versailles, Ky., to Chicago, Ill. and its Commercial Zone, and (2) from Hammond, Ind., to Versailles, Ky., restricted to traffic moving from the plantsites of Rand McNally and Company, located at or near Versailles, Ky. or Hammond, Ind.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Baton Rouge or New Orleans, La.

No. MC 135352 (Sub-No. 7) filed October 2, 1973.

Applicant: VANDER HART TRANSFER & STORAGE, INC., 221 South Street, Pella, Iowa 50219. Applicant's representative: Cecil L. Goetsch, 11th Floor Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bagged cellulose insulation, from Oskaloosa, Iowa, to points in Arkansas, Illinois, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin; and (2) used paper for recycling purposes only, from points in Arkansas, Illinois, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin, to Oskaloosa, Iowa, under contract with Hagan Manufacturing Company.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 135364 (Sub-No. 9) filed October 3, 1973. Applicant: MORWALL TRUCKING, INC., R.D. #3, P.O. Box 76-C, Moscow, Pa. 18444. 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: *Printed matter, for the account of Harper and Row Publishers, Inc., (1) from Brattleboro, Vt.; Plympton, Clinton, Lowell, Forge Village, Ludlow, Taunton, and Norwood, Mass., to Dunmore, Pa.; and (2) from Clinton, Forge Village, Plympton, Mass.; Brattleboro, Vt.; Binghamton and the New York Commercial Zone, N.Y.; Saddlebrook, N.J.; Dallas and Dunmore, Pa., to Troy, Mo., under contract with Harper and Row Publishers, Inc.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135384 (Sub-No. 9) filed September 17, 1973. Applicant: SPECIALIZED TRUCK SERVICE, INC., Highway 81 & Interstate 75, Route 3, McDonough, Ga. 30253. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Swimming pools, parts, plastic sheetings and accessories, from the plant sites and warehouse facilities of Pool Builders Supply, Inc. at Long Island City, N.Y., to points in Florida, Georgia, North Carolina, South Carolina, Kentucky, Tennessee, Louisiana, Illinois, Indiana and Ohio; and (2) plywood, from the plant sites and warehouse facilities of Pacific Wood Products Co. of La., Inc., at New Orleans, La., to points in Georgia, Florida, Alabama, Mississippi, 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 Atlanta, Ga. or Washington, D.C.

No. MC 135435 (Sub-No. 1), filed October 9, 1973. Applicant: DALE SMART, doing business as, DALE SMART TRUCKING, 4950 Fannet Road, Beaumont, Tex. 77705. Applicant's representative: Mike Cotten, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated tank sections, from the plantsite of Sabine Steel & Construction Co., Inc., near Port Arthur, Tex., to points in the United States (except Alaska and Hawaii), under contract with Sabine Steel & Construction Co., Inc.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Dallas, Tex.

No. MC 135469 (Sub-No. 4), filed October 12, 1973. Applicant: HAWKEYE TRANSPORT CO., a Corporation, 601 East Front Street, P.O. Box 126, Stanwood, Iowa 52337. Applicant's representative: Carl E. Munson, 469 Fischer



Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed and precast concrete products and related materials*, from Cedar Rapids, Iowa, to points in Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, or Cedar Rapids, Iowa.

No. MC 135489 (Sub-No. 3), filed October 9, 1973. Applicant: BURLINGTON TRANSPORT SERVICE, INC., 84 Mountain Road, Burlington, Mass. 01803. Applicant's representative: George C. O'Brien, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tin plate*, in sheets used in the manufacture of cans, from Trenton, N.J., to the plant site of Lipton Pet Foods, Inc., at Woburn, Mass., under contract with Lipton Pet Foods, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 135751 (Sub-No. 6), filed September 25, 1973. Applicant: ATLANTIC CARRIER, INC., P.O. Box 284, Atlantic, Iowa 50022. Applicant's representative: Thomas E. Leahy, Jr., 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, and (2) *equipment, materials, and supplies* used in the manufacture of metal farm gates, farrowing stalls, and metal panels, between points in Nebraska, Kansas, Oklahoma, Texas, North Dakota, South Dakota, Montana, Colorado, California, Nevada, Washington, Oregon, Ohio, Indiana, Illinois, Georgia, and Iowa, under contract with The Wickes Corporation, Farmmaster Division.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Kansas City, Kans., Minneapolis, Minn., or Chicago, Ill.

No. MC 135861 (Sub-No. 3) filed October 11, 1973. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, Tex. 76106. Applicant's representative: Mr. J. Max Harding, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat 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 plants of Swift Fresh Meats Company, Brownwood, Tex., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at Brownwood, Tex. and destined to the above-named destination states, under

contract with Swift Fresh Meats Company, Division of Swift & Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 136064 (Sub-No. 1) filed October 9, 1973. Applicant: ROLLIN' PETROLEUM, LTD., 2209 Crestmoor Drive, Nashville, Tenn. 37215. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are distributed by dealers in petroleum, petroleum products, and service station supplies, between points in Tennessee, Georgia and Alabama, on the one hand, and, on the other, points in Indiana, Illinois, Missouri, Arkansas, and Mississippi, restricted to service performed under a continuing contract with North Georgia Oil Company, Mid Tennessee Oil Company, Richland Oil Corporation, Highland Oil Company, and B and S Oil Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Nashville, Tenn.

No. MC 136352 (Sub-No. 4) filed October 5, 1973. Applicant: GEORGE E. McLAUGHLIN, P.O. Box 243, Berwick, Pa. 18603. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Notions and novelties, bottles and polystyrene forms*, from the facilities of Wheaton Industries located at Millville and Tuckahoe, N.J., to points in Oregon, Washington, and California; and (2) *plastic bottles and their caps*, from the plant sites of Wheaton Plastic Co., located at Mays Landing, N.J.; Des Plaines and Centralia, Ill., to Tracy, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136553 (Sub-No. 21) filed October 4, 1973. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Dubuque, Iowa, on the one hand, and, on the other, points in Illinois, Iowa, Minnesota, and Wisconsin, restricted to shipments having a prior or subsequent movement by water.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 136627 (Sub-No. 2) filed October 2, 1973. Applicant: HENRY B. DENNEY, doing business as, STEAMRACK SERVICE, 1000 Cunningham Drive, Sioux City, Iowa 51107. Applicant's representative: George L. Hirschbach, 309 Badgerow Building, Sioux City, Iowa 51101. Authority sought to operate as a

*common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between points in Woodbury County, Iowa and Union County, S. Dak., restricted to traffic having a prior or subsequent 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 Sioux City, Iowa; Sioux Falls, S. Dak.; or Omaha, Nebr.

No. MC 138042 (Sub-No. 2) filed October 9, 1973. Applicant: MARK INTERSTATE CARRIERS CO., INC., 1185 Grand Street, Brooklyn, N.Y. 11211. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shoes*, boxed in cartons, from Brentwood, N.Y., to Ellsworth, Maine, Springfield, Vt., Concord, N.H., Paramus, Newton, Brick Town and Freehold, N.J., Pottstown and Williamsport, Pa., Findlay and Chillicothe, Ohio, Muncie, Ind., Sikeston and St. Louis, Mo., Tupelo, Miss., Oxford and Selma, Ala., Richmond, Winchester and Danville, Ky., Ft. Lauderdale and Winter Haven, Fla., and Annapolis, Md., under contract with F and M Shoe Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 138054 (Sub-No. 1), filed October 1, 1973. Applicant: CONDOR CONTRACT CARRIERS, INC., P.O. Box 1354, Garden Grove, Calif. 92642. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials*, from Madera, Calif., to points in Oregon, Washington, Nevada, Utah, Arizona, New Mexico, Idaho, Montana, Wyoming, Colorado, California, and ports of entry between the United States and Canada in Washington and (2) *building materials and commodities* used in the manufacture, production, and distribution of building materials, from the plantsites of Leslie-Locke Building Products Co. at Lodi, Ohio; Franklin Park, Ill.; Mt. Carroll, Ill.; Tucker, Ga.; Tifton, Ga. and Fort Worth, Tex., to the plantsite of Leslie-Locke Building Products Co. at Madera, Calif., restricted in (1) and (2) above against the transportation of commodities in bulk, in tank vehicles, and further restricted against the transportation of commodities which by reason of size and weight require the use of special equipment, under a continuing contract, or contracts, with Leslie-Locke Building Products Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 138054 (Sub-No. 2) filed October 10, 1973. Applicant: CONDOR CONTRACT CARRIERS, INC., P.O. Box 1354, Garden Grove, Calif. 92642. Applicant's representative: Patrick E. Quinn, 605



South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Garbage disposal units and waste compactor units, and parts and accessories thereof*, from Racine, Wis., to Dallas, Tex.; Atlanta, Ga.; Orlando, Fla.; Detroit, Mich.; Richmond, Ind.; Boston, Mass.; Camden, N.J.; Landover, Md.; St. Louis, and Kansas City, Mo. and points in California, Washington and Oregon, restricted against the transportation of commodities, in bulk, in tank vehicles, and commodities which by reason of size or weight require the use of special equipment, under continuing contract with Emerson Electric Co. and its divisions.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 138825 (Sub-No. 1), filed September 27, 1973. Applicant: AMERICAN INTERNATIONAL DRIVEAWAY OF INDIANA, INC., 316 S. 13th Street, Decatur, Ind. 46733. Applicant's representative: James L. Beatty, 130 E. Washington Street, Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes and campers*, in driveway service, between Macomb, Ill. and Paxinos, Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind. or Chicago, Ill.

No. MC 138931 (Sub-No. 2), filed October 1, 1973. Applicant: LOUIE SENSKE AND JIM SENSKE, a partnership, doing business as, SENSKE & SON TRANSFER, 117 Fourth Avenue North Crookston, Minn. 56716. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled loaders, and related parts and accessories*, from the plantsite and facilities of Hydra-Mac, Inc., at or near Thief River Falls, Minn., to points in the United States (except Alaska and Hawaii); and (2) *component parts, accessories, materials and supplies* used in the manufacture of the commodities described in (1) above, from points in the United States (except Alaska and Hawaii), to points in Richland County, N. Dak. and Pennington and Red Lake Counties, Minn., under contract with Hydra-Mac, Inc.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 139248 filed October 9, 1973. Applicant: CONTRACT CARRIERS, INC., 1006 East 11th, Ellensburg, Wash. 98926. Applicant's representative: George R. LaBissoniere, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk tallow, bulk meat scrap or meal*, (1) between Sunnyside, Wash. and Pendleton, Portland, Oreg.; and (2) between

Portland, Oreg., on the one hand, and, on the other, points in Whatcom, Skagit, Snohomish, King and Pierce Counties, Wash.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 138261 (Sub-No. 1), filed October 4, 1973. Applicant: S. D. ELLIS AND W. F. REEVES, a Partnership, doing business as, MARIETTA TRANSFER AND STORAGE COMPANY, 1074 Atlanta Rd., Marietta, Ga. 30060. Applicant's representative: S. D. Ellis (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material and supplies*, including tools used in the construction and maintenance of telephone systems and communications; between Marietta, Ga. and points in Carroll, Cherokee, Cobb, Douglas, Haralson and Paulding Counties, Ga. under a continuing contract or contracts with Western Electric Co., Inc. of New York, N. Y.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Atlanta or Marietta, Ga.

No. MC 138384 (Sub-No. 4) filed September 27, 1973. Applicant: ELWOOD LYNCH, Krafts Trailer Court, Moberly, Mo. 65270. Applicant's representative: Lucy Kennard Bell, Suite 910 Fairfax Bldg., 101 West 11th St., Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Memphis, Tenn., to Moberly, Mo., under contract with Hunt Distributing, Inc.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo.

No. MC 138395 (Sub-No. 4) filed October 9, 1973. Applicant: DOUGLAS H. WEST, P.O. Box 1274, Salisbury, Md. 21801. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, between Salisbury, Md., on the one hand, and, on the other, points in Pennsylvania on and east of the Susquehanna River, and points in New Jersey and Delaware.

**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 138435 (Sub-No. 2) filed October 5, 1973. Applicant: LORBER TRUCK SALES & SERVICE, INC., 1140 Military Road, Buffalo, N.Y. 14217. Applicant's representative: William J. Hirsch, 35 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Products for waste or rectification*, between points in Monroe and Niagara Counties, N.Y. on the one hand, and, on the other, points in the United States, (except Alaska and Hawaii); restricted against the transportation of shipments originating at or destined to points in Canada, under con-

tinuing contract with Chem-trol Pollution Services, Inc.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 138516 (Sub-No. 2) filed July 16, 1973. Applicant: ROUNTREE TRANSFER, INC., 210 East Main Street, Swainsboro, Ga. 30401. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodpulp* (except ground and powdered), in bales and rolls, from Jesup, Ga., to Brunswick and Savannah, Ga. (except those points in the Savannah, Ga. Commercial Zone in South Carolina), restricted to shipments having an immediately subsequent movement by water.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 138634 (Sub-No. 1) filed September 27, 1973. Applicant: MARSHALL MOTOR COACH, INC., 10 South 8th Avenue, Marshalltown, Iowa 50158. 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: *General commodities* (except household goods, commodities in bulk, Class A and B explosives commodities of unusual value, those requiring the use of special equipment and the use of refrigerated vehicles), between Marshalltown, Iowa, on the one hand, and, on the other, points in Iowa, restricted to shipments having a prior or subsequent movement by rail TOFC service.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 138736 (Sub-No. 3) filed October 9, 1973. Applicant: F B M TRUCKING, INC., 310 East Lanier Avenue, Fayetteville, Ga. 30214. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic film or plastic sheeting*, other than cellulose, from the plant site of Gladwin Industries, Inc., at Oakwood, Ga., to North Miami, Fla.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 138852 (Sub-No. 1) filed October 11, 1973. Applicant: INTERSTATE TRAM RAIL CARRIER CORPORATION, Walnut Street and Harvard Lane, Westville, N.J. 08093. Applicant's representative: Joel Feldscher, 3220 PSFS Building, 12 South 12th Street, Philadelphia, Pa. 19107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, between Westville, N.J. on the one hand, and, on the other, points in Alabama, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New York,



North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and the District of Columbia, under contract with George Wollman, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 138860 filed May 7, 1973. Applicant: JACK TURNER MOTORS LIMITED, INCORPORATED, 219 West Gore Street, Thunder Bay, Ontario, Canada. Applicant's representative: R. E. Zelinski, P.O. Box 846, 1020 Victoria Avenue, Thunder Bay "F", Ontario. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Students and their baggage*, in special and charter operations, from ports of entry on the International Boundary line between the United States and Canada at points on the Boundary Line between the Province of Ontario and Minnesota State Boundary Line, to points in Minnesota, Wisconsin and Michigan and return, under a continuing contract, or contracts, with Lakehead University, Confederation College, Lakehead Board of Education and Lakehead Catholic School Board.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Duluth or St. Paul, Minn., or Chicago, Ill.

No. MC 138868 (Sub-No. 2) filed October 3, 1973. Applicant: ROD TEN KLEY, 1305 Van Dyke Road, Lynden, Wash. 98246. Applicant's representative: Carl A. Janson, 300 Central Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horsemeat*, (1) from Stanwood, Wash., to ports of entry on the International Boundary line between the United States and Canada, located at or near Blaine, Wash.; and (2) from Stanwood, Wash., to Seattle, Wash., restricted to shipments having a subsequent movement by water, to points in foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Stanwood, Bellingham, or Seattle, Wash.

No. MC 138875 (Sub-No. 9) filed August 28, 1973. Applicant: SHOEMAKER TRUCKING COMPANY, 8624 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh, P.O. Box 7651, Boise, Idaho 83707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products including plywood and built-up woods; composition board; and building materials* as described in Appendix IV of Descriptions Case 61 M.C.C. 209, between points in Oregon, Washington and California, on the one hand, and, on the other, points in Idaho.

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 Boise, Idaho or Portland, Oreg.

No. MC 138919 (Sub-No. 2) filed October 2, 1973. Applicant: SPRING & TOUSAND TRANSPORTATION, INC., 11055 Airline Highway, Baton Rouge, La. 70816. Applicant's representative: S.

Clarke Spring, Jr. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, cement and concrete building products and related accessories*, by flatbed, between points in Texas and Louisiana, under contract with Acme Brick Co./Lacrete, Inc., a division of Justin Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 138933 (Sub-No. 2) filed October 4, 1973. Applicant: DEUTZ & CROW CONCRETE CORP., Marshall, Minn. 56258. Applicant's representative: James B. Hovland, 426 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk cement*, from Sioux Falls, Watertown, Chamberlain and Aberdeen, S. Dak.; Des Moines and Mason City, Iowa; and Minneapolis and Burnsville, Minn., to Madison, Canby, Marshall, Luverne, Worthington and Jackson, Minn. and Esterville and Swea City, Iowa, under a continuing contract or contracts with Deutz & Crow Co., Inc. of Marshall, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 139028 (Sub-No. 1) filed August 13, 1973. Applicant: KOSCO TRUCKING, INC., 21 Diane Court, Woodcliff Lake, N.J. 07675. Applicant's representative: George A. Olsen, 69 Tonelle Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aquariums, materials, equipment and supplies* used or useful in the sale, purchase and manufacture of aquariums, between the facilities of Metaframe Corp. located at East Paterson and Maywood, N.J., on the one hand, and, on the other, points in New Jersey, Connecticut, Massachusetts those in Pennsylvania on and east of the Susquehanna River, and those in New York on and South of New York State Highways 23, 7 and 17 and U.S. Highway 11, to the Pennsylvania State line, under contract with Metaframe Corp., located at Maywood, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Newark, N.J.

No. MC 139086 (Sub-No. 1) filed October 1, 1973. Applicant: JERRY H. GEORGE, doing business as JERRY GEORGE TRUCKING, R #1, Box 82, Ellington, Mo. 63638. Applicant's representative: Richard J. Rabbitt, Suite 616, 7 North Seventh St., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough sawed lumber and treated fence posts*, between points in Reynolds, Ripley, Carter and Shannon Counties, and Butler County (west of Highway 67, Mo.; Cook, Will, DuPage, and Lake Counties, Ill.; and Lake and Laporte Counties, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Poplar Bluff, Mo.

No. MC 139130 (Sub-No. 2), filed September 28, 1973. Applicant: GTS CARTAGE, INC., 2641 Orchard Street, Blue Island, Ill. 60406. Applicant's representative: Donald S. Mullins, 4704 W. Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Audio, phonograph, radio, sound playing, sound recording, television, and video electrical/electronic sets, systems, and equipment, and parts and related accessories* thereto, from the plant site of Utah Electronics at or near Huntington, Ind., to the warehouse site of Playback Incorporated at or near West Chicago, Ill. and (2) *store and office fixtures* as described in Appendix III to the report in *Descriptions in Motor Carrier Certificates* (except cooling and ice boxes, barbershop poles, refrigerators, cutting and chopping tables or table tops) 61 M.C.C. 209 and 275, *office and store paraphernalia* normally used in the conduct of a retail store business such as, but not limited to, printed forms, cash registers, ladders, hand trucks, pens, catalogs, cartons, paper bags, wrapping paper, twine, etc., and *office furniture*, in mixed shipments only with commodities named in (1) above, and then only when said commodities named in (2) do not exceed twenty-five percent (25%) of the aggregate weight of the entire shipment, from the warehouse facilities of Playback Incorporated at or near West Chicago, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, under contract with Playback Incorporated.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139145 (Sub-No. 1) filed October 11, 1973. Applicant: N. & M SERVICES, INC., 2300 Hickman Road, Des Moines, Iowa 50310. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer* (except liquid, in bulk) from Garner, Iowa; and (2) *dry feed, feed concentrates, and animal health aid products*, from Des Moines, Iowa, to points in Alabama, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin, under contract with ECO-AG Products Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 139147 (Sub-No. 1) filed October 11, 1973. Applicant: RICHARD L. KENNEDY AND LONNIE M. RICHARDS, doing business as, K & R TRUCKING, 1306 College Street, Port Gibson, Miss. 39150. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Building, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transport-



ing: (1) *Lumber*, from points in East Carroll, Madison, Richland, Ouachita, Caldwell, LaSalle, Rapides, Avoyelles, St. Landry, West Feliciana and Pointe Coupee Parishes, La. to the plantsite and/or warehouse facilities of Chattanooga Container Corporation located at Port Gibson, Miss.; and (2) *wood chips, sawdust and wood shavings*, from the plantsite and/or warehouse facilities of Chattanooga Container Corporation located at Port Gibson, Miss., to Monroe, La., under a continuing contract, or contracts, with Chattanooga Container Corporation, Port Gibson, Miss.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 139155 (Sub-No. 1), filed October 11, 1973. Applicant: GEORGE AIGNER & SONS, INC., 1931 West Roscoe Street, Chicago, Ill., 60657. Applicant's representative: Donald S. Mullins, 4704 W. Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* as described in Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except plasterboard and commodities in bulk), from the plantsite and warehouse facilities of Reverse Supply Corporation located at or near Franklin Park, Ill., to points in Jasper, Lake, La. Porte, Porter and Stark Counties, Ind., and Dane, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Rock, Walworth, Washington and Waukesha Counties, Wis., under a contract or contracts with Reserve Supply Corporation of Franklin Park, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139171, filed October 3, 1973. Applicant: CONTROLLED DELIVERY SERVICE, 15915 E. Sprague Avenue, Verdale, Wash. 99307. Applicant's representative: Eugene D. Anderson, 1224 17th St. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Trailers, semi-trailers, trailer chassis* (except those designed to be drawn by passenger automobiles), *dollies, containers, parts, equipment, accessories, and supplies therefor*, in truckway or delivery service, (1) from the plantsite or facilities of Utility Trailer Manufacturing Company, at or near El Paso, Tex., Clearfield, Utah, and City of Industry, Calif., to points in the United States (except Alaska and Hawaii); (2) between sales or service outlets for Utility Trailer Manufacturing Company, in the United States (except Alaska and Hawaii); (3) between the manufacturing facilities of Utility Trailer Manufacturing Co., El Paso, Tex., Clearfield, Utah, and City of Industry, Calif. (4) between any sales or service outlet for Utility Trailer Manufacturing Company located in the United States (except Alaska and Hawaii) on the one hand, and, on the other, the factories of Utility Trailer Manufacturing Company located at El Paso, Tex., Clearfield, Utah, and City of Industry, Calif.; and (B) *parts, equip-*

*ment and supplies* utilized in the manufacture of trailer from points in the United States (except Alaska and Hawaii), to manufacturing plants of Utility Trailer Manufacturing Co., located at or near El Paso, Tex., Clearfield, Utah, and City of Industry, Calif., under contract with Utility Trailer Manufacturing Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 139172, filed October 3, 1973. Applicant: DONNA EXPRESS TRUCKING COMPANY, a Corporation, 3400 South Federal Highway, Fort Lauderdale, Fla. 33316. Applicant's representative: Steven L. Weiman, 1730 M Street, NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes: transporting: *Building materials*, from Fort Lauderdale and Tampa, Fla., to points in Florida, restricted to traffic having a prior movement by water or 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 Fort Lauderdale or Tampa, Fla.

No. MC 139174, filed October 3, 1973. Applicant: J. C. DUDA, 119 Huntington Drive, San Francisco, Calif. 94132. 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: *Metal partitions*, from Freeport, N.Y., to Minnesota, Iowa, Missouri, Kansas, Colorado, Oklahoma, New Mexico, Utah, Arizona, Nevada, California, Washington, and Oregon, restricted to traffic originating at Freeport, N.Y. and destined to points in the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 139188 (CORRECTION), filed September 10, 1973, published in the FEDERAL REGISTER issue of November 15, 1973 as No. MC-13918, and republished in part, as corrected, this issue. Applicant: BREYER EXCHANGE, INC., Route 3, New Philadelphia, Ohio 44663. Applicants' representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215.

NOTE.—The purpose of this republication is to indicate the correct Docket Number in this proceeding in No. MC-139188, in lieu of No. MC-13918 which was previously published in error. The rest of the notice remains as previously published.

No. MC 139194, filed October 11, 1973. Applicant: R K & S TRANSPORTATION, INC., North First Street, Patterson, Calif. 95363. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Doors, door jambs, door framing, door thresholds, and panels*, wood or wood and metal, finished or unfinished, folding or other than folding, from the plantsite of Baker Door Company, Inc., located at Patter-

son, Calif., to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming; and (2) *materials and supplies* used in the manufacturing of doors, door jambs, door framing, door thresholds, and panels, from points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, to the plantsite of Baker Door Company, Inc., located at Patterson, Calif., under contract with Baker Door Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Stockton, or Sacramento, Calif.

No. MC 139205, filed October 4, 1973. Applicant: DOLPHIN CARTAGE, INC., 14500 Cottage Grove Avenue, Dolton, Ill. 60419. Applicant's representative: James R. Madler, 1255 North Sandburg Terrace, Room 1608, Chicago, Ill. 60610. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper articles*, from Chicago, Ill., to Churubusco, Ind.; and (2) *gaskets*, from Churubusco, Ind., to Chicago, Ill., under continuing contracts with Druth Packing Corp. and Dana Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139207, filed October 9, 1973. Applicant: HAROLD F. McNABB AND J. D. WADSWORTH, JR., a partnership, doing business as, McNABB WADSWORTH TRUCKING COMPANY, 1410 Lynn Garden Drive, Kingsport, Tenn. 37665. 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: *Glass and glass products*, from Kingsport and Greenland, Tenn., to points in Florida, Georgia, North Carolina, South Carolina, and Virginia, under contract with ASG Industries, Inc. of Kingsport, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Nashville, Tenn.

#### PASSENGER(S) APPLICATIONS

No. MC 3647 (Sub-No. 446), filed October 3, 1973. Applicant: TRANSPORT OF NEW JERSEY, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: John F. Ward (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, and newspapers*, in the same vehicle with passengers, (1) Between points in Monmouth County, N.J.: From the junction of Monmouth County Highway 524 (Adelphia Road) and Stillwells Corner Road over Monmouth County Highway 524 to junction Iron Bridge Road, thence over Iron Bridge Road to junction Monmouth County Highway 537, thence over Monmouth County Road 537 to junction Stillwells Corner Road, and return over the same route, serving all intermediate points; (2) Between points in Ocean County, N.J.: (A) From the junction of U.S. Highway 9 and Ocean



County Highway 526, thence over Ocean County Highway 526 to junction Ocean County Highway 549, and return over the same route, serving all intermediate points; and (B) From the junction of Ocean County Highway 549 and Burnt Tavern Road (at Garden State Parkway Interchange No. 91) over Ocean County Highway 549 to junction Herbertsville Road, thence over Burnt Tavern Road to junction Ocean County Highway 549, 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 106187 (Sub-No. 3), filed September 27, 1973. Applicant: DAISY LINE, INC., 1209 Vincennes Street, New Albany, Ind. 47150. Applicant's representative: Robert A. Kelso, 409 American Bank Building, New Albany, Ind. 47150. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage in the same vehicle with express and newspapers*, from Jeffersonville, Ind., to Louisville, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind. or Chicago, Ill.

No. MC 115116 (Sub-No. 26), filed October 29, 1973. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. 08901. Applicant's representative: Michael J. Marzano, 17 Academy Street, Newark, N.J. 07102. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers in the same vehicle with passengers*, (1) Between junction New Jersey Highway 33, Applegarth Road and Butcher Road, in the Township of Monroe (Middlesex County), N.J., and the New Jersey Turnpike at Interchange No. 8A in the Township of Monroe (Middlesex County), N.J., as follows: From junction New Jersey Highway 33, Applegarth Road and Butcher Road, in the Township of Monroe (Middlesex County), N.J., over Applegarth Road to junction Forsgate Drive, thence over Forsgate Drive to access roads to the New Jersey Turnpike at Interchange No. 8A, thence over New Jersey Turnpike Interchange No. 8A access roads to the New Jersey Turnpike, in the Township of Monroe (Middlesex County), N.J., and return over the same route, serving all intermediate points. (2) Between junction New Jersey Highway 33 and New Jersey Secondary Highway 526 in Washington Township (Mercer County), N.J., and junction U.S. Highway 130 and U.S. Highway 1 in North Brunswick Township, N.J., as follows: From junction New Jersey Highway 33 and New Jersey Secondary Highway 526 in Washington

Township (Mercer County), N.J., over New Jersey Highway 33 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 1 in North Brunswick Township, N.J., and return over the same route, serving all intermediate points. (3) Between junction U.S. Highway 130 and Forsgate Drive in South Brunswick Township, N.J., and the New Jersey Turnpike at Interchange No. 8A in the Township of Monroe (Middlesex County), N.J., as follows: From junction U.S. Highway 130 and Forsgate Drive in South Brunswick Township, N.J., over Forsgate Drive to access roads to the New Jersey Turnpike at Interchange No. 8A, thence over New Jersey Turnpike Interchange No. 8A access roads to the New Jersey Turnpike in the Township of Monroe (Middlesex County), N.J., and return over the same route, serving all intermediate points.

(4) Between Trenton, N.J., and the New Jersey Turnpike at Interchange No. 8, in the Township of East Windsor, N.J., as follows: From Trenton, N.J. over Interstate Highway 195 to access roads to the New Jersey Turnpike at Interchange No. 7A in Washington Township (Mercer County), N.J., thence over New Jersey Turnpike Interchange No. 7A access roads to the New Jersey Turnpike, thence over the New Jersey Turnpike to Interchange No. 8 of the New Jersey Turnpike (a presently authorized service point) in the Township of East Windsor, N.J., and return over the same route, serving all intermediate points. (5) Between Trenton, N.J. and junction U.S. Highway 206 and Interstate Highway 195 in Hamilton Township, N.J., as follows: From Trenton, N.J. over U.S. Highway 206 to access roads to Interstate Highway 195 in Hamilton Township, N.J., thence over Interstate Highway 195 access roads to Interstate Highway 195 in Hamilton Township, N.J., and return over the same route, serving all intermediate points. (6) Between junction New Jersey Highway 33 and U.S. Highway 130 in Washington Township (Mercer County), N.J., and junction U.S. Highway 130 and Interstate Highway 195 in Hamilton Township, N.J., as follows: From junction New Jersey Highway 33 and U.S. Highway 130 in Washington Township (Mercer County), N.J., over U.S. Highway 130 to access roads to Interstate Highway 195 in Hamilton Township, N.J., thence over Interstate Highway 195 access roads to Interstate Highway 195 in Hamilton Township, N.J., 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 138717 (Sub-No. 2), filed October 1, 1973. Applicant: GULF SHORES CHARTER SERVICE, INC., P.O. Box O, Gulf Shores, Ala. 36542. Applicant's rep-

resentative: James M. Colldis (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage in special operations, in round-trip sight-seeing tours, beginning and ending at Gulf Shores, Ala., and extending to points in Baldwin and Mobile Counties, Ala. and Escambia, Santa Rosa and Okaloosa Counties, Fla.; and (2) passengers and their baggage in charter operations, beginning and ending at Gulf Shores, Ala. and extending to points in Alabama, Florida, Louisiana, and Mississippi.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Gulf Shores, Ala.; Pensacola, Fla.; or Mobile, Ala.

No. MC 139186, filed October 4, 1973. Applicant: MORGILLO'S MOTOR LIVERY SERVICE, INC., doing business as MORGILLO'S LIVERY SERVICE, 179 Valley Street, New Haven, Conn. 06515. Applicant's representative: Sidney L. Goldstein, 109 Church Street, New Haven, Conn. 06510. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers (five (5) or less) and their baggage in door-to-door nonscheduled special operations, in air-conditioned limousines, between New Haven, East Haven, Hamden, West Haven, North Haven, Orange, Woodbridge, Wallingford, Derby, Ansonia, Seymour, and Shelton, Conn., on the one hand, and, on the other, points in Massachusetts, Rhode Island, New York, and New Jersey.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Haven or Hartford, Conn.

#### FREIGHT FORWARDER APPLICATION(S)

No. FF-346, Sub-1, filed November 14, 1973. Applicant: INTERNATIONAL EXPORT PACKERS, INC., 5360 Eisenhower Avenue, Alexandria, Va. 22304. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a freight forwarder, through use of the facilities of common carriers by motor, water, rail and express, in the transportation of (a) *used household goods and unaccompanied baggage* and (b) *used automobiles*, between points in the United States (including Hawaii but excluding Alaska), restricted in (b) to the transportation of import and export traffic.

NOTE.—Common control may be involved. Applicant indicates that this application seeks to eliminate the import-export restriction with respect to used household goods and unaccompanied baggage. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. FF-411, Sub-1, filed November 14, 1973. Applicant: AMERFORD INTER-



## NOTICES

NATIONAL CORPORATION, doing business as, AMERFORD AIR CARGO, 218-01 Merrick Boulevard, Jamaica, N.Y. 11431. Applicant's representative: Louis P. Haffer, 1730 Rhode Island Ave. NW., Suite 607, Washington, D.C. 20036. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by railroad, express, water, motor vehicle and air, in the

transportation of *general commodities* (except classes A and B explosives, household goods as defined by the commission, commodities which because of size and weight require special equipment, and those in bulk), between points in the United States, including Alaska and Hawaii, restricted to shipments having an immediately prior or subsequent movement by air, and further restricted to traffic in the air forwarder

service of Amerford International Corporation.

*NOTE.*—Applicant requests handling under modified procedure, and has not specified a location for oral hearing.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
*Secretary.*

[FR Doc. 73-25250 Filed 11-28-73; 8:45 am]



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THURSDAY, NOVEMBER 29, 1973  
WASHINGTON, D.C.

Volume 38 ■ Number 229

PART II



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## ENVIRONMENTAL PROTECTION AGENCY

■

### STATE IMPLEMENTATION PLANS

Proposed Compliance Schedules  
for Alabama



## ENVIRONMENTAL PROTECTION AGENCY

[ 40 CFR Part 52 ]

### STATE IMPLEMENTATION PLANS Proposed Compliance Schedules for Alabama

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of Alabama's State implementation plan.

On February 15, 1973, pursuant to 40 CFR 51.6, the State of Alabama submitted for the Environmental Protection Agency's approval revisions to the compliance schedule portion of its plan. This publication proposes that certain of these revisions be approved. Others are still undergoing review and cannot be proposed for approval at this time. Each proposed revision establishes a new date by which an individual air pollution source must attain compliance with an emission limitation of the State implementation plan. This date is indicated in the succeeding table under the heading "Final Compliance Date." In many cases the schedule includes incremental steps toward compliance, with interim dates for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. All of the compliance schedules listed here are available for public inspection at the following locations:

Air Programs Branch  
Environmental Protection Agency  
Region IV  
1421 Peachtree Street NE.  
Atlanta, Ga. 30309

Division of Air Pollution Control  
State of Alabama Department of Public Health  
645 S. McDonough Street  
Montgomery, Ala. 36104

Each compliance schedule has been adopted by the Alabama Air Pollution Control Commission and submitted to EPA after notice and public hearing in accordance with the procedural requirements of 40 CFR Part 51. Each also satisfies the substantive requirements of 40 CFR Part 51 pertaining to compliance schedules, and has been determined to be consistent with the approved control strategies for the State of Alabama.

An evaluation of the Alabama compliance schedule submittal is available for public inspection at the Atlanta location listed above.

All interested parties are encouraged to submit written comments on the proposed plan revisions. These comments will be weighed carefully by EPA before the agency decides to approve or disapprove this change in the Alabama plan. Comments will be accepted until December 31, 1973. These should be addressed to the Director, Air and Water Pro-

grams Division, Environmental Protection Agency, Region IV, 1421 Peachtree Street NE., Atlanta, Ga. 30309, Attention: Mr. Strickland. Receipt of comments will be acknowledged, but no substantive response will be made.

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

Dated: November 16, 1973.

RUSSELL E. TRAIN,  
Administrator.

#### STATE OF ALABAMA

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
American Can Co. permit No.:					
(a) 101-0001-W001	Nehoele	4.8.2	Feb. 8, 1973	Immediately	May 31, 1975
(b) 101-0001-W002	do	4.8.2	do	do	Do.
(c) 101-0001-W003	do	4.7.2; 5.4.2	do	do	Do.
(d) 101-0001-W004	do	4.7.2; 5.4.2	do	do	Do.
(e) 101-0001-W007	do	4.7.2; 5.4.2	do	do	Do.
(f) 101-0001-W008	do	4.7.2	do	do	Do.
Hood Industries, Division of Masonite Corp. permit No.:					
(a) 101-8005-W001	Melvin	4.8.2	Jan. 10, 1973	do	Dec. 1, 1974
(b) 101-8005-W002	do	4.8.2	do	do	Do.
(c) 101-8005-W003	do	3.3.4	do	do	Do.
Allied Paper, Inc., permit No.:					
(a) 102-0001-W001	Jackson	4.7.2; 5.4.2	Feb. 8, 1973	do	Oct. 1, 1974
(b) 102-0001-W002	do	4.7.2	do	do	Do.
(c) 102-0001-W003	do	4.7.2; 5.4.2	do	do	July 30, 1974
E. W. Kelley Hardwood Co., permit No.:					
102-8005-W002	Whitley	3.3.4	Jan. 10, 1973	do	Jan. 31, 1973
Scotch Lumber Co. permit No.:					
(a) 102-8003-W001	Fulton	3.3.4	do	do	June 30, 1973
(b) 102-8003-W002	do	3.3.4	do	do	June 30, 1973
Scotch Plywood Co. permit No.:					
102-8006-W001	do	3.1	do	do	June 1, 1973
Scott Paper Co. permit No.:					
103-8003-W001	Range	3.3.4	do	do	Dec. 1, 1973
Alabama Metallurgical Corp., permit No.:					
104-0001-W001	Selma	4.4.2	Jan. 12, 1973	do	Jan. 1, 1975
Dallas Asphalt, Inc. permit No.:					
104-0002-W001	do	4.4.1	do	do	July 15, 1973
Hammermill Paper Co. permit No.:					
(a) 104-0003-W001	do	4.7.2; 5.4.2	Feb. 8, 1973	do	Apr. 30, 1975
(b) 104-0003-W002	do	4.7.2	do	do	Do.
(c) 104-0003-W003	do	4.8.2	do	do	Do.
B. H. Harman Const. Co. permit No.:					
104-0007-W001	do	4.4.2	Jan. 24, 1973	do	June 1, 1973
Gulf States Paper Corp. permit No.:					
(a) 105-0001-W001	Demopolis	4.7.2; 5.4.2	Feb. 8, 1973	do	May 31, 1975
(b) 105-0001-W006	do	4.8.2	do	do	Jan. 1974
Lone Star Industries, Inc., permit No.:					
(a) 105-0002-W001	do	4.4.1	Jan. 11, 1973	do	Apr. 30, 1975
(b) 105-0002-W002	do	4.4.1	do	do	Do.
(c) 105-0002-W003	do	4.4.1	do	do	Do.
(d) 105-0002-W004	do	4.2.1	do	do	June 30, 1973
(e) 105-0002-W005	do	4.4.1	do	do	Apr. 30, 1975
Claiborne Lime Plant permit No.:					
106-0001-W001	Claiborne	4.4.2	Jan. 24, 1973	do	Oct. 31, 1973
Alabama Electric Corp., Inc. permit No.:					
108-0001-W001	Leroy	4.3.2; 5.1.1	June 15, 1973	do	May 1975
Ciba-Geigy Corp., permit No.:					
108-0008-W001	McIntosh	3.1	Feb. 14, 1973	do	Sept. 23, 1974
Olin Corporation, permit No.:					
108-0008-W003	do	3.1	do	do	June 1, 1973
MacMillan Bloedel, permit No.:					
(a) 109-0001-W002	Pine Hill	4.7.2	Feb. 8, 1973	do	July 1, 1973
(b) 109-0001-W003	do	4.7.2	do	do	Do.
(c) 109-0001-W004	do	4.8.2	do	do	May 31, 1975
Union Camp Corporation, permit No.:					
203-8001-W001	Chapman	4.8.2	Jan. 10, 1973	do	Dec. 31, 1974
Robinson & Smith Lumber Co., Inc., permit No.:					
205-8003-W001	Wetumpka	3.1	do	do	June 30, 1973
Southeast Contractors Inc., permit No.:					
205-0002-W001	Millbrook	4.4.1	Jan. 24, 1973	do	Apr. 1, 1973
Lee County Asphalt Co., permit No.:					
206-0010-W001	Opelika	4.4.1	do	do	Dec. 1, 1973
Opelika Foundry, permit No.:					
206-0004-W001	do	4.5.1	Jan. 11, 1973	do	Dec. 15, 1973
Southern Stone Co., permit No.:					
(a) 206-0002-W001	Auburn	4.2.1; 4.2.2	Jan. 24, 1973	do	Aug. 1, 1973
(b) 206-0002-W002	do	4.2.1; 4.2.2	do	do	Mar. 1, 1974
Sharpe Sand & Concrete Co., Inc., permit No.:					
203-0002-W001	Tuskegee	4.4.1	Dec. 14, 1972	do	Sept. 1, 1973
Buehnan Lumber Co., Inc., permit No.:					
209-8003-W001	Montgomery	3.3.4	Jan. 10, 1973	do	Jan. 1, 1974
Capital Veneer Works, Inc., permit No.:					
209-8007-W001	do	4.8.2	Jan. 10, 1973	do	Jan. 1, 1973
Deep South Construction Co., Inc., permit No.:					
209-0009-W001	Mitylene	4.4.1	Jan. 24, 1973	do	Nov. 1, 1973
Southeast Contractors, Inc., permit No.:					
209-0016-W001	Montgomery	4.4.1	do	do	Do.
Vulean Materials Co., Southeast Division, permit No.:					
209-0014-W001	do	4.4.1	do	do	June 1, 1973
S&C Material & Paving Co., permit No.:					
201-0001-W001	Troy	4.4.1	do	do	Dec. 15, 1973
Sanders Lead Co., permit No.:					
210-0005-W001	do	4.4.1	Mar. 30, 1973	do	May 16, 1973

It is proposed to amend Part 51 of Chapter 1, Title 40 CFR as follows:

#### Subpart B—Alabama

1. A new § 52.55 is added as follows:  
§ 52.55 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.6 of this chapter. All regulations cited are air pollution control regulations of the State.



STATE OF ALABAMA—Continued

STATE OF ALABAMA—Continued

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Wayne Poultry Co., permit No. (a) 301-0006-W001	do	4.4.2	Jan. 5, 1973	do	Nov. 30, 1973
(b) 301-0006-W002	do	4.4.2	do	do	Do.
Alabama Kraft Co., permit No. (a) 301-0004-W001	Mohr	4.4.2	Feb. 8, 1973	do	Apr. 30, 1974
(b) 301-0004-W002	do	4.4.2	do	do	July 1, 1973
Alabama Foundry Co., permit No. (a) 301-0014-W001	Anniston	4.4.1	Jan. 5, 1973	do	Mar. 31, 1974
(b) 301-0014-W002	do	4.4.1	do	do	May 15, 1975
(c) 301-0014-W003	do	4.4.1	do	do	Mar. 31, 1974
(d) 301-0014-W004	do	4.4.1	do	do	Do.
(e) 301-0014-W005	do	4.4.1	do	do	Do.
(f) 301-0014-W006	do	4.4.1	do	do	Do.
(g) 301-0014-W007	do	4.4.1	do	do	Do.
(h) 301-0014-W008	do	4.4.1	do	do	Do.
(i) 301-0014-W009	do	4.4.1	do	do	Do.
(j) 301-0014-W010	do	4.4.1	do	do	Do.
(k) 301-0014-W011	do	4.4.1	do	do	Do.
(l) 301-0014-W012	do	4.4.1	do	do	Do.
(m) 301-0014-W013	do	4.4.1	do	do	Do.
(n) 301-0014-W014	do	4.4.1	do	do	Do.
(o) 301-0014-W015	do	4.4.1	do	do	Do.
(p) 301-0014-W016	do	4.4.1	do	do	Do.
(q) 301-0014-W017	do	4.4.1	do	do	Do.
Anniston Concrete & Asphalt Co. permit No. 301-0001-W001	Anniston	4.4.1	Jan. 2, 1973	do	Jan. 30, 1974
Anniston Foundry permit No. (a) 301-0016-W001	do	4.4.1	Jan. 5, 1973	do	May 15, 1975
(b) 301-0016-W002	do	4.4.1	do	do	Do.
(c) 301-0016-W003	do	4.4.1	do	do	Do.
(d) 301-0016-W004	do	4.4.1	do	do	Do.
(e) 301-0016-W005	do	4.4.1	do	do	Do.
(f) 301-0016-W006	do	4.4.1	do	do	Do.
(g) 301-0016-W007	do	4.4.1	do	do	Do.
(h) 301-0016-W008	do	4.4.1	do	do	Do.
(i) 301-0016-W009	do	4.4.1	do	do	Do.
(j) 301-0016-W010	do	4.4.1	do	do	Do.
(k) 301-0016-W011	do	4.4.1	do	do	Do.
(l) 301-0016-W012	do	4.4.1	do	do	Do.
(m) 301-0016-W013	do	4.4.1	do	do	Do.
(n) 301-0016-W014	do	4.4.1	do	do	Do.
(o) 301-0016-W015	do	4.4.1	do	do	Do.
(p) 301-0016-W016	do	4.4.1	do	do	Do.
(q) 301-0016-W017	do	4.4.1	do	do	Do.
Dixie Clay Co., permit No. (a) 301-0008-W001	Jacksonville	4.4.1	Dec. 14, 1972	do	Jan. 1, 1974
(b) 301-0008-W002	do	4.4.1	do	do	Do.
(c) 301-0008-W003	do	4.4.1	do	do	Do.
(d) 301-0008-W004	do	4.4.1	do	do	Do.
(e) 301-0008-W005	do	4.4.1	do	do	Do.
(f) 301-0008-W006	do	4.4.1	do	do	Do.
(g) 301-0008-W007	do	4.4.1	do	do	Do.
(h) 301-0008-W008	do	4.4.1	do	do	Do.
(i) 301-0008-W009	do	4.4.1	do	do	Do.
(j) 301-0008-W010	do	4.4.1	do	do	Do.
(k) 301-0008-W011	do	4.4.1	do	do	Do.
(l) 301-0008-W012	do	4.4.1	do	do	Do.
(m) 301-0008-W013	do	4.4.1	do	do	Do.
(n) 301-0008-W014	do	4.4.1	do	do	Do.
(o) 301-0008-W015	do	4.4.1	do	do	Do.
(p) 301-0008-W016	do	4.4.1	do	do	Do.
(q) 301-0008-W017	do	4.4.1	do	do	Do.
Dorcas Clay Co. permit No. (a) 301-0009-W001	Anniston	4.4.1	Jan. 24, 1973	do	Dec. 31, 1973
(b) 301-0009-W002	do	4.4.1	do	do	Do.
(c) 301-0009-W003	do	4.4.1	do	do	Do.
(d) 301-0009-W004	do	4.4.1	do	do	Do.
(e) 301-0009-W005	do	4.4.1	do	do	Do.
(f) 301-0009-W006	do	4.4.1	do	do	Do.
(g) 301-0009-W007	do	4.4.1	do	do	Do.
(h) 301-0009-W008	do	4.4.1	do	do	Do.
(i) 301-0009-W009	do	4.4.1	do	do	Do.
(j) 301-0009-W010	do	4.4.1	do	do	Do.
(k) 301-0009-W011	do	4.4.1	do	do	Do.
(l) 301-0009-W012	do	4.4.1	do	do	Do.
(m) 301-0009-W013	do	4.4.1	do	do	Do.
(n) 301-0009-W014	do	4.4.1	do	do	Do.
(o) 301-0009-W015	do	4.4.1	do	do	Do.
(p) 301-0009-W016	do	4.4.1	do	do	Do.
(q) 301-0009-W017	do	4.4.1	do	do	Do.
Dresser Mfg. Div. Dresser Ind., Inc. permit No. (a) 301-0006-W001	do	4.4.1	Jan. 11, 1973	do	June 1, 1974
(b) 301-0006-W002	do	4.4.1	do	do	Do.
(c) 301-0006-W003	do	4.4.1	do	do	Do.
(d) 301-0006-W004	do	4.4.1	do	do	Do.
(e) 301-0006-W005	do	4.4.1	do	do	Do.
(f) 301-0006-W006	do	4.4.1	do	do	Do.
(g) 301-0006-W007	do	4.4.1	do	do	Do.
(h) 301-0006-W008	do	4.4.1	do	do	Do.
(i) 301-0006-W009	do	4.4.1	do	do	Do.
(j) 301-0006-W010	do	4.4.1	do	do	Do.
(k) 301-0006-W011	do	4.4.1	do	do	Do.
(l) 301-0006-W012	do	4.4.1	do	do	Do.
(m) 301-0006-W013	do	4.4.1	do	do	Do.
(n) 301-0006-W014	do	4.4.1	do	do	Do.
(o) 301-0006-W015	do	4.4.1	do	do	Do.
(p) 301-0006-W016	do	4.4.1	do	do	Do.
(q) 301-0006-W017	do	4.4.1	do	do	Do.
Kilby Steel—Div. of FMC Corp. permit No. (a) 301-0002-W001	do	4.4.1	Jan. 20, 1973	do	Dec. 31, 1973
(b) 301-0002-W002	do	4.4.1	do	do	Do.
(c) 301-0002-W003	do	4.4.1	do	do	Do.
(d) 301-0002-W004	do	4.4.1	do	do	Do.
(e) 301-0002-W005	do	4.4.1	do	do	Do.
(f) 301-0002-W006	do	4.4.1	do	do	Do.
(g) 301-0002-W007	do	4.4.1	do	do	Do.
(h) 301-0002-W008	do	4.4.1	do	do	Do.
(i) 301-0002-W009	do	4.4.1	do	do	Do.
(j) 301-0002-W010	do	4.4.1	do	do	Do.
(k) 301-0002-W011	do	4.4.1	do	do	Do.
(l) 301-0002-W012	do	4.4.1	do	do	Do.
(m) 301-0002-W013	do	4.4.1	do	do	Do.
(n) 301-0002-W014	do	4.4.1	do	do	Do.
(o) 301-0002-W015	do	4.4.1	do	do	Do.
(p) 301-0002-W016	do	4.4.1	do	do	Do.
(q) 301-0002-W017	do	4.4.1	do	do	Do.
Lee Co. permit No. (a) 301-0005-W001	do	4.4.1	Dec. 29, 1972	do	May 1, 1974
(b) 301-0005-W002	do	4.4.1	do	do	Do.
(c) 301-0005-W003	do	4.4.1	do	do	Do.
(d) 301-0005-W004	do	4.4.1	do	do	Do.
(e) 301-0005-W005	do	4.4.1	do	do	Do.
(f) 301-0005-W006	do	4.4.1	do	do	Do.
(g) 301-0005-W007	do	4.4.1	do	do	Do.
(h) 301-0005-W008	do	4.4.1	do	do	Do.
(i) 301-0005-W009	do	4.4.1	do	do	Do.
(j) 301-0005-W010	do	4.4.1	do	do	Do.
(k) 301-0005-W011	do	4.4.1	do	do	Do.
(l) 301-0005-W012	do	4.4.1	do	do	Do.
(m) 301-0005-W013	do	4.4.1	do	do	Do.
(n) 301-0005-W014	do	4.4.1	do	do	Do.
(o) 301-0005-W015	do	4.4.1	do	do	Do.
(p) 301-0005-W016	do	4.4.1	do	do	Do.
(q) 301-0005-W017	do	4.4.1	do	do	Do.

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
(r) 301-0005-W018	do	4.4.1	do	do	Do.
(s) 301-0005-W019	do	4.4.1	do	do	Do.
(t) 301-0005-W020	do	4.4.1	do	do	Do.
(u) 301-0005-W021	do	4.4.1	do	do	Do.
(v) 301-0005-W022	do	4.4.1	do	do	Do.
(w) 301-0005-W023	do	4.4.1	do	do	Do.
(x) 301-0005-W024	do	4.4.1	do	do	Do.
(y) 301-0005-W025	do	4.4.1	do	do	Do.
(z) 301-0005-W026	do	4.4.1	do	do	Do.
(aa) 301-0005-W027	do	4.4.1	do	do	Do.
(ab) 301-0005-W028	do	4.4.1	do	do	Do.
(ac) 301-0005-W029	do	4.4.1	do	do	Do.
(ad) 301-0005-W030	do	4.4.1	do	do	Do.
(ae) 301-0005-W031	do	4.4.1	do	do	Do.
(af) 301-0005-W032	do	4.4.1	do	do	Do.
(ag) 301-0005-W033	do	4.4.1	do	do	Do.
(ah) 301-0005-W034	do	4.4.1	do	do	Do.
(ai) 301-0005-W035	do	4.4.1	do	do	Do.
(aj) 301-0005-W036	do	4.4.1	do	do	Do.
(ak) 301-0005-W037	do	4.4.1	do	do	Do.
(al) 301-0005-W038	do	4.4.1	do	do	Do.
(am) 301-0005-W039	do	4.4.1	do	do	Do.
(an) 301-0005-W040	do	4.4.1	do	do	Do.
(ao) 301-0005-W041	do	4.4.1	do	do	Do.
(ap) 301-0005-W042	do	4.4.1	do	do	Do.
(aq) 301-0005-W043	do	4.4.1	do	do	Do.
(ar) 301-0005-W044	do	4.4.1	do	do	Do.
(as) 301-0005-W045	do	4.4.1	do	do	Do.
(at) 301-0005-W046	do	4.4.1	do	do	Do.
(au) 301-0005-W047	do	4.4.1	do	do	Do.
(av) 301-0005-W048	do	4.4.1	do	do	Do.
(aw) 301-0005-W049	do	4.4.1	do	do	Do.
(ax) 301-0005-W050	do	4.4.1	do	do	Do.
(ay) 301-0005-W051	do	4.4.1	do	do	Do.
(az) 301-0005-W052	do	4.4.1	do	do	Do.
(ba) 301-0005-W053	do	4.4.1	do	do	Do.
(bb) 301-0005-W054	do	4.4.1	do	do	Do.
(bc) 301-0005-W055	do	4.4.1	do	do	Do.
(bd) 301-0005-W056	do	4.4.1	do	do	Do.
(be) 301-0005-W057	do	4.4.1	do	do	Do.
(bf) 301-0005-W058	do	4.4.1	do	do	Do.
(bg) 301-0005-W059	do	4.4.1	do	do	Do.
(bh) 301-0005-W060	do	4.4.1	do	do	Do.
(bi) 301-0005-W061	do	4.4.1	do	do	Do.
(bj) 301-0005-W062	do	4.4.1	do	do	Do.
(bk) 301-0005-W063	do	4.4.1	do	do	Do.
(bl) 301-0005-W064	do	4.4.1	do	do	Do.
(bm) 301-0005-W065	do	4.4.1	do	do	Do.
(bn) 301-0005-W066	do	4.4.1	do	do	Do.
(bo) 301-0005-W067	do	4.4.1	do	do	Do.
(bp) 301-0005-W068	do	4			



STATE OF ALABAMA—Continued

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Robinson Foundry permit No. 210-005-W001	do	4.3.1; 7.1	Feb. 6, 1973	do	Aug. 1, 1974
Russell Mills, Inc. permit No. (a) 310-005-W003	do	4.2.1; 4.2.2	do	do	May 1, 1975
(b) 310-005-W002	do	4.2.1; 4.2.2	do	do	Do
(c) 310-005-W004	do	4.2.1; 4.2.2	do	do	Do
(d) 310-005-W001	do	4.2.1; 4.2.2	do	do	Do
Russell Pipe & Foundry Co., Inc. permit No. 310-005-W002	do	4.2.1; 4.2.2	do	do	May 15, 1974
Fox Lumber Co., Inc. permit No. 401-004-W001	Centerville	4.3.1; 4.3.2	Jan. 10, 1973	do	Feb. 1, 1974
Southern Stone Co. permit No. (a) 405-007-W003	Woodstock	4.4.1	Jan. 24, 1973	do	May 1, 1973
(b) 405-007-W002	do	4.2.1; 4.2.2	do	do	Dec. 1, 1973
(c) 405-007-W004	do	4.2.1; 4.2.2	do	do	Do
(d) 405-007-W005	do	4.2.1; 4.2.2	do	do	Do
(e) 405-007-W006	do	4.2.1; 4.2.2	do	do	Do
(f) 405-007-W007	do	4.2.1; 4.2.2	do	do	Do
(g) 405-007-W008	do	4.2.1; 4.2.2	do	do	Do
(h) 405-007-W009	do	4.2.1; 4.2.2	do	do	Do
Chemery Lumber & Cement Co. permit No. 404-008-W001	Alibon	4.4.1	do	do	May 1, 1973
Fayette, Inc. permit No. 404-008-W002	Fayette	4.4.1	do	do	May 1, 1973
Newman Lumber Co., Inc. permit No. 404-008-W003	Belk	4.1	Jan. 10, 1973	do	July 31, 1973
Alabama Power Co. permit No. (a) 405-001-W001	Demopolis	4.3.1; 4.3.2	June 18, 1972	do	May 31, 1973
(b) 405-001-W002	do	4.3.1; 4.3.2	do	do	Do
(c) 405-001-W003	do	4.3.1; 4.3.2	do	do	Do
(d) 405-001-W004	do	4.3.1; 4.3.2	do	do	Do
Alibon Veneers, Inc. permit No. 405-002-W001	Alibonville	4.3.1	Jan. 10, 1973	do	Jan. 1, 1974
Rigbee Asphalt Co., Inc. permit No. 405-002-W002	do	4.3.1	Dec. 14, 1972	do	Dec. 31, 1973
Carpenter & Shirley Lumber Co. permit No. 405-002-W003	Goods	4.3.1	Jan. 10, 1973	do	Do
Floyd Lumber Co., Inc. permit No. 405-004-W001	do	3.3.4	Jan. 10, 1973	do	Oct. 1, 1973
Lewis Bros. Lumber Co., Inc. permit No. (a) 405-005-W001	Alibonville	3.3.4	do	do	Mar. 15, 1973
(b) 405-005-W002	do	3.3.4	do	do	Apr. 1, 1973
Pate Lumber Co., Inc. permit No. 405-006-W001	Carrollton	3.3.4	do	do	July 31, 1973
Summersville Bros. Lumber Co., Inc. permit No. 405-006-W002	Alibonville	3.3.4	do	do	Aug. 1, 1973
National Cement Co. permit No. (a) 410-002-W001	Regland	4.4.1	Dec. 15, 1972	do	Sept. 1, 1974
(b) 410-002-W002	do	4.4.1	do	do	Dec. 15, 1974
(c) 410-002-W003	do	4.4.1	do	do	Mar. 15, 1974
(d) 410-002-W004	do	4.4.1	do	do	Sept. 15, 1974
(e) 410-002-W005	do	4.4.1	do	do	Mar. 1, 1974
(f) 410-002-W006	do	4.4.1	do	do	June 1, 1973
Alabama Refractory Clay Co. permit No. 411-003-W001	Montevalle	4.4.1	Feb. 5, 1973	do	June 15, 1973
Alabama Limestone Co. permit No. 411-003-W002	do	4.4.1	Feb. 6, 1973	do	May 15, 1973
Central Alabama Paying & Const. Co., Inc. permit No. 411-003-W003	Colena	4.4.1	Dec. 14, 1972	do	Dec. 1, 1973
Chemery Lumber & Cement Co. permit No. (a) 411-003-W004	Landmark	4.4.1	Jan. 31, 1973	do	Sept. 15, 1974
(b) 411-003-W005	do	4.4.1	do	do	Feb. 1, 1973
Dunn Const. Co., Inc. permit No. 411-003-W006	Helen	4.4.1	Dec. 14, 1972	do	Dec. 21, 1973

STATE OF ALABAMA—Continued

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Longview Lime Co. permit No. (a) 411-002-W001	Saginaw	4.4.1	Dec. 15, 1972	do	June 1, 1974
(b) 411-002-W002	do	4.4.1	do	do	Do
(c) 411-002-W003	do	4.4.1	do	do	May 1, 1973
(d) 411-002-W004	do	4.4.1	do	do	Do
(e) 411-002-W005	do	4.4.1	do	do	Do
(f) 411-002-W006	do	4.4.1	do	do	Do
Mexicana Limestone Co. permit No. 411-004-W001	Montevalle	4.2.1; 4.2.2	do	do	July 31, 1973
Railroad Products Group (ABEX) permit No. (a) 411-003-W001	Colena	4.4.1	Jan. 11, 1973	do	May 1, 1975
(b) 411-003-W002	do	4.4.1	do	do	Do
(c) 411-003-W003	do	4.4.1	do	do	Do
(d) 411-003-W004	do	4.4.1	do	do	Do
(e) 411-003-W005	do	4.4.1	do	do	Do
Southern Cement Co. permit No. (a) 411-004-W001	do	4.4.1	do	do	May 31, 1973
(b) 411-004-W002	do	4.4.1	do	do	Do
(c) 411-004-W003	do	4.4.1	do	do	Do
(d) 411-004-W004	do	4.4.1	do	do	Do
(e) 411-004-W005	do	4.4.1	do	do	Do
(f) 411-004-W006	do	4.4.1	do	do	Do
(g) 411-004-W007	do	4.4.1	do	do	Do
(h) 411-004-W008	do	4.4.1	do	do	Do
(i) 411-004-W009	do	4.4.1	do	do	Do
(j) 411-004-W010	do	4.4.1	do	do	Do
(k) 411-004-W011	do	4.4.1	do	do	Do
(l) 411-004-W012	do	4.4.1	do	do	Do
(m) 411-004-W013	do	4.4.1	do	do	Do
Southern Electric Generating Co. permit No. (a) 411-005-W001	Wiscoville	4.3.1; 4.3.2	June 18, 1973	do	Do
(b) 411-005-W002	do	4.3.1; 4.3.2	do	do	Do
(c) 411-005-W003	do	4.3.1; 4.3.2	do	do	Do
(d) 411-005-W004	do	4.3.1; 4.3.2	do	do	Do
(e) 411-005-W005	do	4.3.1; 4.3.2	do	do	Do
Southern Foundry Co. permit No. 411-006-W001	Colena	4.5.1	Jan. 30, 1973	do	Nov. 1, 1974
Southern Foundry Co. permit No. (a) 411-006-W002	Mayhew	4.2.1; 4.2.2	Jan. 24, 1973	do	Mar. 1, 1974
(b) 411-006-W003	do	4.2.1; 4.2.2	do	do	Do
U.S. Gypsum Co. (Allied Prod. Co.) permit No. (a) 411-006-W001	Montevalle	4.2.1; 4.2.2	do	do	Do
(b) 411-006-W002	do	4.2.1; 4.2.2	do	do	Do
(c) 411-006-W003	do	4.2.1; 4.2.2	do	do	Do
(d) 411-006-W004	do	4.2.1; 4.2.2	do	do	Do
(e) 411-006-W005	do	4.2.1; 4.2.2	do	do	Do
Tombigbee Lightweight Aggregate Corp. permit No. (a) 412-002-W001	Livingston	4.4.1	do	do	Sept. 1, 1973
(b) 412-002-W002	do	4.4.1	do	do	Do
(c) 412-002-W003	do	4.4.1	do	do	Do
(d) 412-002-W004	do	4.4.1	do	do	Do
(e) 412-002-W005	do	4.4.1	do	do	Do
(f) 412-002-W006	do	4.4.1	do	do	Do
(g) 412-002-W007	do	4.4.1	do	do	Do
(h) 412-002-W008	do	4.4.1	do	do	Do
(i) 412-002-W009	do	4.4.1	do	do	Do
(j) 412-002-W010	do	4.4.1	do	do	Do
(k) 412-002-W011	do	4.4.1	do	do	Do
(l) 412-002-W012	do	4.4.1	do	do	Do
(m) 412-002-W013	do	4.4.1	do	do	Do
(n) 412-002-W014	do	4.4.1	do	do	Do
(o) 412-002-W015	do	4.4.1	do	do	Do
(p) 412-002-W016	do	4.4.1	do	do	Do



STATE OF ALABAMA—Continued

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Swift Agricultural Co., permit No.:					
(a) 701-0007-W001	do	4.4.1	Feb. 9, 1973	do	May 7, 1973
(b) 701-0007-W002	do	4.4.1	do	do	Jan. 15, 1975
Balber & Roberts Paving Co., Inc. Tusculumba, permit No. 701-0018-W001					
(a) 701-0018-W001	do	4.4.1	Dec. 15, 1972	do	May 1, 1973
Ford Motor Co., permit No.:					
(a) 701-0019-W001	Sheffield	4.4.1	Feb. 1, 1973	do	June 30, 1974
(b) 701-0019-W002	do	4.2.1	do	do	Do.
King Stone & Range Co., permit No.:					
(a) 701-0019-W003	do	4.3.1	Jan. 20, 1973	do	Mar. 15, 1975
Raymond Metals Co., permit No.:					
(a) 701-0019-W004	do	4.4.1	do	do	Dec. 31, 1974
(b) 701-0019-W005	do	4.4.1	do	do	Do.
(c) 701-0019-W006	do	4.4.1	do	do	Do.
(d) 701-0019-W007	do	4.4.1	do	do	Do.
(e) 701-0019-W008	do	4.4.1	do	do	Do.
(f) 701-0019-W009	do	4.4.1	do	do	Do.
(g) 701-0019-W010	do	4.4.1	do	do	Do.
(h) 701-0019-W011	do	4.4.1	do	do	Do.
(i) 701-0019-W012	do	4.4.1	do	do	Do.
(j) 701-0019-W013	do	4.4.1	do	do	Do.
(k) 701-0019-W014	do	4.4.1	do	do	Do.
(l) 701-0019-W015	do	4.4.1	do	do	Do.
(m) 701-0019-W016	do	4.4.1	do	do	Do.
(n) 701-0019-W017	do	4.4.1	do	do	Do.
(o) 701-0019-W018	do	4.4.1	do	do	Do.
(p) 701-0019-W019	do	4.4.1	do	do	Do.
(q) 701-0019-W020	do	4.4.1	do	do	Do.
(r) 701-0019-W021	do	4.4.1	do	do	Do.
(s) 701-0019-W022	do	4.4.1	do	do	Do.
(t) 701-0019-W023	do	4.4.1	do	do	Do.
(u) 701-0019-W024	do	4.4.1	do	do	Do.
(v) 701-0019-W025	do	4.4.1	do	do	Do.
(w) 701-0019-W026	do	4.4.1	do	do	Do.
(x) 701-0019-W027	do	4.4.1	do	do	Do.
(y) 701-0019-W028	do	4.4.1	do	do	Do.
(z) 701-0019-W029	do	4.4.1	do	do	Do.
(aa) 701-0019-W030	do	4.4.1	do	do	Do.
(ab) 701-0019-W031	do	4.4.1	do	do	Do.
(ac) 701-0019-W032	do	4.4.1	do	do	Do.
(ad) 701-0019-W033	do	4.4.1	do	do	Do.
(ae) 701-0019-W034	do	4.4.1	do	do	Do.
(af) 701-0019-W035	do	4.4.1	do	do	Do.
(ag) 701-0019-W036	do	4.4.1	do	do	Do.
(ah) 701-0019-W037	do	4.4.1	do	do	Do.
(ai) 701-0019-W038	do	4.4.1	do	do	Do.
(aj) 701-0019-W039	do	4.4.1	do	do	Do.
(ak) 701-0019-W040	do	4.4.1	do	do	Do.
(al) 701-0019-W041	do	4.4.1	do	do	Do.
(am) 701-0019-W042	do	4.4.1	do	do	Do.
(an) 701-0019-W043	do	4.4.1	do	do	Do.
(ao) 701-0019-W044	do	4.4.1	do	do	Do.
(ap) 701-0019-W045	do	4.4.1	do	do	Do.
(aq) 701-0019-W046	do	4.4.1	do	do	Do.
(ar) 701-0019-W047	do	4.4.1	do	do	Do.
(as) 701-0019-W048	do	4.4.1	do	do	Do.
(at) 701-0019-W049	do	4.4.1	do	do	Do.
(au) 701-0019-W050	do	4.4.1	do	do	Do.
(av) 701-0019-W051	do	4.4.1	do	do	Do.
(aw) 701-0019-W052	do	4.4.1	do	do	Do.
(ax) 701-0019-W053	do	4.4.1	do	do	Do.
(ay) 701-0019-W054	do	4.4.1	do	do	Do.
(az) 701-0019-W055	do	4.4.1	do	do	Do.
(ba) 701-0019-W056	do	4.4.1	do	do	Do.
(bb) 701-0019-W057	do	4.4.1	do	do	Do.
(bc) 701-0019-W058	do	4.4.1	do	do	Do.
(bd) 701-0019-W059	do	4.4.1	do	do	Do.
(be) 701-0019-W060	do	4.4.1	do	do	Do.
(bf) 701-0019-W061	do	4.4.1	do	do	Do.
(bg) 701-0019-W062	do	4.4.1	do	do	Do.
(bh) 701-0019-W063	do	4.4.1	do	do	Do.
(bi) 701-0019-W064	do	4.4.1	do	do	Do.
(bj) 701-0019-W065	do	4.4.1	do	do	Do.
(bk) 701-0019-W066	do	4.4.1	do	do	Do.
(bl) 701-0019-W067	do	4.4.1	do	do	Do.
(bm) 701-0019-W068	do	4.4.1	do	do	Do.
(bn) 701-0019-W069	do	4.4.1	do	do	Do.
(bo) 701-0019-W070	do	4.4.1	do	do	Do.
(bp) 701-0019-W071	do	4.4.1	do	do	Do.
(bq) 701-0019-W072	do	4.4.1	do	do	Do.
(br) 701-0019-W073	do	4.4.1	do	do	Do.
(bs) 701-0019-W074	do	4.4.1	do	do	Do.
(bt) 701-0019-W075	do	4.4.1	do	do	Do.
(bu) 701-0019-W076	do	4.4.1	do	do	Do.
(bv) 701-0019-W077	do	4.4.1	do	do	Do.
(bw) 701-0019-W078	do	4.4.1	do	do	Do.
(bx) 701-0019-W079	do	4.4.1	do	do	Do.
(by) 701-0019-W080	do	4.4.1	do	do	Do.
(bz) 701-0019-W081	do	4.4.1	do	do	Do.
(ca) 701-0019-W082	do	4.4.1	do	do	Do.
(cb) 701-0019-W083	do	4.4.1	do	do	Do.
(cc) 701-0019-W084	do	4.4.1	do	do	Do.
(cd) 701-0019-W085	do	4.4.1	do	do	Do.
(ce) 701-0019-W086	do	4.4.1	do	do	Do.
(cf) 701-0019-W087	do	4.4.1	do	do	Do.
(cg) 701-0019-W088	do	4.4.1	do	do	Do.
(ch) 701-0019-W089	do	4.4.1	do	do	Do.
(ci) 701-0019-W090	do	4.4.1	do	do	Do.
(cj) 701-0019-W091	do	4.4.1	do	do	Do.
(ck) 701-0019-W092	do	4.4.1	do	do	Do.
(cl) 701-0019-W093	do	4.4.1	do	do	Do.
(cm) 701-0019-W094	do	4.4.1	do	do	Do.
(cn) 701-0019-W095	do	4.4.1	do	do	Do.
(co) 701-0019-W096	do	4.4.1	do	do	Do.
(cp) 701-0019-W097	do	4.4.1	do	do	Do.
(cq) 701-0019-W098	do	4.4.1	do	do	Do.
(cr) 701-0019-W099	do	4.4.1	do	do	Do.
(cs) 701-0019-W100	do	4.4.1	do	do	Do.
(ct) 701-0019-W101	do	4.4.1	do	do	Do.
(cu) 701-0019-W102	do	4.4.1	do	do	Do.
(cv) 701-0019-W103	do	4.4.1	do	do	Do.
(cw) 701-0019-W104	do	4.4.1	do	do	Do.
(cx) 701-0019-W105	do	4.4.1	do	do	Do.
(cy) 701-0019-W106	do	4.4.1	do	do	Do.
(cz) 701-0019-W107	do	4.4.1	do	do	Do.
(ca) 701-0019-W108	do	4.4.1	do	do	Do.
(cb) 701-0019-W109	do	4.4.1	do	do	Do.
(cc) 701-0019-W110	do	4.4.1	do	do	Do.
(cd) 701-0019-W111	do	4.4.1	do	do	Do.
(ce) 701-0019-W112	do	4.4.1	do	do	Do.
(cf) 701-0019-W113	do	4.4.1	do	do	Do.
(cf) 701-0019-W114	do	4.4.1	do	do	Do.
(cf) 701-0019-W115	do	4.4.1	do	do	Do.
(cf) 701-0019-W116	do	4.4.1	do	do	Do.
(cf) 701-0019-W117	do	4.4.1	do	do	Do.
(cf) 701-0019-W118	do	4.4.1	do	do	Do.
(cf) 701-0019-W119	do	4.4.1	do	do	Do.
(cf) 701-0019-W120	do	4.4.1	do	do	Do.
(cf) 701-0019-W121	do	4.4.1	do	do	Do.
(cf) 701-0019-W122	do	4.4.1	do	do	Do.
(cf) 701-0019-W123	do	4.4.1	do	do	Do.
(cf) 701-0019-W124	do	4.4.1	do	do	Do.
(cf) 701-0019-W125	do	4.4.1	do	do	Do.
(cf) 701-0019-W126	do	4.4.1	do	do	Do.
(cf) 701-0019-W127	do	4.4.1	do	do	Do.
(cf) 701-0019-W128	do	4.4.1	do	do	Do.
(cf) 701-0019-W129	do	4.4.1	do	do	Do.
(cf) 701-0019-W130	do	4.4.1	do	do	Do.
(cf) 701-0019-W131	do	4.4.1	do	do	Do.
(cf) 701-0019-W132	do	4.4.1	do	do	Do.
(cf) 701-0019-W133	do	4.4.1	do	do	Do.
(cf) 701-0019-W134	do	4.4.1	do	do	Do.
(cf) 701-0019-W135	do	4.4.1	do	do	Do.
(cf) 701-0019-W136	do	4.4.1	do	do	Do.
(cf) 701-0019-W137	do	4.4.1	do	do	Do.
(cf) 701-0019-W138	do	4.4.1	do	do	Do.
(cf) 701-0019-W139	do	4.4.1	do	do	Do.
(cf) 701-0019-W140	do	4.4.1	do	do	Do.
(cf) 701-0019-W141	do	4.4.1	do	do	Do.
(cf) 701-0019-W142	do	4.4.1	do	do	Do.
(cf) 701-0019-W143	do	4.4.1	do	do	Do.
(cf) 701-0019-W144	do	4.4.1	do	do	Do.
(cf) 701-0019-W145	do	4.4.1	do	do	Do.
(cf) 701-0019-W146	do	4.4.1	do	do	Do.
(cf) 701-0019-W147	do	4.4.1	do	do	Do.
(cf) 701-0019-W148	do	4.4.1	do	do	Do.
(cf) 701-0019-W149	do	4.4.1	do	do	Do.
(cf) 701-0019-W150	do	4.4.1	do	do	Do.
(cf) 701-0019-W151	do	4.4.1	do	do	Do.
(cf) 701-0019-W152	do	4.4.1	do	do	Do.
(cf) 701-0019-W153	do	4.4.1	do	do	Do.
(cf) 701-0019-W154	do	4.4.1	do	do	Do.
(cf) 701-0019-W155	do	4.4.1	do	do	Do.
(cf) 701-0019-W156	do	4.4.1	do	do	Do.
(cf) 701-0019-W157	do	4.4.1	do	do	Do.
(cf) 701-0019-W158	do	4.4.1	do	do	Do.
(cf) 701-0019-W159	do	4.4.1	do	do	Do.
(cf) 701-0019-W160	do	4.4.1	do	do	Do.
(cf) 701-0019-W161	do	4.4.1	do	do	Do.
(cf) 701-0019-W162	do	4.4.1	do	do	Do.
(cf) 701-0019-W163	do	4.4.1	do	do	Do.
(cf) 701-0019-W164	do	4.4.1	do	do	Do.
(cf) 701-0019-W165	do	4.4.1	do	do	Do.
(cf) 701-0019-W166	do	4.4.1	do	do	Do.
(cf) 701-0019-W167	do	4.4.1	do	do	Do.
(cf) 701-0019-W168	do	4.4.1	do	do	Do.
(cf) 701-0019-W169	do	4.4.1	do	do	Do.
(cf) 701-0019-W170	do	4.4.1	do	do	Do.
(cf) 701-0019-W171	do	4.4.1	do	do	Do.
(cf) 701-0019-W172	do	4.4.1	do	do	Do.
(cf) 701-0019-W173	do	4.4.1	do	do	Do.
(cf) 701-00					



STATE OF ALABAMA—Continued

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Trinity Stone Co., Inc., permit No. 713-0019-W001	Trinity	4.2.1; 4.2.2	do	do	June 30, 1974
Wellervine Tube Division permit No. (a) 713-0018-W001	Dossatur	4.4.1	Jan. 8, 1973	do	Apr. 30, 1974
(b) 713-0018-W002	do	4.4.1	do	do	Do.
(c) 713-0018-W003	do	4.4.1	do	do	Do.
(d) 713-0018-W004	do	4.4.1	do	do	Do.
C. W. Knight & Sons Lumber Co., permit No. 713-0016-W001	Haleyville	3.1	Jan. 10, 1973	do	July 1, 1973

JEFFERSON COUNTY

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Allied Chemical Corp. permit No. (a) 407-0015-2101	Birmingham	6.4	Jan. 17, 1973	do	Mar. 31, 1974
(b) 407-0015-2102	do	6.4	do	do	Jan. 31, 1974
(c) 407-0015-2103	do	6.4	do	do	Feb. 28, 1973
Alpena Portland Cement Co. permit No. (a) 407-0020-2901	do	6.2	do	do	July 1, 1973
(b) 407-0020-2902	do	6.1; 6.4	do	do	Do.
American Cast Iron Pipe Co. permit No. (a) 407-0030-3101	do	6.1; 6.4	do	do	Dec. 31, 1974
(b) 407-0030-3102	do	6.1; 6.4	do	do	Do.
(c) 407-0030-3103	do	6.1; 6.4	do	do	Do.
(d) 407-0030-3104	do	6.1; 6.4	do	do	Do.
(e) 407-0030-3105	do	6.1; 6.4	do	do	Do.
(f) 407-0030-3106	do	6.1; 6.4	do	do	Do.
(g) 407-0030-3107	do	6.1; 6.4	do	do	Do.
(h) 407-0030-3108	do	6.1; 6.4	do	do	Do.
(i) 407-0030-3109	do	6.1; 6.4	do	do	Do.
(j) 407-0030-3110	do	6.1; 6.4	do	do	Do.
(k) 407-0030-3111	do	6.1; 6.4	do	do	Do.
(l) 407-0030-3112	do	6.1; 6.4	do	do	Do.
(m) 407-0030-3113	do	6.1; 6.4	do	do	Do.
(n) 407-0030-3114	do	6.1; 6.4	do	do	Do.
(o) 407-0030-3115	do	6.1; 6.4	do	do	Do.
(p) 407-0030-3116	do	6.1; 6.4	do	do	Do.
(q) 407-0030-3117	do	6.1; 6.4	do	do	Do.
(r) 407-0030-3118	do	6.1; 6.4	do	do	Do.
(s) 407-0030-3119	do	6.1; 6.4	do	do	Do.
(t) 407-0030-3120	do	6.1; 6.4	do	do	Do.
(u) 407-0030-3121	do	6.1; 6.4	do	do	Do.
(v) 407-0030-3122	do	6.1; 6.4	do	do	Do.
(w) 407-0030-3123	do	6.1; 6.4	do	do	Do.
(x) 407-0030-3124	do	6.1; 6.4	do	do	Do.
(y) 407-0030-3125	do	6.1; 6.4	do	do	Do.
(z) 407-0030-3126	do	6.1; 6.4	do	do	Do.
(aa) 407-0030-3127	do	6.1; 6.4	do	do	Do.
(ab) 407-0030-3128	do	6.1; 6.4	do	do	Do.
(ac) 407-0030-3129	do	6.1; 6.4	do	do	Do.
(ad) 407-0030-3130	do	6.1; 6.4	do	do	Do.
(ae) 407-0030-3131	do	6.1; 6.4	do	do	Do.
(af) 407-0030-3132	do	6.1; 6.4	do	do	Do.
(ag) 407-0030-3133	do	6.1; 6.4	do	do	Do.
(ah) 407-0030-3134	do	6.1; 6.4	do	do	Do.
(ai) 407-0030-3135	do	6.1; 6.4	do	do	Do.
(aj) 407-0030-3136	do	6.1; 6.4	do	do	Do.
(ak) 407-0030-3137	do	6.1; 6.4	do	do	Do.
(al) 407-0030-3138	do	6.1; 6.4	do	do	Do.
(am) 407-0030-3139	do	6.1; 6.4	do	do	Do.
(an) 407-0030-3140	do	6.1; 6.4	do	do	Do.
(ao) 407-0030-3141	do	6.1; 6.4	do	do	Do.
(ap) 407-0030-3142	do	6.1; 6.4	do	do	Do.
(aq) 407-0030-3143	do	6.1; 6.4	do	do	Do.
(ar) 407-0030-3144	do	6.1; 6.4	do	do	Do.
(as) 407-0030-3145	do	6.1; 6.4	do	do	Do.
(at) 407-0030-3146	do	6.1; 6.4	do	do	Do.
(au) 407-0030-3147	do	6.1; 6.4	do	do	Do.
(av) 407-0030-3148	do	6.1; 6.4	do	do	Do.
(aw) 407-0030-3149	do	6.1; 6.4	do	do	Do.
(ax) 407-0030-3150	do	6.1; 6.4	do	do	Do.
Anderson Electric Corp. permit No. (a) 407-0021-2001	Leeds	6.4	do	do	Mar. 1, 1973
(b) 407-0021-2002	do	6.4	do	do	Apr. 1, 1973
(c) 407-0021-2003	do	6.4	do	do	Dec. 1, 1974
(d) 407-0021-2004	do	6.4	do	do	Do.
(e) 407-0021-2005	do	6.4	do	do	Do.
(f) 407-0021-2006	do	6.4	do	do	Do.
(g) 407-0021-2007	do	6.4	do	do	Do.
(h) 407-0021-2008	do	6.4	do	do	Do.
(i) 407-0021-2009	do	6.4	do	do	Do.
(j) 407-0021-2010	do	6.4	do	do	Do.
(k) 407-0021-2011	do	6.4	do	do	Do.
(l) 407-0021-2012	do	6.4	do	do	Do.
(m) 407-0021-2013	do	6.4	do	do	Do.
(n) 407-0021-2014	do	6.4	do	do	Do.
(o) 407-0021-2015	do	6.4	do	do	Do.
(p) 407-0021-2016	do	6.4	do	do	Do.
(q) 407-0021-2017	do	6.4	do	do	Do.
(r) 407-0021-2018	do	6.4	do	do	Do.
(s) 407-0021-2019	do	6.4	do	do	Do.
(t) 407-0021-2020	do	6.4	do	do	Do.
(u) 407-0021-2021	do	6.4	do	do	Do.
(v) 407-0021-2022	do	6.4	do	do	Do.
(w) 407-0021-2023	do	6.4	do	do	Do.
(x) 407-0021-2024	do	6.4	do	do	Do.
(y) 407-0021-2025	do	6.4	do	do	Do.
(z) 407-0021-2026	do	6.4	do	do	Do.
(aa) 407-0021-2027	do	6.4	do	do	Do.
(ab) 407-0021-2028	do	6.4	do	do	Do.
(ac) 407-0021-2029	do	6.4	do	do	Do.
(ad) 407-0021-2030	do	6.4	do	do	Do.
(ae) 407-0021-2031	do	6.4	do	do	Do.
(af) 407-0021-2032	do	6.4	do	do	Do.
(ag) 407-0021-2033	do	6.4	do	do	Do.
(ah) 407-0021-2034	do	6.4	do	do	Do.
(ai) 407-0021-2035	do	6.4	do	do	Do.
(aj) 407-0021-2036	do	6.4	do	do	Do.
(ak) 407-0021-2037	do	6.4	do	do	Do.
(al) 407-0021-2038	do	6.4	do	do	Do.
(am) 407-0021-2039	do	6.4	do	do	Do.
(an) 407-0021-2040	do	6.4	do	do	Do.
(ao) 407-0021-2041	do	6.4	do	do	Do.
(ap) 407-0021-2042	do	6.4	do	do	Do.
(aq) 407-0021-2043	do	6.4	do	do	Do.
(ar) 407-0021-2044	do	6.4	do	do	Do.
(as) 407-0021-2045	do	6.4	do	do	Do.
(at) 407-0021-2046	do	6.4	do	do	Do.
(au) 407-0021-2047	do	6.4	do	do	Do.
(av) 407-0021-2048	do	6.4	do	do	Do.
(aw) 407-0021-2049	do	6.4	do	do	Do.
(ax) 407-0021-2050	do	6.4	do	do	Do.
(ay) 407-0021-2051	do	6.4	do	do	Do.
(az) 407-0021-2052	do	6.4	do	do	Do.
(ba) 407-0021-2053	do	6.4	do	do	Do.
(bb) 407-0021-2054	do	6.4	do	do	Do.
(bc) 407-0021-2055	do	6.4	do	do	Do.
(bd) 407-0021-2056	do	6.4	do	do	Do.
(be) 407-0021-2057	do	6.4	do	do	Do.
(bf) 407-0021-2058	do	6.4	do	do	Do.
(bg) 407-0021-2059	do	6.4	do	do	Do.
(bh) 407-0021-2060	do	6.4	do	do	Do.
(bi) 407-0021-2061	do	6.4	do	do	Do.
(bj) 407-0021-2062	do	6.4	do	do	Do.
(bk) 407-0021-2063	do	6.4	do	do	Do.
(bl) 407-0021-2064	do	6.4	do	do	Do.
(bm) 407-0021-2065	do	6.4	do	do	Do.
(bn) 407-0021-2066	do	6.4	do	do	Do.
(bo) 407-0021-2067	do	6.4	do	do	Do.
(bp) 407-0021-2068	do	6.4	do	do	Do.
(bq) 407-0021-2069	do	6.4	do	do	Do.
(br) 407-0021-2070	do	6.4	do	do	Do.
(bs) 407-0021-2071	do	6.4	do	do	Do.
(bt) 407-0021-2072	do	6.4	do	do	Do.
(bu) 407-0021-2073	do	6.4	do	do	Do.
(bv) 407-0021-2074	do	6.4	do	do	Do.
(bw) 407-0021-2075	do	6.4	do	do	Do.
(bx) 407-0021-2076	do	6.4	do	do	Do.
(by) 407-0021-2077	do	6.4	do	do	Do.
(bz) 407-0021-2078	do	6.4	do	do	Do.
(ca) 407-0021-2079	do	6.4	do	do	Do.
(cb) 407-0021-2080	do	6.4	do	do	Do.
(cc) 407-0021-2081	do	6.4	do	do	Do.
(cd) 407-0021-2082	do	6.4	do	do	Do.
(ce) 407-0021-2083	do	6.4	do	do	Do.
(cf) 407-0021-2084	do	6.4	do	do	Do.
(cg) 407-0021-2085	do	6.4	do	do	Do.
(ch) 407-0021-2086	do	6.4	do	do	Do.
(ci) 407-0021-2087	do	6.4	do	do	Do.
(cj) 407-0021-2088	do	6.4	do	do	Do.
(ck) 407-0021-2089	do	6.4	do	do	Do.
(cl) 407-0021-2090	do	6.4	do	do	Do.
(cm) 407-0021-2091	do	6.4	do	do	Do.
(cn) 407-0021-2092	do	6.4	do	do	Do.
(co) 407-0021-2093	do	6.4	do	do	Do.
(cp) 407-0021-2094	do	6.4	do	do	Do.
(cq) 407-0021-2095	do	6.4	do	do	Do.
(cr) 407-0021-2096	do	6.4	do	do	Do.
(cs) 407-0021-2097	do	6.4	do	do	Do.
(ct) 407-0021-2098	do	6.4	do	do	Do.
(cu) 407-0021-2099	do	6.4	do	do	Do.
(cv) 407-0021-2100	do	6.4	do	do	Do.
(cw) 407-0021-2101	do	6.4	do	do	Do.
(cx) 407-0021-2102	do	6.4	do	do	Do.
(cy) 407-0021-2103	do	6.4	do	do	Do.
(cz) 407-0021-2104	do	6.4	do	do	Do.
(da) 407-0021-2105	do	6.4	do	do	Do.
(db) 407-0021-2106	do	6.4	do	do	Do.
(dc) 407-0021-2107	do	6.4	do	do	Do.
(dd) 407-0021-2108	do	6.4	do	do	Do.
(de) 407-0021-2109	do	6.4	do	do	Do.
(df) 407-0021-2110	do	6.4	do	do	Do.
(dg) 407-0021-2111	do	6.4	do	do	Do.
(dh) 407-0021-2112	do	6.4	do	do	Do.
(di) 407-0021-2113	do	6.4	do	do	Do.
(dj) 407-0021-2114	do	6.4	do	do	Do.



PROPOSED RULES

STATE OF ALABAMA—Continued

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Hayes International Corp. permit No.:	Birmingham				
(a) 407-0150-233	do	6.1	do	do	Oct. 15, 1973
(b) 407-0150-233	do	6.3	do	do	Do.
(c) 407-0150-233	do	6.3	do	do	Do.
(d) 407-0150-234	do	6.3	do	do	Do.
(e) 407-0150-234	do	6.3	do	do	Do.
(f) 407-0150-236	do	6.3	do	do	Do.
(g) 407-0150-236	do	6.3	do	do	Do.
(h) 407-0150-236	do	6.3	do	do	Do.
Hercules, Inc., permit No.:	Bessemer				
(a) 407-0150-2101	do	10.1	do	do	Mar. 1, 1975
(b) 407-0150-2101	do	3.1	do	do	Feb. 1, 1975
Jefferson Foundry Co. permit No.:	Birmingham				
(a) 407-0150-2101	do	6.1; 6.3; 3.1	do	do	Dec. 1, 1974
(b) 407-0150-2102	do	6.4	do	do	Nov. 1, 1974
Jefferson Foundry Co. permit No.:	do				
(a) 407-0151-2101	do	6.1; 6.4	do	do	June 30, 1973
(b) 407-0151-2101	do	6.1; 6.3; 3.1	do	do	Dec. 1, 1974
(c) 407-0151-2101	do	6.1; 6.3; 3.1	do	do	Jan. 1, 1975
Jones Foundry permit No. 407-0150-2101	Bessemer				
(a) 407-0150-2101	do	6.1; 6.3; 3.1	do	do	Dec. 31, 1974
Lewis Machines & Foundry Co. per- mit No. 407-0200-2101	Birmingham				
(a) 407-0200-2101	do	6.1; 6.4	do	do	May 15, 1974
(b) 407-0200-2102	do	6.1; 6.4	do	do	Do.
(c) 407-0200-2103	do	6.1; 6.4	do	do	Do.
Martin Marietta Cement permit No.:	do				
(a) 407-0215-2101	do	6.1	May 16, 1973	do	Dec. 31, 1973
(b) 407-0215-2102	do	6.2	do	do	Do.
McWane Cast Iron Pipe Co. permit No.:	do				
(a) 407-0230-2101	do	6.1	do	do	June 30, 1974
(b) 407-0230-2102	do	6.1; 6.4	do	do	Do.
(c) 407-0230-2103	do	6.1; 6.4	do	do	Do.
Miller Foundry Co. permit No.:	Lovick				
(a) 407-0235-2101	do	6.1; 6.4; 9.1	Jan. 17, 1973	do	June 1, 1975
(b) 407-0235-2102	do	6.1; 6.4; 9.1	do	do	Oct. 30, 1974
National Metals, Inc., permit No.:	Leeds				
(a) 407-0490-2101	do	6.1; 6.4	do	do	Dec. 1, 1974
Republics Steel Corp. permit No.:	Birmingham				
(a) 407-0239-2102	do	1.13	do	do	July 1, 1974
Rock Wood Manufacturing Co. permit No.:	Leeds				
(a) 407-0249-2101	do	6.1; 6.4	do	do	Oct. 1, 1973
Southeast Contractors, Inc., permit No. 407-0254-2101	Bessemer				
(a) 407-0254-2101	do	6.1; 6.4	May 16, 1973	do	Nov. 1, 1973
Southern Electric Steel Co. permit No. 407-0259-2102	Birmingham				
(a) 407-0259-2102	do	6.1; 6.4	Jan. 17, 1973	do	Dec. 31, 1973
Stockton Valve & Fitting Co. permit No.:	do				
(a) 407-0270-2101	do	6.1	do	do	Jan. 2, 1975
(b) 407-0270-2102	do	6.1	do	do	Oct. 1, 1974
(c) 407-0270-2103	do	6.1	do	do	Do.
(d) 407-0270-2104	do	6.1	do	do	Do.
(e) 407-0270-2105	do	6.1	do	do	Do.
(f) 407-0270-2106	do	6.1	do	do	Do.
(g) 407-0270-2107	do	6.1	do	do	Do.
(h) 407-0270-2108	do	6.1	do	do	Do.
(i) 407-0270-2109	do	6.1	do	do	Do.
(j) 407-0270-2110	do	6.1	do	do	Do.
(k) 407-0270-2111	do	6.1	do	do	Do.
(l) 407-0270-2112	do	6.1	do	do	Do.
(m) 407-0270-2113	do	6.1	do	do	Do.
(n) 407-0270-2114	do	6.1	do	do	Do.
(o) 407-0270-2115	do	6.1	do	do	Do.
(p) 407-0270-2116	do	6.1	do	do	Do.
(q) 407-0270-2117	do	6.1	do	do	Do.
(r) 407-0270-2118	do	6.1	do	do	Do.
(s) 407-0270-2119	do	6.1	do	do	Do.
(t) 407-0270-2120	do	6.1	do	do	Do.
Thomas Foundries, Inc., permit No.:	do				
(a) 407-0285-2101	do	6.1; 6.4	do	do	Dec. 31, 1973
(b) 407-0285-2102	do	6.4	do	do	Do.
(c) 407-0285-2103	do	6.1	May 16, 1973	do	Sept. 1, 1973
(d) 407-0285-2104	do	6.1	Jan. 17, 1973	do	July 15, 1973
U.S. Gypsum Co. permit No. 407-0300-2101	do				
(a) 407-0300-2101	do	6.1; 6.4; 9.1	do	do	Jan. 30, 1974
United Chair Co. permit No.:	Leeds				
(a) 407-0290-2101	do	6.1	do	do	Jan. 30, 1974

STATE OF ALABAMA—Continued

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
W. J. Bullock, Inc., permit No.:	Fairfield				
(a) 407-0098-2101	do	6.1; 6.4	do	do	Dec. 31, 1973
(b) 407-0098-2102	do	6.1; 6.4	do	do	Do.
(c) 407-0098-2103	do	6.1; 6.4	do	do	Do.
(d) 407-0098-2104	do	6.1; 6.4	do	do	Do.
(e) 407-0098-2105	do	6.1; 6.4	do	do	Do.
(f) 407-0098-2106	do	6.1; 6.4	do	do	Do.
(g) 407-0098-2107	do	6.1; 6.4	do	do	Do.
(h) 407-0098-2108	do	6.1; 6.4	do	do	Do.
(i) 407-0098-2109	do	6.1; 6.4	do	do	Do.
(j) 407-0098-2110	do	6.1; 6.4	do	do	Do.
(k) 407-0098-2111	do	6.1; 6.4	do	do	Do.
(l) 407-0098-2112	do	6.1; 6.4	do	do	Do.
(m) 407-0098-2113	do	6.1; 6.4	do	do	Do.
(n) 407-0098-2114	do	6.1; 6.4	do	do	Do.
(o) 407-0098-2115	do	6.1; 6.4	do	do	Do.
(p) 407-0098-2116	do	6.1; 6.4	do	do	Do.
(q) 407-0098-2117	do	6.1; 6.4	do	do	Do.
(r) 407-0098-2118	do	6.1; 6.4	do	do	Do.
(s) 407-0098-2119	do	6.1; 6.4	do	do	Do.
(t) 407-0098-2120	do	6.1; 6.4	do	do	Do.
Calhoun Foundry & Mach. Co. per- mit No.:	Birmingham				
(a) 407-0470-2101	do	6.1	Jan. 17, 1973	do	May 15, 1974
(b) 407-0470-2102	do	6.1; 6.4	do	do	Do.
(c) 407-0470-2103	do	6.1; 6.4	do	do	Do.
Calhoun Foundry & Machines Co. permit No. 407-0471-2101	Leeds				
(a) 407-0471-2101	do	6.1; 6.4	do	do	Dec. 31, 1973
Celox Corp. permit No.:	Birmingham				
(a) 407-0465-2101	do	6.1	do	do	Aug. 1, 1974
(b) 407-0465-2102	do	6.1	do	do	Sept. 1, 1974
(c) 407-0465-2103	do	6.1	do	do	July 31, 1973
Cleveland Electric Co. permit No.:	do				
(a) 407-0071-2101	do	6.1; 6.4	do	do	Oct. 30, 1974
Crow Corp. permit No.:	do				
(a) 407-0619-2101	do	6.1; 6.4	do	do	May 15, 1974
(b) 407-0619-2102	do	6.1; 6.4	do	do	Do.
(c) 407-0619-2103	do	6.1; 6.4	do	do	Do.
(d) 407-0619-2104	do	6.1; 6.4	do	do	Do.
(e) 407-0619-2105	do	6.1; 6.4	do	do	Do.
(f) 407-0619-2106	do	6.1; 6.4	do	do	Do.
(g) 407-0619-2107	do	6.1; 6.4	do	do	Do.
(h) 407-0619-2108	do	6.1; 6.4	do	do	Do.
(i) 407-0619-2109	do	6.1; 6.4	do	do	Do.
(j) 407-0619-2110	do	6.1; 6.4	do	do	Do.
(k) 407-0619-2111	do	6.1; 6.4	do	do	Do.
(l) 407-0619-2112	do	6.1; 6.4	do	do	Do.
(m) 407-0619-2113	do	6.1; 6.4	do	do	Do.
(n) 407-0619-2114	do	6.1; 6.4	do	do	Do.
(o) 407-0619-2115	do	6.1; 6.4	do	do	Do.
(p) 407-0619-2116	do	6.1; 6.4	do	do	Do.
(q) 407-0619-2117	do	6.1; 6.4	do	do	Do.
(r) 407-0619-2118	do	6.1; 6.4	do	do	Do.
(s) 407-0619-2119	do	6.1; 6.4	do	do	Do.
(t) 407-0619-2120	do	6.1; 6.4	do	do	Do.
Continental Can Co., Inc., permit No.:	Fairfield				
(a) 407-0084-2101	do	6.1	do	do	Dec. 31, 1974
(b) 407-0084-2102	do	6.1	do	do	Do.
(c) 407-0084-2103	do	6.1	do	do	Do.
(d) 407-0084-2104	do	6.1	do	do	Do.
(e) 407-0084-2105	do	6.1	do	do	Do.
(f) 407-0084-2106	do	6.1	do	do	Do.
(g) 407-0084-2107	do	6.1	do	do	Do.
(h) 407-0084-2108	do	6.1	do	do	Do.
(i) 407-0084-2109	do	6.1	do	do	Do.
(j) 407-0084-2110	do	6.1	do	do	Do.
(k) 407-0084-2111	do	6.1	do	do	Do.
(l) 407-0084-2112	do	6.1	do	do	Do.
(m) 407-0084-2113	do	6.1	do	do	Do.
(n) 407-0084-2114	do	6.1	do	do	Do.
(o) 407-0084-2115	do	6.1	do	do	Do.
(p) 407-0084-2116	do	6.1	do	do	Do.
(q) 407-0084-2117	do	6.1	do	do	Do.
(r) 407-0084-2118	do	6.1	do	do	Do.
(s) 407-0084-2119	do	6.1	do	do	Do.
(t) 407-0084-2120	do	6.1	do	do	Do.
Continental Can Co., Inc., permit No.:	Fairfield				
(a) 407-0084-2101	do	6.1	do	do	Dec. 31, 1974
(b) 407-0084-2102	do	6.1	do	do	Do.
(c) 407-0084-2103	do	6.1	do	do	Do.
(d) 407-0084-2104	do	6.1	do	do	Do.
(e) 407-0084-2105	do	6.1	do	do	Do.
(f) 407-0084-2106	do	6.1	do	do	Do.
(g) 407-0084-2107	do	6.1	do	do	Do.
(h) 407-0084-2108	do	6.1	do	do	Do.
(i) 407-0084-2109	do	6.1	do	do	Do.
(j) 407-0084-2110	do	6.1	do	do	Do.
(k) 407-0084-2111	do	6.1	do	do	Do.
(l) 407-0084-2112	do	6.1	do	do	Do.
(m) 407-0084-2113	do	6.1	do	do	Do.
(n) 407-0084-2114	do	6.1	do	do	Do.
(o) 407-0084-2115	do	6.1	do	do	Do.
(p) 407-0084-2116	do	6.1	do	do	Do.
(q) 407-0084-2117	do	6.1	do	do	Do.
(r) 407-0084-2118	do	6.1	do	do	Do.
(s) 407-0084-2119	do	6.1	do	do	Do.
(t) 407-0084-2120	do	6.1	do	do	Do.
Copper Foundry permit No.:	Birmingham				
(a) 407-0100-2101	do	6.1; 6.5; 9.1	do	do	May 1, 1975
(b) 407-0100-2102	do	6.4	do	do	Do.
Cranes Foundry Co. permit No.:	do				
(a) 407-110-2101	do	6.1; 6.5; 9.1	do	do	Mar.



STATE OF ALABAMA—Continued

STATE OF ALABAMA—Continued

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Universal Atlas Cement Div., U.S. Steel Corp. permit No.: 407-0260-2107	do	6.1	do	do	May 2, 1975
U.S. Pipe & Foundry Co. permit No.: (a) 407-0260-2107	Birmingham	6.1	do	do	July 15, 1974
(b) 407-0260-2108	do	6.1, 6.3	do	do	Dec
(c) 407-0260-2109	do	6.1	do	do	Dec
U.S. Pipe & Foundry Co. permit No.: (a) 407-0260-2110	Birmingham	6.1	do	do	Jan 1, 1975
(b) 407-0260-2111	do	6.1, 6.4	do	do	May 1, 1975
(c) 407-0260-2112	do	6.1, 6.4	do	do	Dec
(d) 407-0260-2113	do	6.1, 6.4	do	do	Dec
(e) 407-0260-2114	do	6.1, 6.4	do	do	Dec
(f) 407-0260-2115	do	6.1, 6.4	do	do	Dec
(g) 407-0260-2116	do	6.1, 6.4	do	do	Dec
(h) 407-0260-2117	do	6.1, 6.4	do	do	Dec
(i) 407-0260-2118	do	6.1, 6.4	do	do	Dec
(j) 407-0260-2119	do	6.1, 6.4	do	do	Dec
(k) 407-0260-2120	do	6.1, 6.4	do	do	Dec
(l) 407-0260-2121	do	6.1, 6.4	do	do	Dec
(m) 407-0260-2122	do	6.1, 6.4	do	do	Dec
(n) 407-0260-2123	do	6.1, 6.4	do	do	Dec
(o) 407-0260-2124	do	6.1, 6.4	do	do	Dec
(p) 407-0260-2125	do	6.1, 6.4	do	do	Dec
(q) 407-0260-2126	do	6.1, 6.4	do	do	Dec
(r) 407-0260-2127	do	6.1, 6.4	do	do	Dec
(s) 407-0260-2128	do	6.1, 6.4	do	do	Dec
(t) 407-0260-2129	do	6.1, 6.4	do	do	Dec
(u) 407-0260-2130	do	6.1, 6.4	do	do	Dec
(v) 407-0260-2131	do	6.1, 6.4	do	do	Dec
(w) 407-0260-2132	do	6.1, 6.4	do	do	Dec
(x) 407-0260-2133	do	6.1, 6.4	do	do	Dec
(y) 407-0260-2134	do	6.1, 6.4	do	do	Dec
(z) 407-0260-2135	do	6.1, 6.4	do	do	Dec
U.S. Pipe & Foundry Co. permit No.: (a) 407-0260-2136	do	6.1, 6.4	do	do	Jan. 15, 1974
(b) 407-0260-2137	do	6.1, 6.4, 6.5	do	do	Dec
(c) 407-0260-2138	do	6.1, 6.4, 6.5	do	do	Dec
(d) 407-0260-2139	do	6.1, 6.4, 6.5	do	do	Dec
U.S. Steel Corp. permit No.: (a) 407-0260-2140	Fairfield	6.1, 6.4	Jan. 17, 1973	do	June 1, 1974
(b) 407-0260-2141	do	6.1, 6.4	do	do	Dec
(c) 407-0260-2142	do	6.1, 6.4	do	do	Dec
(d) 407-0260-2143	do	6.1, 6.4	do	do	Dec
(e) 407-0260-2144	do	6.1, 6.4	do	do	Dec
(f) 407-0260-2145	do	6.1, 6.4	do	do	Dec
(g) 407-0260-2146	do	6.1, 6.4	do	do	Dec
(h) 407-0260-2147	do	6.1, 6.4	do	do	Dec
(i) 407-0260-2148	do	6.1, 6.4	do	do	Dec
(j) 407-0260-2149	do	6.1, 6.4	do	do	Dec
(k) 407-0260-2150	do	6.1, 6.4	do	do	Dec
(l) 407-0260-2151	do	6.1, 6.4	do	do	Dec
(m) 407-0260-2152	do	6.1, 6.4	do	do	Dec
(n) 407-0260-2153	do	6.1, 6.4	do	do	Dec
(o) 407-0260-2154	do	6.1, 6.4	do	do	Dec
(p) 407-0260-2155	do	6.1, 6.4	do	do	Dec
(q) 407-0260-2156	do	6.1, 6.4	do	do	Dec
(r) 407-0260-2157	do	6.1, 6.4	do	do	Dec
(s) 407-0260-2158	do	6.1, 6.4	do	do	Dec
(t) 407-0260-2159	do	6.1, 6.4	do	do	Dec
(u) 407-0260-2160	do	6.1, 6.4	do	do	Dec
(v) 407-0260-2161	do	6.1, 6.4	do	do	Dec
(w) 407-0260-2162	do	6.1, 6.4	do	do	Dec
(x) 407-0260-2163	do	6.1, 6.4	do	do	Dec
(y) 407-0260-2164	do	6.1, 6.4	do	do	Dec
(z) 407-0260-2165	do	6.1, 6.4	do	do	Dec

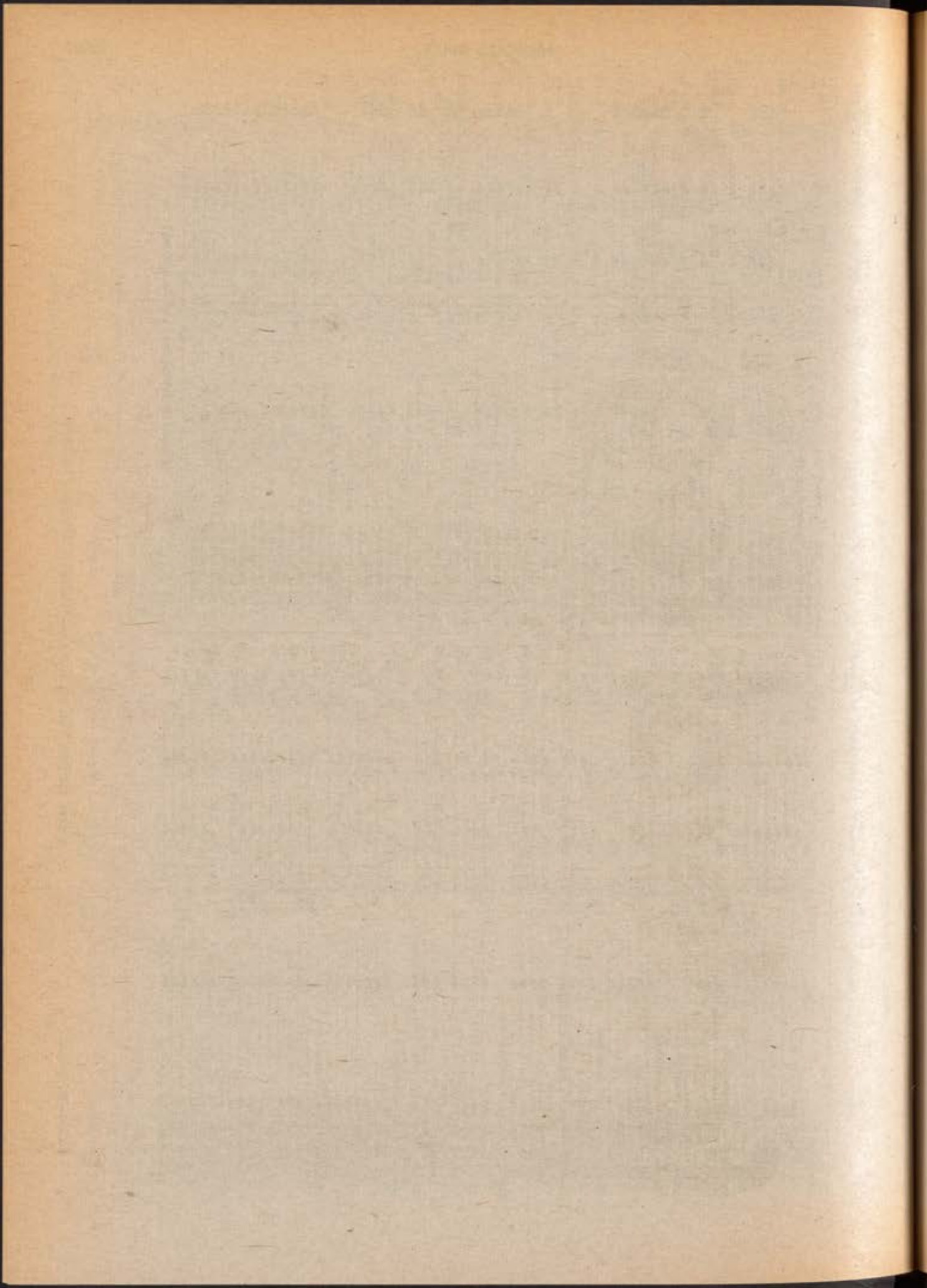
Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
(v) 407-0260-2205	do	6.1, 6.3	do	do	Do.
(w) 407-0260-2206	do	6.1, 6.3	do	do	Do.
(x) 407-0260-2207	do	6.1, 6.3	do	do	Do.
(y) 407-0260-2208	do	6.1, 6.3	do	do	Do.
(z) 407-0260-2209	do	6.1, 6.3	do	do	Do.
(aa) 407-0260-2210	do	6.1, 6.3	do	do	Do.
(ab) 407-0260-2211	do	6.1, 6.3	do	do	Do.
(ac) 407-0260-2212	do	6.1, 6.3	do	do	Do.
(ad) 407-0260-2213	do	6.1, 6.3	do	do	Do.
(ae) 407-0260-2214	do	6.1, 6.3	do	do	Do.
(af) 407-0260-2215	do	6.1, 6.3	do	do	Do.
(ag) 407-0260-2216	do	6.1, 6.3	do	do	Do.
(ah) 407-0260-2217	do	6.1, 6.3	do	do	Do.
(ai) 407-0260-2218	do	6.1, 6.3	do	do	Do.
(aj) 407-0260-2219	do	6.1, 6.3	do	do	Do.
(ak) 407-0260-2220	do	6.1, 6.3	do	do	Do.
(al) 407-0260-2221	do	6.1, 6.3	do	do	Do.
(am) 407-0260-2222	do	6.1, 6.3	do	do	Do.
(an) 407-0260-2223	do	6.1, 6.3	do	do	Do.
(ao) 407-0260-2224	do	6.1, 6.3	do	do	Do.
(ap) 407-0260-2225	do	6.1, 6.3	do	do	Do.
(aq) 407-0260-2226	do	6.1, 6.3	do	do	Do.
(ar) 407-0260-2227	do	6.1, 6.3	do	do	Do.
(as) 407-0260-2228	do	6.1, 6.3	do	do	Do.
(at) 407-0260-2229	do	6.1, 6.3	do	do	Do.
(au) 407-0260-2230	do	6.1, 6.3	do	do	Do.
(av) 407-0260-2231	do	6.1, 6.3	do	do	Do.
(aw) 407-0260-2232	do	6.1, 6.3	do	do	Do.
(ax) 407-0260-2233	do	6.1, 6.3	do	do	Do.
(ay) 407-0260-2234	do	6.1, 6.3	do	do	Do.
(az) 407-0260-2235	do	6.1, 6.3	do	do	Do.
(ba) 407-0260-2236	do	6.1, 6.3	do	do	Do.
(bb) 407-0260-2237	do	6.1, 6.3	do	do	Do.
(bc) 407-0260-2238	do	6.1, 6.3	do	do	Do.
(bd) 407-0260-2239	do	6.1, 6.3	do	do	Do.
(be) 407-0260-2240	do	6.1, 6.3	do	do	Do.
(bf) 407-0260-2241	do	6.1, 6.3	do	do	Do.
(bg) 407-0260-2242	do	6.1, 6.3	do	do	Do.
(bh) 407-0260-2243	do	6.1, 6.3	do	do	Do.
(bi) 407-0260-2244	do	6.1, 6.3	do	do	Do.
(bj) 407-0260-2245	do	6.1, 6.3	do	do	Do.
(bk) 407-0260-2246	do	6.1, 6.3	do	do	Do.
(bl) 407-0260-2247	do	6.1, 6.3	do	do	Do.
(bm) 407-0260-2248	do	6.1, 6.3	do	do	Do.
(bn) 407-0260-2249	do	6.1, 6.3	do	do	Do.
(bo) 407-0260-2250	do	6.1, 6.3	do	do	Do.
(bp) 407-0260-2251	do	6.1, 6.3	do	do	Do.
(bq) 407-0260-2252	do	6.1, 6.3	do	do	Do.
(br) 407-0260-2253	do	6.1, 6.3	do	do	Do.
(bs) 407-0260-2254	do	6.1, 6.3	do	do	Do.
(bt) 407-0260-2255	do	6.1, 6.3	do	do	Do.
(bu) 407-0260-2256	do	6.1, 6.3	do	do	Do.
(bv) 407-0260-2257	do	6.1, 6.3	do	do	Do.
(bw) 407-0260-2258	do	6.1, 6.3	do	do	Do.
(bx) 407-0260-2259	do	6.1, 6.3	do	do	Do.
(by) 407-0260-2260	do	6.1, 6.3	do	do	Do.
(bz) 407-0260-2261	do	6.1, 6.3	do	do	Do.
(ca) 407-0260-2262	do	6.1, 6.3	do	do	Do.
(cb) 407-0260-2263	do	6.1, 6.3	do	do	Do.
(cc) 407-0260-2264	do	6.1, 6.3	do	do	Do.
(cd) 407-0260-2265	do	6.1, 6.3	do	do	Do.
(ce) 407-0260-2266	do	6.1, 6.3	do	do	Do.
(cf) 407-0260-2267	do	6.1, 6.3	do	do	Do.
(cg) 407-0260-2268	do	6.1, 6.3	do	do	Do.
(ch) 407-0260-2269	do	6.1, 6.3	do	do	Do.
(ci) 407-0260-2270	do	6.1, 6.3	do	do	Do.
(cj) 407-0260-2271	do	6.1, 6.3	do	do	Do.
(ck) 407-0260-2272	do	6.1, 6.3	do	do	Do.
(cl) 407-0260-2273	do	6.1, 6.3	do	do	Do.
(cm) 407-0260-2274	do	6.1, 6.3	do	do	Do.
(cn) 407-0260-2275	do	6.1, 6.3	do	do	Do.
(co) 407-0260-2276	do	6.1, 6.3	do	do	Do.
(cp) 407-0260-2277	do	6.1, 6.3	do	do	Do.
(cq) 407-0260-2278	do	6.1, 6.3	do	do	Do.
(cr) 407-0260-2279	do	6.1, 6.3	do	do	Do.
(cs) 407-0260-2280	do	6.1, 6.3	do	do	Do.
(ct) 407-0260-2281	do	6.1, 6.3	do	do	Do.
(cu) 407-0260-2282	do	6.1, 6.3	do	do	Do.
(cv) 407-0260-2283	do	6.1, 6.3	do	do	Do.
(cw) 407-0260-2284	do	6.1, 6.3	do	do	Do.
(cx) 407-0260-2285	do	6.1, 6.3	do	do	Do.
(cy) 407-0260-2286	do	6.1, 6.3	do	do	Do.
(cz) 407-0260-2287	do	6.1, 6.3	do	do	Do.
(ca) 407-0260-2288	do	6.1, 6.3	do	do	Do.
(cb) 407-0260-2289	do	6.1, 6.3	do	do	Do.
(cc) 407-0260-2290	do	6.1, 6.3	do	do	Do.
(cd) 407-0260-2291	do	6.1, 6.3	do	do	Do.
(ce) 407-0260-2292	do	6.1, 6.3	do	do	Do.
(cf) 407-0260-2293	do	6.1, 6.3	do	do	Do.
(cg) 407-0260-2294	do	6.1, 6.3	do	do	Do.
(ch) 407-0260-2295	do	6.1, 6.3	do	do	Do.
(ci) 407-0260-2296	do	6.1, 6.3	do	do	Do.
(cj) 407-0260-2297	do	6.1, 6.3	do	do	Do.
(ck) 407-0260-2298	do	6.1, 6.3	do	do	Do.
(cl) 407-0260-2299	do	6.1, 6.3	do	do	Do.
(cm) 407-0260-2300	do	6.1, 6.3	do	do	Do.
(cn) 407-0260-2301	do	6.1, 6.3	do	do	Do.
(co) 407-0260-2302	do	6.1, 6.3	do	do	Do.
(cp) 407-0260-2303	do	6.1, 6.3	do	do	Do.
(cq) 407-0260-2304	do	6.1, 6.3	do	do	Do.
(cr) 407-0260-2305	do	6.1, 6.3	do	do	Do.
(cs) 407-0260-2306	do	6.1, 6.3	do	do	Do.
(ct) 407-0260-2307	do	6.1, 6.3	do	do	Do.
(cu) 407-0260-2308	do	6.1, 6.3	do	do	Do.
(cv) 407-0260-2309	do	6.1, 6.3	do	do	Do.
(cw) 407-0260-2310	do	6.1, 6.3	do	do	Do.
(cx) 407-0260-2311	do	6.1, 6.3	do	do	Do.
(cy) 407-0260-2312</					



PROPOSED RULES

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Alcon permit No.:					
(a) 503-3003-0005	Mobile	6.4.1	Feb. 2, 1973	do	May 31, 1973
(b) 503-3003-0006	do	6.4.1	do	do	do
(c) 503-3003-0007	do	6.4.1	do	do	do
(d) 503-3003-0008	do	6.4.1	do	do	do
(e) 503-3003-0009	do	6.4.1	do	do	do
(f) 503-3003-0010	do	6.4.1	do	do	do
(g) 503-3003-0011	do	6.4.1	do	do	do
(h) 503-3003-0014	do	6.4.1	do	do	do
Ambridge Heat Corp. permit No.:					
(a) 503-3013-8447	do	8.1.1	Dec. 15, 1972	do	Apr. 30, 1974
(b) 503-3013-8448	do	8.1.1	do	do	Feb. 28, 1974
(c) 503-3013-8449	do	8.1.1	do	do	do
(d) 503-3013-8450	do	8.1.1	do	do	do
American Oil Co. permit No.:					
503-3007-8493	do	8.1	Dec. 1, 1972	do	Dec. 31, 1972
Chemron Asphalt Co. permit No.:					
(a) 503-3002-8408	do	8.1.1	Feb. 2, 1973	do	Oct. 1, 1974
(b) 503-3002-8409	do	8.1.1	do	do	do
(c) 503-3002-8410	do	8.1.1	do	do	do
(d) 503-3002-8411	do	8.1.1	do	do	do
(e) 503-3002-8412	do	8.1.1	do	do	do
(f) 503-3002-8413	do	8.1.1	do	do	do
(g) 503-3002-8414	do	8.1.1	do	do	do
(h) 503-3002-8415	do	8.1.1	do	do	do
(i) 503-3002-8416	do	8.1.1	do	do	do
(j) 503-3002-8417	do	8.1.1	do	do	do
(k) 503-3002-8418	do	8.1.1	do	do	do
(l) 503-3002-8419	do	8.1.1	do	do	do
(m) 503-3002-8420	do	8.1.1	do	do	do
(n) 503-3002-8421	do	8.1.1	do	do	do
(o) 503-3002-8422	do	8.1.1	do	do	do
(p) 503-3002-8423	do	8.1.1	do	do	do
(q) 503-3002-8424	do	8.1.1	do	do	do
(r) 503-3002-8425	do	8.1.1	do	do	do
(s) 503-3002-8426	do	8.1.1	do	do	do
(t) 503-3002-8427	do	8.1.1	do	do	do
(u) 503-3002-8428	do	8.1.1	do	do	do
(v) 503-3002-8429	do	8.1.1	do	do	do
(w) 503-3002-8430	do	8.1.1	do	do	do
(x) 503-3002-8431	do	8.1.1	do	do	do
(y) 503-3002-8432	do	8.1.1	do	do	do
(z) 503-3002-8433	do	8.1.1	do	do	do
(aa) 503-3002-8434	do	8.1.1	do	do	do
(ab) 503-3002-8435	do	8.1.1	do	do	do
(ac) 503-3002-8436	do	8.1.1	do	do	do
(ad) 503-3002-8437	do	8.1.1	do	do	do
(ae) 503-3002-8438	do	8.1.1	do	do	do
(af) 503-3002-8439	do	8.1.1	do	do	do
(ag) 503-3002-8440	do	8.1.1	do	do	do
(ah) 503-3002-8441	do	8.1.1	do	do	do
(ai) 503-3002-8442	do	8.1.1	do	do	do
(aj) 503-3002-8443	do	8.1.1	do	do	do
(ak) 503-3002-8444	do	8.1.1	do	do	do
(al) 503-3002-8445	do	8.1.1	do	do	do
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PART III



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## CONSTRUCTION INDUSTRY STABILIZATION COMMITTEE

■

### WAGE STABILIZATION IN CONSTRUCTION INDUSTRY; PROCEDURAL REGULATIONS

Policies and Practices



## Title 6—Economic Stabilization

## CHAPTER V—CONSTRUCTION INDUSTRY STABILIZATION COMMITTEE

## PART 501—WAGE STABILIZATION IN THE CONSTRUCTION INDUSTRY

## PART 505—CONSTRUCTION INDUSTRY STABILIZATION COMMITTEE PROCEDURAL REGULATIONS

On October 8, 1971, the Construction Industry Stabilization Committee (CISC) published its regulations in Chapter XVIII of Title 29 of the Code of Federal Regulations (36 FR 19576). These regulations were issued under the authority of the Economic Stabilization Act of 1970, Pub. L. 91-379, 84 Stat. 799 and Executive Order No. 11588 (36 FR 6339, April 3, 1971). Since the original establishment of the Committee by Executive Order No. 11588, the Committee's authority has been continued through Phase II and again into Phase III and Phase IV by Executive Orders No. 11627, 11640, 11695, and 11730.

This republication of the Committee's regulations in Chapter V of Title 6, CFR includes certain new matter which reflects policies and practices of the Committee previously in effect, delegations of authority under the appropriate executive orders and orders of the Council, and changes made by the Economic Stabilization Act Amendments of 1973.

It is not feasible to explain each of the many changes in these new regulations. However, their intent is accordingly explained in the following detailed summary of those sections with notation of significant changes, and by inclusion of a cross reference table as an appendix to the chapter to indicate the location in Parts 501 and 505 of provisions carried forward in substance from 29 CFR 2001 et seq. The summary of the sections in Parts 501 and 505, showing where the content is significantly changed from the corresponding sections in 29 CFR 2001 et seq., follows:

## SUMMARY OF CHANGES IN PART 501

Section 501.1, *Purpose and scope*, introduces the provisions of Part 501 and reflects current delegations of authority under the Act.

The definitions in paragraphs (a), (c), (f), (g), and (h) of 29 CFR 2001.2 have been carried forward alphabetically into §§ 501.2 and 505.2 of this chapter and updated to reflect subsequent delegations of authority. Paragraph (g) has been changed from "labor contract" to "Agreement" or "collective bargaining agreement." A new definition for the term "Party" or "party at interest" has been added and is derived primarily from a similar, but not identical, definition at 6 CFR 201.2.

Section 501.3, *Prior regulations and other published matter*, is new and indicates the effective date that the regulations set forth below supersede the regulations published in 29 CFR Part 2001.

Section 501.10, *Establishment of Craft Dispute Boards*, is substantially the same as 29 CFR 2001.3(a).

Section 501.11, *Notification of Board procedures*, is substantially the same as 29 CFR 2001.3(b).

Section 501.12, *Composition of each Board*, is substantially the same as 29 CFR 2001.4.

Section 501.13, *Jurisdiction of the Boards*, is substantially the same as 29 CFR 2001.5, but includes a new paragraph (c) to update authority delegated to the CISC by Cost of Living Council Order No. 20 (38 FR 6098, March 6, 1973).

Section 501.14, *Composition of the Committee*, is substantially the same as 29 CFR 2001.7.

Paragraph (a) of § 501.15, *Jurisdiction of the Committee*, is substantially the same as 29 CFR 2001.8(a). Paragraph (b) of this section is substantially the same as 29 CFR 2001.8(b) but updated to reflect subsequent delegations of authority made pursuant to the Act. Paragraph (c) of this section includes new authority delegated to the Committee by Cost of Living Council Order No. 20. Paragraph (d) of this section contains a "necessary and proper" provision expanding on the comparable provision in 29 CFR 2001.8(c) in order to reflect Cost of Living Council Order No. 16 (38 FR 1489).

Section 501.30, *Affected wages and salaries; criteria for approval*, is new, but in part reflects the requirement of prior approval as set forth in 29 CFR 2001.10 (c) and subsequent delegations of authority. Paragraph (a) provides that all wage and salary increases in collective bargaining agreements under the jurisdiction of the Committee require prior approval, regardless of the number of employees covered by the agreement. Paragraph (b) of this section provides that all wage and salary increases within the jurisdiction of the Committee will be reviewed in accordance with criteria set forth in the Appendix to Part 501.

Section 501.31, *Escrow accounts*, is new, and incorporates a previously existing policy of the Committee reflecting, in part, Pay Board Rulings 1972-34, 37 FR 9350, May 9, 1972, and 1972-125, 37 FR 26708, December 15, 1972, as corrected (37 FR 27615, December 19, 1972).

Paragraph (f) of § 501.32, *Violations*, is substantially the same as 29 CFR 2001.10(c). The remaining provisions of the section are substantially the same as relevant parts of 6 CFR 201.41.

Section 501.33, *Renegotiation of wage and salary increases*, is substantially the same as 29 CFR 2001.70, but incorporates existing policy which provides for submission of the renegotiated agreement or resubmission of the original agreement under procedures set forth in § 505.28.

Sections 501.40 and 501.41, relating to procedures under the Davis-Bacon Act and other prevailing wage laws, are substantially the same as 29 CFR 9.20 and 9.21.

Paragraphs (a) and (d) of § 501.50, *Submissions of wage and salary increases*, are substantially the same as 29 CFR 2001.10(a) and 29 CFR 2001.10(b), respectively. Paragraphs (b) and (c) up-

date the section to reflect delegations of authority made pursuant to the Act.

Paragraph (a) of § 501.51, *Unresolved collective bargaining disputes*, is substantially the same as 29 CFR 2001.20. Paragraph (b) of this section is substantially the same as 29 CFR 2001.55.

Appendix—Policies to be applied by the Committee. The statement of policies in the appendix to Part 501 is substantially the same as Cost of Living Council News Release No. 213, dated February 26, 1973, with minor modifications to reflect Cost of Living Council Order No. 20 and the Economic Stabilization Act Amendments of 1973, Pub. L. 93-28, 87 Stat. 27, April 30, 1973.

## SUMMARY OF CHANGES IN PART 505

Section 505.1, *Purpose and scope*, is new and merely summarizes material appearing in subsequent sections of the part.

Section 505.2 *Definitions*. See the related discussion with respect to § 501.2. In addition, the term "Subcommittee" has been added to clarify use of the term which was first introduced in 29 CFR 2001.53 and 2001.55.

Section 505.3, *Representation*, is substantially the same as 6 CFR 105.3(a).

Section 505.4, *Filing of documents*, is substantially the same as 6 CFR 105.4.

Section 505.5, *Computation of time*, is substantially the same as 6 CFR 205.5.

Section 505.6, *Service*, is derived in relevant part from 6 CFR 205.6.

Section 505.7, *Extensions of time*, is substantially the same as 6 CFR 205.7.

Paragraph (a) of § 505.8, *Records of matters submitted*, is substantially the same as 29 CFR 2001.40. Paragraph (b) of this section is substantially the same as 29 CFR 2001.50.

Section 505.9, *Publication of final actions*, is a revision of 29 CFR 2001.60(a).

Section 505.10, *Prior regulations and other published matter*, is new. See the related discussion with respect to § 501.3.

Paragraph (a) of § 505.20, *Review by a Board*, is substantially the same as 29 CFR 2001.41(a), with minor modification. Paragraph (b) of this section is substantially the same as 29 CFR 2001.41(b), and reflects delegations of authority issued pursuant to the Act. Paragraph (c) of this section includes new authority delegated to the Committee by Council Order No. 20.

Section 505.21, *Determinations by a Board*, is substantially the same as 29 CFR 2001.42(b) with a minor modification. Boards are expected to make their determinations within 31 days instead of the previous limit of 21 days under the prior regulations.

Section 505.22, *Impasses within a Board*, is substantially the same as 29 CFR 2001.42(c).

Section 505.23, *Review of matters forwarded by a Board*, is substantially the same as 29 CFR 2001.51, with a modification reflecting Cost of Living Council Order No. 16.

Section 505.24, *Review upon the Committee's own motion*, is substantially the same as 29 CFR 2001.52(a).



Section 505.25, *Subcommittee review*, is new, but merely reflects policies and practices of the Committee already in effect.

Paragraph (a) of § 505.26, *Voting and quorum requirements*, is substantially the same as 29 CFR 2001.42(a). Paragraph (b) of this section is substantially the same as 29 CFR 2001.54(a).

Section 505.27, *Preliminary determinations by the Committee*, is new. Paragraphs (a) and (c) of this section merely reflect and clarify policies and practices of the Committee already in effect.

Section 505.28, *Resubmissions*, is new, but merely reflects policies and practices of the Committee already in effect.

Paragraph (a) of § 505.29 *Written and oral presentations*, is substantially the same as the last two sentences of 29 CFR 2001.41(a). Paragraph (b) of this section is substantially the same as 29 CFR 2001.53. Paragraph (c) of this section is new and is designed to conform to the amendment of section 207(b) of the Act (Pub. L. 93-28; 87 Stat. 27) on April 30, 1973.

Section 505.30, *Final actions by the Committee*, is new, but is based in part on 29 CFR 2001.54(b), with modifications to conform to the 1973 amendment referred to above.

Section 505.31, *Appeals*, is new. Appeals relate to reconsideration of final orders of approval or disapproval, and are to be distinguished from resubmissions, which are permitted after a preliminary finding by the Committee.

Sections 505.60 and 505.61 of Subpart C, *Petition and Comment on Rule Making*, are derived in relevant part from 6 CFR 205.50 and 205.51, respectively. Section 505.62 is derived in relevant part from 6 CFR 105.40(b).

Appendix—*Procedures of Subcommittees of the CISC in Reviewing Collective Bargaining Agreements*. Sections 1 and 2 of the Appendix to Part 505 incorporate in the regulations the previously existing policies and practices of the Committee that were used in reviewing collective bargaining agreements. Section 3 is new and relates to authority delegated to the Committee by Council Order 20.

Because the purpose of these regulations is to provide immediate guidance for compliance with the Economic Stabilization Program, I find that publication in accordance with normal rule making procedures is impracticable and that good cause exists for making these regulations effective in less than 30 days.

*Effective date*.—The regulations set forth below are effective on and after November 29, 1973.

There is hereby added to Title 6 a new Chapter V consisting of Parts 501 and 505 reading as follows:

**Subpart A—General**

- Sec. 501.1 Purpose and scope.
- 501.2 Definitions.
- 501.3 Prior regulations and other published matter.

**Subpart B—Organization**

- Sec. 501.10 Establishment of Craft Dispute Boards.
- 501.11 Notification of Board procedures.
- 501.12 Composition of each Board.
- 501.13 Jurisdiction of the Boards.
- 501.14 Composition of the Committee.
- 501.15 Jurisdiction of the Committee.

**Subpart C—Construction Industry Wage Stabilization**

- 501.30 Affected wages and salaries; criteria for approval.
- 501.31 Escrow accounts.
- 501.32 Violations.
- 501.33 Renegotiation of wage and salary increases.

**Subpart D—Procedures Under Davis-Bacon Act and Other Prevailing Wage Laws**

- 501.40 Federal wage determinations under the Davis-Bacon Act and related statutes.
- 501.41 Wage determinations under the laws of any State.

**Subpart E—Submission of Collective Bargaining Agreements and Disputes**

- 501.50 Submission of wage and salary increases.
- 501.51 Unresolved collective bargaining disputes.

**Appendix—Policies to be Applied by the Construction Industry Stabilization Committee**

**AUTHORITY:** Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 16, 38 FR 1489; Cost of Living Council Order No. 20, 38 FR 6098.

**Subpart A—General**

**§ 501.1 Purpose and scope.**

The purpose of the regulations in this part is to establish rules for the stabilization of certain wages and salaries affecting employees in the construction industry. A Construction Industry Stabilization Committee and various industry Craft Dispute Boards were established under Executive Order 11588 (36 FR 16339, April 3, 1971) and have been continued under Executive Order 11695 (38 FR 1473, January 12, 1973) to carry out the purposes of the Act. In addition, the Committee from time to time is delegated authority from the Cost of Living Council to perform stabilization functions related to the construction industry. These delegation orders include Cost of Living Council Orders No. 16 and 20 (38 FR 1489, January 12, 1973; and 38 FR 6098, March 6, 1973; respectively).

**§ 501.2 Definitions.**

- (a) "Act" means the Economic Stabilization Act of 1970, as amended.
- (b) "Agreement" or "collective bargaining agreement" means a collectively bargained agreement which is effective to bind the parties with respect to wages or salaries subject only to such approval as is required by the regulations and procedures in this chapter.
- (c) "Board" means each Craft Dispute Board jointly established by national contractor associations and national and international unions under the Act. (See Executive Order Nos. 11588 and 11695.)

(d) "Committee" or "CISC" means the Construction Industry Stabilization Committee. (See Executive Order Nos. 11588 and 11695.)

(e) "Construction" means:

(1) All work relating to the erecting, constructing, altering, remodeling, painting, or decorating of installations such as buildings, bridges, highways, and the like when performed on a contract basis, but shall not include maintenance work performed by workers employed on a permanent basis in a particular plant or facility for the purpose of keeping such plant or facility in efficient operating condition;

(2) The transporting of materials and supplies to or from a particular building or project by the workers of the contractor or subcontractor performing the construction or the manufacturing of materials, supplies, or equipment on the site of a project by such workers; and

(3) All other work classified as construction in 29 CFR 5.2(g).

(f) "Cost of Living Council" or "Council" means the Chairman of the Cost of Living Council established by Executive Order No. 11615 (36 FR 15727) and continued under the provisions of Executive Order Nos. 11695 and 11730, or his delegate.

(g) "Party" or "party at interest" means:

(1) A bargaining representative of employers who could be required to pay the wages and salaries in question, or in the absence of such bargaining representative, an employer who could be required to pay the wages and salaries in question; or

(2) A bargaining representative of employees who could receive payment of wages and salaries in question.

(h) "Wages and salaries" means all wage and salary rate schedules and economic adjustments (including work rule changes) established pursuant to a collective bargaining agreement and affecting employees in the construction industry.

**§ 501.3 Prior regulations and other published matter.**

On and after November 29, 1973, the regulations of the Construction Industry Stabilization Committee, issued October 8, 1971 (36 FR 19576) for insertion in Chapter XVIII of Title 29 of the Code of Federal Regulations, are superseded by the regulations in this part and in Part 505 of this chapter. A table, attached as an Appendix to this chapter, provides appropriate cross references from 29 CFR Part 2001 to the corresponding provisions in this chapter.

**Subpart B—Organization**

**§ 501.10 Establishment of Craft Dispute Boards.**

(a) Associations of contractors and national and international unions may jointly establish Craft Dispute Boards if not already established pursuant to the Act.

(b) Each Board shall advise the Committee in writing, of the names and as-



sociation or union affiliation of its respective members, the name adopted for the Board and the address to which communications to the Board should be sent, the crafts or branches in the construction industry over whose wages and salaries it will have jurisdiction, its meeting place and telephone number.

(c) A directory containing the information required by paragraph (b) of this section will be maintained by the Committee and the information will be furnished to any interested person upon request addressed to the Construction Industry Stabilization Committee at Washington, D.C. 20210.

#### § 501.11 Notification of Board procedures.

Each Board shall have the functions and shall follow the procedures set forth in this chapter and shall keep the Committee advised of any additional case handling procedures, consistent with this chapter, which it may adopt.

#### § 501.12 Composition of each Board.

Each Board shall be composed of an equal number of labor and management representatives, consisting of persons representative of labor organizations in the construction industry and persons representative of employers of the craft or crafts in the construction industry covered by the Board.

#### § 501.13 Jurisdiction of the Boards.

Each Board shall have jurisdiction, with respect to wage and salary increases agreed to or being negotiated for the appropriate craft or branch in any locality:

(a) To provide advice and assistance in an effort to resolve any unresolved collective bargaining disputes involving wages and salaries;

(b) To consider and determine, pursuant to any Orders issued under the Act and the regulations in this chapter, whether the wage and salary increases provided in any collective bargaining agreement negotiated for a craft or branch in the construction industry are approvable in accordance with applicable criteria; and

(c) To consider and determine, pursuant to any Orders issued under the Act and the regulations in this chapter, whether the wage and salary increases provided in a collective bargaining agreement referred to in § 501.15(c) are approvable in accordance with applicable criteria.

#### § 501.14 Composition of the Committee.

The Committee is composed of 12 members appointed by the Secretary of Labor in concurrence with the Director, Cost of Living Council. The Committee includes 4 members representative of labor organizations in the construction industry, 4 members representative of employers in the construction industry, and 4 members representative of the public. The Committee is headed by one of the public members appointed as Chairman of the Committee by the Secretary of Labor in concurrence with the Director, Cost of Living Council. In addition, alternate members,

representative of labor organizations and employers in the construction industry, and representative of the public, are appointed by the Secretary of Labor with the concurrence of the Director of the Cost of Living Council.

#### § 501.15 Jurisdiction of the Committee.

(a) The Committee shall have jurisdiction to review, under the applicable criteria, and to approve or disapprove wage and salary increases in any construction industry collective bargaining agreement entered into on or after March 29, 1971. Such jurisdiction includes review of agreements on its own initiative and review of prior determinations by a Board.

(b) The Committee shall have jurisdiction to review and to approve or disapprove any wage and salary increase scheduled to take effect on or after August 15, 1971, contained in any construction industry collective bargaining agreement entered into prior to March 29, 1971. In its review, the Committee shall determine whether such wage and salary increase is unreasonably inconsistent with applicable criteria.

(c) The Committee shall have jurisdiction to review and to approve or disapprove wage and salary increases affecting employees in the construction industry scheduled to take effect on or after January 11, 1973, or contained in a collective bargaining agreement entered into on or after that date—

(1) Under the terms of a construction industry collective bargaining agreement which covers both construction and nonconstruction operations; or

(2) Under the terms of any collective bargaining agreement which (i) continues a close historical relationship established with respect to a construction industry collective bargaining agreement or sequence of agreements, or provides substantially the same levels of compensation as provided in a construction industry collective bargaining agreement, and (ii) covers delivery of materials to a construction site under circumstances in which a dispute involving such agreement would cause on-site operations to be more than marginally interrupted.

(d) The Committee shall have jurisdiction to perform such other functions as may be necessary to carry out the purposes of the Act and any delegations of authority issued pursuant thereto, with particular attention to improving the collective bargaining process in the construction industry and to the rationalization of the wage structure within and among geographic areas and between crafts within a particular area.

#### Subpart C—Construction Industry Wage Stabilization

#### § 501.30 Affected wages and salaries; criteria for approval.

(a) All wage and salary increases contained in collective bargaining agreements referred to in § 501.15 require prior approval of the CISC, regardless of the number of employees involved.

(b) The Committee will review wage and salary increases contained in collective bargaining agreements referred

to in § 501.15 in accordance with criteria established by the Committee and approved by the Cost of Living Council. The criteria are included in the documents appearing as an Appendix to this part.

#### § 501.31 Escrow accounts.

Pending action on any agreement by the Committee, negotiated increases in wages and salaries may be placed in an escrow account, with reversion to the employer of monies which are not approved. After the Committee has disapproved an increase in wages and salaries and has authorized payment of a portion thereof, monies in excess of the authorized amount may neither be placed in escrow nor continued to be held in escrow. In addition, if, upon a preliminary review, the Committee returns any proposed wage and salary increase to the Board without approval, monies in excess of the wage and salary increase which the Committee suggests may be appropriate may neither be placed in escrow nor continued to be held in escrow.

#### § 501.32 Violations.

It shall be a violation of CISC regulations for any person to:

(a) Pay directly or indirectly, immediately or on a deferred basis, any portion of a wage and salary increase not authorized by regulations or CISC determination;

(b) Receive or accept directly or indirectly, any portion of a wage and salary increase not authorized by regulations or CISC determination;

(c) Induce, solicit, encourage, force or require, or attempt to induce, solicit, encourage, force, or require directly or indirectly, any other person to pay or to receive, directly or indirectly, any portion of a wage and salary increase not authorized by regulations or CISC determination;

(d) Fail or refuse to comply with any regulation issued pursuant to the Act, or induce, solicit, encourage, force, or require any other person to fail or refuse to comply with any regulation issued pursuant to the Act;

(e) Fail or refuse to submit any collective bargaining agreement or document required by the regulations; or

(f) Implement a wage and salary increase without approval or authorization by the Committee.

#### § 501.33 Renegotiation of wage and salary increases.

If a Board returns a proposed wage and salary increase to the parties without approval or the Committee returns a wage and salary increase to a Board or the parties without approval, the affected employers and employees and their representatives shall promptly attempt to renegotiate the contract and shall participate fully and promptly in such meetings as may be undertaken by the Federal Mediation and Conciliation Service for the purpose of aiding the parties to reach a new collective bargaining agreement. A renegotiated agreement shall be submitted to the Committee for review of the wage and salary



increases. If the parties cannot reach agreement by renegotiation, or either party desires further review, the collective bargaining agreement may be submitted to the Committee in accordance with the appropriate procedures in § 505.38 of this chapter.

#### Subpart D—Procedures Under Davis-Bacon Act and Other Prevailing Wage Laws

##### § 501.40 Federal wage determinations under the Davis-Bacon Act and related statutes.

In implementing the provisions of the Davis-Bacon Act, as amended, and of other Acts providing for the payment of wages predetermined by the Secretary of Labor in accordance with the Davis-Bacon Act, and in making wage determinations applicable to specified crafts employed on specified work in areas thereunder as provided in 29 CFR Parts 1 and 5, there shall be excluded from consideration by the Secretary or his authorized representative, pursuant to the provisions of Cost of Living Council Order No. 16 (38 FR 1489)—

(a) Any wage or salary increase affecting such craft employed on similar construction in the area which has been put into effect in violation of the Act and this part, and

(b) Any wage or salary increase affecting such a craft employed on similar construction in the area which is in excess of that found to be acceptable under the Act and this part.

##### § 501.41 Wage determinations under the laws of any State.

In implementing wage determination provisions under the laws of any State which require any wage standards on public works in such State similar to those of the Davis-Bacon Act and of other statutes requiring predetermination of wages in accordance with such Act by the Secretary of Labor, U.S. Department of Labor, the officials responsible for carrying out such provisions of law in such States shall, as required under the provisions of the Act, Cost of Living Council Order No. 16 (38 FR 1489), and this part, exclude from consideration any wage or salary increase described in paragraph (a) or paragraph (b) of § 501.40 in making wage determinations under the laws of the State for construction projects, whether or not federally assisted.

#### Subpart E—Submission of Collective Bargaining Agreement and Disputes

##### § 501.50 Submission of wage and salary increases.

(a) The parties to a construction industry collective bargaining agreement entered into on or after March 29, 1971, shall submit that agreement together with supporting data, in a format approved by the Committee, to the appropriate Board for review of any proposed wage and salary increase within 15 days after the completion of negotiations.

(b) The parties to a construction industry collective bargaining agreement entered into before March 29, 1971, pro-

viding for wage and salary increases to take effect on or after August 15, 1971, shall submit sufficient information for the Committee to determine whether any such increase is unreasonably inconsistent with applicable criteria.

(c) The parties to a collective bargaining agreement referred to in § 501.15(c) shall submit that agreement together with supporting data, in a format approved by the Committee, to the appropriate Board for review of any proposed wage and salary increase within a reasonable time before the scheduled effective date of a deferred increase, or in the case of an agreement entered into on or after January 11, 1973, within 15 days after the completion of negotiations, as appropriate.

(d) If an appropriate Board has not been established to determine whether a proposed wage and salary increase is approvable in accordance with applicable criteria, the parties to the collective bargaining agreement shall submit such agreement together with supporting data, in a format approved by the Committee, to the affected national or international union and to the affected association of contractors within 15 days after the completion of negotiations. The union and association shall promptly submit the agreement and supporting data to the Committee.

##### § 501.51 Unresolved collective bargaining disputes.

(a) Unresolved collective bargaining disputes involving wages and salaries may be submitted to a Board or to the Committee, as appropriate, for advice and assistance in an effort to resolve the dispute. A Board or the Committee, or both, may provide appropriate advice and assistance upon request or upon its own initiative in an effort to resolve any such dispute.

(b) If a work stoppage is in progress or threatened by reason of a collective bargaining dispute involving wages and salaries, a Board or the Committee may, on its own initiative or at the request of the parties, render advice and assistance in an effort to end or avoid such work stoppage. A Board or the Committee may request the parties to meet with the Board, a subcommittee of the CISC, or the entire Committee in Washington, D.C., at no expense to the U.S. Government. If such a meeting in Washington, D.C., would impose an undue burden on one or both of the parties, a Board or the Committee may in its discretion send members or staff to the locality of the actual or threatened work stoppage to meet with the parties.

#### APPENDIX—POLICIES TO BE APPLIED BY THE CONSTRUCTION INDUSTRY STABILIZATION COMMITTEE

The year 1973 is seen as a transition to a period without formal wage and price controls in the construction industry. The fundamental objective of policy for the 1973 collective bargaining season is to move toward viable long-run arrangements for dispute settlement in each branch of the industry and toward more effective collective bargaining in the public interest.

The period of controls, as envisaged in Executive Order 11588 and Executive Order

11695, should be used to make a major contribution to the resolution of some of the major longer-term problems of the industry through effective cooperation between labor, contractors and the government. Among the most significant of these long-run problems has been: (a) The need for procedures at the national level to facilitate the settlement of disputes over the terms of local or regional collective bargaining agreements, (b) broadening the geographical structure of negotiations in some localities and for some crafts, (c) development of special wage rates for some branches of the industry, (d) review of some managerial and labor practices and contract provisions in some localities as they affect costs, (e) greater coordination of collective bargaining negotiations among crafts and associations in some localities, and (f) improvement in the quality of information available for collective bargaining among local and national parties.

1. The Committee seeks to achieve a continuing stabilization of the average rate of increases of collective bargaining settlements in 1973 as compared to 1972.

2. The Committee may approve economic adjustments provided for in collective bargaining agreements on a case-by-case basis in the following circumstances:

(a) Where the parties have made a careful review of the economic provisions of their collective bargaining agreement and have provided for an economic trade-off between increases in wage rates or benefits and other provisions of the agreement in view of the impact of the agreement on costs of construction.

(b) A clear showing exists of inequity as measured by the relationship among crafts in a single locality and within the same craft in surrounding localities. Any substantial increase to provide restoration to appropriate intercraft or intercity differentials should be spread over a period of two years or more. The Committee in considering wage relationships among crafts and localities will also give attention to clear evidence of changing historical relationships over the past decade and needs of the future.

(c) The Committee may continue to give consideration to agreements which provide for significant changes in the geographical structure of bargaining, including the development of wage zones under one agreement, where such changes would promote the stabilization of collective bargaining and the effective utilization of manpower and management resources. The Committee may also be concerned with the geographical scope of fringe benefit plans.

(d) The Committee will approve reasonable contributions to pension and health and welfare funds unless they are determined to be unreasonably inconsistent with its standards for wage and salary increases. In determining whether contributions are reasonable the Committee may consider area and industry practice.

(e) The Committee may continue to approve adjustments in agreements with low wages and fringes taking into account the area and branch of the industry, and in all cases will approve wage increases to a rate of at least \$3.50 per hour.

3. No agreement is automatically entitled to an economic adjustment. The structure of wage and benefit rates in the locality and related areas and the consequences for effective stabilization and collective bargaining for the area are to be considered.

4. Attention should continue to be directed to questions of appropriate differentiation of rates by crafts, among branches of the industry, such as heavy and highway, housing and commercial work, and local parties and craft boards may be urged to review or consider such differentiation.

5. Deferred increases will continue to be reviewed by the Committee, and those which



would cause unstabilizing effects on other negotiations in the industry may be disallowed by the Committee as in the past.

#### Subpart A—General

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#### Subpart B—Review of Collective Bargaining Agreements

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#### Subpart C—Petition and Comment on Rule Making

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#### APPENDIX—Procedures of Subcommittees of the CISC in Reviewing Collective Bargaining Agreements

##### CHAPTER V—APPENDIX—Cross Reference Table

**AUTHORITY:** Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 16, 38 FR 1489; Cost of Living Council Order No. 20, 38 FR 6098.

#### Subpart A—General

##### § 505.1 Purpose and scope.

This part establishes procedures for:

(a) Review of collective bargaining agreements affecting employees in the construction industry by the Craft Dispute Boards, the Construction Industry Stabilization Committee and its subcommittees;

(b) Written and oral presentations;

(c) Action on appeals and resubmissions;

(d) Petitions and comments on rule making.

##### § 505.2 Definitions.

For purposes of this part:

(a) "Act" means the Economic Stabilization Act of 1970, as amended.

(b) "Agreement" or "Collective bargaining agreement" means a collectively bargained agreement which is effective to bind the parties with respect to wages or salaries subject only to such approval as is required by the regulations and procedures in this chapter.

(c) "Board" means each Craft Dispute Board jointly established by national contractor associations and national and international unions under the Act. (See Executive Order Nos. 11588 and 11695.)

(d) "Committee" or "CISC" means the Construction Industry Stabilization Committee. (See Executive Order Nos. 11588 and 11695.)

(e) "Party" or "party at interest" means:

(1) A bargaining representative of employers who could be required to pay the wages and salaries in question, or in the absence of such bargaining representative, an employer who could be required to pay the wages and salaries in question; or

(2) A bargaining representative of employees who could receive payment of wages and salaries in question.

(f) "Subcommittee" means a subcommittee of the CISC composed of members of the Committee assisted by the staff.

(g) "Wages and salaries" means all wage and salary rate schedules and economic adjustments (including work rule changes) established pursuant to a collective bargaining agreement and affecting employees in the construction industry.

##### § 505.3 Representation.

A party at interest may take any action or make any appearance which is required or permitted by this part on his behalf, or he may be represented by any person whom he has designated to represent him. Such designation shall be in writing and signed by the person legally authorized to make such designation and shall be filed with the Board or Committee before which the person is to appear.

##### § 505.4 Filing of documents.

A document required to be filed directly with the Committee under this chapter is considered filed when it has been received at the CISC, Washington, D.C. 20210. Documents received after regular business hours are deemed filed on the next regular business day.

##### § 505.5 Computation of time.

(a) In computing any period of time prescribed or allowed by this chapter for the performance of any act, the day of the act, event, or default for which the designated period time begins to run will not be counted.

(b) If the last day of the period falls on a Saturday, Sunday, or a Federal legal holiday, the period will be extended to the next day which is not a Saturday, Sunday, or Federal legal holiday.

(c) If the period prescribed or allowed is seven days or less, an intervening Saturday, Sunday, or Federal legal holiday will not be counted.

##### § 505.6 Service.

(a) All documents required to be served under this part shall be served personally, by registered or certified mail, or by regular U.S. mail (this option available only for service by the Committee or a Board).

(b) If a party at interest is represented by a duly authorized representative, service on the representative shall constitute service on the party at interest.

(c) Service by mail is complete upon mailing.

##### § 505.7 Extensions of time.

If an action is required to be taken within a prescribed time under this chapter, an extension of time will be granted only upon a showing of good cause.

##### § 505.8 Records of matters submitted.

(a) *Matters submitted to Craft Dispute Boards.* An index of matters submitted to a Board pursuant to provisions of this chapter will be maintained by the Board. Each case will be assigned a number and records will be kept of all actions taken thereon by the Board.

(b) *Matters submitted to the Committee.* The Committee will maintain a case docket and appropriate records covering all matters submitted or received for its consideration, including indices of the cases by number and by geographic area.

##### § 505.9 Publication of final actions.

The Committee will make available for public inspection its final approvals and disapprovals.

##### § 505.10 Prior regulations and other published matter.

On and after November 29, 1973, the regulations of the Construction Industry Stabilization Committee, issued October 8, 1971 (36 FR 19576), for insertion in Chapter XVIII of Title 29 of the Code of Federal Regulations are superseded by the regulations in this part and in Part 501 of this chapter. A table, attached as an Appendix to this chapter, provides appropriate cross references from 29 CFR Part 2001 to the corresponding provisions in this chapter.

#### Subpart B—Review of Collective Bargaining Agreements

##### § 505.20 Review by a Board.

(a) A Board will promptly examine every construction industry collective bargaining agreement entered into on or after March 29, 1971, together with the supporting data, and determine, in accordance with the applicable criteria, whether wage and salary increases in the agreement are approvable. The Board will request such additional information as it deems necessary to assist in its determination.

(b) Whenever requested by the Committee in connection with the Committee's review of any wage and salary increase scheduled to take effect on or after August 15, 1971, which is contained in a construction industry collective bargaining agreement entered into prior to March 29, 1971, a Board will confer with and otherwise assist the Committee in determining whether such increase is unreasonably inconsistent with applicable criteria.

(c) A Board will promptly examine every collective bargaining agreement referred to in § 501.15(c) of this chapter, together with the supporting data, and determine, in accordance with the applicable criteria, whether wage and salary increases in the agreement are approvable. The Board will request such additional information as it deems necessary to assist in its determination.



**§ 505.21 Determinations by a Board.**

A Board will make a determination within 31 days after receipt of the collective bargaining agreement and supporting data unless a longer period is authorized or approved by the Committee, and will notify the parties and the Committee in writing of the determination.

**§ 505.22 Impasses within a Board.**

If a Board cannot agree on a determination within the prescribed time, it will forward the matter to the Committee for determination as provided in § 505.23.

**§ 505.23 Review of matters forwarded by a Board.**

If a Board has determined that wage and salary increases are approvable, or if a Board reaches an impasse with respect to such increases, the Board will file with the Committee the submissions of the parties, the record relating to the proposed wage and salary increases, and a statement setting forth its views. Within 15 days after receipt of the information referred to in the preceding sentence, the Committee will assume jurisdiction over the proposed wages and salary increases. The Committee may require the submission of such additional information as it deems necessary to assist in its review.

**§ 505.24 Review upon the Committee's own motion.**

When the Committee upon its own motion assumes jurisdiction over proposed wage and salary increases contained in any collective bargaining agreement, it may require the submission of such data as it deems necessary and appropriate to assist in its review of the wage and salary increases.

**§ 505.25 Subcommittee review.**

Matters submitted by the Boards to the Committee, or directly to the Committee, may be assigned to a subcommittee for review. The subcommittee will follow the procedure outlined in the Appendix to this part in evaluating the wage and salary increases contained in a collective bargaining agreement. On the basis of the applicable criteria set forth in the Appendix to Part 501 of this chapter, the subcommittee will make recommendations to the Committee regarding negotiated wage and salary increases.

**§ 505.26 Voting and quorum requirements.**

(a) *Craft Dispute Boards.* Determinations with respect to wage and salary increases by a Board shall be unanimous. The labor representatives group and the management representatives group shall each have one vote. Each group will establish its own rules as to how its one vote will be determined. A quorum shall consist of at least one representative from each group.

(b) *The Committee.* Determinations concerning wage and salary increases

shall be made by majority vote of the Committee members present provided they constitute a quorum. A quorum shall consist of at least two public members, two members representative of labor organizations, and two members representative of employers.

**§ 505.27 Preliminary determinations by the Committee.**

(a) Following preliminary review of an agreement, the Committee may return the negotiated wage and salary increases to the appropriate Board without approval. The Committee may suggest wage and salary increases which appear to be appropriate. The parties will be advised to renegotiate the agreement and submit it to the Committee for approval of the renegotiated wage and salary increases.

(b) In order to reduce the impact of retroactive payment of approved wage and salary increases, as a preliminary action, the Committee in its discretion may allow payment of a portion of the proposed wage and salary increase, pending final action of the Committee on the agreement.

(c) The Committee will not review wage and salary increases in a collective bargaining agreement if a work stoppage is in progress that involves wages and salaries contained in that agreement.

**§ 505.28 Resubmissions.**

(a) Individual cases may be resubmitted for further review following a preliminary finding by the Committee. Such resubmission may be unilateral and shall be sent to the appropriate Board together with a detailed statement setting forth justification for the proposed wage and salary increase under the applicable criteria of the Committee.

(b) A copy of the resubmission and supporting statement shall be served upon other parties to the collective bargaining agreement.

(c) If a resubmission raises substantial questions of fact, a hearing may be held with the parties.

**§ 505.29 Written and oral presentations.**

(a) *Before the Boards.* The parties to a collective bargaining agreement shall have a reasonable opportunity to submit to the Board written data, views or arguments relative to the issues. An opportunity for oral presentation before the Board may be afforded the parties.

(b) *Before the Committee or its subcommittees.* At the request of the Committee, or at the election of either party to a collective bargaining agreement, a written statement may be filed with the Committee setting forth additional information and arguments to support a party's views. An opportunity for oral presentation may be afforded the parties. If the Committee, on its own initiative, or at the request of the appropriate Board or the parties, hears the parties in person, such hearings may be held by members of the staff, by a subcommittee, or by the entire Committee. Any parties unable or unwilling to appear may submit their views in writing.

(c) *Oral presentations.* If it appears that an order may be issued which has the effect of reducing wages and salaries in effect or proposed to be put into effect, and if the parties to the agreement have not already been afforded the opportunity for a hearing, the parties will be notified that they may request a hearing within 20 days after the date of the Committee notice. At the discretion of the Committee, a hearing will be held before the Committee, a subcommittee, the Craft Board, or the staff of the Committee. Parties will be required to submit a statement of their position in writing.

**§ 505.30 Final actions by the Committee.**

(a) Final action by the Committee will be reflected by the issuance of an order of approval or disapproval.

(b) The Committee will notify the parties, the appropriate Board, if any, and the Chairman of the Cost of Living Council of its final action.

(c) If the Committee's final action is a disapproval of the proposed wage and salary increase, the order may authorize the parties to pay some portion thereof which is determined to be consistent with the applicable criteria of the Committee. Any such order of disapproval will be issued on the record after opportunity for a hearing, and will be followed by a full explanation of the reasons the negotiated wage and salary increase does not meet the applicable criteria of the Committee.

**§ 505.31 Appeals.**

(a) The Committee will consider appeals of its orders of approval or disapproval on a case-by-case basis. An appeal must be filed within 30 days after issuance of an order of approval or disapproval, together with a detailed statement setting forth justification for the appeal under the applicable criteria of the Committee.

(b) A copy of the appeal and supporting statement shall be served upon other parties to the collective bargaining agreement.

(c) If an appeal raises substantial questions of fact, a hearing may be held with the parties.

**Subpart C—Petition and Comment on Rule Making****§ 505.60 Scope.**

The Committee will accord any interested person the right to petition or comment on the issuance, amendment, or repeal of any regulation promulgated by the Committee.

**§ 505.61 Where to file.**

Petitions or comments shall be filed with the CISC, Washington, D.C. 20210.

**§ 505.62 When to file.**

The Committee will accept written comments from members of the public on its regulations at any time. If in the opinion of the Committee such comments warrant a proceeding similar to a



rulemaking proceeding as provided in 5 U.S.C. 553, the Committee will conduct such a proceeding pursuant to notice published in the FEDERAL REGISTER.

**APPENDIX—PROCEDURES OF SUBCOMMITTEES OF THE CISC IN REVIEWING COLLECTIVE BARGAINING AGREEMENTS**

(1) In its review of construction industry collective bargaining agreements entered into on or after March 29, 1971, the subcommittee will:

(a) Determine that appropriate wage data with respect to other crafts in the same area and with respect to the same craft in other areas are included in the submission of the case.

(b) Determine the size and timing of increases in wages and salaries provided in the agreement.

(c) Compare the old and new agreements for changes in working conditions, premium pay, travel pay, manning requirements, etc., which would have an economic impact; determine to the extent that information is available the increased or decreased cost of each change and the net effect of these changes on the total cost of the agreement.

(d) Where appropriate, compare the old and new agreements to determine if the grouping of particular job classifications or labor grades has been altered in a manner which would increase or decrease the cost of the agreement.

(e) Examine any additional information submitted by the parties regarding the special circumstances of the industry, and any information explaining the negotiated wages and salaries. Examine the submissions of the parties where appropriate for any additional information relating to productivity and prices, bearing in mind the fact that wages, benefits and conditions are set on a multi-employer, areawide basis, and prices and productivity are often distinctive to a project.

(f) Determine if negotiated contributions to health and welfare and pension funds are reasonable, taking into consideration area and industry practice.

(g) Determine whether historical relationships have existed, in cents per hour or per-

centage terms, by examination of the 10-year wage data. Compare the proposed wages and salaries to the wages and salaries currently in effect for other crafts in the same area, and for the same craft in other areas, emphasizing historical wage relationships among certain crafts (e.g., among the basic trades, the mechanicals, etc.) or areas.

(h) Examine wage and salary increases (whether or not approved by the Committee) of other crafts in the area, or the same craft in other areas, and the effective rates of such increases; evaluate the size and number of such increases and their effect on historical wage relationships.

(i) Determine if an inequity exists (normally an inequity will exist only if historical wage relationships with a number of crafts and areas are distorted); if an inequity is identified, evaluate the degree and timing of the wage and salary increases negotiated to correct the inequity.

(j) Devote special attention to the agreements of crafts where wages and salaries are ahead of their historical relationships with other crafts or areas; in such cases increases are expected to be very moderate.

(k) Evaluate the degree to which an agreement will tend to be a stabilizing or destabilizing force in an area and among areas.

(2) In its review of construction industry collective bargaining agreements entered into before March 29, 1971, the subcommittee will examine the negotiated wage and salary increases on the basis of all available information. Emphasis will be placed on the effect of the wage and salary increases in the agreement on other negotiations in the industry.

(3) In its review of collective bargaining agreements referred to in § 501.15(c) of this chapter, the subcommittee will emphasize the relationship to wages and salaries of the same craft in construction.

**CHAPTER APPENDIX—CROSS REFERENCE TABLE**

The following cross reference table is provided to assist the public in locating appropriate regulatory provisions of the Construction Industry Stabilization Committee carried forward with minor revisions from Title 29, Chapter XVIII of the Code of Federal Regulations into this chapter of Title 6.

29 CFR Part 2001 Old Sec.	6 CFR Ch. V New Sec.
2001.1	501.1
2001.2(a)	501.2 and 505.2
2001.2(c)	501.2 and 505.2
2001.2(f)	501.2 and 505.2
2001.2(g)	501.2 and 505.2
2001.2(h)	501.2 and 505.2
2001.3(a)	501.10
2001.3(b)	501.11
2001.4	501.12
2001.5	501.13
2001.7	501.14
2001.8	501.15
2001.10(a)	501.50(a)
2001.10(b)	501.50(d)
2001.10(c)	501.30 and 501.32
2001.20	501.51(a)
2001.40	505.8(a)
2001.41(a)	505.20(a) and 505.29(a)
2001.41(b)	505.20(b)
2001.42(a)	505.26(a)
2001.42(b)	505.21
2001.42(c)	505.22
2001.50	505.8(b)
2001.51	505.23
2001.52(a)	505.24
2001.53	505.29(b)
2001.54(a)	505.26(b)
2001.54(b)	505.30
2001.55	501.51(b)
2001.60(a)	501.9
2001.70	501.33

Issued in Washington, D.C., this 21st day of November 1973.

By direction of the Committee.

DANIEL QUINN MILLS,  
Chairman, Construction Industry  
Stabilization Committee.

Approved by:

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

PETER J. BRENNAN,  
Secretary of Labor.

[FR Doc.73-25314 Filed 11-28-73;8:45 am]











Cover, mattress (IB):	Each
7210-201-8419	\$5.88
7210-205-8083	5.73
7210-205-8082	6.43
7210-067-7969	7.31
7210-908-7745	3.51
7210-883-8492	4.48
7210-171-1001	4.18
7210-035-6619	4.18

NOTE: When Government furnished material is utilized on FSN 7210-883-8492 price is \$1.00 each.

7210-230-1041	3.49
7210-241-9718	4.23

Mattress (IB):	Each	West
Cotton-felt:		
7210-531-6476, 7210-531-6479	\$10.78	\$11.34
7210-205-3574, 7210-205-3893	9.75	10.26
7210-205-3575, 7210-680-0698	11.08	12.29
7210-205-3576, 7210-205-3894	12.62	13.28
7210-205-3577, 7210-205-3891	13.04	13.72
7210-205-3579, 7210-205-3880	17.94	18.87
7210-252-9628, 7210-716-0500	14.91	15.69
7210-274-3780, 7210-274-7001	16.50	17.36
7210-205-3581, 7210-205-3485	20.30	21.36
7210-531-6477, 7210-531-6480	11.68	12.29
7210-205-3906, 7210-205-3552	10.48	11.02
7210-205-3907, 7210-205-3454	12.66	13.32
7210-253-4649, 7210-205-3455	13.75	14.47
7210-253-4648, 7210-209-9198	14.44	15.19
7210-205-3904, 7210-205-3915	19.72	20.75
7210-205-3905, 7210-205-3916	16.16	17.00
7210-205-3902, 7210-205-3913	18.00	18.94
7210-205-3900, 7210-205-3896	22.32	23.48

Innerspring:	Each	West
7210-205-3885	\$26.65	\$26.65
7210-205-3835	27.89	28.83
7210-682-6505	28.70	29.81
7210-716-0706	29.69	30.77
7210-551-5497	31.63	32.78
7210-682-6507	30.38	31.48
7210-205-3634	31.08	32.29
7210-205-3488	33.17	34.47
7210-205-3489	37.01	38.47
7210-205-3490	38.56	40.08
7210-682-6506	39.45	41.01
7210-682-3354	30.28	31.38
7210-110-8102	31.38	32.51
7210-110-8103	41.69	43.24

Innerspring, plastic-coated:	Each
7210-665-1093	\$31.13
7210-682-7146	32.65

Foam rubber:	Order Quantity	Each
7210-682-6503	11 to 20	\$34.28
	21 to 99	32.00
	100 or over	29.46
7210-682-6504	11 to 20	51.72
	21 to 99	48.46
	100 or over	44.95

Mattress and bedspring set (IB):	Set
Innerspring mattress—bedspring:	
7210-582-2354, 7210-582-0984	\$53.58 \$55.47
7210-682-6507, 7210-559-5085	56.98 58.88
7210-682-6507, 7210-582-7540	52.96 54.81
7210-682-6506, 7210-559-6035	70.15 72.82
7210-682-6506, 7210-582-7541	65.85 68.41

Recovered mattresses (IB):	Each
Berth:	
C.P.O. mattress, 28X77X4 1/2":	
7210-M-1050, Class 1	\$8.76
7210-M-1050, Class 2	9.30
Crew mattress, 28X72 1/2X4 1/2":	
7210-M-1050, Class 1	7.81
7210-M-1050, Class 2	8.12

Grade B 7210-M-1050:	Each
Regular Bed Size, Inches:	
36X72 1/2	\$0.06
36X76	5.61
27X73	6.50
30X76	6.92
31X78	7.10
33X75	9.33
34X76	7.98
36X78	8.63
38X75	10.31

Grade C 7210-M-1050:	Each
Regular Bed Size, Inches:	
26X72 1/2	6.50
26X76	8.95
27X73	6.95
30X76	7.44
31X78	7.73
33X75	10.13
34X76	8.85
36X78	9.30
38X75	11.21

Innerspring:	Each
Size, inches:	
29X76	\$14.50 \$19.40
33X78	15.00 20.00
36X75	15.35 20.65
36X78	15.98 21.18
36X80	15.64 21.90
36X84	15.93 22.86
38X75	15.59 21.00
38X80	15.98 22.89
39X78	15.92 22.72
41 1/2X78	16.45 23.70
47X78	16.62 25.07
53X73	16.87 25.19
53X75	17.00 25.60
53X80	18.35 27.32

Prices for sizes not indicated must be negotiated with IB.

Pad, mattress (IB):	Each
7210-227-1526	\$3.76
7210-753-3042	5.42

Pillow, Bed (IB):	Each
7210-618-8226	\$2.94
7210-894-1144	1.96

Pillowcase (IB):	Each	West
7210-299-9609	\$11.13	\$11.25
7210-170-5478	9.04	9.16
7210-171-1100	10.59	10.71
7210-205-3101	Not available.	
7210-716-9000	10.70	10.82
7210-761-1472	Not available.	
7210-664-7910	11.02	11.14
7210-531-2373	8.86	8.98
7210-250-9004	8.47	8.59
7210-250-8897	9.88	10.00
7210-250-9005	10.62	10.74
7210-081-1380	9.42	9.42
7210-250-9006	10.40	10.52

NOTE: All pillowcases are marked "U.S." If marking is not required, annotate purchase order accordingly.

Protector, hospital bed, pillow (IB):	Each
7210-958-9118	\$5.55

Sheet, bed (crib) (IB):	Each
7210-634-1288	\$10.12
7210-717-0000	\$1.12

Towel, dish (IB) 7210-171-1144	Dozen
	\$1.12

Washcloth (IB):	Each
7210-660-0008	\$14.94
7210-082-2065	18.87

Mat, floor (IB):	Each
7230-205-3099	\$4.66
7230-234-6491	6.27
7230-205-3100	10.66

Standard Size:	Dozen
7230-234-6489	\$22.73
7230-205-2807	26.16
7230-205-2808	30.61
7230-234-6490	33.54
7230-238-8852	38.73
7230-234-6487	47.56
7230-234-6488	64.99
7230-234-6486	86.73

Special size made to order; 48 x 96" is largest size made in one piece. Larger sizes are made in sections.

7230-205-2806	Square Foot
	\$1.57

CLASS 7330	Each
Pad, bakery (IB): 7330-370-4430	\$0.54

NOTE: IB will furnish requirements for GSA Regions 5 and 8 only.

CLASS 7360	Bar
Dining packet (IB): 7360-635-6407	\$10.80
Dining packet, inflight (IB): 7360-660-0626	\$23.76

CLASS 7430	Each
Cover, typewriter (BF):	
7430-823-8080	\$0.51
7430-823-8081	0.54
7430-823-8082	0.57
7430-823-8083	0.62
7430-823-8084	0.64
7430-823-8085	0.68
7430-823-8090	0.80
7430-823-8086	0.77
7430-823-8087	0.89

CLASS 7510	Bar
Binder, looseleaf (IB):	
7510-281-4309	\$4.20
7510-281-4314	5.48
7510-281-4301	4.41
7510-281-4310	6.81
7510-281-4311	5.99
7510-281-4313	5.04
7510-281-4315	6.30
7510-286-7792	3.44
7510-286-7794	3.33
7510-582-5488	6.43
7510-286-7791	5.46
7510-582-3807	6.03

Binder, note pad (IB):	Each
7510-286-6954	\$3.00
7510-145-0296	0.359
7510-728-8060	0.438

Eraser, mechanical (IB):	Each
7510-895-5292	\$0.15

7510-082-2065	Dozen
	\$2.35

Pencil (IB):	Dozen
7510-286-5757	\$0.195
7510-281-5234	0.188
7510-281-5235	0.186

NOTE: Procurement from IB is limited to 60 percent of the Government's annual requirement.

Pencil pointer (GI): 7510-237-4926	Each
	\$0.09

Portfolio (IB):	Dozen
7510-538-1372	\$5.73
7510-616-7241	5.73
7510-531-9813	5.73
7510-558-1573	6.77
7510-616-7239	6.77
7510-538-1571	6.77
7510-965-4856	3.90
7510-965-4857	3.96
7510-965-4854	7.00
7510-965-4852	7.00
7510-965-4853	7.00
7510-965-4850	7.00

Refill, ballpoint pen (IB):	Dozen
7510-543-6792	\$0.434
7510-543-6793	0.427
7510-754-2087	0.435
7510-543-6795	0.440
7510-754-2088	0.443
7510-754-2089	0.436
7510-754-2090	0.444
7510-754-2091	0.449

Arch board file (IB):	Each
7520-281-4848	\$1.405
7520-280-5498	1.427
7520-191-1074	1.006
7520-191-1075	1.018
7520-281-4845	0.555
7520-255-7081	0.571

Ballpoint pen (IB):	Dozen
7520-025-7136	\$0.886
7520-025-7135	0.896
7520-664-5198	0.785
7520-664-5200	0.777
7520-663-0059	0.786
7520-664-5197	0.790
7520-208-7045	0.775
7520-754-2516	0.768
7520-208-7046	0.770
7520-754-2517	0.781
7520-543-7149	1.580







**CLASS 8105**

Bag, cloth (IB): 8105-282-8183.....	Each	\$1.07
Bag, cotton (IB):	Bundle	
8105-183-0981.....		\$5.29
8105-281-3934.....		5.67
8105-183-0982.....		8.20
8105-179-0980.....		8.33
8105-271-1511.....		9.35
8105-183-0985.....		6.34
8105-174-0836.....		6.06
8105-183-0989.....		8.73
8105-200-3390.....		6.73

Bag, motion sickness (IB): 8105-830-7212.....

Thousand \$23.50

**CLASS 8115**

Box, set-up, mailing, dental (IB): 8115-511-0790.....	Each	\$0.42
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**CLASS 8120**

Cap, compressed gas cylinder (IB):	Each	
8120-178-0814.....		\$1.740
8120-179-0076.....		1.740

**CLASS 8345**

Flag, signal (IB):	Each	
8345-935-0588.....		\$10.64
8345-935-0589.....		10.43
8345-935-0590.....		10.89
8345-935-0591.....		10.64
8345-935-0592.....		10.43
8345-935-0594.....		10.89
8345-935-0595.....		10.43
8345-935-0597.....		10.64
8345-935-0598.....		10.43
8345-935-0599.....		10.77
8345-935-0602.....		10.43
8345-935-0604.....		10.66
8345-935-0607.....		10.06
8345-935-0608.....		10.77
8345-935-0633.....		10.10
8345-935-1840.....		10.19
8345-935-0634.....		10.19
8345-935-0638.....		10.23
8345-935-0639.....		10.23
8345-935-0640.....		10.23
8345-935-0977.....		6.23
8345-935-0978.....		5.79
8345-935-0979.....		6.12
8345-935-0980.....		5.96
8345-935-0984.....		6.23
8345-935-0986.....		6.46
8345-935-0979.....		5.83
8345-935-0987.....		6.35
8345-935-0989.....		6.23
8345-935-0990.....		6.30
8345-935-0982.....		6.38
8345-935-0984.....		6.09
8345-935-0983.....		6.35
8345-935-0985.....		6.36
8345-935-0619.....		6.18
8345-935-1839.....		6.18
8345-935-0620.....		6.18
8345-935-0623.....		6.18
8345-935-0409.....		6.18
8345-935-0624.....		6.18
8345-935-0445.....		4.52
8345-935-0803.....		4.51
8345-935-0446.....		4.34
8345-935-0805.....		4.52
8345-935-0447.....		4.31
8345-935-0987.....		4.84
8345-935-0448.....		4.51
8345-935-0810.....		\$4.82
8345-935-0988.....		4.81
8345-935-0450.....		4.71
8345-935-0451.....		4.51
8345-935-0453.....		4.11
8345-935-0802.....		4.52
8345-935-0814.....		4.71
8345-935-0436.....		4.15
8345-935-0437.....		4.15
8345-935-0438.....		4.15
8345-935-0408.....		4.23
8345-935-0441.....		4.23
8345-935-0442.....		4.23
8345-935-0454.....		4.00
8345-935-0466.....		3.82
8345-935-0467.....		4.01
8345-935-0468.....		3.82
8345-935-0470.....		4.23
8345-935-0471.....		3.82
8345-935-0473.....		4.01
8345-935-0474.....		3.82
8345-935-0475.....		4.14
8345-935-0478.....		3.82
8345-935-0480.....		3.45
8345-935-0483.....		4.01
8345-935-0484.....		4.14
8345-935-0626.....		3.85
8345-935-1838.....		3.85
8345-935-0627.....		3.85
8345-935-0407.....		3.89
8345-935-0630.....		3.89
8345-935-0631.....		3.89

**Pennant, signal (IB):**

8345-935-0420.....	Each	\$7.87
8345-935-0617.....		7.87
8345-935-4765.....		8.87
8345-935-1847.....		8.87
8345-935-3201.....		8.87
8345-935-4766.....		8.87
8345-935-0522.....		8.87
8345-914-0086.....		8.87
8345-935-4763.....		9.90
8345-935-4764.....		9.90
8345-935-0404.....		9.90
8345-935-0414.....		9.90
8345-935-1868.....		10.52
8345-935-0406.....		10.52
8345-935-0509.....		10.52
8345-926-5988.....		10.52
8345-935-0512.....		10.52
8345-921-4497.....		10.52
8345-935-3199.....		10.93
8345-825-1839.....		10.93
8345-935-0520.....		10.93
8345-914-0076.....		11.87
8345-914-0080.....		11.87
8345-914-0083.....		5.01
8345-935-0524.....		5.01
8345-926-5987.....		5.06
8345-926-5989.....		5.06
8345-935-0529.....		5.06
8345-926-5991.....		5.06
8345-825-1840.....		5.06
8345-935-0521.....		5.06
8345-914-0087.....		5.06
8345-926-6029.....		6.29
8345-935-0408.....		6.29
8345-935-0536.....		6.29
8345-926-9210.....		6.29
8345-926-9213.....		6.69
8345-926-6028.....		6.69
8345-935-0508.....		6.69
8345-935-0519.....		6.69
8345-935-0415.....		6.69
8345-914-0085.....		6.69
8345-926-9215.....		6.95
8345-935-0411.....		6.95
8345-926-9212.....		6.95
8345-914-7411.....		7.55
8345-914-6079.....		7.55
8345-914-6082.....		7.55
8345-935-0523.....		3.58
8345-935-0417.....		3.58
8345-926-5990.....		4.03
8345-935-0421.....		4.03
8345-926-9207.....		4.03
8345-935-0542.....		4.03
8345-935-0520.....		4.03
8345-935-0492.....		4.49
8345-935-0493.....		4.49
8345-926-9214.....		4.49
8345-935-0513.....		4.49
8345-935-0490.....		4.78
8345-935-0495.....		4.78
8345-926-9208.....		4.78
8345-935-0518.....		4.78
8345-935-0511.....		4.78
8345-914-6084.....		4.78
8345-935-0406.....		4.95
8345-935-0410.....		4.95
8345-935-0525.....		4.95
8345-914-9075.....		5.38
8345-914-6077.....		5.38
8345-914-6081.....		5.38
8345-935-0419.....		2.86
8345-935-0416.....		3.23
8345-935-0537.....		3.23
8345-935-0538.....		3.23
8345-935-0540.....		3.23
8345-935-0541.....		3.23
8345-926-9211.....		3.23
8345-935-0499.....		3.60
8345-935-0500.....		3.60
8345-935-0501.....		3.60
8345-825-1818.....		3.60
8345-935-0497.....		3.83
8345-935-0504.....		3.83
8345-935-1841.....		3.83
8345-935-0418.....		3.83
8345-825-1819.....		3.83
8345-926-1551.....		3.83
8345-935-0603.....		3.98
8345-935-0534.....		3.98
8345-935-1843.....		3.98
8345-926-1548.....		4.32
8345-926-1549.....		4.32
8345-926-1552.....		4.32

**CLASS 8415**

Apron (IB):	Each	
Construction Worker's:		
8415-205-3096.....		\$1.80
8415-257-4290.....		
When material is furnished by Government agency.....		0.974
When material is furnished by IB.....		2.32

**Food Handling:**

8415-258-8577.....	Each	\$1.73
8415-634-0306.....		1.39
8415-061-1173.....		1.09

**Food serving:**

8415-890-3027.....	Dozen	\$5.87
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**Band, Helmet, Camouflage (IB):**

8415-576-2873.....	Each	
When elastic cotton webbing furnished by ordering office.....		\$0.0184
When elastic cotton webbing furnished by IB.....		0.0650

**Cap, Food Handler's (IB):**

Cloth furnished by Government agency.....	Dozen	\$4.83
8415-294-7677.....		4.83
8415-294-7678.....		4.83
8415-294-7679.....		4.83

**Cover, helmet (IB): 8415-261-8833.....**

\$0.255

**Headband, food serving (IB): 8415-634-4939.....**

Bundle \$7.34

**Strap, chin (IB): 8415-360-0232.....**

Pair \$0.21

**Traffic safety clothing (IB):**

8415-177-4977.....	Each	\$2.50
8415-177-4978.....	Dozen	\$5.39
8415-177-4975.....	Pair	\$2.82
8415-177-4976.....	Each	2.33
8415-177-4974.....	Each	\$7.94

**CLASS 8430**

Slide fastener unit, laced boot (IB):	Pair	
8430-465-1888.....		\$1.35
8430-465-1889.....		1.35
8430-465-1890.....		1.35

**CLASS 8440**

Belt, trousers (IB): 8440-000-0000.....	Hundred	\$4.94
Neckerchief (IB): 8440-240-4022.....	Each	\$1.41
Necktie (IB):	Each	
8440-926-6004.....		\$0.64
8440-926-4033.....		0.64
8440-426-1999.....		0.94

**CLASS 8455**

Backing plates, plastic (IB):	Pair	
8455-421-7475.....		\$0.018
8455-421-7476.....		0.018
8455-421-7477.....		0.018
8455-421-7478.....		0.018
8455-421-7479.....		0.018
8455-421-7480.....		0.018
8455-421-7481.....		0.018
8455-421-7482.....		0.018
8455-421-7483.....		0.018
8455-421-7484.....		0.018
8455-421-7485.....		0.018

**CLASS 8460**

Kit bag, flyer's (IB): 8460-606-8366.....	Each	\$2.47
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**CLASS 8465**

Bag, barrack (IB):	Each	
8465-530-3092.....		\$0.887
When material is furnished by Government agency.....		2.31
When material is furnished by IB.....		3.23

**Bag, duffel (IB): 8465-265-4928.....**

Each \$1.108

**Bag, sleeping (IB): 8465-338-5415.....**

Each \$1.83

**Bag, sleeping, firefighter's (IB): 8465-081-0798.....**

Each \$5.11

**Bag, soiled clothes (IB): 8465-286-5455.....**

Each \$3.20

**Bag, soiled clothes, submarine (IB):**

Nylon duck to be furnished by ordering office.

Each \$1.83

**Belt, MP (IB): 8465-827-8843.....**

Each \$2.49

**Case, field, first aid dressing (IB): 8465-035-0814.....**

Each \$0.466

**Case, maintenance equipment, small arms (IB): 8465-781-9564.....**

Each \$0.924

**Clothes stop (IB): 8465-377-5701.....**

Each \$0.370



Cover, water canteen, nylon (IB): 8465-860-0256.	Each	\$1.52
Suspenders, field pack (IB):	Each	
8465-877-4922	.....	\$2.57
8465-877-4923	.....	2.57
8465-823-7201	.....	2.57

## CLASS 8470

Strap, soldier's steel helmet, M-1 (IB): 8470-030-8003	Each	\$0.71
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## CLASS 8940

Condiment packet (dietetic) (IB):	Box	
8940-177-4958	.....	\$14.80
8940-177-4959	.....	17.05
8940-177-4960	.....	16.30
8940-177-4961	.....	18.55
8940-177-4962	.....	13.80
8940-177-4963	.....	16.05
8940-935-6416	.....	15.10
8940-935-6417	.....	16.25
8940-935-6420	.....	14.15
8940-935-6421	.....	15.25

## CLASS 8950

Condiment packet (IB):	Box	
8950-935-6408	.....	\$13.65
8950-935-6409	.....	14.75
8950-935-6410	.....	12.65
8950-935-6411	.....	13.75
8950-935-6412	.....	12.00
8950-935-6413	.....	13.00

## CLASS 9920

Ash receiver, tobacco (IB): 9920-682-6757	Each	\$0.352
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## SERVICES

Services are identified by industrial group number as provided in the Standard Industrial Classification Manual prepared by the Technical Committee on Industrial Classification, Statistical Policy Division, Office of Management and Budget.

SIC 0782, Grounds Maintenance:

Naval Air Station, Whidbey Island, Washington (RF).

SIC 7531, Mailing:  
U.S. Coast Guard Academy, New London, Connecticut (ES).

U.S. Dept. of Agriculture, Washington, D.C. (RF).

SIC 7349, Janitorial/Custodial Service:

Homestead Air Force Base, Florida:

Hospital (Building 900 (JO)).

Dental Clinic (Building 686 (JO)).

SIC 7395 Film Developing:

Photographic Processing for the GSA, Self-Service Store #1, Denver Federal Center, Denver, Colorado (IB).

SIC 7399 Food Packet:

#Final Assembly, Survival, Abandon Ship (IB):

8970-299-1395:

TPK-1 (regular packing).

TPK-2 (weather-resistant packing).

#Final Assembly, Survival, General Purpose, Individual (FSN 8970-082-8665) (IB):

Packing: 24 cans to box.

Keypunch and Verification:

GSA Region 2, Automated Data Management Services Division overflow requirements (JO):

## Price Per M Card Columns

	Same Day Service	One Day Service	All Other Service
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Keypunch	\$0.67	\$0.66	\$0.65
Verify	.64	.62	.61
Keypunch and verify	1.31	1.28	1.26

Microfilm Stripping:  
Defense Logistics Service Center, Battle Creek, Michigan (GI):

Stripping and cleaning	\$0.052 per cartridge.
Film disposal	9.98 per 10,000 cartridges.
Pickup and delivery	4.68 per hour.

SIC 7641, Furniture Rehabilitation:

Lackland Air Force Base and Randolph Air Force Base, San Antonio, Texas (GI).

Monterey, California including Fort Ord (GI).

Spokane, Washington, plus 30-mile radius from city limits (GI).

Wright-Patterson Air Force Base, Dayton, Ohio, and Lockbourne Air Force Base, Columbus, Ohio (GI).

SIC 7699, Typewriter Servicing: 26 Federal Plaza, New York, New York (JO).

	Price list available from FSS, GSA Region 7.
	Price list available from FSS, GSA Region 9.
	Price list available from FSS, GSA Region 10.
	Price list available from FSS, GSA Region 5.
	Price list available from FSS, GSA Region 2.

## MILITARY RESALE COMMODITIES

Procedures for ordering military resale commodities are contained in Section 51-5.6, Code of Federal Regulations, Title 41.

## CLASS 3740

Swatter, fly (IB): 3740-B510-994	Each	\$0.14
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## CLASS 7210

Cloth, all purpose (IB):		
7210-B510-980, Pg. of 4	.....	\$0.77
7210-B510-981, Pg. of 2	.....	0.38
Cloth, dish (IB):		
7210-B510-941, Pg. of 4	.....	\$0.65
7210-B510-942, Pg. of 2	.....	0.33
Cloth, polishing and dusting (IB):		
7210-B510-982, Pg. of 2	.....	\$0.37
7210-B510-983, Pg. of 4	.....	0.79
Cloth, wash (IB):		
7210-B510-984, Pg. of 2	.....	\$0.40
7210-B510-986, Pg. of 4	.....	0.79
Towel, kitchen (IB): 7210-B510-945, Pg. of 2	.....	\$0.77

## CLASS 7220

Mat, floor (IB): 7220-B510-992	Each	\$1.79
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## CLASS 7290

Bag, dampening (IB): 7290-B510-968	.....	\$0.56
Bag, washing machine (IB): 7290-B510-970	.....	\$0.79
Clothesline, plastic (IB): 7290-B510-974	.....	\$0.79
Cover, ironing board (IB):		
7290-B510-964	.....	\$9.94
7290-B510-969	.....	1.29
Cover and pad set, ironing board (IB): 7290-B510-982	.....	\$1.08

## CLASS 7320

Brush, bottle (IB): 7320-B510-956	.....	\$0.36
Brush, pastry and basting (IB): 7320-B510-959	.....	Each \$0.36
Brush, percolator (IB): 7320-B510-962	.....	Each \$0.31
Cloth, dishwashing (IB): 7320-B510-943	.....	Each \$0.21
Scrubber, nylon (IB): 7320-B510-954	.....	Each \$0.13

## CLASS 7330

Opener, pour and store set (IB): 7330-B510-988, Set of 3	.....	\$1.29
Mitt, oven (IB): 7330-B510-949	.....	Each \$0.30
Mop, dish and bottle (IB): 7330-B510-950	.....	Each \$0.33
Mop, glassware and dishware (IB): 7330-B510-951	.....	Each \$0.21
Potholder (IB): 7330-B510-946	.....	Each \$0.21
Scrubber (IB):		
7330-B510-944	.....	Each \$0.31
7330-B510-953	.....	Each 0.31

## CLASS 7920

Applicator, wax (IB):		
7920-B510-930	.....	Each \$0.93
7920-B510-922	.....	Each 0.77
Bag, laundry (IB): 7920-B510-967	.....	Each \$1.79
Broom, Corn (IB):		
7920-B510-904	.....	Each \$1.41
7920-B510-906	.....	Each 1.39
Broom, Parlor (IB): 7920-B510-903	.....	Each \$1.79
Broom, Plastic Filament (IB): 7920-B510-905	.....	Each \$1.50
Broom, whisk (IB):		
7920-B510-909	.....	Each \$0.60
7920-B510-910	.....	Each 0.67
Brush, counter (IB): 7920-B510-915	.....	Each \$0.67
Brush, dish and pan (IB): 7920-B510-957	.....	Each \$0.63
Brush, floor with handle (IB): 7920-B510-911	.....	Each \$1.69
Brush, lint (IB): 7920-B510-913	.....	Each \$0.69
Brush, sanitary (IB): 7920-B510-916	.....	Each \$0.64
Brush, scrubbing (IB):		
7920-B510-918	.....	Each \$0.40
7920-B510-919	.....	Each 0.68
Brush, vegetable (IB): 7920-B510-955	.....	Each \$0.34
Duster, all purpose (IB): 7920-B510-997	.....	Each \$0.69
Dust pan (IB): 7920-B510-995	.....	Each \$0.54
Handle, spring lever (IB): 7920-B510-920	.....	Each \$0.45
Mop, block sponges (IB): 7920-B510-924	.....	Each \$2.13
Mop, cotton, wet (IB): 7920-B510-928	.....	Each \$0.76
Mop, dusting (IB):		
7920-B510-925	.....	Each \$1.85
7920-B510-929	.....	Each 1.20
Mop, self wringing (IB): 7920-B510-921	.....	Each \$2.08
Mop, stick or yacht, wet (IB): 7920-B510-926	.....	Each \$0.83
Mophead, cotton, wet (IB): 7920-B510-937	.....	Each \$0.52
Mophead, viscose and rayon (IB): 7920-B510-936	.....	Each \$0.56
Refill, mophead, dusting (IB): 7920-B510-939	.....	Each \$1.28
Refill, sponge (IB): 7920-B510-934	.....	Each \$0.66
Refill, Wax Applicator (IB):		
7920-B510-932	.....	Each \$0.27
7920-B510-938	.....	Each 0.45
Refill, wring easy mop (IB): 7920-B510-931	.....	Each \$0.99
Sponge, body (IB): 7920-B510-903	.....	Each \$0.29

## CLASS 8450

Bib, terrycloth (IB): 8450-B510-985, Pg. of 2	.....	\$0.55
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## CLASS 8530

Brush, grooming (IB): 8530-B510-958	.....	Each \$0.25
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# federal register

THURSDAY, NOVEMBER 29, 1973  
WASHINGTON, D.C.

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PART V



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## DEPARTMENT OF COMMERCE

National Oceanic and  
Atmospheric Administration

■

COASTAL ZONE  
MANAGEMENT  
PROGRAM  
DEVELOPMENT GRANTS



## Title 15—Commerce and Foreign Trade

## CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

## PART 920—COASTAL ZONE MANAGEMENT PROGRAM DEVELOPMENT GRANTS

The National Oceanic and Atmospheric Administration (NOAA) on June 13, 1973, proposed guidelines (originally published as 15 CFR Part 960), pursuant to section 305 of the Coastal Zone Management Act of 1972 (Pub. L. No. 92-583, 86 Stat. 1280), hereinafter referred to as the "Act," for the purpose of defining the procedures by which States can qualify to receive development grants under section 305 of the Act and policies for development of their management program.

Written comments were to be submitted to the Office of Coastal Environment, National Oceanic and Atmospheric Administration before August 13, 1973, and consideration has been given these comments.

The Act recognizes that the coastal zone is rich in a variety of natural, commercial, recreational, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation. Present State and institutional arrangements for planning and regulating land and water uses in the coastal zone are often inadequate to deal with the competing demands and the urgent need to protect natural systems in the ecologically fragile area. Section 305 of the Act authorizes annual grants to any coastal State for the purpose of assisting the State in the development of a management program for the land and water resources of its coastal zone (development grant). Once a coastal State has developed a management program it is submitted to the Secretary of Commerce for approval and, if approved, the State is then eligible, under section 306, to receive annual grants for administering its management program (administrative grants).

The guidelines contained in this part are for grants under section 305 to develop a management program that will meet the requirements of section 306. Section 305 provides guidance as to what must be included in a management program while section 306 sets forth requirements that must be met before the Secretary can approve a State's management program for administrative grants. Participating States, therefore, must insure that the management program they develop under section 305 will meet the requirements of section 306. These guidelines incorporate some of the requirements of section 306. Guidelines for section 306 are being developed and will be published when available.

In general terms, section 305 requires a management program to include (1) the boundaries of the State's coastal zone; (2) a process pursuant to which permissible land and water uses which have a direct and significant impact on coastal waters are defined; (3) criteria for and designation of geographic areas

in the coastal zone of particular concern to the State; (4) identification or establishment of the means by which the State, together with other levels of government, shall exert control over the land and water uses in its coastal zone; (5) designation of priority uses within specific geographic areas throughout the coastal zone; and (6) description of the organizational structure and intergovernmental arrangements sufficient to develop and maintain an effective and coordinated management process.

The National Oceanic and Atmospheric Administration is publishing herewith the final regulations describing procedures for applications to receive development grants under section 305 of the Act. The final regulations and criteria published herewith were revised from the proposed guidelines based on the comments received. A total of sixty-three (63) States, agencies, organizations and individuals submitted responses to the proposed section 305 Guidelines published in the FEDERAL REGISTER on June 13, 1973. Of those responses received, twelve (12) were wholly favorable as to the nature and content of the Guidelines as they appear in the FEDERAL REGISTER on June 13, 1973. Forty-one (41) commentators submitted suggestions concerning the proposed section 305 Guidelines.

The following analysis summarizes key comments received on various sections of the interim regulations and presents a rationale for the changes made:

1. Several commentators asserted that there was a need for further elaboration on the definitions contained under § 920.2. No changes were made in response to these comments since the present definitions allow the States to adjust their programs as local conditions require.

2. Sixteen comments were received on the necessity of submitting an Environmental Impact Statement as required by § 920.10(c). The National Environmental Policy Act, 42 U.S.C. 4332, and implementing regulations, 38 FR 20562, August 1, 1973, require an Environmental Impact Statement be prepared and circulated on:

(i) The environmental impact of the proposed action,

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) Alternatives to the proposed action,

(iv) The relationship between local, short-term uses of man's environment and the maintenance of enhancement of long-term productivity, and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

(42 U.S.C. 4332 [C])

It is anticipated that such Environmental Impact Statements will be prepared by the Secretary, primarily on the basis of an environmental impact assessment and other relevant data, prepared and submitted by the individual States.

3. Several suggestions were made that the seven representative factors listed under § 920.13 be expanded to include renewable resource lands. The commentators expressed concern that this important area in the coastal ecosystem was not specifically identified. As a result of the concern expressed by the commentators, renewable resource lands are included in the list of representative factors which will assist in the designation of certain areas as being areas of particular concern.

4. The requirement that a "more comprehensive management program design" be submitted within 120 days after approval of the grant application has been amended under § 920.45(d). The final guidelines require that the management program design be submitted at the same time as the application for the initial grant. The reason for the above change is that the 120-day delay is not necessary and would serve as a potential source of confusion to the applicants.

5. Several comments received pertaining to § 920.14 recommended that NOAA emphasize the point that institutional questions should be raised early in the overall process. Commentators expressed concern that waiting until all the "technical work" is completed and the "plan" developed to consider the institutional vehicles for implementation would be a mistake that could foreseeably delay the implementation of the plan. As a result of the comments received, language has been inserted to encourage the States to determine at an early stage whether or not legislation is needed.

6. There appeared to be general misunderstanding of the Public Hearing requirements cited under § 920.31. In order to clarify this section it has been rewritten. The present section emphasizes that "the key to compliance with the provisions of the Act is the assurance that the public has had an adequate opportunity to participate in the development of the plan."

7. Several comments received indicated a lack of understanding by several commentators as to the exact meaning of "segmentation" under § 920.44. To eliminate any misinterpretation, the term "geographic" has been inserted before the terms "segment and segmentation" as they appear in § 920.44.

8. One commentator expressed concern over § 920.45(f) which required that where "a State chooses to reject (completed and approved regional and local) plans, it should be prepared to justify its actions as part of the management program." The above language has been amended to require a State "to advise the local government wherein" "its plan is deficient," rather than to "justify" its actions. The commentator argued that it would be inappropriate to establish a burden of proof for the States when it disagrees with actions of a regional or local body created by the State.

9. Several suggestions were made that the 15-day limit under § 920.47 be expanded. On the basis of the comments submitted, the time limit was expanded



to "30 working days." One commentator believed that this would afford the Secretary greater time and opportunity to thoughtfully respond to State requests pursuant to this section.

Accordingly, having considered the comments received and other relevant information, the Secretary concludes by adopting the final regulations describing the procedure for application to receive development grants under section 305 of the Act, as modified and set forth below.

*Effective date.* November 29, 1973.

*Dated:* November 26, 1973.

ROBERT M. WHITE,  
Administrator.

- Sec.
- Subpart A—General**
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- 920.2 Definitions.
- 920.3 Applicability of air and water pollution control requirements.
- Subpart B—Content of Management Programs**
- 920.10 General.
- 920.11 Boundaries of the coastal zone.
- 920.12 Permissible land and water uses.
- 920.13 Geographic areas of particular concern.
- 920.14 Means of exerting State control over land and water uses.
- 920.15 Designation of priority uses within specific geographic areas throughout the coastal zone.
- 920.16 Organizational structure to implement the management program.
- Subpart C—Research and Technical Support**
- 920.20 General.
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- 920.46 Approval of applications.
- 920.47 Amendments.
- 920.48 Application for second year grants.
- 920.49 Application for third year grants.

**AUTHORITY:** Sec. 305, Coastal Zone Management Act of 1972 (Pub. L. No. 92-583; 86 Stat. 1280).

**Subpart A—General**

§ 920.1 Policy and objectives.

(a) This part establishes guidelines on the procedures to be utilized by coastal States to obtain development grants under section 305 of the Coastal Zone Management Act of 1972, Pub. L. 92-583, 86 Stat. 1280, and sets forth policies for the development of coastal zone management programs.

(b) Coastal zone management programs developed by the States shall comply with the policy of the Act; that is, the program must give full consideration to ecological, cultural, historic, and esthetic values, as well as to needs for economic development.

§ 920.2 Definitions.

As used in this part, the following terms shall have the meanings indicated below:

(a) The term "Act" means the Coastal Zone Management Act of 1972, Pub. L. 92-583, 86 Stat. 1280.

(b) "Coastal zone" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal States, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the U.S. territorial sea. The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters. Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion or which is held in trust by the Federal Government, its officers or agents.

(c) "Coastal waters" means (1) those waters, adjacent to the shorelines, which contain a measurable quantity or percentage of seawater, including but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries; and (2) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes.

(d) "Coastal State" means a State of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. For the purposes of these guidelines, the term also includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(e) "Estuary" means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the seawater is measurably diluted with freshwater derived from land drainage. The term includes estuary-type areas of the Great Lakes.

(f) "Secretary" means the Secretary of Commerce or his designee.

(g) "Management program" includes, but is not limited to, a comprehensive statement in words, maps, illustrations, or other permanent media of communication, prepared and adopted by the State in accordance with the provisions of these guidelines, setting forth objectives, policies, and standards to guide and regulate public and private uses of lands and waters in the coastal zone.

(h) "Water use" means activities which are conducted in or on the water within the coastal zone.

(i) "Land use" means activities which are conducted in or on the shorelands within the coastal zone.

§ 920.3 Applicability of air and water pollution control requirements.

Notwithstanding any other provisions of this part, nothing in this part shall in any way affect any requirement (a) established by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, or (b) established by the Federal Government or by any State or local government pursuant to such Acts. Such requirements shall be incorporated in any program developed pursuant to these guidelines and shall be the water pollution control and air pollution control requirements applicable to such program.

**Subpart B—Content of Management Programs**

§ 920.10 General.

(a) The guidelines for section 305 of the Act have been structured to parallel the language and sequence of requirements in the Act. This approach has been followed to facilitate references to the Act. It is not required that this sequence be rigorously followed in developing the management program and in carrying out the specific tasks contained therein. It is anticipated and acceptable that the approach taken for development of programs will vary. These guidelines should not be interpreted as limiting State approaches or the contents of their management development grant applications.

(b) Section 305(b) required the inclusion of six elements in the initial development of State coastal zone management programs. These minimum requirements are set forth below with accompanying commentary that is designed to guide State responses to these key provisions of the management program development grant effort.

(c) It is anticipated that an environmental impact statement will be prepared and circulated on a State's management program prior to its approval by the Secretary of Commerce, in accordance with the terms of the National Environmental Policy Act and its associated administrative regulations. The Secretary will prepare and circulate an environmental impact statement on the basis of an environmental impact assessment and other relevant data, prepared and submitted by the individual States.

§ 920.11 Boundaries of the coastal zone.

Section 305(b)(1) requires the management program to include "an identification of the boundaries of the coastal zone subject to the management program." The definition of the coastal zone in the Act recognizes that no single geographic definition will satisfy the management needs of all coastal States, because designation of the coastal zone for management purposes must take into account the diverse natural, institutional, and legal characteristics that are subject to decisions made in fulfillment of other requirements of the Act and this subpart. Determination by a State of the extent of the coastal zone of that State land-



ward from the shoreline presents a very important conceptual and operational issue for State study, analysis, and decision. The following factors should be considered:

(a) In order to develop an orderly and effective management program, States may wish initially to delineate a planning area which generally is larger than, and encompasses the area ultimately identified as the coastal zone. Such a two-step procedure would enable a State to undertake planning studies and policy development for a relatively broad region aimed at a later final determination of the smaller coastal zone where specific land and water use controls, regulations, and active management activities will be applied. Demographic, economic, developmental, and biophysical factors and their analysis, which will largely determine State management activities in coastal waters and the landward and seaward areas and uses affecting them, are likely to be based upon data, programs, and institutional boundaries (such as counties or areawide agencies) that encompass geographic areas larger than the coastal zone designation. Specific coastal zone programming and regulation must take into account current developmental, political, and administrative realities, as well as biophysical processes, that may be external to the restricted zone eventually selected for direct management control.

(b) The coastal zone for management purposes extends inland only "to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters." However, the States are encouraged to take early and continuing account of existing Federal and State land/water use and resource planning programs. In addition, States may wish to anticipate a national land-use policy, including its application in their State, unless the State coastal zone management program applies to the entire State. States may also wish to anticipate the desired coordination between the coastal zone and proposed land use or broad resource management programs. Examples of some related statewide policies and programs which will affect and should be considered in making determinations under the Act include: Energy policy, siting of power plants and other major water-dependent facilities, surface and subsurface mineral extraction controls, overall land and water conservation policies, and many others.

(c) Lands the use of which are by law subject solely to the discretion of, or which are held in trust by the Federal Government, its officers or agents are excluded from the coastal zone. However, section 307(c) of the Act requires Federal agencies conducting or supporting activities in the coastal zone to conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved State management programs. Furthermore, before the Secretary can approve a management program, he is required under section 307(b) to consider

the views of Federal agencies principally affected by the management program. States having excluded Federal lands in coastal zone must indicate the manner in which they will coordinate with Federal officials administering such lands in the development of their management program.

**§ 920.12 Permissible land and water uses which have a direct and significant impact on coastal waters.**

Section 305(b)(2) of the Act requires that the management program include "a definition of what shall constitute permissible land and water uses within the coastal zone which have a direct and significant impact on coastal water." In determining permissible uses, States should give consideration to "requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources." As stated in the declaration of congressional policy, these uses are to be managed "giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development." Developing indices for determining environmental and economic impact—beneficial, benign, tolerable, adverse—is the first essential analytical and policy step needed to give substance and clarity to those uses which are "permissible." Some of the factors involved in this determination include location, magnitude, the nature of impact upon existing natural or man-made environments, economic, commercial, and other "triggering" impacts, and land and water uses of regional benefit. In responding to this requirement, therefore, the following general types of study and evaluation should be undertaken utilizing existing data and available analysis where possible:

(a) Determining criteria and measures to assess the impact of existing, projected, or proposed uses or classes of uses on the identified coastal environments;

(b) Categorizing the nature, location, scope, and conflicts of current and anticipated coastal land and water use or classes of uses;

(c) A continuing compilation, verification, and assessment of the general characteristics, values, and interrelationships within coastal land and water environments.

In establishing permissible uses, States must also be cognizant of the requirement in section 306(c)(8) of the Act that the management program must provide "for adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature." The State must have adequate processes for providing such adequate consideration.

**§ 920.13 Geographic areas of particular concern.**

Section 305(b)(3) of the Act requires that the management program include

"an inventory and designation of areas of particular concern." The inventory and analysis of the States' total coastal zone in § 920.12 should provide the basic data analysis, and criteria necessary to identify specific geographic areas of particular concern. It should be noted that geographic areas of particular concern are likely to encompass not only the more-often cited areas of significant natural value or importance, but also: (a) Transitional or intensely developed areas where reclamation, restoration, public access and other actions are especially needed; and (b) those areas especially suited for intensive use or development. In addition, immediacy of need should be a major consideration in determining particular concern. While the States will vary in their perceptions of what areas are of particular concern, criteria derived from assessing the following representative factors will assist in these designations:

(1) Areas of unique, scarce, fragile, or vulnerable natural habitat, physical feature, historical significance, cultural value, and scenic importance;

(2) Areas of high natural productivity or essential habitat for living resources, including fish, wildlife, and the various trophic levels in the food web critical to their well-being;

(3) Areas of substantial recreational value and/or opportunity;

(4) Areas where developments and facilities are dependent upon the utilization of, or access to, coastal waters;

(5) Areas of unique geologic or topographic significance to industrial or commercial development;

(6) Areas of urban concentration where shoreline utilization and water uses are highly competitive;

(7) Areas of significant hazard if developed, due to storms, slides, floods, erosion, settlement, etc.; and

(8) Areas needed to protect, maintain or replenish coastal lands or resources, such areas including coastal flood plains, aquifer recharge areas, sand dunes, coral and other reefs, beaches, offshore sand deposits, and mangrove stands.

This inventory and designation of geographic areas of particular concern will be of assistance in meeting the requirement in section 306(c)(9) of the Act which requires that the management program "make provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, or esthetic values."

**§ 920.14 Means of exerting State control over land and water uses.**

Section 305(b)(4) of the Act requires that the management program include "an identification of the means by which the State proposes to exert control over land and water uses referred to in (§ 920.12) including a listing of relevant constitutional provisions, legislative enactments, regulations, and judicial decisions." A fundamental purpose of this legislation is to broaden the perspective by which decisions affecting the coastal zone are made to incorporate a statewide view. Congress in section 306(e) provided



three methods by which a State might carry out its management responsibilities in an acceptable manner. Section 306(e) of the Act provides:

(a) Prior to granting approval, the Secretary shall also find that the program provides:

(1) For any one or a combination of the following general techniques for control of land and water uses within the coastal zone:

(i) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;

(ii) Direct State land and water use planning and regulation; or

(iii) State administrative review for consistency with the management program of all development plans, projects, or land water use regulations, including exceptions and variance thereto, proposed by any State or local authority or private developer with power to approve or disapprove after public notice and an opportunity for hearings.

It is for the several States to determine the appropriate role of local governments in administering its coastal zone program. The Act recognizes that local governments are closest to those who will be most affected by a management program and that many sub-State units often can make a useful contribution to the development of the program. Section 306 requires that: Local governments and other interested public and private parties must have an opportunity for full participation in the development of the management program; the State has coordinated with local, areawide, and interstate plans; and, the State has established an effective mechanism for continuing consultation and coordination with local governments and other units to insure their full participation in carrying out the management program (e.g., advisory councils composed of representatives of local government).

(b) Some of the issues to be addressed in identifying the means by which a State will propose to exert its control include:

(1) Whether existing State powers and authority are sufficient to exert one of the three alternative means of control specified in section 306(e);

(2) What specific modifications or strengthened mandates would be needed to qualify the State under section 306(d) and (e);

(3) Whether a shared State-local or State-areawide regional consolidated regulatory system should be established.

It is important that the States determine at an early stage whether legislation is needed, and identify the elements of that legislation to meet the requirements in section 306(d) and (e). This requires that the State, acting through its chosen agency or agencies, including local governments, areawide agencies designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, regional agencies, or interstate agencies, have authority for the management of the coastal zone in accordance

with the management program. Such authority shall include power—

(i) To administer land and water use regulations, control development in order to insure compliance with the management program, and to resolve conflicts among competing uses; and,

(ii) To acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means where necessary to achieve conformance with the management program.

The required listing of relevant constitutional provisions, legislative enactments, regulations and judicial decisions will, of course, be one foundation for analyzing and making decisions concerning the above issues and alternatives. In order to undertake the kinds of work outlined above, however, it will be necessary to go beyond a mere listing by preparing an assessment of current legal constraints or prohibitions, needed executive or legislative initiatives, and where required, to prepare the elements of any legislative program needed to establish a comprehensive and effective management program. There is room to exercise strengthened design and management imagination and creativity under this program for coastal zone management. While past research and planning efforts have often been limited by existing law, policy and practices, the Act encourages creative approaches to action programs for orderly development, and preservation or restoration of areas within the coastal zone for their conservation, recreational, ecological or esthetic values. Thus, the States are encouraged to consider innovative techniques or strategies that are now being tested and utilized both in the United States and elsewhere that they deem suitable to their management needs.

#### § 920.15 Designation of priority uses within specific geographic areas throughout the coastal zone.

Section 305(b) (5) of the Act requires that the management program include "broad guidelines on priority of uses in particular areas including specifically those uses of lowest priority." This required element is closely tied to the requirements in §§ 920.12 and 920.13 and should build upon the States' findings and conclusions reached concerning "permissible uses" and areas of "particular concern." These decisions should assist the State in establishing preferred uses tailored to specific areas in its coastal zone. Priority guidelines will serve three essential purposes:

(a) To provide the basis for regulating land and water uses in the coastal zone;

(b) To provide the State, local governments, areawide/regional agencies, and citizens with a common reference point for resolving conflicts, and

(c) To articulate the States' interest in the preservation, conservation, and orderly development of specific areas in its coastal zone.

It should be noted that States will be expected to utilize all available information

relating to characteristics of the coastal zone when planning for specific uses. For example, data on flood inundation at 100-year intervals should be examined to determine the feasibility or wisdom of construction on affected sites.

#### § 920.16 Organizational structure to implement the management program.

Section 305(b) (6) requires a management program to include: "A description of the organizational structure proposed to implement the management program, including the responsibilities and interrelationships of local, areawide, State, regional and interstate agencies in the management process." One essential element of the organizational structure is the requisite State involvement in land and water use decisions in the coastal zone as set forth in § 920.14. Another, is the process of coordination by the State with local, areawide, regional and interstate agencies, in the development and administration of the management program. Guidance with respect to organizational structure is provided in section 306 (c) which requires that the Secretary, prior to granting approval of a management program, find that:

(a) The State has—

(1) Coordinated its program with local, areawide, and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the State's management program is submitted to the Secretary, which plans have been developed by a local government, an areawide agency designated pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency; and

(2) Established an effective mechanism for continuing consultation and coordination between the management agency designated (by the Governor) and with local governments, interstate agencies, regional agencies, and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this Act.

(b) The management program and any changes thereto have been reviewed and approved by the Governor.

(c) The Governor of the State has designated a single agency to receive and administer the grants for implementing the management program.

(d) The State is organized to implement the management program required under paragraph (d) (1) of this section. Based on policies, management approaches, technical data, priorities and existing or potential powers and authorities developed by the State in §§ 920.11 through 920.15, the critical issues of organizational structure, administrative responsibilities and institutional arrangements must be resolved. While a detailed institutional structure for achieving the Act's objectives cannot be specified in advance of development of the management program, the agency designated, or to be designated, by the Governor to re-



ceive and administer management grants should have:

- (1) Authority to correlate the activities of all State, local, areawide/regional or other entities in the coastal zone;
- (2) Appropriate access to the Governor; and
- (3) Requisite powers set forth in section 306 of the Act.

In addition, States should strengthen cooperative mechanisms for State-Federal consultation in key mutual areas of concern, particularly where Federal activities affect the coastal zone. Section 306 requires that the management program provide for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit. Cooperation among the various State and regional agencies including establishment of interstate and regional agreements, cooperative procedures, and joint action, particularly regarding environmental problems and resource development in the national or regional interest, is encouraged.

#### Subpart C—Research and Technical Support

##### § 920.20 General.

(a) It is clear that the process of developing (and operating) a management program for the coastal zone will necessarily involve frequent access to informational and research sources. In many cases, adequate understanding of questions such as dune stabilization, barrier beach dynamics, salt marsh productivity and estuarine circulation and flushing, to mention only a few, will be needed in order to develop successful management programs. Also, the process of inventorying and mapping the nature of a State's zone, and designation of areas of particular concern almost certainly will benefit from the application of technologies such as those employing remote sensing.

(b) A substantial number of sources for such information exist within Federal agencies, in universities, in State and Federal laboratories and research centers, and in the private sector. NOAA's Office of Coastal Environment, with the assistance of the Environmental Data Service, will endeavor to serve generally as a clearinghouse for specialized coastal zone technical information, and will issue pertinent publications on appropriate technical support available at least from Federal sources.

(c) Because some features of the coastal zone remain incompletely understood, States may find it necessary to act without all of the basic technical information that they require. The Office of Coastal Environment intends to identify unsolved coastal research problems and will seek to facilitate their solution. Monitoring programs established as part of the development of a management program may also, if properly designed, produce data which can be used to elucidate important coastal zone phenomena.

(d) It should be pointed out that the primary emphasis of the coastal zone

management program is to create the mechanism for States to exert appropriate control over land and water uses and to begin the management process, not to engage in long-term research projects. Applications for management program development grants which contain substantial research elements will be carefully reviewed to assure that these elements are essential to the successful development of a State's management program and are an integral part of a comprehensive review of existing information relating to the management program. Clearly, the nature of this program will give preference to and encourage research in such applied activities as resource surveys, inventories, and determination of environmental carrying capacities.

(e) In developing their management programs, States should always endeavor to locate and utilize existing information and research sources to the extent applicable and available rather than undertaking unnecessary independent research or information gathering, as part of program development effectiveness. In this respect, the Office of Coastal Environment should ordinarily be initially contacted to ascertain what information and assistance it can provide.

##### § 920.21 Approaches to research activities.

In addition to taking full advantage of the various sources of technical information found within the individual States, the States will also find that one of the important sources of technical information will be the various components of NOAA which support ongoing programs in coastal research and mapping, physical oceanography, and hydrography. Those elements of NOAA which States may wish to contact for assistance include:

(a) Office of Sea Grant: Supports a large program of university research aimed largely at coastal zone-related problems. Contact Office of Sea Grant, Pennsylvania Building, 425 13th Street NW., Washington, D.C.

(b) National Ocean Survey: Conducts a substantial inhouse effort on coastal mapping and charting, geodesy, hydrography, and related subjects. Contact National Ocean Survey, National Oceanic and Atmospheric Administration, Rockville, Md. 20852.

(c) National Marine Fisheries Service: Undertake biological and ecological research and other programs relevant to commercial and sport fisheries of all types. Contact National Marine Fisheries Service, Page Building 2, 3300 Whitehaven Street NW., Washington, D.C.

(d) Environmental Data Service: Monitors large quantities of environmental data of all types, including weather, oceanographic and earth sciences. Includes National Oceanic Data Center. Contact Environmental Data Service, National Oceanic and Atmospheric Administration, Page Building 2, 3300 Whitehaven Street NW., Washington, D.C.

(e) Environmental Research Laboratories: Conduct a wide ranging research

program in the ocean and atmospheric sciences. Contact Environmental Research Laboratories, National Oceanic and Atmospheric Administration, Boulder, Colo. 80302.

(f) Office of Coastal Environment: Contains responsibility for administration of the Coastal Zone Management Act as well as a number of coastal environmental studies and manned underwater activity programs. Contact Office of Coastal Environment, National Oceanic and Atmospheric Administration, Rockville, Md. 20852.

(g) Other sources of information and resources are:

(1) Research carried on by or for the U.S. Army Corps of Engineers;

(2) The Environmental Protection Agency has information on environmental programs and water quality studies and could be consulted for technical information and assistance in environmental pollution control problems and techniques;

(3) Department of Housing and Urban Development research program;

(4) Office of Water Resources Research, U.S. Department of the Interior;

(5) National Science Foundation—Research Applied to National Needs; and

(6) U.S. Geological Survey water and minerals resources investigations.

(h) In addition to the research activities cited above, there are many ongoing programs conducted by agencies at the State and Federal level which can provide technical assistance and should be utilized where appropriate. Inasmuch as further effort will be made to identify relevant Federal program, they are not described in detail here. They are, however, housed in such Federal agencies as:

Regional Economic Development Commissions,  
Soil Conservation Service,  
U.S. Geological Survey,  
National Aeronautic and Space Administration,  
Atomic Energy Commission,  
Water Resources Councils and Associated River Basin Commissions.

(i) Finally, it is important to establish and maintain a relationship with the research community, designers, planners, decisionmakers, and managers. Because applied and basic research will be a continuing need in coastal zone management, States should review and develop explicit statements of their research needs and strengthen their contacts and involvement with the private and public research community, by taking a lead role in determining research and technical assistance priorities, continuing mutual project development activities and translation of scientific findings into information useful for managers.

#### Subpart D—Public Participation

##### § 920.30 General.

Public participation is an essential element of development and administration of a coastal zone management program. Through citizen involvement in the development of a management program, public needs and aspirations can be reflected in use decisions for the



coastal zone, and public support for the management program can be generated. Participating States, therefore, should seek to obtain extensive public participation in the development and administration of a coastal zone management program.

#### § 920.31 Public hearings.

Section 306(c) (3) of the Act requires that public hearings be held in the development of the management program.

(a) *Notice.* Notification of public hearing should provide the public the longest period of notice practical, but in no event should notice less than the 30-day statutory minimum be provided. Announcement of the hearings should be through media designed to inform the public—not merely to provide "technical notice." Therefore, in addition to any publication of legal notice as required by State law, reasonably informative news releases should be made available to the news media in the affected communities.

(b) *Access to document.* At the time of the announcement, all agency materials pertinent to the hearings, including documents, studies, the agenda for the hearing, and other data, must be made available to the public for review and study in the locale where the hearings are to be conducted.

(c) *Number of hearings.* Where a State has determined that a public hearing or hearings will be held only on the entire plan, it shall assure that the public is afforded an adequate opportunity to participate in the hearings.

Where a portion of the plan has been developed prior to the effective date of this Act, the requirement for public hearings under this Act shall be satisfied if the State shows that hearings complying with requirements of this section have been held on such earlier developed portions of the plans, or if the State provides a full opportunity for public hearings on the plan prior to submission of the plan for approval under section 306. In reviewing the plan submitted by a State, the Secretary will not approve any plan unless there has been a full and effective opportunity for public involvement in every portion of the plan. The key to compliance with the provisions of the Act is the assurance that the public has had an adequate opportunity to participate in the development of a plan. More than one public hearing on the plan is not required: *Provided*, That a hearing is conducted prior to final adoption of the plan and members of the public are given adequate notice of the hearing and a full opportunity to effectively participate and make their views known at such a hearing.

(d) *Location of hearings.* Hearings should be held in those geographic areas which would be principally affected by the decisions on issues under consideration at the hearing, e.g., establishment of priority uses for a given geographic area. Hearings on the total management program should be held in places within the State where all citizens of the State may have an opportunity to comment.

(e) *Timing of hearings.* In many cases,

the population of the coastal zone fluctuates significantly with the seasons of the year. Efforts should be made to insure that hearings are held when those populations most likely to be affected are present.

(f) *Report.* A verbatim transcript of the hearings need not be prepared but a comprehensive summary should be prepared and made available to the public within 30 days after the conclusion of the hearing. A copy of these summaries shall accompany the management program when it is submitted to the Secretary for approval.

#### § 920.32 Additional means of public participation.

Formal public hearings may not provide an adequate opportunity for information exchange. To insure that the public is heard during the development of the program, efforts should be made to encourage discussion in various forums of the subject matter of the hearings and to take other steps to insure that the public can participate in the process in a meaningful manner. The following are suggested to accommodate increased public participation:

(a) Establish arrangements for exchanging information, data, and reports, among State and local government agencies, citizen groups, special interest groups, and the public at large, throughout the development and administration of the coastal zone program.

(b) The State should provide, after notice, the opportunity of participation by relevant Federal agencies, State agencies, local organizations, port authorities and other interested parties both public and private.

(c) Develop mechanisms in addition to public hearings to allow citizens and the public at large to effectively participate in the coastal zone program. The following are examples of some of the components that may be used in the participation process:

(1) Citizen involvement in the development of the goals and objectives.

(2) Citizen appointment by the agency to a Citizen Advisory Committee.

(3) Establishment of processes to review component elements of the management program by selected citizen groups and the general public.

#### Subpart E—Applications for Development Grants

##### § 920.40 General.

(a) The primary purpose of the development grant is to assist States in developing a comprehensive management program for their coastal zone. While the majority of the responsibility for developing a management program resides with the State, a State is permitted to allocate a portion of its grant to sub-State entities, or multi-State organizations, to assist in the development of a management program. At the discretion of the State and with the approval of the Secretary, a management program may be developed and adopted in geographical segments so that immediate attention may be devoted to those areas within the

coastal zone which most urgently need management programs: *Provided*, That the State adequately provides for the ultimate coordination of the various geographical segments of the management program into a single unified program and that the unified program will be completed as soon as is reasonably practicable. Grants given to the State must be expended for the development of a management program that meets the requirements of the Act. The grants shall not exceed two-thirds of the costs of the annual programs. Federal funds received from other sources cannot be used to match these grants. No more than three annual management program development grants can be awarded to a State.

(b) Section 305(c) of the Act provides:

In order to qualify for grants under this section, the State must reasonably demonstrate to the satisfaction of the Secretary that such grants will be used to develop a management program consistent with the requirements set forth in section 306 of the Act. After making the initial grant to a coastal State, no subsequent grant shall be made under this section unless the Secretary finds that the State is satisfactorily developing such management program.

##### § 920.41 Administration of the program.

The Congress assigned the responsibility for the administration of the Coastal Zone Management Act of 1972 to the Secretary of Commerce, who has designated the National Oceanic and Atmospheric Administration as the agency in the Department of Commerce to manage the program. NOAA has established the Office of Coastal Zone Management for this purpose. Requests for information on grant applications and the applications themselves should be directed to:

Director, Office of Coastal Environment, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Rockville, Md. 20852.

##### § 920.42 State responsibility.

(a) Applications for initial development grants must be submitted by the Governor of a coastal State or his designee.

(b) The application shall designate a single State official, agency, or entity, to receive development grants and have responsibility for the development of the State's coastal zone management program. The designee need not necessarily be that agency which will be designated by the Governor under the provisions of section 306(c) (5) of the Act as the single agency to receive and administer the grants for implementing the management program.

(c) A single State application will cover all program development activities, whether carried out by State agencies, areawide/regional agencies, local governments, regional or interstate entities.

##### § 920.43 Allocation.

Section 305(g) allows a State to allocate a portion of its development grant to sub-State or multi-State entities. States must insure, in the development of the management program, that they de-



velop sufficient capability to administer the coastal zone management programs they are developing. If the State intends to allocate a portion of its grant, the application for a development grant shall set forth the manner in which a State plans to allocate any portion of its grant to sub-State units, multi-State units, or any other allocation. Requests for allocation will not be approved unless it is clearly demonstrated that the State is developing sufficient capabilities, and the work to be accomplished as the result of such allocations is integrated into the State's coastal zone management program development effort and will clearly contribute to the development of effective applications of State's policy in the coastal zone.

(a) *Areawide / Regional agencies.* Should the application indicate the desire of the State to allocate a portion of its management program development grant to an areawide/regional agency under the provisions of section 305(g) of the Act, in the absence of State law to the contrary, preference shall be given to those agencies recognized or designated as areawide/regional comprehensive planning and development agencies under the provisions of Office of Management and Budget circular No. A-95, under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 or Title IV of the Intergovernmental Cooperation Act of 1968. The provisions of part IV, OMB circular No. A-95 dealing with the "Coordination of Planning in Multijurisdictional Areas" apply to the areawide/regional agencies designated as recipients of management program development grants under this Act.

(b) *Local government.* Should the application indicate the desire of the State to allocate a portion of its management program development grant to a local government under the provisions of section 305(g) of the Act, units of general-purpose local government are preferred rather than special-purpose units of local government, as provided in section 402 of the Intergovernmental Cooperation Act of 1968.

(c) *Interstate agencies.* At the discretion of two or more Governors of adjacent or related coastal States, coordinated management programs or research and planning efforts may be developed leading to the establishment of management programs for such interstate or multi-State areas. Such proposals for interstate cooperation and action shall be set forth in the application for each State together with the interstate funding arrangements proposed for the joint work. The States involved may designate interstate compact agencies, Regional Action Planning Commissions, river basin commissions, or an interstate areawide/regional planning agency to accomplish the management program development work for the coastal zone management area within each jurisdiction as they see fit. Applications for interstate management program development grants will not be accepted directly

from interstate or multi-State agencies, but only from the individual States involved in the joint program.

#### § 920.44 Geographical segmentation.

Authority is provided in the Act for a State's management program to be "developed and adopted in geographical segments so that immediate attention may be devoted to those areas within the coastal zone which most urgently need management programs." Request by a State to develop and adopt a program in geographical segments is subject to the additional proviso that the State "adequately provides for the ultimate coordination of the various geographical segments of the management program into a single unified program and that the unified program will be completed as soon as it is reasonably practicable." Undue geographical segmentation creates the possibility of continuing the status quo without creating a comprehensive management program.

#### § 920.45 Application for the initial grant.

The application for the initial development grant shall include but not be limited to:

(a) Identification of the designated official, the State agency or entity designated by the Governor to prepare and submit the State's management program and receive its development grant as well as the legal authority or other basis under which the lead agency or entity operates. It shall also indicate what other State agencies may be involved in the development of the management program and, if the State desires to allocate a portion of its grant to other governmental units, it should identify those units and set forth the work proposed to be accomplished by each unit so identified.

(b) A summarization of the State's past and current activities in its coastal zone, the current status of coastal zone management, and other activities.

(c) A discussion and ranking by general order of importance of the major coastal zone related problems and issues facing the State, as well as identification of the goals and objectives the State hopes to achieve by development of its coastal zone management program.

(d) A management program design detailing the work to be accomplished in the development of the State's coastal zone management program. The management program design serves as an outline for the State's plan of action for developing a management program and should include a projection of how the State will seek to meet the requirements set forth in subpart B of this part. In addition, the management program design should include:

- (1) An identification of existing information and sources of information;
- (2) A projection as to additional information which must be acquired;
- (3) A description of methods to insure public participation;
- (4) A description of the intergovernmental process by which the State in-

tends to involve various levels of government in the development and implementation of the management program;

(5) A mechanism for coordination with agencies administering excluded Federal lands that are in the coastal land; and

(6) A tentative approximation of the boundaries of the State's coastal zone.

(e) Submission of an annual work program consisting of a precise statement of what is intended to be accomplished during the year. Such a statement will include:

(1) Identification of the plans, programs and studies to be produced.

(2) Definition of the major tasks needed to produce the plans, programs and studies.

(3) For each task, the following should be specified:

(i) Approach and techniques to be used,

(ii) Data and studies already available,

(iii) Manpower requirements,

(iv) Time schedule,

(v) Costs, and

(vi) Source of funds.

(f) Identification of any other State and Federal planning, programming, or activity which may have a significant impact on the State's coastal zone. Such planning, programming or activities includes work accomplished or to be undertaken by any State, areawide, local, regional or interstate agencies funded, in part or in total, by State or local money, with or without Federal assistance. Completed and officially approved regional and local plans provide invaluable input and guidance in the development of a State's coastal zone management program. It should be pointed out that where a State chooses to reject such plans, it should advise the local government wherein its proposed plan is deficient and clarify what needs to be done to correct the deficiency. The objective of this provision is to seek and achieve as complete coordination and integration as possible at the State level of all local, State and Federal programs that lead to the setting of policy or the development of public and private works, facilities or programs in the State's defined coastal zone. The Act provides in section 307(c)(1) that: "Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is to the maximum extent practicable, consistent with approved State management programs." To this end, the application shall reflect, and the developed coastal zone management program will provide, methods to integrate the following types of programs and activities as they affect the coastal zone of the state: (1) Federally assisted planning development and management programs, such as but not limited to (the program numbers and titles listed below are those contained in the 1972 Catalog of Federal Domestic Assistance as published by OMB):



PUBLIC LAW REFERENCE

Pub. L. 87-703; 91-343; 74-46.	Resource Conservation and Development.	(10, 901)
Pub. L. 83-560.	Comprehensive Planning Assistance.	(14, 203)
Pub. L. 88-578.	Outdoor Recreation State Planning.	(15, 401)
Pub. L. 89-304; 91-269.	Anadromous Fish Conservation.	(15, 600)
	Fish Restoration.	(15, 605)
	Wildlife Restoration.	(15, 611)
Pub. L. 74-292.	Historic American Buildings Survey.	(15, 903)
Pub. L. 89-665.	Historic Preservation.	(15, 904)
Pub. L. 91-238.	Airport Planning Grant Program.	(20, 103)
Pub. L. 90-495; 91-665; 89-674.	Highway Research Planning and Construction.	(20-205)
Pub. L. 91-453; 88-365.	Urban Mass Transportation Technical Studies Grants.	(30-505)
Pub. L. 89-80.	Water Resources Planning.	(65, 001)
	Air Pollution Survey and Demonstration Grants.	(66, 005)
	Solid Waste Planning Grants.	(66, 301)
	Water Pollution Control Comprehensive Planning Grants.	(66, 401)
Pub. L. 88-206; 89-272; 89-675; 90-148; 91-604.	Air Pollution Survey and Demonstration Grants.	(66, 005)
Pub. L. 92-500.	Water Quality Management Technical Planning Assistance.	(66, 073)
Pub. L. 89-272; 91-312; 93-14.	Solid Waste Technical Assistance, Training and Information Services.	(66, 304)
Pub. L. 92-583.	Marine Protection Research and Sanctuaries.	

(2) Public works land acquisition and development projects conducted, proposed to be conducted, proposed to be conducted or assisted by a Federal agency, authorized and financed outside of the Federal programs listed above, such as activities conducted with respect to rivers and harbors, small watershed development, wastewater collection and treatment facilities, military reservations, wildlife refuges, park and recreation areas, improvements in navigation, flood control and so forth;

(3) Any Federally supported national land use program which may be hereinafter enacted as specified in section 307 (g) of the Act;

(4) Activities in the coastal zone stemming from the Rural Development Act of 1972;

(5) State programs dealing with land use controls in the coastal zone or other regulatory, licensing, permit or operating programs in the coastal zone including, but not limited to, activities such as mineral extracting, power plant siting and harbor construction.

§ 920.46 Approval of applications.

(a) The Secretary shall approve any application which he finds complies with policy and requirements of the Act and these guidelines.

(b) Should the Secretary determine that an application is deficient, he shall

notify the applicant in writing and set forth in detail the manner in which the application fails to conform to the requirements of the Act or this subpart. Conferences may be held on these matters. Corrections or other adjustments to the application will provide the basis for resubmittal of the application for further consideration and review.

(c) The Secretary may, upon finding of extenuating circumstances relating to applications for assistance, waive appropriate administrative requirements contained herein.

§ 920.47 Amendments.

Amendments to an approved development program must be submitted to, and approved by the Secretary prior to initiation of the change contemplated. Requests for substantial changes should be discussed with Federal officials well in advance. It is recognized that, while all amendments must be approved by the Secretary, most such requests will be relatively minor in scope; therefore, approval by the Secretary may be presumed for minor amendments if the State has not been notified of objections within 30 working days of date of postmark of the request.

§ 920.48 Applications for second year grants.

(a) Second year development grant applications will follow the procedures set forth in § 920.45: *Provided, however*, That the management program design and annual work program shall be updated to indicate the progress made toward the development of the State's coastal zone management program under the initial development grant and should in addition:

(1) Demonstrate how the past year's work activities and products contributed to the realization of management program development goals if such goals have not been fully realized. Either document the extent to which they have been met or present modified goals.

(2) Identify major constraints upon or problems encountered in establishing and implementing an adequate management program for the State.

(3) Reexamine and assess the development program's broad goals and measurable planning objectives; and

(4) Reexamine and, if necessary, revise management program design in light of emerging or continuing priority problems and opportunities.

(b) In evaluating whether a State is making satisfactory progress in the development of the management program to determine eligibility for the second

year grant, the Secretary will consider among other things whether a State has completed:

(1) An analysis of the existing legal authority to exert control over land and water uses in the coastal zone;

(2) A description of the activities and authorities of the various agencies (State, local, regional, areawide or interstate) involved in activities or regulation of activities in the coastal zone; and

(3) An analysis of the existing or needed legal authorities with which the State believes it can insure compliance with coastal zone management program, resolve conflicts among competing uses, and acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

(4) This analysis will permit a State to determine what legislative action will be needed to qualify under section 306 of the Act. States may propose alternate standards of accomplishment for consideration by the Secretary in determining "satisfactory progress" towards completion of the management program.

§ 920.49 Application for third year grants.

(a) The general requirements set forth in paragraph (a) of § 920.46 shall apply to review of the application for the third year development grant.

(b) In evaluating whether a State is making satisfactory progress in development of the management program to determine eligibility for the third year grant, the Secretary will consider among other things whether a State has completed:

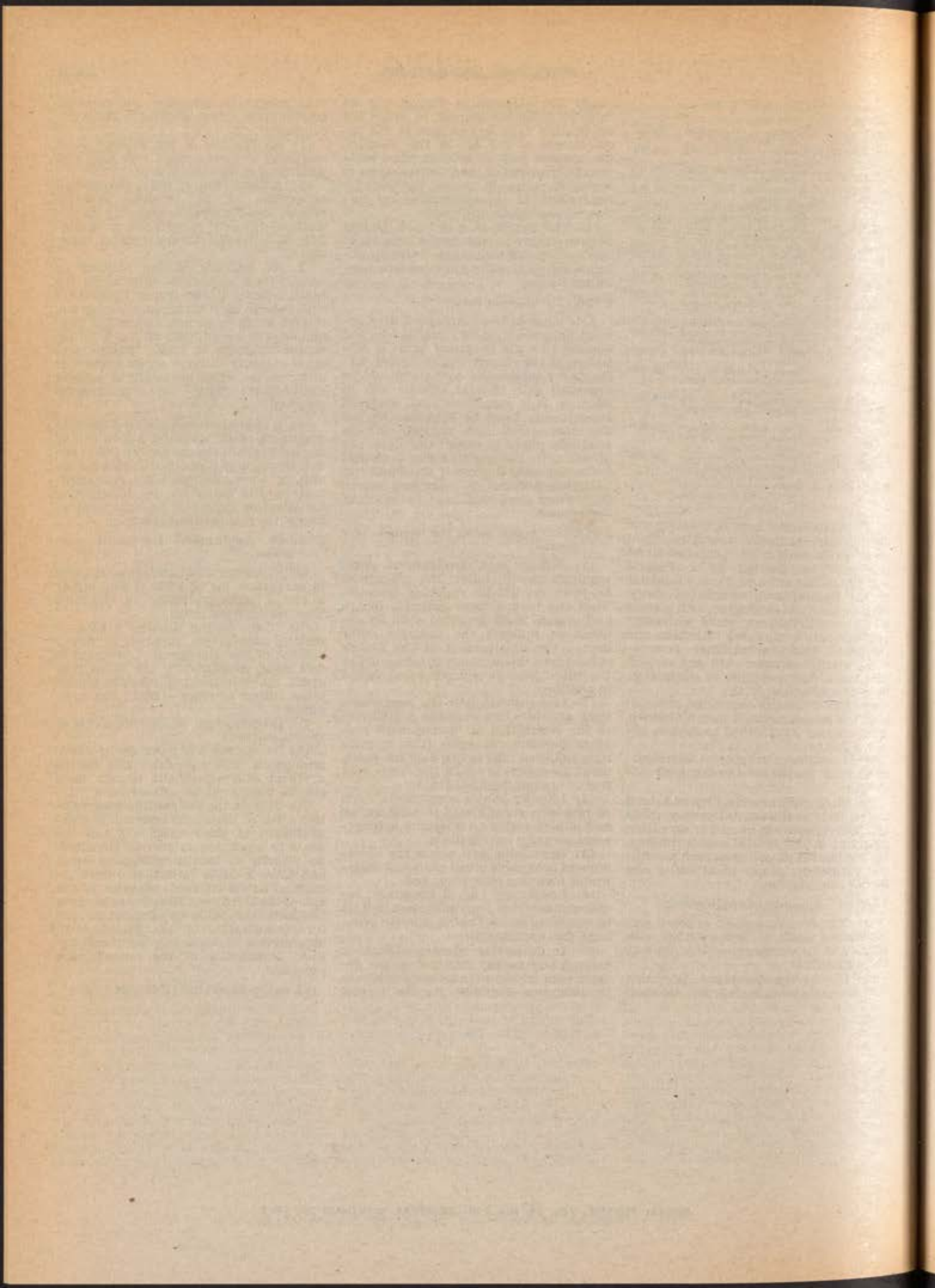
(1) Identification of the boundaries of the coastal zone;

(2) Development of a process by which permissible land and water uses having a direct and significant impact upon coastal waters can be defined; and

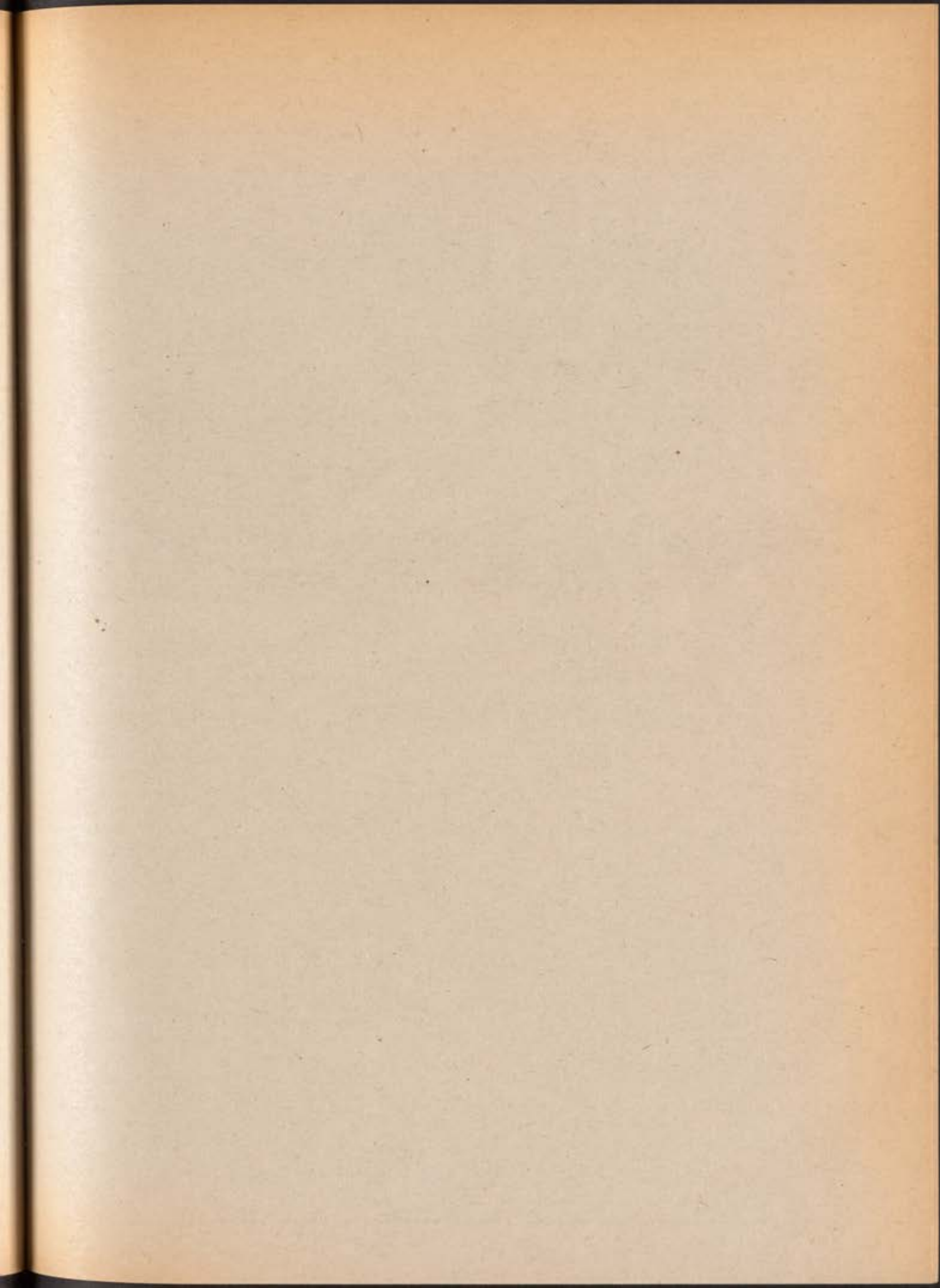
(3) Criteria for designating geographical areas of particular concern. Accomplishment of these tasks will put the State in a position to provide guidelines on priority of uses in particular areas and allow a State to complete development of its management program by the end of the third year. States may propose alternate standards of accomplishment for consideration by the Secretary in determining "satisfactory progress" toward completion of the management program.

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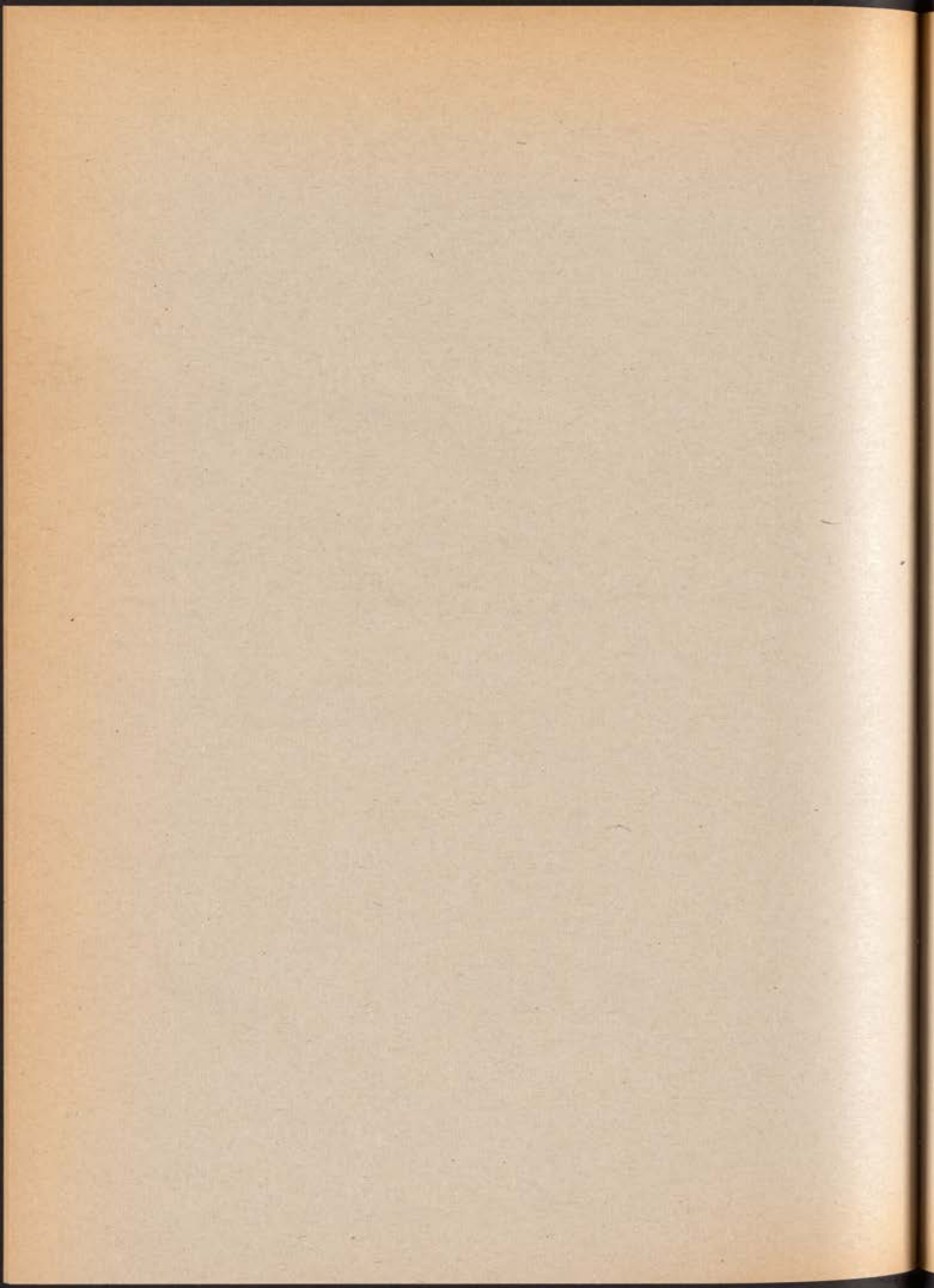




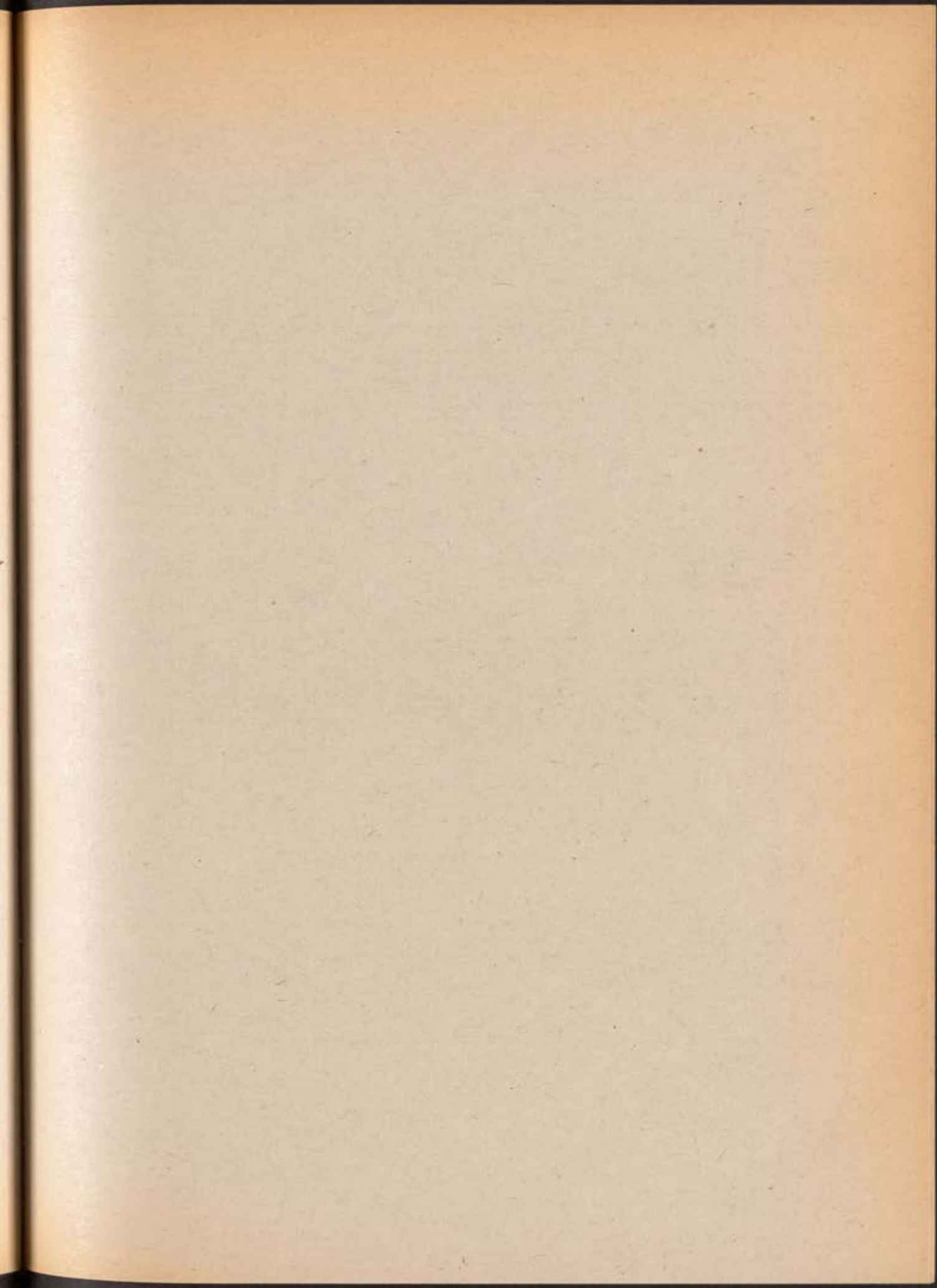




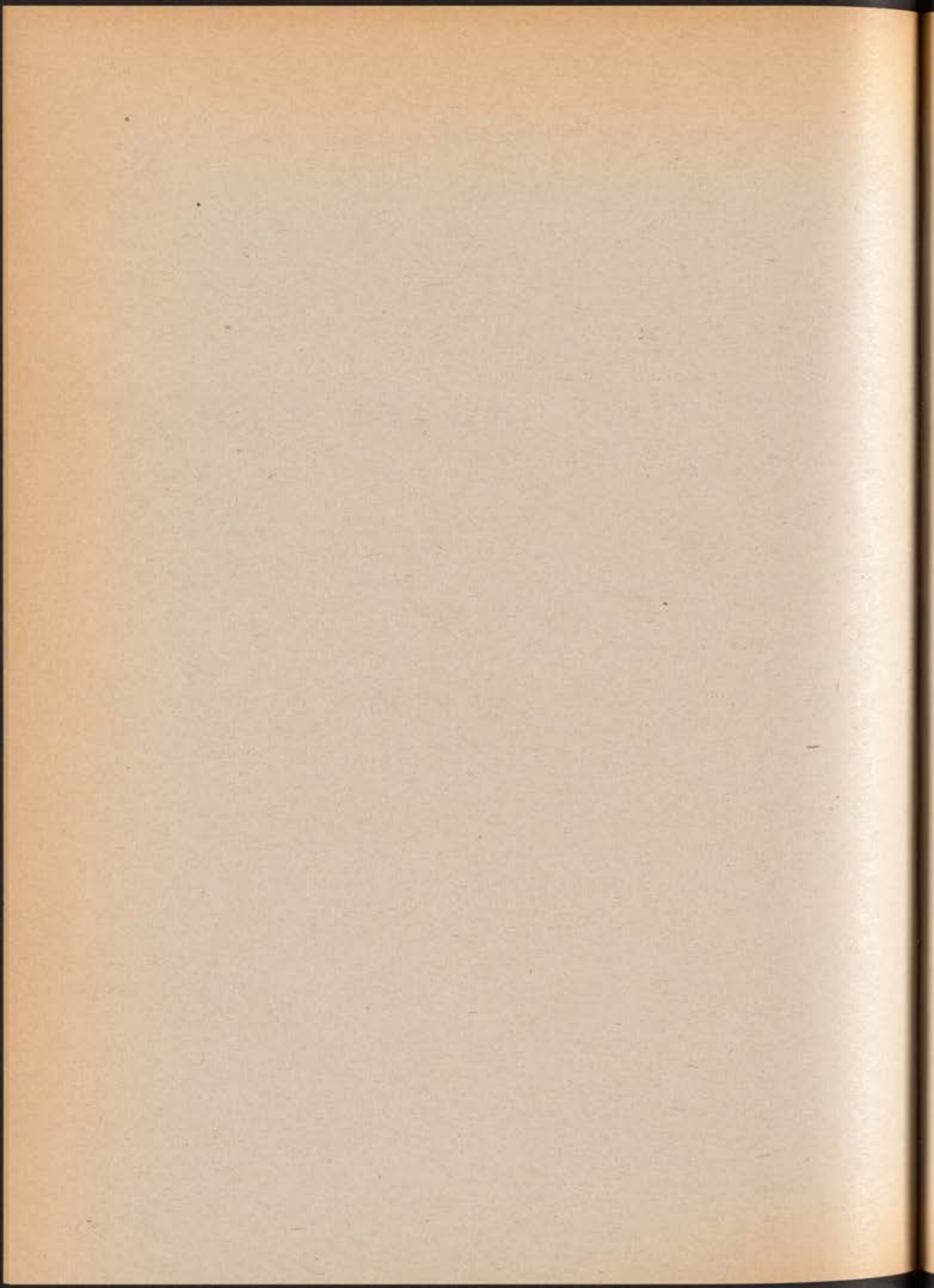




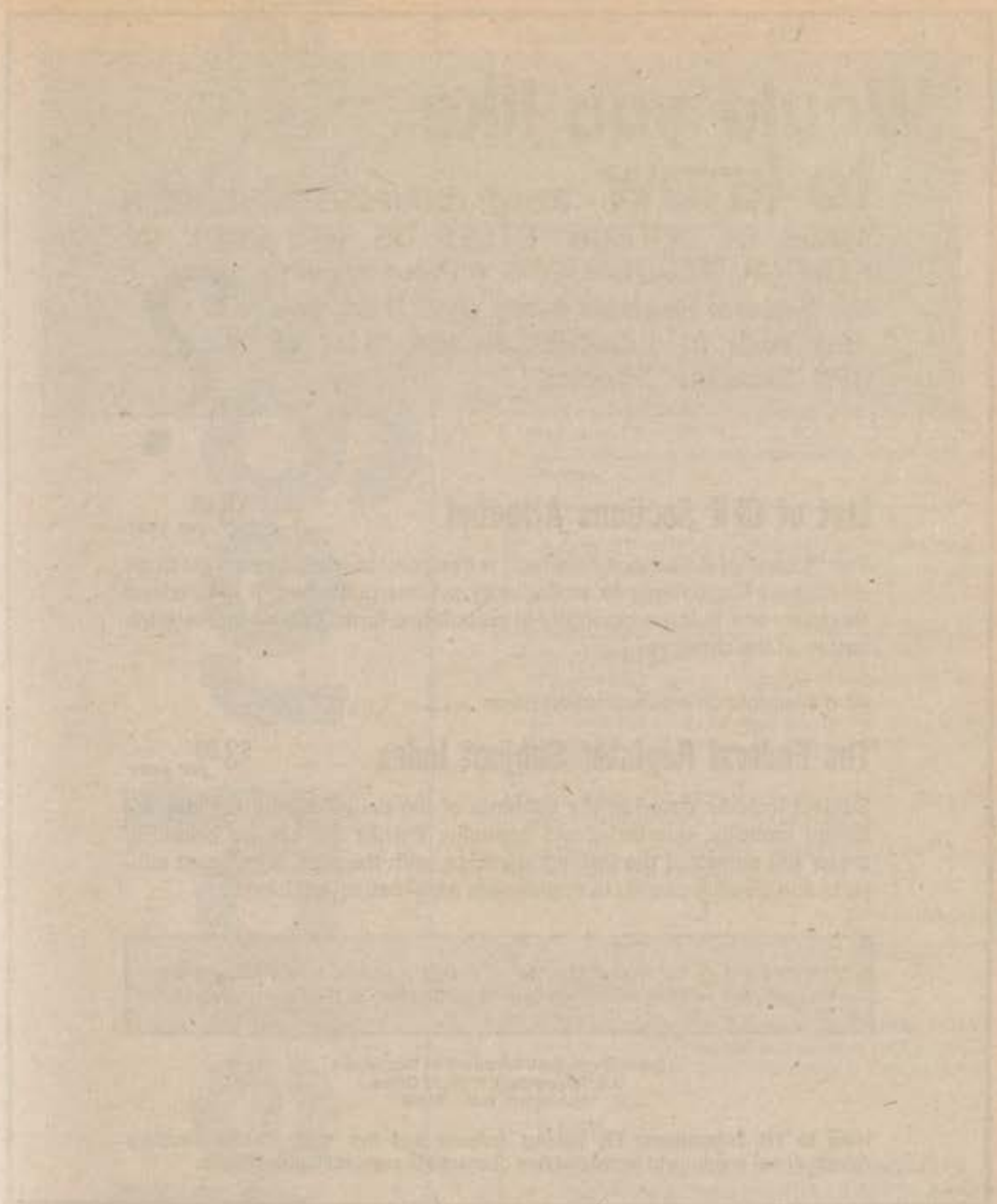














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