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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

Due to the large number of amendments which have been published to Part 213 of Title 5 of the Code of Federal Regulations, it has been determined that a republication without change would serve to set forth all published amendments in one codified statement. There is no substantive change in the provisions of this part. It is merely republished for the convenience of the users of the Federal Register and the Code of Federal Regulations. Therefore, Part 213 is revised to read as follows:

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

PART 213—EXCEPTED SERVICE

Subpart A—General Provisions

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213.101 Definitions.
213.102 Identification of positions in Schedule A, B, or C.

Subpart B—[Reserved]

Subpart C—Excepted Schedules

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AUTHORITY: The provisions of this Part 213 issued under 5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp. p. 218.

SOURCE: The provisions of this Part 213 appear at 37 F.R. 26393, Dec. 12, 1972, unless otherwise noted.

Subpart A—General Provisions

§ 213.101 Definitions.

In this chapter:

(a) Excepted service has the meaning given that term by section 2103 of title 5, United States Code, and includes all positions in the executive branch of the Federal Government which are specifically excepted from the competitive service by or pursuant to statute, by the President, or by the Commission under § 6.1 or § 9.20 of the civil service rules (Subchapter A of this chapter).

(b) "Excepted position" means a position in the excepted service.

§ 213.102 Identification of positions in Schedule A, B, or C.

The Commission shall decide whether the duties of any particular position are such that it may be filled as an excepted position under Schedule A, B, or C.

Subpart B—[Reserved]

Subpart C—Excepted Schedules

SCHEDULE A

§ 213.3101 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.

(a) The positions enumerated in §§ 213.3102 to 213.3199 are positions other than those of a confidential or policy-determining character for which it is not practicable to examine and which are excepted from the competitive service and constitute Schedule A.

(b) An agency (including a military department) may not appoint the son or daughter of a civilian employee of that agency, or the son or daughter of a member of its uniformed service, to a position listed in Schedule A for summer or student employment within the United States. This prohibition does not apply to the appointment of persons (1) who are eligible for placement assistance under the Commission's Displaced Employee (DE) Program, (2) who are employed to meet urgent needs resulting from an emergency posing an immediate threat to life or property, or (3) who are members of families which are eligible to receive financial assistance under a public welfare program or the total income of which in relation to family size does not exceed limits established by the Commission and published in the Federal Personnel Manual.

(c) An agency may appoint for summer employment within the United States in positions listed in Schedule A only in accordance with the terms of the Commission's summer employment program. This restriction does not apply to positions that are excepted only when filled by particular types of individuals.

(d) In this section "summer employment" means any employment beginning after May 12 which will end before October 1 of the same year. "Student employment" means the employment of persons who are enrolled or who have been accepted for enrollment, on a substantially full-time basis, as resident students of a secondary school or of an institution of higher learning; a resident student, for this purpose, is a student in actual physical attendance at a school as distinguished from a correspondence student.

§ 213.3102 Entire executive civil service.

(a) Positions of Chaplain and Chaplain's Assistant.

(b) Cooks, except at fixed locations such as hospitals, quarantine stations, and penal institutions.

(c) Positions to which appointments are made by the President without confirmation by the Senate.

(d) Attorneys.

(e) Law clerk trainee positions. Appointments under this paragraph shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed 14 months pending admission to the bar. No person shall be given more than one appointment under this paragraph. However, an appointment which was initially made for less than 14 months may be extended for not to exceed 14 months in total duration.

(f) Chinese, Japanese, and Hindu interpreters.

(g) Any position the duties of which are part-time or intermittent in which the appointee will receive compensation during his service year that aggregates not more than 40 percent of the annual salary rate for the first step of GS–3. This limitation on compensation includes any premium pay such as for overtime, night, Sunday, or holiday work. It does not, however, include any mandatory within-grade salary increases to which the employee becomes entitled subsequent to appointment under this authority. Appointments under this authority shall not be for job employment. In the metropolitan area of Washington, D.C., appointments under this authority shall be subject to the prior approval of the Commission.

(h) Subject to prior approval by the Commission, positions in Federal mental institutions when filled by persons who have been patients of such institutions and been discharged and are certified by the medical head thereof as recovered sufficiently to be regularly employed but it is believed desirable and in the interest of the persons and the institution that they be employed at the institution.

(i) Subject to prior approval of the Commission, positions requiring temporary, part-time, or intermittent employment in wage board type occupations (i.e., position excluded from Classification Act coverage by section 202(7) of the Act) on construction or repair work, where the activity is carried on in localities where examination coverage for the positions has not been provided and where because of employment conditions there is a shortage of available candidates for the positions. Appointments under this paragraph shall not extend beyond 1 year, and the employment thereunder shall not exceed 180 working days a year. Seasonal employments of a recurring nature are not authorized under this paragraph.

(j) [Reserved]

(k) Positions without compensation provided appointments thereto meet the requirements of applicable laws relating to compensation.

(l) Positions requiring the temporary or intermittent employment of professional, scientific, or technical experts for consultation purposes.

(m) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) in field establishments outside central office and regional office cities of the Commission where examination coverage has not been provided for the positions, as follows:

(1) For temporary, intermittent, or seasonal employment (exclusive of positions covered by paragraph (i) of this section) not to exceed 180 working days a year in the Departments of Agriculture, Commerce, and Interior, in the Federal Aviation Agency, and in the International Boundary and Water Commission; or

(2) When it is specifically held by the Commission that this authority is applicable, for employment in localities that are isolated with respect to labor supply and where there is a shortage of available candidates for the positions.

(n) Any local physician, surgeon, or dentist employed under contract or on a part-time or fee basis when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(o) Positions of a scientific, professional, or analytical nature when filled by bona fide members of the faculty of an accredited college or university who have special qualifications for the positions to which appointed. Employments under this provision shall not exceed 130 working days a year.

(p) Positions of a scientific, professional, or analytical nature when filled by bona fide graduate students at accredited colleges or universities provided that the work performed for the agency is to be used by the student as a basis for completing certain academic requirements toward a graduate degree. Employments under this provision may be continued only so long as the foregoing

conditions are met, and the total period of such employment shall not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(q) Positions at GS–7 and below when the appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be: (1) Bona fide students at high schools or accredited colleges or universities pursuing courses related to the field in which employed; or (2) bona fide high school science and mathematics teachers. No person shall be employed under this provision: (i) In a position of a routine clerical type; or (ii) in excess of 1,040 working hours a year; except that the 1,040-working-hours-a-year limitation shall not apply to persons employed under this provision in positions at GS–5 and below which are established in connection with an organized work-study program involving alternating periods of work experience and related study at an accredited college or university in a cooperative curriculum in which the work experience is a prerequisite to the award of a degree. Appointments under this authority may be made only to positions for which qualification standards established under Part 302 of this chapter are consistent with the education and experience standards established for comparable positions in the competitive service.

(r) All positions of a project nature when filled by individuals the salaries for whom are paid out of funds allocated by the President under authority of Public Law 87–658, approved September 14, 1962, the Public Works Acceleration Act Employment under this authority shall be for a temporary period not to exceed one year.

(s) [Reserved]

(t) Positions when filled by mentally retarded persons in accordance with written agreements executed between an agency and the Commission. Provisions to be included in such agreements are specified in the Federal Personnel Manual.

(u) Subject to prior approval of the Commission, positions when filled by severely handicapped persons who (1) under temporary appointment, have demonstrated their ability to perform the duties satisfactorily; or (2) are certified by counselors of State Vocational Rehabilitation agencies or the Veterans Administration as likely to succeed in the performance of the duties.

(v) Temporary Summer Aid positions whose duties involve work of a routine nature not regularly covered under the General Schedule and requiring no specific knowledges or skills, when filled by youths appointed for summer employment under such economic or educational needs standards as the Commission may prescribe. A person may not be appointed unless he has reached his 16th but not his 22d birthday, or employed for more than 700 hours under this paragraph. This paragraph shall apply only to positions whose pay is fixed at the equivalent of the minimum wage rate established by the Fair Labor Standards Amendments of 1966 (currently $1.60 an hour), at the equivalent of an applicable State or municipal minimum wage rate if that is higher, or by prior agreement with the Commission, at some other rate, when an agency is precluded by law from fixing pay at one of the foregoing rates.

(w) Part-time or intermittent positions the duties of which involve work of a routine nature when filled by students appointed in furtherance of the President's Youth Opportunity Stay-in-School Campaign and when the following conditions are met: (1) Appointees are enrolled in or accepted for enrollment in a resident secondary school or institution of higher learning, accredited by a recognized accrediting body; (2) employment does not exceed 16 hours in any calendar week (40 hours in any calendar week which falls within a vacation period); (3) while employed, appointees continue to maintain an acceptable school standing, although they need not attend school during the summer; (4) appointees need the earnings from the employment to continue in school; and (5) salaries are fixed by the agency head at a level commensurate with the duties assigned and the expected level of performance. Appointments under this authority may not extend beyond 1 year: *Provided*, That such appointments may be extended for additional periods of not to exceed 1 year each if the conditions for initial appointment are still met. A person may not be appointed under this authority unless he has reached his 16th but not his 22d birthday. No new appointments may be made under this authority between May 1 and August 31, inclusive.

(x) Subject to prior approval of the Commission, positions for which a local recruiting shortage exists when filled by inmates of Federal and District of Columbia penal and correctional institutions under work release programs authorized by the Prisoner Rehabilitation Act of 1965 and the District of Columbia Work Release Act. Initial appointments under this authority may not exceed one year. An initial appointment may be extended for one or more periods not to exceed one additional year each with the prior approval of the Commission upon a finding that the inmate is still in a work release status and that a local recruiting shortage still exists. No person may serve under this authority longer than one year beyond the date he is released from custody.

(y) Positions at grade GS–2 and below for summer employment, as defined in § 213.3101(d), of assistants to scientific, professional, and technical employees, when filled by finalists in national science contests under hiring programs approved by the Commission.

(z) Not to exceed 30 positions of assistants to top-level Federal officials when filled by persons designated by the President as White House Fellows.

(aa) Scientific and professional research associate positions at GS–11 and above when filled on a temporary basis by persons having a doctoral degree in an appropriate field of study for research activities of mutual interest to appointees and their agencies. Appointments are limited to persons referred by the National Research Council under its post-doctoral research associate program and may be made initially for 1 year only. An agency may extend an appointment made under this authority for up to 1 additional year when the program committee at the laboratory concerned determines that extension will benefit both the associate and the laboratory.

(bb) Subject to prior approval of the Commission, positions when filled by aliens in the absence of qualified citizens.

(cc) Positions at GS–15 and below when filled by persons identified as Interchange Executives by the President's Commission on Personnel Interchange. Appointments made under this authority may not extend beyond 2 years.

(dd) Positions at the grade GS–12 through GS–15 levels when filled by persons designated as Fellows under the Brookings Institution's Economic Policy Fellowship Program. Appointments made under this authority may not exceed 2 years in duration and no appointment may extend beyond June 30, 1975.

(ee) Positions in research and development facilities when filled for not to exceed 1 year by scientists and engineers appointed under a program of Presidential internships. No new appointments may be made under authority after December 31, 1973.

(ff) Not to exceed 25 positions when filled in accordance with an agreement between the Commission and the Department of Justice by persons in programs administered by the Attorney General of the United States under Public Law 91–452 and related statutes. A person appointed under this authority may continue to be employed under it after he ceases to be in a qualifying program only as long as he remains in the same agency without a break in service.

§ 213.3103 Executive Office of the President.

(a) *Office of Science and Technology.* (1) All professional positions on the Staff of the Office.

(b) [Reserved]

(c) *Council on Environmental Quality.* (1) Professional and technical positions in grades GS–13 through 15 on the staff of the Council.

(d) [Reserved]

(e) *Office of Telecommunications Policy.* (1) Professional positions in grades GS–13 through 15 on the staff of the Office.

§ 213.3104 Department of State.

(a) *Office of the Secretary.* (1) Six physical science administration officers at GS–14 and above in International Scientific and Technological Affairs.

(2)–(4) [Reserved]

(5) Executive Officer, Executive Secretariat.

(b) *Bureau of Intelligence and Research.* (1) Not to exceed 35 professional and technical positions.

(c) *International Boundary and Water Commission, United States and Mexico.* (1) Gage readers employed part-time or intermittently at isolated localities when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(d) *International Boundary Commission, United States and Canada.* (1) Temporary and intermittent field employees such as instrumentmen, foremen, recorders, packers, cooks, and axemen, for not to exceed 130 working days or 6 months within any 1 calendar year.

§ 213.3105 Treasury Department.

(a) [Reserved]

(b) *Bureau of Customs.* (1) Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(2) [Reserved]

(3) Positions of part-time, intermittent, or temporary Customs Inspectors, and Port Directors in Alaska paid at a rate not above GS–9 and for not more than 130 working days in a service year.

(4) Positions of day "pickup" laborers whose assignments are to intermittent duties of short duration that must be performed without delay in field establishments where hiring of "pickup" laborers is authorized by the Bureau of Customs headquarters. Persons appointed under this authority may not be employed in this kind of work in the Bureau of Customs for more than 180 working days a year under this authority or under a combination of this authority and any other authority for excepted appointment that may be appropriate. This authority is not appropriate for job employment.

(5) Positions at GS–9 and below of Customs Enforcement Officer, Customs Inspector, Customs Marine Clerk/Officer, Customs Aid (sampling), Customs Warehouse Officer, Port Director, Interpreter, and Laborer, with duties of a continuing nature that require the part-time or intermittent service of an employee for not more than 700 hours in his service year. An individual appointed under this exception may not be employed in the Bureau of Customs under a combination of this and any other exception for more than 700 hours in his service year.

(6) Twenty-five positions of Criminal Investigator for special assignments.

(7) [Reserved]

(8) Staff assistant positions established to aid in the reorganization of the Bureau of Customs under Reorganization Plan No. 1 of 1965, when filled by persons with 1 year or more of current service as a Presidential appointee in a key position in the Bureau. No person may be employed under this paragraph in excess of 3 years.

(c) [Reserved]

(d) [Reserved]

(e) *Internal Revenue Service.* (1) Twenty positions of investigator for special assignments.

(f) *Office of the Assistant Secretary for International Affairs.* (1) Not to exceed 10 positions in the Research and Planning Office at the equivalent of GS–13 through GS–17 to supplement the permanent staff in the study of complex problems relating to international financial and economic policies and programs of the Government, when filled by individuals with special qualifications for the particular study being undertaken. Employment under this authority may not exceed 4 years.

(g) *Bureau of Alcohol, Tobacco, and Firearms.* (1) Thirty positions of investigator for special assignments.

§ 213.3106 Department of Defense.

(a) *Office of the Secretary.* (1) Five Special Advisers in the immediate office of the Secretary or Deputy Secretary with responsibility for studies and recommendations in broad program areas. These positions have advisory rather than operating duties, except as operating or administrative responsibility may be exercised in connection with pilot studies.

(2) Positions assigned exclusively to Communications Intelligence Activities.

(3) Positions assigned to or in support of special classified training activities.

(4) Three Staff Assistants.

(5) Director, Intelligence Resources and Programs, OASD (Administration).

(b) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force).* (1) Professional positions in Military Dependent School Systems overseas.

(2) Positions in attache systems overseas, including all professional and scientific positions in the Naval Research Branch Office in London.

(3) Positions of clerk-translator, translator, and interpreter overseas.

(4) Positions of Educational Specialist the incumbents of which will serve as Director of Religious Education on the Staffs of the Chaplains in the military services.

(5) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Director of Defense Research and Engineering of the Department of Defense when occupied by alien scientists initially employed under the program including those who have acquired United States citizenship during such employment.

(6) Positions in overseas installations of the Department of Defense when filled by dependents of military or civilian employees of the Department resident in the area. Employment under this authority may not extend longer than 2 months following the transfer from the area or the separation of a dependent's sponsor: *Provided*, That (i) a school employee may be permitted to complete the school year; and (ii) an employee other than a school employee may be permitted to serve up to 1 additional year when the military department concerned finds the additional employment is in the interest of management.

(7) Positions assigned to all Cryptologic Intelligence Activities/Functions of the Military Departments.

(c) *Interdepartmental Activities.* (1) Positions in support of National Security Programs and Space Council Activities.

(d) *General.* (1) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter when, in the opinion of the Commission, appointment through competitive examination is impracticable.

§ 213.3107 Department of the Army.

(a) *General.* (1) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter when, in the opinion of the Commission, appointment through competitive examination is impractical. This authority does not apply to positions assigned to Cryptologic Intelligence Activities/Functions.

(2) Unskilled laborers and munitions handlers engaged in handling Ordnance materiel, including ammunition, where temporary or intermittent employment is necessary.

(3) Student occupational therapist positions in Army hospitals. Appointments to these positions will not extend beyond the training period applicable to each individual case, which is a minimum of 3 months' training and a maximum of 12 months' training, depending upon the individual's previous clinical training.

(4) [Reserved]

(5) Positions assigned exclusively to Army Communications Intelligence Activities.

(6) Trainee student medical technologist (intern) positions at the Rodriguez Army Hospital, Fort Brooke, Puerto Rico. Appointments to these positions will not extend beyond the training period applicable to each individual case, depending upon the individual's previous clinical training. Employment under this provision may not exceed 1 year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 80–330.

(7) [Reserved]

(8) Not to exceed 350 positions of members of treatment and counseling teams and related positions, such as those of ward attendants and occupational therapy assistants, to assist in the implementation of an alcohol and drug abuse prevention and control program,

when filled by persons who have a history of alcoholism or drug addiction and who have been successfully treated.

(9) Positions of civilian technicians in an Army Reserve unit designated by the Department to participate in a special CONARC test program, when filled on a temporary basis by members of Reserve components who have military occupational specialties required for test purposes. No appointment may extend beyond September 30, 1974.

(b) *Transportation Corps.* (1) Longshoremen and stevedores employed at ports of embarkation in the United States; and all positions on vessels operated by the Transportation Corps.

(c) *Corps of Engineers.* (1) Land appraisers employed on a temporary basis for a period not to exceed 1 year on special projects where knowledge of local values or conditions or other specialized qualifications not possessed by appraisers regularly employed by the Corps of Engineers are required for successful results.

(2) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) on survey, construction, short-term maintenance, or floating-plant operations, where because of turnover, lack of housing facilities, mobility of work site, or remoteness of personnel servicing facilities, an adequate labor force can be recruited only by immediate gate hiring on a local basis. This authority can be used only when the Commission has determined that it is specifically applicable to a given situation; ordinarily, it will not be used for employment in Civil Service central office, regional, and branch office cities or in cities where there is a local Board of U.S. Civil Service Examiners to service the employing establishment.

(3) Positions of Academic Director, Department Head, and Instructor at the U.S. Military Academy Preparatory School, Fort Belvoir, Va.

(d) *U.S. Military Academy, West Point, N.Y.* (1) Civilian professors, instructors, teachers (except teachers at the Children's School), hostesses, chapel organist and choirmaster, librarian when filled by an officer of the Regular Army retired from active service, and military secretary to the Superintendent when filled by a Military Academy graduate retired as a regular commissioned officer for disability.

(e) *National War College, Washington, D.C.* (1) Civilian directors of studies for employment of not to exceed 1 year: *Provided,* That such employment may, with the prior approval of the Commission, be extended for not to exceed 2 additional year.

(f) *Joint Brazil-United States Defense Commission.* (1) One position of clerk-stenographer-translator or civilian aide requiring a knowledge of English, Portuguese, and Spanish.

(g) *Defense Language Institute.* (1) Positions of instructors whose duties require proficiency in the teaching of a foreign language, and supervisory instructors whose duties require a background in language teaching.

(2) Clerk-Typist positions at the West Coast foreign language school and the Systems Development Agency whose incumbents are required to have a foreign language knowledge and whose duties require rapid and accurate typing of foreign language materials in foreign language script and proofreading of the materials typed.

(3) [Reserved]

(4) Foreign language instructor positions at local Army language training facilities established pursuant to the Defense Language Program.

(5) Positions at the Systems Development Agency which require a native proficiency in a given foreign language and whose incumbents serve as foreign language subject matter specialists to assist in the development and evaluation of instructional material and methods directly related to the teaching of foreign languages. Appointments under this authority are made initially for not to exceed 1 year, but may be extended for no more than 1 additional year with the prior approval of the Director, Defense Language Institute.

(h) *Army War College, Carlisle Barracks, Pa.* (1) One position of Educational Specialist for employment of not to exceed 1 year: *Provided,* That such employment may, with the prior approval of the Commission, be extended for not to exceed 1 additional year.

(i) *Defense Systems Management School, Fort Belvoir, Va.* (1) The Deputy Commandant and professors in grades GS–13 through 15.

§ 213.3108 Department of the Navy.

(a) *General.* (1) Intelligence and counterintelligence positions assigned to Naval Intelligence Activities/Functions, except positions in Cryptologic Intelligence Activities/Functions. Use of this authority outside the Naval Intelligence Command requires prior certification by the Commander, Deputy Commander, or Assistant Deputy Commander that the incumbent will perform duties concerned with the specific function in carrying out assigned responsibilities.

(2) [Reserved]

(3) [Reserved]

(4) Not to exceed 50 positions of resident-in-training at U.S. naval regional medical centers, hospitals, and dispensaries which have residency training programs, when filled by residents assigned as affiliates for part of their training from non-Federal hospitals. Assignments shall be on a temporary (full-time or part-time) or intermittent basis, shall not amount to more than 6 months for any person, and shall be applied only to persons whose compensation is fixed under 5 U.S.C. 5351–54.

(5) One Staff Assistant to the Naval Aide to the President.

(6) [Reserved]

(7) Positions of student social worker for temporary, part-time, or intermittent employment in U.S. naval regional medical centers, hospitals, and dispensaries, when filled by bona fide students enrolled in academic institutions: *Provided,* That the work performed in the agency is to be used by the student as a basis for completing certain academic requirements by such educational institution to qualify for a graduate degree in social work. This authority shall be applied only to students whose compensation is fixed under 5 U.S.C. 5351–54.

(8) Positions of student practical nurse for temporary, part-time, or intermittent employment in U.S. naval regional medical centers, hospitals, and dispensaries, when filled by trainees enrolled in a non-Federal institution in an approved program of educational and clinical training which meets the requirements for licensing as a practical nurse. This authority shall be applied only to trainees whose compensation is fixed under 5 U.S.C. 5351–54.

(9) One Personnel Security Specialist, Naval Personnel Program Support Activity, Bureau of Naval Personnel.

(10) Positions of medical technology intern in U.S. naval regional medical centers, hospitals, and dispensaries, when filled by students enrolled in approved programs of training in non-Federal institutions. Employment under this authority may be filled on a full-time, part-time, or intermittent basis but may not exceed 1 year. This authority shall be applied only to students whose compensation is fixed under 5 U.S.C. 5351–54.

(11) Positions of medical intern at U.S. naval regional medical centers, hospitals, and dispensaries, when filled by persons who are serving medical internships at participating non-Federal hospitals and whose compensation is fixed under 5 U.S.C. 5351–54. Employment under this authority may not exceed 1 year.

(12) Positions of student speech pathologist at U.S. naval regional medical centers, hospitals, and dispensaries, when filled by persons who are enrolled in participating non-Federal institutions and whose compensation is fixed under 5 U.S.C. 5351–54. Employment under this authority may not exceed 1 year.

(13) Positions of student dental assistant in U.S. naval dental centers, clinics, and departments, when filled by students who are enrolled in an approved dental assistant program in a participating non-Federal institution, and whose compensation is fixed under 5 U.S.C. 5351–54. Employment under this authority may not exceed 1 year.

(14) Not to exceed 100 positions of rehabilitation counselors and therapists in grades GS–3 through 11 to assist in the implementation of a drug rehabilitation program when filled by persons who have a history of drug addiction and who have been successfully treated. No new appointments may be made under this authority after July 31, 1973.

(15) Marine positions assigned to a coastal or seagoing vessel operated by a naval activity for research or training purposes.

(b) *Naval Academy, Naval Postgraduate School, and Naval War College.* (1) Professors, instructors, and teachers; and the librarian, organist-choirmaster,

registrar, the dean of admissions, and social counselors at the Naval Academy.

(c) *Naval Home.* (1) Positions of orderly when filled by the appointment of beneficiaries of the Home.

(d) *Military Sealift Command.* (1) All positions on vessels operated by the Military Sealift Command.

(e) [Reserved]

(f) [Reserved]

(g) *Office of Naval Research.* (1) Not to exceed 5 positions of Liaison Scientist, GS–13/15, in the office of Naval Research Branch Office in Japan, when filled by research scientists who have specialized experience in scientific disciplines of current interest to the Department and who have a demonstrated ability to deal with the Japanese scientific community in their disciplines. An appointment under this authority may be made initially for a period not to exceed 2 years. With the prior approval of the Commission, total employment under this authority may be for as long as 3 years.

§ 213.3109 Department of the Air Force.

(a) *Office of the Secretary.* (1) Three Special Assistants in the Office of the Secretary of the Air Force. These positions have advisory rather than operating duties except as operating or administrative responsibilities may be exercised in connection with the pilot studies.

(b) [Reserved]

(c) [Reserved]

(d) *U.S. Air Force Academy, Colorado.* (1) Positions of Cadet Hostesses, Instructors in Physical Education, and two Instructors in Music (Choirmasters).

(e) *Air Force Systems Command.* (1) Not to exceed 12 positions of engineer, GS–14–15, at the Aeronautical Systems Division, Wright-Patterson Air Force Base, when filled on a temporary basis by persons serving under an agreement with aerospace contractors. Employment under this authority is limited to 4 years.

§ 213.3110 Department of Justice.

(a) *General.* (1) Deputy U.S. Marshals employed on an hourly basis for intermittent service.

(2) Positions of temporary deputy marshals in lieu of bailiff in the U.S. courts when employed on an intermittent basis.

(3) U.S. Marshal in the Virgin Islands.

(4) [Reserved]

(5) Thirty positions of Field Representative, GS–9 through GS–14, in the Community Relations Service for temporary or intermittent employment for not to exceed 130 working days a year.

(6) Not to exceed 20 positions of Field Representative Trainee, GS–5–7, in the Community Relations Service, for employment on college campuses for not to exceed 130 working days a year. Employment under this authority is limited to 1 year: *Provided,* That an appointment may be extended for one additional year with the prior approval of the Commission.

(b) *Immigration and Naturalization Service.* (1) Information Officer.

(2) Four positions of Regional Commissioner.

(c) *Drug Enforcement Administration.* (1) 154 special agent positions for undercover work.

§ 213.3112 Department of the Interior.

(a) *General.* (1) Temporary, intermittent, or seasonal positions in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department.

(2) All positions on Government-owned ships or vessels operated by the Department of the Interior.

(3) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings, or other structures and prevent damages or theft of Government property. Such appointments shall not extend beyond 130 working days a year without the prior approval of the Commission.

(4) Temporary, intermittent, or seasonal field assistants at GS–5, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority shall not exceed 180 working days a year for positions at GS–4 and below in survey parties in the Bureau of Land Management and Geological Survey and shall not exceed 130 working days a year for other positions authorized under this subparagraph. This authority shall not apply to positions of field assistants engaged in fishery management work in Alaska.

(5) Temporary positions established in the field service of the Department for emergency forest and range fire prevention or suppression and blister rust control for not to exceed 180 working days a year: *Provided,* That an employee may work as many as 220 working days a year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property.

(6) Persons employed in field positions, the work of which is financed jointly by the Department of the Interior and cooperating persons or organizations outside the Federal service.

(7) All positions in the Bureau of Indian Affairs and other positions in the Department of the Interior directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood.

(8) Subject to prior approval of the Commission, temporary, intermittent, or seasonal positions at GS–7 or below in Alaska, as follows: Positions in nonprofessional mining activities, such as those of drillers, miners, caterpillar operators, and samplers; and positions of field assistants engaged in fishery management work. Employment under this authority shall not exceed 180 working days a year and shall be appropriate only when the activity is carried on in a remote or isolated area, there is no Board of U.S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(9) Subject to prior approval of the Commission, temporary, part-time, or intermittent employment of mechanics, skilled laborers, equipment operators and tradesmen on construction, repair, or maintenance work for not to exceed 180 working days a year in Alaska, when the activity is carried on in a remote or isolated area, there is no Board of U.S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(10) Seasonal airplane pilots and airplane mechanics in Alaska, not to exceed 180 working days a year.

(b) *Bureau of Indian Affairs.* (1) Housekeeper positions at a gross salary not in excess of the entrance rate of grade GS–4 or its equivalent when, because of isolation or lack of quarters, appointment through competitive examination is, in the opinion of the Commission, impracticable.

(2) Subject to prior approval of the Commission, assistants in Alaska native schools (not including teachers and instructors) at a salary rate not in excess of that of GS–4 or its equivalent where the schools are in isolated or remote areas or lack suitable quarters.

(c) *Indian Arts and Crafts Board.* (1) The Executive Director.

(d) *Bonneville Power Administration.* (1) Five Area Managers.

(e) *Office of Territories.* (1) The Clerk of the High Court of American Samoa.

(2) and (3) [Reserved]

(4) Special Assistants to the Governor of American Samoa who perform specialized administrative, professional, technical, and scientific duties as members of his immediate staff.

(f) *National Park Service.* (1) Park Ranger positions (appropriate specializations) at salaries equivalent to GS–5 or GS–4 and those equivalent to grade GS–7 or GS–6 in which the duties are supervisory or are limited to a highly specialized part of the duties performed by career protective or interpretive personnel of the National Park Service. (The total number of Park Ranger and Park Technician positions at salaries equivalent to GS–7 and GS–6 excepted under this subparagraph and subparagraph (2) of this paragraph shall not exceed 200.) Employment under this subparagraph is limited to persons who meet the qualification standards for each salary level which have been agreed upon by the Commission and the Department. These standards include as a minimum the following number of previous seasons' experience in the National Park Service as a Park Ranger at a salary equivalent to the next lower grade:

(i) For IGS–7: Two seasons at IGS–6 level.
(ii) For IGS–6: Two seasons at IGS–5 level.
(iii) For IGS–5: One season at IGS–4 level.

Employment under this subparagraph shall be only for duty that is temporary, intermittent, or seasonal, and no person shall be employed by the same appointing office in the National Park Service under this subparagraph or a combination of this and any other excepting authorities in excess of 180 working days a year.

(2) Park Aid and Park Technician positions at salaries equivalent to GS–2 through GS–5 to perform technical and practical work supporting the management, conservation, interpretation, development, and use of park areas and resources; and positions at salaries equivalent to GS–7 and GS–6 in which the duties are supervisory or are limited to a highly specialized part of the duties performed by career resources management, interpretive or visitor service personnel of the National Park Service. (The total number of Park Technician and Park Ranger positions at salaries equivalent to GS–7 and GS–6 excepted under this subparagraph and subparagraph (1) of this paragraph shall not exceed 200.) Employment under this subparagraph is limited to persons who meet the qualification standards for each salary level which have been agreed upon by the Commission and the Department. These standards include as a minimum the following number of previous seasons' experience in the National Park Service as a Park Aid or Park Technician equivalent to the next lower grade:

(i) For IGS–7: Two seasons at IGS–6 level.
(ii) For IGS–6; Two seasons at IGS–5 level.
(iii) For IGS–5; One season at IGS–4 level.
(iv) For IGS–4: One season at IGS–3 level or its equivalent in experience.
(v) For IGS–3: One season at IGS–2 level or its equivalent in experience.

Employment under this subparagraph shall be only for duty that is temporary, intermittent, or seasonal, and no person shall be employed by the same appointing office in the National Park Service under this subparagraph or a combination of this and any other excepting authorities in excess of 180 working days a year.

(g) *Bureau of Reclamation.* (1) Appraisers and examiners employed on a temporary, intermittent, or part-time basis on special valuation or prospective-entrymen-review projects where knowledge of local values or conditions or other specialized qualifications not possessed by regular Bureau employees are required for successful results. Employment under this provision shall not exceed 130 working days a year in any individual case: *Provided,* That such employment may, with prior approval of the Commission, be extended for not to exceed an additional 50 working days in any single year.

(h) *Office of the Deputy Assistant Secretary for Territorial Affairs.* (1) Positions of Territorial Management Interns, GS–5, when filled by persons selected by the Government of the Trust Territory of the Pacific Islands. No appointment may extend beyond 1 year.

§ 213.3113 Department of Agriculture.

(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. Except for positions for which selection is jointly made by the Department and the cooperating organization, this authority is not applicable to positions in the Agriculture Research Service, the Animal and Plant Health Inspection Service, or positions in the Statistical Reporting Service. This authority is not applicable to the following positions in the Agricultural Marketing Service: Agricultural Commodity grader (grain) and (meat), (poultry), and (dairy) agricultural commodity aid (grain), and tobacco inspection positions.

(2) Any local veterinarian employed on a fee basis or a part-time basis.

(3) Not to exceed 25 professional, scientific, or technical positions in grade GS–7 or higher to be filled on an exchange basis by qualified employees on the rolls of State governments, colleges, or universities, for a limited period not to exceed 1 year.

(4) Local Agents, except veterinarians, employed temporarily outside Washington, in demonstrating in their respective localities the necessity of eradicating contagious or infectious animal diseases.

(5) Temporary, intermittent, or seasonal employment in the field service of the Department in positions at and below GS–7 and WG–10 in the following types of positions: Field assistants for subprofessional services; caretakers at temporarily closed camps or improved areas; field enumerators and supervisors; forest workers engaged primarily for fire prevention or suppression activities and other forest workers employed at headquarters other than forest supervisor and regional offices; State performance assistants in the Agricultural Stabilization and Conservation Service; collectors of the Farmers Home Administration; agricultural commodity aids (cotton) in the Agricultural Marketing Service; agricultural helpers, helper-leaders, and workers in the Agricultural Research and the Animal and Plant Health Inspection Service; and, subject to prior Commission approval granted in the calendar year in which the appointment is to be made, other clerical, trades, crafts, and manual labor positions. Total employment under this subparagraph may not exceed 180 working days in a service year: *Provided,* That an employee may work as many as 220 working days in a service year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property. This paragraph does not cover trades, crafts, and manual labor positions covered by paragraphs (i) and (m) of § 213.3102.

(6) Not to exceed eight positions whose incumbents serve on an intermittent or temporary basis as field representatives of the Department of Agriculture and in this capacity represent the Department's Disaster Committee in conducting surveys and appraisals of conditions in areas whose status as "major disaster" areas under Public Law 81–875, is under consideration. Employment under this authority shall not exceed 130 working days a year.

(7) [Reserved]

(8) Not to exceed 10 positions directly concerned with programs of the Department for employment of Cuban refugees possessing college-level training appropriate for such positions. No new appointments may be made under this authority after December 31, 1968.

(9) Not to exceed 15 positions of Program Assistant GS–12 through 15 when filled by persons whose current service in agricultural programs of the Department at the State level has provided specialized knowledge and experience needed by the Department for the more efficient administration of its programs. No new appointments may be made under this authority after June 30, 1970.

(b) *Office of the Secretary.* (1) Special Livestock Loans Committeemen employed for not more than 180 working days a year, to approve and direct the servicing of emergency livestock loans.

(2) The positions of the two members and two alternate members of the Board of Forest Appeals which must be filled under departmental regulation by persons who have not been Federal employees for 2 years before appointment. Employment under this exception shall be on a when-actually-employed basis.

(c) *Forest Service.* (1) Temporary, intermittent, or seasonal positions when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a national forest and as being dependent for livelihood primarily upon employment available within the national forest.

(2) Positions in Alaska of Laborers, Boat Operators, Mechanics, Equipment Operators, and Carpenters whose duties require the operation of boats in coastal waters and/or the establishment and maintenance of work camps in remote areas.

(d) *Agricultural Stabilization and Conservation Service.* (1) Six Area Directors above GS–14.

(2) Members of State Committees.

(3) State Executive Directors.

(4) Farmer fieldmen and farmer fieldwomen to interpret and explain and supervise farm programs.

(e) *Farmers Home Administration.* (1) State committeemen to consider, recommend, and advise with respect to the Farmers Home Administration program.

(2) County committeemen to consider, recommend, and advise with respect to

the Farmers Home Administration program.

(3) Temporary positions whose principal duties involve the making and servicing of emergency loans pursuant to current statutes authorizing emergency loans. Appointments under this provision shall not exceed 1 year unless extended with the prior approval of the Commission for additional periods not to exceed 1 year each.

(4) State Directors and not to exceed three positions of State Director-at-Large.

(5) Temporary positions in State and county offices of the Farmers Home Administration whose principal duties involve the making and servicing of loans pursuant to the Economic Opportunity Act of 1964. Appointments under this provision shall not exceed 1 year unless extended with prior Commission approval for not to exceed 1 additional year.

(f) *Agricultural Marketing Service.* (1) Positions of cotton classers GS–9 and below, clerks GS–2, supervisory clerks GS–3, and laborers, employed on a seasonal basis in cotton-classing offices outside the Washington, D.C. Metropolitan Area. Employment under this authority (or under a combination of this authority and any other excepting authority) shall not exceed 1,280 hours a year in the case of cotton classers and laborers, and 1,040 hours a year in the case of clerks; except that a GS–5 cotton classer may be employed as a trainee during his first appointment for an initial period of 6 months for training purposes without regard to the above time limitation.

(2) [Reserved]

(3) Milk Market Administrators.

(4) All positions on the staffs of Milk Market Administrators.

(5) Positions of agricultural commodity graders (processed fruits and vegetables), GS–9 and below, and of graders' aides (processed fruits and vegetables), GS–2–4, for temporary employment on a part-time or intermittent basis for not to exceed 1,280 hours a year.

(6) Temporary positions at GS–9 and below of agricultural commodity graders (poultry) and agricultural commodity graders (dairy). Employment under this authority may not exceed 1,280 hours a year.

(g) *Agricultural Research Service.* (1) Field employees on programs conducted under the terms of cooperative agreements or memorandums of understanding with States or other non-Federal cooperating organizations, provided the employees are jointly selected and their salary is supplied by the cooperators on the basis of not less than a 40-percent contribution by each of the cooperators.

(h) *Foreign Agricultural Service.* (1) Agricultural Attaché positions at grade GS–16 and above where the duties require that the major portion of the employee's time be spent in foreign countries.

(i) [Reserved]

(j) *Food and Nutrition Service.* (1) Temporary positions in grade GS–4 and below, and the wage system equivalents, whose principal duties involve the distribution of food to needy families at Federal Commodity Distribution Centers. After June 30, 1971, appointments under this authority may be made only to replace employees on the rolls as of that date, or their successors.

(k) *Animal and Plant Health Inspection Service.* (1) Field employees on programs conducted under the terms of cooperative agreements or memorandums of understanding with States or other non-Federal cooperating organizations, provided the employees are jointly selected and their salary is supplied by the cooperators on the basis of not less than a 40-percent contribution by each of the cooperators.

(2) Temporary field positions concerned with the control, suppression, and eradication of emergency livestock diseases. Persons appointed under this authority may not be employed in these positions in the Animal and Plant Health Inspection Service for longer than 1 year under this authority, or under a combination of this and any other authorities for excepted appointment that may be appropriate, without prior approval of the Commission. This authority shall be appropriate only in situations declared by the Secretary of Agriculture to be emergencies threatening the livestock industry of the country.

(3) Positions of meat and poultry inspectors (veterinarians at GS–11 and below and nonveterinarians at appropriate grades below GS–11) for employment on a temporary, intermittent, or seasonal basis, not to exceed 1,280 hours a year.

§ 213.3114 Department of Commerce.

(a) *General.* (1) Agents to take and transmit meteorological observations in connection with aviation who are employed on a part-time basis and whose compensation is based on a fee for each observation performed rather than on an hourly or per annum basis: *Provided*, That the number of observations shall not exceed a daily average of 12 during any calendar month.

(2) Employment of individuals, firms, or corporations for not to exceed 1 year for special statistical studies and statistical compilations, other than Personal Census Records Service, the compensation for which is derived from funds deposited with the United States under the Act of May 27, 1935 (49 Stat. 292): *Provided*, That such employments may, with the approval of the Commission, be extended for not to exceed an additional year.

(3) Not to exceed 50 scientific and technical positions whose duties are performed primarily in the Antarctic. Incumbents of these positions may be stationed in continental United States for periods of orientation, training, analysis of data, and report writing.

(b) *Office of the Secretary.* (1) [Reserved]

(2) One Civil Aviation Specialist.

(3) One Advisor on Equal Employment Opportunity.

(c) *Coast and Geodetic Survey.* (1) All civilian positions on vessels operated by the Coast and Geodetic Survey.

(2) Temporary positions required in connection with the surveying operations of the field service of the Coast and Geodetic Survey. Appointment to such positions shall not exceed 8 months in any 1 calendar year.

(d) *Bureau of the Census.* (1) Supervisors, assistant supervisors, supervisors' clerks, and enumerators in the field service, other than Current Program Interviewers, for temporary, part-time, or intermittent employment for not to exceed 1 year: *Provided*, That such appointments may be extended for additional periods of not to exceed 1 year each; but that prior Commission approval is required for extension for longer than 1 year.

(2) Current Program Interviewers employed on an intermittent basis in the field service.

(3) Not to exceed 32 positions of field agent to compile data on taxable property values, governmental finance, and governmental employment in connection with the 1972 Census of Governments. Employment under this authority may not exceed June 30, 1974.

(e)–(g) [Reserved]

(h) *Maritime Administration.* (1) Public Information Officer.

(2)–(4) [Reserved]

(5) The positions of Chief Investigator and Security Officer and Deputy Chief Investigator and Security Officer.

(6) All positions on Government-owned vessels or those bareboats chartered to the Government and operated by or for the Maritime Administration.

(7) [Reserved]

(8) One Special Assistant to the Administrator (Tanker Advisor).

(9) Two Special Assistants to the Deputy Administrator.

(10) U.S. Merchant Marine Academy, positions of: Professors, instructors, and teachers; including heads of the Departments of Physical Training and Athletics, Ships, Medicine, Ship Management, History and Languages, Mathematics and Science, Nautical Science and Engineering; the Regimental Officer; the Drill and Activities Officers; the Band and Activities Officer; six Company Officers; and the Assistant Commandant of Cadets.

(11) U.S. Merchant Marine Academy, positions of: The Superintendent; the Executive Officer and Assistant Superintendent; Dean; Registrar and Educational Services Officer; Educational Specialist (Administration) (Assistant Dean); Alumni Records Officer and Placement Director; Librarian; the Special Assistant to the Superintendent; three Academy Training Representatives; and one Shipboard Training Assistant.

(i) *Office of the Assistant Secretary for Domestic and International Business.* (1) Thirty positions at GS–12 and above in specialized fields relating to international trade or commerce in the Bureau of International Commerce or in other

units under the jurisdiction of the Assistant Secretary for Domestic and International Business. Incumbents will be assigned to advisory rather than to operating duties, except as operating and administrative responsibility may be required for the conduct of pilot studies or special projects. Employment under this authority will not exceed 2 years for any individual appointee.

(2) Not to exceed 40 positions of Managers and Deputy Managers of International Trade Fairs and Exhibit Programs in foreign countries when the duties require a considerable portion of the employee's time to be spent in foreign countries.

(3) Not to exceed 30 positions in grades GS–12 through GS–15, to be filled by persons qualified as industrial or marketing specialists, who possess specialized knowledge and experience in industrial production, industrial operations and related problems, market structure and trends, retail and wholesale trade practices, distribution channels and costs, or business financing and credit practices applicable to one or more of the current segments of industry served by the Office of Business Services, the Bureau of Competitive Assessment and Business Policy, and the Bureau of Resources and Trade Assistance. Appointments under this authority may be made for a period of not to exceed 2 years and may, with prior approval of the Commission, be extended for an additional period of 2 years.

(j) *Environmental Science Services Administration.* (1) Subject to prior approval of the Commission, which shall be contingent upon a showing of inadequate housing facilities, meteorological aid positions at the following stations in Alaska: Barrow, Bethal, Kotzebue, McGrath, Northway, and St. Paul Island.

(2) Cook positions on Swan Island.

§ 213.3115 Department of Labor.

(a) *Office of the Secretary.* (1) Chairman and two members, Employees' Compensation Appeals Board.

(b) *Bureau of Labor Statistics.* (1) Part-time and intermittent employment for field survey and enumeration work in the Bureau of Labor Statistics. This authority is applicable to positions where the salary is equivalent to GS–5 and below. Employment within the Bureau of Labor Statistics under this authority, or a combination of this authority and any other authorities for excepted appointment, shall not exceed:

(i) 180 working days a year for positions at GS–5;

(ii) 130 working days a year for positions at GS–4 and below.

The total number of appointments at GS–5 shall not exceed 75. Appointments at the GS–3 and GS–4 grade levels are not limited in number.

(c) *Office of Federal Contract Compliance.* (1) All positions at GS–15 and below involving performance of the functions of the program known as "Plans for Progress."

§ 213.3116 Department of Health, Education, and Welfare.

(a) *National Center for Mental Health Services, Training and Research.* (1) Three Medical Officers (Surgical Resident).

(2) Student Medical Interns for temporary or part-time employment.

(3) Temporary positions of graduate nurses appointed as students for the purpose of receiving 12 weeks of training equivalent to psychiatric affiliation. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 80–330.

(4) Three positions of Medical Officers (Radiology Resident): *Provided,* That employment under this authority shall not exceed 1 year, except that selected residents may be nominated and reappointed for an additional year of training when the parent hospital determines that the supplemental training will meet the specialized needs of the individual resident.

(5) Eight positions of psychodrama trainees, including interns and first- and second-year residents. This authority shall be applied only to positions with compensation fixed under 5 U.S.C. 5351 and 5352.

(6) Two Medical Officers (Anatomical Pathology Resident) for not to exceed 2 years' employment in the case of any one individual.

(7) Three Medical Officers (Internal Medicine Resident) for not to exceed 3 months' employment in the case of any one individual.

(8) Four positions of Medical Officer (Physical Medicine and Rehabilitation Resident): *Provided,* That employment under this authority shall not exceed 1 year, except that selected residents may be nominated and reappointed for an additional year of training when the parent hospital determines that the supplemental training will meet the specialized needs of the individual resident. Initial appointments may be made at any level within the 3-year residency as approved by the American Medical Association.

(9) Positions of Chaplain Residents: *Provided,* That employment under this authority shall not exceed 39 months for any individual. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of 5 U.S.C. sections 5351 and 5352.

(10) One position of Medical Officer (Ophthalmology Resident) when filled by persons whose compensation is fixed under 5 U.S.C. 5351–5356. Employment under this authority may not exceed 4 months.

(b) *Public Health Service.* (1) Special escorts to accompany patients of the Public Health Service in accordance with existing laws and regulations. Employment under this subparagraph shall be only for the period of time necessary for the escort to deliver the patient to his destination and to return.

(2) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(3) All positions in leprosy investigation stations.

(4) Positions concerned with problems in preventive medicine financed or participated in by the Department of Health, Education, and Welfare and a cooperating State, county, municipality, incorporated organization, or an individual in which at least one-half of the expense is contributed by the cooperating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(5) Medical and dental interns, externs, and residents; and student nurses.

(6) Positions of scientific, professional, or technical nature when filled by bona fide students enrolled in academic institutions: *Provided,* That the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by an educational institution to qualify for a scientific, professional, or technical field: *And provided further,* That appropriate exclusions of the positions under the authority of Public Law 80–330 have been approved by the Civil Service Commission.

(7) Student Dietitians and Resident Physicians at Freedman's Hospital.

(8) Positions directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood.

(9) Not to exceed 30 positions of clerical assistants employed on a part-time and intermittent basis to aid cooperating clinicians in non-Federal tuberculosis sanatoria in the keeping of records and the preparation of reports in connection with research studies into the effectiveness of antimicrobial agents in the treatment of tuberculosis. Persons appointed under this authority may not be employed in this kind of work in the Public Health Service for more than 180 working days in a single year under this authority or under a combination of this and any other authority for excepted appointment that may be appropriate.

(c) *Office of Education.* (1) Positions concerned with problems in education financed and participated in by the Office of Education, Department of Health, Education, and Welfare, and a cooperating State educational agency, or university or college, in which there is joint responsibility for selection and supervision of employees, and at least one-half of the expense is contributed by the cooperating agency in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(d) *Social Security Administration.* (1) Six positions of social insurance representative in the district offices of the Social Security Administration in the State of Arizona when filled by the appointment of persons of one-fourth or more Indian blood.

(2) Seven positions of social insurance representative in the district offices of

the Social Security Administration in the State of New Mexico when filled by the appointment of persons of one-fourth or more Indian blood.

(3) Two positions of social insurance representative in the district offices of the Social Security Administration in the State of Alaska when filled by the appointment of persons of one-fourth or more Alaskan Native blood (Eskimos, Indians, or Aleuts).

(e) *General.* (1) Not to exceed 40 positions in medical and related occupations for employment under the Cuban refugee program. No new appointments may be made after December 31, 1968.

(f) *The President's Council on Physical Fitness.* (1) Three staff assistants, The President's Council on Physical Fitness.

(g) *Social and Rehabilitation Administration.* (1) Not to exceed 195 positions directly concerned with programs conducted by the Department in connection with the problems of Cuban refugees: *Provided,* That new appointments shall be limited to Cuban refugees.

(h) *National Institute of Mental Health—Health Services and Mental Health Administration.* (1) Positions in the National Institute of Mental Health involving performance of various therapeutic and service assignments under a rehabilitation program concerned with the treatment of drug addicts, when filled by persons who have a history of drug addiction and who have been successfully treated.

(i) *National Center for Health Statistics.* (1) Not to exceed 20 positions of Health Examination Representative, grades GS–7 and 9, serving on Health and Nutrition Examination Survey teams of the Division of Health Examination Statistics.

§ 213.3118 Environmental Protection Agency.

(a) Not to exceed 12 positions of Sanitation Facility Trainees, WG–1 through 5, to implement the Alaska Village Demonstration Projects under the Water Quality Improvement Act of 1970. Employment under this authority may not exceed 2 years.

§ 213.3121 National Security Council.

(a) All positions on the staff of the Council.

§ 213.3123 Cabinet Committee on Opportunities for Spanish-Speaking People.

(a) All positions on the committee staff.

§ 213.3124 Board of Governors, Federal Reserve System.

(a) All positions.

§ 213.3126 Office of Emergency Preparedness.

(a) One Field Representative, Resource Readiness Office.

§ 213.3127 Veterans Administration.

(a) *Construction Division.* (1) Temporary construction workers paid from "purchase and hire" funds and appointed for not to exceed the duration of a construction project.

(b) Not to exceed 200 positions of Rehabilitation Counselors, GS–3 through GS–11, in drug and alcoholic treatment units when filled by former patients.

§ 213.3128 U.S. Information Agency.

(a) Two Liaison Officers (Congressional) in the Office of the General Counsel.

(b) One Chief of Religious Information.

§ 213.3129 Federal Power Commission.

(a) Three special assistants to the Commission.

§ 213.3130 Securities and Exchange Commission.

(a) Director, Division of Corporation Finance; Director, Division of Corporate Regulation; Director, Division of Trading and Markets.

(b) Nine positions of Regional Administrator.

(c) Positions of accountant and auditor, GS–13 through 15, when filled by persons selected under the SEC accounting fellow program. No more than two positions may be filled under this authority at any one time. An employee may not serve under this authority longer than 2 years.

§ 213.3132 Small Business Administration.

(a) When the President under 42 U.S.C. 1855–1855g, or the Secretary of Agriculture under 7 U.S.C. 1961, declares an area to be a disaster area, positions filled by the temporary appointment of employees to make and administer disaster loans in that area under the Small Business Act, as amended, for the duration of the disaster. Original appointments may not exceed 2 years and no employee may serve under this authority for longer than 2 years without the Commission's prior approval.

(b) [Reserved]

(c) Position of Community Economic-Industrial Planner, GS–7 through 12, when filled by local residents who represent the interest of the groups to be served by the Minority Enterpreneurship Teams of which they are members.

§ 213.3133 Federal Deposit Insurance Corporation.

(a) All field positions concerned with the work of liquidating the assets of closed banks or the liquidation of loans to banks, and all temporary field positions the work of which is concerned with paying the depositors of closed insured banks.

(b) One position of Chief Clerk in the San Juan, P.R., office.

§ 213.3135 National Capital Housing Authority.

(a) Executive Director.

(b) Positions of teachers engaged on a part-time or intermittent basis in the instruction of trainees enrolled in training programs on the maintenance and repair of buildings and grounds.

(c) Until December 31, 1975, one position of Chairman, Resident Involvement Workgroup, with responsibility for encouraging tenant participation in the development of a management system.

(d) Until March 1, 1976, two positions of resident housing manager in an experimental demonstration program of public housing management improvement.

§ 213.3136 U.S. Soldiers' and Airmen's Home.

(a) All positions.

§ 213.3137 General Services Administration.

(a) *General.* (1) Custodians, guards, watchmen, laborers, and other employees engaged in the custody, care, and preservation of plants, warehouses, shipyards, airfields, and surplus facilities of a similar nature pending disposition of such facilities.

(b) *Public Buildings Service.* (1) One Receptionist—Guide, Region 9.

§ 213.3138 Federal Communications Commission.

(a) The Chief of each of the following Bureaus: Common Carrier and Safety and Special Radio Services.

§ 213.3139 U.S. Tariff Commission.

(a) The Secretary of the Commission.

§ 213.3141 National Labor Relations Board.

(a) Election Clerks and Election Examiners for temporary, part-time or intermittent employment in connection with elections under the Labor Management Relations Act.

§ 213.3142 Export-Import Bank of the United States.

(a) Three Special Assistants to the Board of Directors, grade GS–14 and above, with responsibility for carrying out special overseas assignments for the Board.

§ 213.3143 Farm Credit Administration.

(a) Federal Land Bank Association receivers and conservators.

(b) Not to exceed seven positions in the Credit Services of the Farm Credit Administration in grades GS–13 or above, requiring technical or administrative experience in the field of agricultural credit: *Provided,* That this authority may be used only when making appointments of persons who have acquired such experience in the Farm Credit Administration or in one or more of the institutions supervised by the Farm Credit Administration.

§ 213.3146 Selective Service System.

(a) State Directors.

(b) Deputy or Assistant State Directors and State Medical Officers in State Headquarters.

(c) [Reserved]

(d) Executive Secretary, National Selective Service Appeal Board.

§ 213.3147 Federal Mediation and Conciliation Service.

(a) Executive Secretary of a Board of Inquiry appointed under section 206 of the Labor-Management Relations Act of 1947 (29 U.S.C. 176).

§ 213.3148 National Aeronautics and Space Administration.

(a) One hundred fifty alien scientists having special qualifications in the fields of aeronautical and space research where such employment is deemed by the Administrator of the National Aeronautics and Space Administration to be necessary in the public interest.

(b) Forty scientific specialists to be engaged on special research projects.

(c) [Reserved]

(d) Ten medical officer positions for employment of third year medical residents in the field of aerospace medicine. An individual may not be employed more than one year under this exception.

§ 213.3149 Panama Canal Company.

(a) All positions on vessels operated by the Panama Canal Company.

§ 213.3152 U.S. Government Printing Office.

(a) One Umpire.

(b) Positions in the printing trades when filled by students majoring in printing technology employed under a cooperative education agreement with the Washington Technical Institute.

§ 213.3153 District of Columbia Government.

(a) Positions of noneducational employees of the Board of Higher Education, the Board of Vocational Education, the Federal City College, and the Washington Technical Institute.

§ 213.3154 Federal Home Loan Bank Board.

(a) One Secretary, Federal Home Loan Bank Board.

(b) [Reserved]

(c) All temporary field positions in the Federal Savings and Loan Insurance Corporation concerned with the work of liquidating the assets of closed insured institutions, or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom, and all temporary field positions of the Federal Savings and Loan Insurance Corporation the work of which is concerned with paying the depositors of closed insured institutions.

§ 213.3156 Commission on Civil Rights.

(a) Until June 30, 1978, 25 positions at grade GS–11 and above of employees who collect, study, and appraise civil rights information to carry out the national clearinghouse responsibilities of the Commission under Public Law 88–352, as amended.

§ 213.3157 National Credit Union Administration.

(a) Liquidation Agents employed on a temporary or intermittent basis in the field.

§ 213.3158 Franklin Delano Roosevelt Memorial Commission.

(a) All positions on the staff of the Commission.

§ 213.3161 James Madison Memorial Commission.

(a) One Executive Secretary.

§ 213.3162 National Aeronautics and Space Council.

(a) All positions.

§ 213.3165 President's Advisory Committee on Labor-Management Policy.

(a) One Assistant Executive Director.

§ 213.3170 Civil Service Commission.

(a) Persons employed on a WAE basis to serve as members of the International Organizations Employees Loyalty Board for the purpose of holding hearings overseas.

(b) Chairman, Federal Prevailing Rate Advisory Committee.

§ 213.3172 Administrative Office of the U.S. courts.

(a) Not to exceed five positions of Federal Probation System Administrator in the Division of Probation, when filled by Federal probation officers on active service in the U.S. courts.

§ 213.3178 [Reserved]

§ 213.3182 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.* (1) Until June 30, 1976, one Special Assistant to the Chairman.

(2) Until June 30, 1976, Director of State and Community Operations, when filled at GS–15 and below.

(3) Until June 30, 1976, eight Program Directors.

(4) Until June 30, 1976, One Assistant Director for Theatre Programs.

(5)–(10) [Reserved]

(11) Until June 30, 1976, four Project Evaluators.

(12) Until June 30, 1976, one Director of Museum Programs.

(13) Until June 30, 1976, two Assistant Directors for State and Community Operations.

(14) Until June 30, 1976, one Assistant Director of Music Programs.

(15) Until June 30, 1976, one Director of Developing Arts Programs.

(16) Until June 30, 1976, one Director for Public Media Programs.

(17) Until June 30, 1976, one Assistant to the Chairman.

(18) Until June 30, 1976, one Director of Planning and Management.

(19) Until June 30, 1976, one Director, Interdisciplinary Programs.

(20) Until June 30, 1976, one Director of Special Projects.

(21) Until June 30, 1976, one Assistant Director of Expansion Arts Programs.

(22) Until June 30, 1976, one Assistant Director of Public Media Programs.

(23) Until June 30, 1976, one Assistant Director of Architecture and Environment Arts Programs.

(24) Until June 30, 1976, one Assistant Director of Dance.

(25) Until June 30, 1976, one Assistant Director of Visual Arts.

(26) Until June 30, 1976, one Assistant Director of Museum.

(27) Until June 30, 1976, one Assistant Director of Special Projects.

(b) *National Endowment for the Humanities.* (1) and (2) [Reserved]

(3) Until June 30, 1976, Director of Planning and Analysis, when filled at GS–15 and below.

(4) Until June 30, 1976, Director of Fellowships and Stipends.

(5) Until June 30, 1976, Director of Research and Grants.

(6) Until June 30, 1976, one Special Assistant to the Chairman.

(7) Until June 30, 1976, two Program Officers, Division of Education Programs.

(8) Until June 30, 1976, three Program Officers, Division of Fellowships and Stipends.

(9) Until June 30, 1976, two Program Officers, Division of Research and Grants.

(10) Until June 30, 1976, one Assistant to the Director of Planning and Analysis.

(11) Until June 30, 1976, Director of Education Programs.

(12) Until June 30, 1976, one Program Officer, Division of Public Programs.

(13) Until June 30, 1976, Director of Public Programs.

(14) Until June 30, 1976, five Program Officers, State-Based Programs, Division of Public Programs.

(15) [Reserved]

(16) [Reserved]

(17) Until June 30, 1976, one Program Officer, Special Projects, Division of Public Programs.

(18) Until June 30, 1976, two Program Officers, Museum Programs, Division of Public Programs.

(19) Until June 30, 1976, one Special Assistant to the Deputy Chairman.

(20) Until June 30, 1976, one Program Analyst, Office of Planning and Analysis.

(21) Until June 30, 1976, one Media Programs Officer, Division of Public Programs.

(22) Until June 30, 1976, one Bicentennial Coordinator, Division of Public Programs.

(23) Until June 30, 1976, one Deputy Director of Public Programs.

§ 213.3184 Department of Housing and Urban Development.

(a) and (b) [Reserved]

(c) *Interdepartmental programs.* (1) Two Program Assistants.

§ 213.3187 District of Columbia Redevelopment Land Agency.

(a) Neighborhood Aide (Urban Renewal) positions when filled by residents of the urban renewal project area in which the Aides will serve. Employment under this authority may not exceed 2 years.

§ 213.3190 [Reserved]

§ 213.3194 Department of Transportation.

(a) *Coast Guard.* (1) Continuing positions at grade GS–9 and below whose incumbents are engaged in the admeasurement or documentation of merchant vessels on a part-time or intermittent basis

not exceeding 700 hours in a service year. A person appointed under this authority may not be employed in the Coast Guard under a combination of this authority and any other authority for excepted appointment for more than 700 hours during his service year.

(2) Lamplighters.

(3) Professors, Associate Professors, Assistant Professors, Instructors, one Principal Librarian, one Cadet Hostess, and one Psychologist (Counseling) at the Coast Guard Academy, New London, Conn.

(b) *The Alaska Railroad.* (1) Temporary, part-time, or intermittent positions of nonsupervisory laborers in Alaska, involving railroad construction or repair work at locations outside the Fairbanks and Anchorage commuting areas when there are no local housing facilities available except crew cars and examination is impracticable because of the mobility of the work site, the short-term nature of a maintenance project, or the immediate need for a temporary work force to cope with unexpected turnover or unexpected situations requiring augmentation of the regular work crew in remote or isolated locations. Employment under this authority shall not exceed 180 working days a year.

(2) The General Manager.

(3) The Assistant General Manager.

(c) *Federal Highway Administration.* (1) Temporary, intermittent, or seasonal employment in the field service of the Bureau of Public Roads at grades not higher than GS–5 for subprofessional engineering aide work on the highway surveys and constructions projects, for not to exceed 180 working days a year, when in the opinion of the Commission appointment through competitive examination is impracticable.

(d) *Federal Aviation Administration.* (1) Caretakers and Light Attendants employed on emergency fields and other air navigation facilities who are paid on a fee basis.

(2) Medical Officer positions on Wake Island.

(3) Laborer positions on Swan Island.

(e) *St. Lawrence Seaway Development Corporation.* (1) Assistant Manager, Seaway International Bridge.

§ 213.3195 President's Temporary Commission on Pennsylvania Avenue.

(a) Not to exceed six positions on the Temporary Comission staff.

§ 213.3199 Temporary boards and commissions.

(a)–(f) [Reserved]

(g) *The National Council on Indian Opportunity.* (1) Positions at GS–15 and below on the staff of the Council when filled by Indians who are of one-fourth or more Indian blood.

(h)–(j) [Reserved]

(k) *American Revolution Bicentennial Commission.* (1) Positions in grades GS–11 through 15, other than those primarily concerned with administrative and internal management matters.

(l) *Commission on American Shipbuilding.* (1) Until December 31, 1973, positions at GS–15 and below on the staff of the Commission.

(m) *Cost of Living Council and Related Organizations.* (1) Until April 30, 1974, not to exceed 50 positions in grades GS–12 and above when it is determined that existing registers are not appropriate or do not permit appointment expeditiously.

(n) *National Commission on Productivity.* (1) Until June 30, 1974, positions in grade GS–15 and below on the staff of the Commission.

SCHEDULE B

§ 213.3201 Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.

The positions enumerated in §§ 213.3202 to 213.3299 are positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination and which are excepted from the competitive service and constitute Schedule B. Appointments to these positions are subject to such noncompetitive examination as may be prescribed by the Commission.

§ 213.3202 Entire executive civil service.

(a) Student Trainee positions established in connection with an organized preprofessional undergraduate work-study program involving alternating periods of planned work experience (including at least 6 months in the agency) and related study at an accredited college or university in either (1) a cooperative curriculum in which the work experience is a prerequisite to the award of a degree, or (2) a curriculum where formal arrangements are made with the college or university for selecting and retaining program participants, and for scheduling and coordinating work experience and academic study. Appointments under this paragraph may be made only to Student Trainee positions which are preparatory to professional work which the Commission determines to be in a shortage occupation for this purpose. The Commission's determinations in this respect and other requirements relating to appointments under this paragraph will be published in the Federal Personnel Manual. Except for the requirement of competitive selection from a register, appointments under this paragraph are subject to all the requirements and conditions governing career-conditional appointment, including investigation by the Commission to establish the appointee's qualifications and suitability. Appointees may not continue to serve in Student Trainee positions more than 90 days after they complete or are separated from the work-study program.

§ 213.3204 Department of State.

(a) Persons formerly employed abroad in the Foreign Service of the United States (this means civilian employment in the executive branch) for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS–9 and above.

(b) Technical cryptographic positions in the Communications Security Division, Office of Communications.

(c) Director and Deputy Director, Foreign Buildings Operations.

§ 213.3205 Treasury Department.

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

(b) [Reserved]

(c) Not to exceed two positions of Accountant (Tax Specialist) at grades GS–13 and above to serve as specialists on the accounting analysis and treatment of corporation taxes. Employments under this paragraph shall not exceed a period of 18 months in any individual case.

(d) Positions concerned with the protection of the life and safety of the President and members of his immediate family, or other persons for whom similar protective services are prescribed by law, when filled in accordance with special appointment procedures approved by the Commission. Service under this authority may not exceed (1) a total of 4 years or (2) 120 days following completion of the service required for conversion under Executive Order 11203, whichever occurs first.

§ 213.3206 Department of Defense.

(a) *Office of the Secretary.* (1) Professional members of Policy Planning Staff in positions at grades GS–16 and above and two Special Projects Directors, GS–15, Office of Deputy Assistant Secretary (Planning and NSC), Office of the Assistant Secretary of Defense (International Security Affairs).

(2) Professional positions at GS–11 and above involving systems, costs, and economic analysis functions in the Office of the Assistant Secretary (Systems Analysis); and in the Operations Analysis Group and in the Office of the Deputy Assistant Secretary (Management Systems Development), both in the Office of the Assistant Secretary (Comptroller).

(3) Professional positions at grades GS–16 and above in the Directorate for Special Studies, Office of the Deputy Assistant Secretary (Manpower Requirements and Special Studies), Office of the Assistant Secretary of Defense (Manpower).

(4) One Assistant for Counter-Insurgency, Office of the Assistant Secretary (International Security Affairs).

§ 213.3209 Department of the Air Force.

(a) Positions assigned exclusively to Air Force Communications Intelligence Activities excluding positions in Cryptologic Intelligence Activities/Functions.

(b) Civilian Deans and Professors at the Air Force Institute of Technology, Wright-Patterson Air Force Base, Dayton, Ohio.

§ 213.3210 Department of Justice.

(a) [Reserved]

(b) Positions of Port Receptionist and Supervisory Port Receptionist, Immigration and Naturalization Service.

§ 213.3212 Department of the Interior.

(a) Any competitive position at an Indian school when filled by the spouse of a competitive employee of the school, when because of isolation or lack of quarters, the Commission deems appointment through competitive examination impracticable.

§ 213.3214 Department of Commerce.

(a) *Bureau of Census.* (1) Not to exceed 100 positions of interviewers, supervisors, and data collection specialists in the Census Bureau who conduct interviews in the hard core poverty areas of large cities or who supervise the conduct of these interviews, when filled by residents of the areas served.

(b) *Economic Development Administration.* (1) Four Area Supervisors.

(2) Four Assistant Area Supervisors.

(c) *Office of Minority Business Enterprise.* (1) Until December 31, 1974, not to exceed 35 positions of Minority Business Opportunity Specialist at grades GS–9 through GS–15.

(d) *Office of Telecommunications.* (1) Not to exceed 10 positions of Telecommunications Policy Analysts, grades GS–11 through 15. Employment under this authority may not exceed 2 years.

§ 213.3215 Department of Labor.

(a) and (b) [Reserved]

(c) Not to exceed 35 positions of Manpower Development Specialist at grades GS–9 through GS–15 in the Manpower Administration. This authority may not be used after June 30, 1973.

§ 213.3216 Department of Health, Education, and Welfare.

(a) *Office of Education.* (1) Fifty positions, GS–7 through GS–11, concerned with advising on education policies, practices, and procedures under unusual and abnormal conditions. Persons employed under this provision must be bona fide elementary school and high school teachers. Appointments under this authority may be made for a period of not to exceed 1 year, and may, with the prior approval of the Civil Service Commission, be extended for an additional period of 1 year.

(b) [Reserved]

(c) Not to exceed 10 positions of HEW Fellows in grades GS–11 through 15. Employment under this authority may not extend beyond 1 year.

§ 213.3228 U.S. Information Agency.

(a) Persons formerly employed abroad in the Foreign Service of the United States or as Binational Center Grantees for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS–9 and above.

§ 213.3229 Federal Power Commission.

(a) A Chief Engineer.

§ 213.3242 Export-Import Bank of the United States.

(a) Not to exceed 24 positions of Loan Specialist GS–7 through 14 when occupied by persons selected jointly by commercial banks and the agency for participation in the Eximbank-Commercial Bank Orientation Program. Appointments under this authority may not exceed 15 months.

§ 213.3246 Selective Service System.

(a) Positions in the Selective Service System when filled by persons who as commissioned officer personnel in the Armed Forces have previously been trained for or have been on active military duty in the Selective Service program, and cannot, for some reason beyond their control, be brought to active military duty in the current Selective Service program.

§ 213.3253 District of Columbia Government.

(a) Chairman, Secretary and Members of the Board of Police and Fire Surgeons, District of Columbia.

§ 213.3259 Action.

(a) *Office of Domestic and Anti-Poverty Operations.* (1) Not to exceed 25 positions of Program Specialist at grades GS–9 through GS–15.

(2) Until December 31, 1975, not to exceed 10 positions of Regional Director, GS–15. Employment under this authority may not exceed 2 years: Provided, That the Director of ACTION may extend appointments made under this authority for up to 2 additional years if he deems such action essential to the accomplishment of agency goals.

§ 213.3268 Agency for International Development.

(a) Not to exceed 30 positions at GS–9 and above when filled by persons who have served overseas with the Agency for International Development for not less than 2 years.

§ 213.3273 Office of Economic Opportunity.

(a) Seven Regional Directors.

(b) Not to exceed 35 positions at GS–9 through GS–15 in new, experimental programs or special projects when it is determined that existing registers are not appropriate or do not permit appointment expeditiously. This authority may not be used after June 30, 1973.

(c) One Chief, Research and Plans Division.

§ 213.3276 Appalachian Regional Commission.

(a) Two Program Coordinators.

SCHEDULE C

§ 213.3301 Positions of a confidential or policy-determining character.

The positions enumerated in §§ 213.3302 to 213.3399 are positions of a confidential or policy-determining character which are excepted from the competitive service, to which appointments may be made without examination by the Commission and which constitute Schedule C.

§ 213.3301a Special revocation of exceptions.

The exception from the competitive service for each position in the executive branch listed in Schedule C which is classified in grade GS–16, GS–17, or GS–18, and is covered by Civil Service Rule IX (§ 9.1 of Subchapter A of this chapter) is revoked effective November 17, 1967. Each such position is removed from Schedule C effective November 17, 1967.

§ 213.3301b Revocation of exceptions.

(a) Except as provided by paragraph (b) of this section the exception from the competitive service for each position at GS–15 and below in the executive branch listed in schedule C is revoked when the position has been vacant for 60 calendar days or more.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Commission may delay the revocation action for an additional 60 calendar days when the agency demonstrates that it: (1) Has been actively recruiting for the position; (2) has made a tentative selection; and (3) has set an appointment date within the additional 60-day period.

(c) An agency shall notify the Commission within 3 work days after a schedule C position at GS–15 and below has been vacated or filled.

§ 213.3303 Executive Office of the President.

(a) *Office of Management and Budget.*

(1) Four Secretaries to the Director.

(2) One Special Assistant to the Deputy Director.

(3) One Private Secretary to the Deputy Director.

(4) Associate Director.

(5) [Reserved]

(6) One Secretary to each of four Associate Directors.

(7) Four Assistant Directors.

(8) One Private Secretary to each of three Assistant Directors.

(9) [Reserved]

(10) Associate Director for National Security and International Affairs.

(11) Associate Director for Human and Community Affairs.

(12) Associate Director for Economics and Government.

(13) Associate Director for Natural Resources, Energy and Science.

(14) One Secretary to the Assistant to the Director for Public Affairs.

(15) One Special Assistant to the Assistant Director for Operations.

(b) *Council of Economic Advisers.* (1) Three Private Secretaries to the Chairman and one to each of the other two members.

(c) *Office of Science and Technology.* (1) One Confidential and Secretarial Assistant to the Director.

(2) One Confidential and Secretarial Assistant to the Deputy Director.

(3) [Reserved]

(4) One Staff Assistant.

(5) [Reserved]

(6) One Confidential Secretary to the Director.

(d) *Office of the Special Representative for Trade Negotiations.* (1) One confidential Assistant to the Deputy Special Representative.

(2)–(3) [Reserved]

(4) One Confidential Assistant to the Special Representative.

(5) One Confidential Staff Assistant to the Special Representative.

(6) One Confidential Staff Assistant to the Deputy Special Trade Representative.

(e) *President's Commission on Personnel Interchange.* (1) The Executive Director.

(f) *President's Commission on White House Fellows.* (1) The Executive Director.

(2) The Associate Executive Director.

(g) *Council on Environmental Quality.* (1) One Special Assistant to the Chairman.

(2) One Confidential Assistant to each Member of the Council.

(h) [Reserved]

(i) *Office of Telecommunications Policy.* (1) [Reserved]

(2) [Reserved]

(3) One Confidential Assistant to the Deputy Director.

(4) One Courier.

(5) [Reserved]

(j) *Special Action Office for Drug Abuse Prevention.* (1) One Confidential Secretary to the Director.

(2) One Confidential Secretary to the Deputy Director.

(3) Two Confidential Assistants to the Director.

(4) One Executive Assistant to the Chairman, National Advisory Council for Drug Abuse Prevention.

(5) One Confidential Secretary to the Chairman, National Advisory Council for Drug Abuse Prevention.

(6) One Director, Congressional Liaison.

§ 213.3304 Department of State.

(a) *Office of the Secretary.* (1) [Reserved]

(2) Three Private Secretaries to the Secretary.

(3)–(8) [Reserved]

(9) The Chief of Protocol.

(10) [Reserved]

(11) One Personal Assistant to the Under Secretary for Coordinating Security Assistance Programs.

(12) One Personal Assistant to the Ambassador at Large and Chief of Mission to the North Atlantic Treaty Organization.

(13) One Secretary to the Deputy Secretary.

(b) [Reserved]

(c) *Office of the Assistant Secretary for Congressional Relations.* (1) One Confidential Assistant to the Assistant Secretary.

(2) [Reserved]

(3) [Reserved]

(4) One Legislative Officer.

(d) [Reserved]

(e) *Bureau of Economic Affairs.* (1) One Private Secretary to the Assistant Secretary.

(f) *Bureau of Intelligence and Research.* (1) One Private Secretary.

(2) Director of Intelligence and Research.

(g) [Reserved]

(h) *Bureau of International Organization Affairs.* (1) One Private Secretary to the Assistant Secretary.

(2) [Reserved]

(i) [Reserved]

(j) [Reserved]

(k) *Bureau of Inter-American Affairs.* (1) One Private Secretary to the Assistant Secretary.

(l) *Office of the Legal Adviser.* (1) One Private Secretary to the Legal Adviser.

(m) *Executive Secretariat.* [Reserved]

(n)–(p) [Reserved]

(q) *Office of the Under Secretary for Economic Affairs.* (1) [Reserved]

(2) One Confidential Assistant to the Under Secretary.

(r) [Reserved]

(s) *Bureau of Educational and Cultural Affairs.* (1) One Private Secretary to the Assistant Secretary for Educational and Cultural Affairs.

(2) [Reserved]

(t) *Office of the Inspector General, Foreign Assistance.* (1) [Reserved]

(2) One Private Secretary to the Deputy Inspector General, Foreign Assistance.

(u) *Office of the Counselor.* (1) One Private Secretary to the Counselor.

(v) *Bureau of Politico-Military Affairs.* (1) One Private Secretary to the Director.

(w) *Planning and Coordination Staff.* (1) One Personal Assistant to the Director.

(x) *Office of the Director, Bureau of International Scientific and Technological Affairs.* (1) One Secretary to the Director.

(y) *Office of the Assistant Secretary for Public Affairs.* (1) One Secretary and Personal Assistant to the Assistant Secretary for Public Affairs.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* (1) [Reserved]

(2) Special Assistant to the Secretary (National Security Affairs).

(3) [Reserved]

(4) One Public Affairs Specialist.

(5) One Deputy Under Secretary for Monetary Affairs.

(6) One Staff Assistant to the Special Assistant to the Secretary (National Security Affairs).

(7) [Reserved]

(8) One Confidential Assistant to the Special Assistant to the Secretary (Public Affairs).

(9) Two Special Assistants to the Deputy Secretary.

(10) One Deputy Special Assistant to the Secretary (National Security Affairs).

(11) One Special Assistant to the Secretary (Organized Crime).

(12) One Staff Assistant to the Assistant Secretary (International Affairs).

(13) Three Secretaries to the Secretary.

(14) [Reserved]

(15) One Confidential Assistant to the Deputy Secretary.

(16) One Confidential Secretary to the Assistant Secretary (Enforcement, Tariff and Trade Affairs, and Operations).

(17) One Confidential Assistant to the Assistant Secretary (Enforcement, Tariff and Trade Affairs, and Operations).

(18) One Confidential Secretary to the Assistant Secretary (Economic Policy).

(19) through (21) [Reserved]

(22) One Confidential Staff Assistant to the Assistant Secretary for International Affairs.

(23) Assistant to the Secretary for Legislative Affairs.

(24) Two Liaison Officers.

(25) One Secretary to the Special Assistant to the Secretary (Public Affairs).

(26) [Reserved]

(27) [Reserved]

(28) One Special Assistant to the Assistant Secretary (International Affairs).

(29) One Deputy Assistant Secretary for Industrial Nations Finance (International Affairs).

(30) One Deputy Assistant Secretary for Trade and Investment Policy (International Affairs).

(31) One Deputy Assistant Secretary for Research and/or Director of Research (International Affairs).

(32) Deputy Assistant Secretary for Developing Nations Finance.

(33) One Staff Assistant to the Assistant to the Secretary for Legislative Affairs.

(34) [Reserved]

(35) One Special Assistant to the Under Secretary.

(36) [Reserved]

(37) One Staff Assistant to the Secretary (Council on Economic Policy).

(38) One Secretary to the Deputy Assistant Secretary (Enforcement, Tariff and Trade Affairs, and Operations).

(39) One Secretary to the Assistant Secretary for Administration.

(40) One Executive Assistant to the Deputy Secretary.

(41) One Staff Assistant to the Deputy Under Secretary.

(42) [Reserved]

(43) One Confidential Assistant to the Deputy Assistant Secretary (Enforcement, Tariff and Trade Affairs, and Operations).

(44) Special Assistant to the Secretary.
(45) Energy Adviser to the Deputy Secretary.
(46) Special Assistant to the Assistant Secretary for International Affairs.
(47) One Staff Assistant to the Secretary.
(48) One Secretary to the Deputy Under Secretary.
(49) One Special Assistant to the Deputy Assistant Secretary (Enforcement, Tariff and Trade Affairs, and Operations).
(b) [Reserved]
(c) *Bureau of Customs.* (1) Commissioner of Customs.
(2) [Reserved]
(3) [Reserved]
(4) One Confidential Staff Assistant to the Commissioner of Customs.
(d) [Reserved]
(e) *Office of the Treasurer of the United States.* (1) One Confidential Administrative Assistant.
(f) *Bureau of the Mint.* (1) [Reserved]
(2) [Reserved]
(3) One Confidential Secretary to the Director of the Mint.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* (1) One Special Assistant, and three private secretaries to the Secretary.
(2) One private secretary to the Deputy Secretary of Defense and one private secretary to each of the following: the Director of Defense Research and Engineering; the Principal Deputy Director of Defense Research and Engineering; the Deputy Directors of Defense Research and Engineering (Tactical Warfare Programs), (Strategic Systems), (Research and Technology), the Director, Advanced Research Projects Agency; the Assistant Secretaries of Defense (Manpower and Reserve Affairs), (International Security Affairs), (Public Affairs), (Installations and Logistics), (Comptroller), (Systems Analysis), (Intelligence), and (Legislative Affairs); the General Counsel; the Deputy General Counsel; the Assistant to the Secretary of Defense (Atomic Energy); and the Military Assistants to the Secretary of Defense.
(3) Two Chauffeurs to the Secretary and one Chauffeur to the Deputy Secretary.
(4) One Confidential Assistant to the Assistant Secretary of Defense (International Security Affairs).
(5) The Defense Advisor to USNATO in Brussels, Belgium.
(6) Two Private Secretaries to the Defense Advisor to USNATO in Brussels, Belgium.
(7) [Reserved]
(8) One Assistant to the Secretary of Defense (Legislative Affairs).
(9) [Reserved]
(10) One Special Assistant to the Assistant Secretary of Defense (Legislative Affairs).
(11) One Personal Secretary to the Deputy Secretary of Defense.
(12) One Private Secretary to the Principal Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.
(13) One private secretary to the Special Assistant to the Secretary of Defense.
(14) [Reserved]
(15) One Staff Assistant to the Special Assistant to the Secretary of Defense.
(16) One Staff Assistant to the Director of Economic Utilization Policy, Office of the Assistant Secretary of Defense (Installations and Logistics).
(17)–(22) [Reserved]
(23) Four Deputy Directors of Defense Research and Engineering and the Director, Advanced Research Projects Agency.
(24) [Reserved]
(25) One Principal Deputy Director of Defense Research and Engineering.
(26)–(28) [Reserved]
(29) Principal Deputy Assistant Secretary of Defense (Comptroller).
(30) [Reserved]
(31) One Private Secretary to the Deputy Assistant Secretary (Reserve Affairs).
(32) [Reserved]
(33) One Private Secretary and Confidential Assistant to the Assistant to the Secretary.
(34) [Reserved]
(35) One Private Secretary to the Assistant Secretary (Health and Environment).
(36) [Reserved]
(37) One Personal Security Assistant to the Secretary.
(38) [Reserved]
(39) One Private Secretary to the Principal Deputy Assistant Secretary (Systems Analysis).
(40) One Confidential Assistant to the Deputy Director of Defense Research and Engineering (Test and Evaluation).
(41) One Personal and Confidential Assistant to the Assistant to the Secretary of Defense for Strategic Arms Limitation Talks.
(42) Special Assistant for Congressional Relations, Office of the Principal Deputy, Office of the Assistant Secretary of Defense (International Security Affairs).
(43) [Reserved]
(44) [Reserved]
(45) One Private Secretary to the Principal Deputy Assistant Secretary (Manpower and Reserve Affairs).
(46) One Confidential Assistant to the Special Assistant to the Secretary.
(47) One Personal and Confidential Assistant to the Secretary of Defense.
(48) One Private Secretary to the Principal Deputy Assistant Secretary (Public Affairs).
(49) One Private Secretary to the Principal Deputy Assistant Secretary (Health and Environment).
(50) [Reserved]
(51) [Reserved]
(52) One Personal and Confidential Assistant Secretary of Defense (Legislative Affairs).
(53) One Special Assistant for All-Volunteer Force Actions to the Assistant Secretary of Defense (Manpower and Reserve Affairs).
(54) One Personal and Confidential Assistant to the Assistant to the Secretary of Defense for Mutual and Balanced Force Reductions.
(55) One Private Secretary to the Assistant to the Secretary and Deputy Secretary of Defense for Resource Utilization.
(56) One Personal and Confidential Assistant to the Director of Net Assessment.
(57) One Private Secretary to the Director of Net Assessment.
(b) *Court of Military Appeals.* (1) One Private Secretary and one Technical Assistant to each Judge of the Court.
(c) *Interdepartmental Programs.* (1) [Reserved]
(2) Two Private Secretaries engaged in the interdepartmental activities of the office of the Secretary of Defense.
(3) [Reserved]
(4) [Reserved]
(d) [Reserved]
(e) *Defense Civil Preparedness Agency.* (1) The Director.
(2) [Reserved]
(3) One Labor Liaison Advisor to the Director.

§ 213.3307 Department of the Army.

(a) *Office of the Secretary.* (1) One Private Secretary or Confidential Assistant to the Secretary, to the Under Secretary, and to each Assistant Secretary of the Army.
(2) The General Counsel.
(3)–(7) [Reserved]
(b) [Reserved]

§ 213.3308 Department of the Navy.

(a) *Office of the Secretary.* (1) [Reserved]
(2) Two Private or Confidential Secretaries to the Secretary and one to the Under Secretary and to each Assistant Secretary of the Navy.
(3) through (7) [Revoked]
(8) [Reserved]
(9) Two Special Assistants to the Military Assistant to the President.
(10) [Reserved]
(11) [Reserved]
(12) General Counsel.

§ 213.3309 Department of the Air Force.

(a) *Office of the Secretary.* (1) One Private Secretary to the Secretary, to the Under Secretary, and to each Assistant Secretary of the Air Force.
(2) The General Counsel.
(3) One Private Secretary to the General Counsel.
(4)–(6) [Reserved]
(7) One Administrative Assistant and one Private Secretary in the Office of the Military Aide to the Vice President.
(8) Two Private Secretaries in the Office of the Military Assistant to the President.

§ 213.3310 Department of Justice.

(a) *Office of the Attorney General.* (1) Three Private Secretaries to the Attorney General.
(2) [Reserved]
(3) [Reserved]
(4) One Confidential Assistant to the Attorney General.
(5) Two Secretaries for the Attorney General.
(6) Two Receptionists for the Attorney General.
(7) [Reserved]
(8) Associate Attorney General.
(b) *Office of the Deputy Attorney General.* (1) Two Confidential Assistants (Private Secretaries) to the Deputy Attorney General.
(2) and (3) [Reserved]
(4) One Confidential Secretary to the Associate Deputy Attorney General.
(5) One Staff Assistant to the Deputy Attorney General.
(c) *Office of the Solicitor General.* (1) One Confidential Assistant (Private Secretary) to the Solicitor General.
(d) *Anti-Trust Division.* (1) One Chief, Field Office.
(2) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(e) *Civil Division.* (1) Chief, Admiralty and Shipping Section, New York.
(2) [Reserved]
(3) [Reserved]
(f) *Criminal Division.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(g) *Tax Division.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(h) *Land and Natural Resources Division.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(i) [Reserved]
(j) [Reserved]
(k) *Board of Immigration Appeals.* (1) Executive Assistant.
(2) Four Members of the Board.
(l) *Office of Legal Counsel.* (1) One Confidential Assistant (Private Secretary) to the Attorney General.
(m) *Bureau of Prisons.* (1) The Director.
(n) *Federal Prison Industries, Inc.* (1) The Commissioner of Industries.
(o) *Office of U.S. Attorney.* (1) Secretary and Confidential Assistant to the U.S. Attorney (25 positions).
(p) *Internal Security Division.* (1) [Reserved]
(2) [Reserved]
(3) Chief, Foreign Agents Registration section.
(4) [Reserved]
(5) [Reserved]
(q) *Civil Rights Division.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(2) [Reserved]
(3) [Reserved]
(r) *Community Relations Service.* (1) One Private Secretary to the Director.
(2) One Private Secretary to the Deputy Director.
(3) [Reserved]
(4) [Reserved]
(5) Three Special Assistants to the Director.
(6) One Special Assistant to the Deputy Director.
(s) *Law Enforcement Assistance Administration.* (1) One Confidential Secretary to the Administrator.
(2) One Confidential Secretary to each of the two Associate Administrators.
(3) One Special Assistant to the Administrator.
(4) One Special Assistant to an Associate Administrator.
(5) One Secretary to the Director, National Institute of Law Enforcement and Criminal Justice.
(6) One Deputy Director, National Institute of Law Enforcement and Criminal Justice.
(7) One Special Assistant to the Director, National Institute of Law Enforcement and Criminal Justice.
(t) *Office for Drug Abuse Law Enforcement.* (1) One Director.
(u) *Office of National Narcotics Intelligence.*
(1) One Director.
(2) One Confidential Assistant and Private Secretary to the Director.
(v) *Office of Legislative Affairs.*
(1) One Secretary to the Assistant Attorney General.
(2) One Secretary to the Deputy Assistant Attorney General.
(w) *Watergate Special Prosecution Force.* (1) One Special Assistant for Public Information to the Special Prosecutor.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* (1) Eight Confidential Assistants to the Secretary.
(2) Six Special Assistants to the Secretary.
(3) Six Special Assistants (Field Representatives).
(4) Chauffeur for the Secretary.
(5) Three Special Assistants to the Assistant Secretary for Fish and Wildlife and Parks and one Confidential Assistant (Administrative Assistant) to each of the four Assistant Secretaries for Energy and Minerals, Land and Water Resources, Fish and Wildlife and Parks, and Congressional and Public Affairs.
(6) One Assistant to the Assistant Secretary for Energy and Minerals (Congressional Liaison).
(7) [Reserved]
(8) One Private Secretary to the Under Secretary.
(9) One Secretarial Attendant to the Secretary.
(10) [Reserved]
(11) [Reserved]
(12) One Assistant and Science Adviser to the Secretary.
(13)–(22) [Reserved]
(23) One Confidential Assistant to the Executive Assistant to the Secretary.
(24) [Reserved]
(25) [Reserved]
(26) Three Assistants to the Secretary (Congressional Liaison).
(27) One Special Assistant to the Under Secretary.
(28) [Reserved]
(29) One Special Assistant to the Assistant to the Secretary and Director of Communications.
(30) One Special Assistant to the Assistant Secretary for Management.
(31) One Confidential Assistant to the Assistant Secretary for Management.
(32) [Reserved]
(33) One Assistant to the Assistant Secretary for Management.
(34) Two Staff Assistants to the Assistant Secretary for Program Development and Budget.
(35) [Reserved]
(36) [Reserved]
(37) One Special Assistant to the Assistant Secretary for Energy and Minerals.
(38) [Reserved]
(39) One Staff Assistant to Director, Office of Communications.
(40) One Confidential Assistant (Administrative Assistant) to the Deputy Under Secretary (Energy).
(41) [Reserved]
(42) One Assistant to the Assistant Secretary, Land and Water Resources.
(43) [Reserved]
(b) *Office of the Solicitor.* (1) One Confidential Assistant to the Solicitor.
(2) One Special Assistant to the Solicitor.
(3) One Confidential Assistant to the Deputy Solicitor.
(c) [Reserved]
(d) *Bureau of Mines.* (1) [Reserved]
(e) [Reserved]
(f) [Reserved]
(g) *Southeastern Power Administration.* (1) [Reserved]
(h) *National Park Service.* (1) Director.
(2) [Reserved]
(3) Three Special Assistants to the Director.
(4) One Executive Assistant to the Director.
(i) *Bonneville Power Administration.* (1) Administrator.
(2) Confidential Assistant to the Administrator.
(3) [Reserved]
(4) Two Assistants to the Administrator.
(j) [Reserved]
(k) *Southwestern Power Administration.* (1) Administrator.
(2) [Reserved]
(3) One Confidential Assistant to the Administrator.
(4) One Executive Assistant to the Administrator.
(l) *Office of the Director of Territorial Affairs.* (1) [Reserved]
(2) One Secretary of American Samoa.
(3) One Chief Justice of American Samoa.
(4)–(10) [Reserved]
(11) One Secretary to the High Commissioner of the Trust Territory.
(12) One Staff Assistant to the Director.
(m) *Bureau of Outdoor Recreation.* (1) The Director.
(2) [Reserved]
(3) [Reserved]

(4) One Associate Director for Programs.
(n) [Reserved]
(o) [Reserved]

§ 213.3313 Department of Agriculture

(a) *Office of the Secretary.* (1) One Administrative Assistant to the Secretary.
(2) One Assistant to the Secretary for Intergovernmental Affairs.
(3)–(4) [Reserved]
(5) Four Confidential Assistants to the Secretary.
(6) One Private Secretary to the Secretary.
(7) One Chauffeur for the Secretary.
(8) One Private Secretary and Administrative Assistant to the Executive Assistant to the Secretary.
(9) One Confidential Assistant to the Assistant Secretary for Marketing and Consumer Services.
(10) One Private Secretary to each of the four Assistant Secretaries other than the Administrative Assistant Secretary.
(11)–(19) [Reserved]
(20) One Confidential Assistant to the Assistant Secretary for Rural Development.
(21) [Reserved]
(22) [Reserved]
(23) [Reserved]
(24) One Private Secretary to the Assistant to the Secretary for Intergovernmental Affairs.
(25) One Private Secretary to the Assistant to the Secretary for Public Affairs.
(26) One Private Secretary to the Director of Equal Opportunity.
(27) One Confidential Assistant to the Confidential Assistant to the Secretary.
(28) One Private Secretary to the Confidential Assistant to the Secretary.
(29) [Reserved]
(30) [Reserved]
(31) [Reserved]
(32) One Private Secretary to the Deputy Assistant Secretary for Marketing and Consumer Service.
(33) One Private Secretary to the Deputy Assistant Secretary for Rural Development.
(34) One Special Assistant to the Secretary for Consumer Affairs.
(35) One Special Staff Assistant (Natural Resources and Environmental Matters) to the Secretary.
(36) Deputy Assistant Secretary for Rural Development.
(b) *Rural Electrification Administration.* (1) One Private Secretary to the Administrator.
(2)–(3) [Reserved]
(4) Two Assistants to the Administrator.
(c) *Office of the Under Secretary.* (1) One Administrative Officer and Private Secretary to the Under Secretary.
(2) and (3) [Reserved]
(4) One Private Secretary to the Deputy Under Secretary for Congressional Liaison.
(5) [Reserved]
(6) Three Confidential Assistants to the Deputy Under Secretary for Congressional Relations.
(7) Ten Federal Regional Council Representatives.
(d) *Office of the General Counsel.* (1)–(2) [Reserved]
(3) One Private Secretary to the General Counsel.
(e) *Foreign Agricultural Service.* (1) [Reserved]
(2) The Administrator.
(f) *Farmers Home Administration.* (1)–(2) [Reserved]
(3) One Assistant to the Administrator.
(4) Two Confidential Assistants to the Administrator.
(5) One Private Secretary to the Administrator.
(g) *Federal Crop Insurance Corporation.* (1) The Manager.
(2) Members of the Board of Directors.
(3) One Private Secretary to the Manager.
(4) [Reserved]
(h) *Agricultural Stabilization and Conservation Service.* (1) Administrator.
(2)–(3) [Reserved]
(4) Four Confidential Assistants to the Administrator.
(5) One Private Secretary to the Administrator.
(6) Director, Tobacco Division.
(7) [Reserved]
(8) Director, Conservation and Land Use Programs Division.
(i) *Commodity Credit Corporation.* (1) The President.
(2) The Executive Vice-President.
(3) The Secretary.
(j) *Federal Extension Service.* (1)–(2) [Reserved]
(3) One Private Secretary to the Administrator.
(k) *Soil Conservation Service.* (1) Administrator.
(2) [Reserved]
(3) One Confidential Assistant to the Administrator.
(4) One Private Secretary to the Administrator.
(5) [Reserved]
(l) [Reserved]
(m) *Agricultural Marketing Service.* (1) The Administrator.
(2) One Private Secretary to the Administrator.
(3) Three Confidential Assistants to the Administrator.
(n) *Agricultural Economics.* (1) The Director.
(2) [Reserved]
(3) One Private Secretary to the Director.
(4) [Reserved]
(o) [Reserved]
(p) *Science and Education.* (1) The Director.
(2) [Reserved]
(q) *Food and Nutrition Service.* (1) Two Confidential Assistants to the Administrator.
(r) [Reserved]
(s) *Packers and Stockyards Administration.* (1) One Private Secretary to the Administrator.
(t) *Rural Development Administration.* (1) Three Confidential Assistants to the Administrator.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* (1) Six Confidential Assistants to the Secretary.
(2) Two Private Secretaries to the Secretary.
(3) Two Confidential Assistants and one Private Secretary to the Under Secretary.
(4) One Private Secretary to the Assistant Secretary for Economic Affairs.
(5) One Confidential Assistant and one Private Secretary to the General Counsel.
(6) One Private Secretary to the Deputy General Counsel.
(7) One Chauffeur for the Secretary.
(8) Three Confidential Assistants to the Assistant Secretary for Administration.
(9) Two Congressional Liaison Officers.
(10) [Reserved]
(11) One Special Assistant to the Assistant Secretary for Economic Affairs.
(12) One Private Secretary to the Assistant to the Under Secretary.
(13) [Reserved]
(14) [Reserved]
(15) [Reserved]
(16) One Confidential Assistant to the Director, Office of Foreign Direct Investments.
(17) Three Confidential Assistants to the Director, Office of Minority Business Enterprise.
(18) [Reserved]
(19) Special Assistant to the Secretary for Policy Development.
(20) [Reserved]
(21) Assistant to the Secretary.
(22) Three Confidential Assistants to the Special Assistants to the Secretary for Policy Development.
(23) [Reserved]
(24) [Reserved]
(25) One Private Secretary to the Assistant Secretary for Maritime Affairs.
(26) Deputy Under Secretary for Legislative Affairs.
(27) One private secretary to the Director, Office of Minority Business Enterprise.
(28) [Reserved]
(29) Two Special Assistants to the Assistant Secretary for Administration.
(30) One Private Secretary to the Deputy Under Secretary for Legislative Affairs.
(31) One Special Assistant to the Special Assistant to the Secretary for Public Affairs.
(b) [Reserved]
(c) [Reserved]
(d) *Bureau of the Census.* (1) [Reserved]
(2) One Confidential Research Assistant to the Director.
(3) [Reserved]
(4) [Reserved]
(5) One private secretary to the Director.

(6) [Reserved]
(e) [Reserved]
(f) *National Bureau of Standards.*
(1) Administrative Officer.
(i) [Reserved]
(g)–(k) [Reserved]
(l) *U.S. Travel Service.* (1) One Confidential Assistant to the Director.
(2) [Reserved]
(3) One Private Secretary to the Assistant Secretary for Tourism.
(4) [Reserved]
(m) *Office of the Assistant Secretary for Domestic and International Business.* (1) One Private Secretary and one Confidential Assistant to the Assistant Secretary.
(2)–(5) [Reserved]
(6) One Confidential Assistant to the Director, Bureau of International Commerce.
(7) National Export Expansion Coordinator.
(8) Director, Bureau of Domestic Commerce.
(9) Deputy Director, Bureau of Domestic Commerce.
(10) Two Confidential Assistants to the Director, Bureau of Competitive Assessment and Business Policy.
(11)–(14) [Reserved]
(15) Commissioner General of the International Exposition on the Environment.
(n) *Office of the Assistant Secretary for Science and Technology.* (1) Two Special Assistants to the Assistant Secretary for Science and Technology.
(2) [Reserved]
(3) One Private Secretary to the Assistant Secretary.
(o) [Reserved]
(p) [Reserved]
(q) *Office of the Assistant Secretary for Economic Development.* (1) One Private Secretary to the Assistant Secretary for Economic Development.
(2)–(6) [Reserved]
(7) Director, Office of Congressional Relations.
(8) [Reserved]
(9) One Congressional Liaison Officer.
(10) Director, Office of Public Affairs.
(11) One Special Assistant to the Assistant Secretary.
(r) *National Oceanic and Atmospheric Administration.* (1) One Private Secretary to the Administrator.
(2) [Reserved]
(3) [Reserved]
(s) [Reserved]
(t) *Social and Economic Statistics Administration.*—(1) One Confidential Assistant to the Administrator.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* (1) Two Special Assistants, and one Confidential Assistant to the Secretary of Labor.
(2) One Private Secretary to the Under Secretary.
(3) One Private Secretary to each Assistant Secretary of Labor who is appointed by the President.
(4) [Reserved]
(5) One Special Assistant to the Director of Public Affairs.
(6) One Assistant to each Assistant Secretary of Labor appointed by the President.
(7) One Private Secretary to the Executive Assistant to the Secretary.
(8) Three Assistants to the Deputy Under Secretary for Legislative Affairs.
(9) The Manpower Administrator.
(10) [Reserved]
(11) One Private Secretary to the Manpower Administrator.
(12) [Reserved]
(13) [Reserved]
(14) [Reserved]
(15) Deputy Under Secretary for International Labor Affairs.
(16) One Confidential Assistant to the Deputy Under Secretary for International Affairs.
(17) [Reserved]
(18) One Assistant to the Special Assistant to the Secretary for Communications.
(19) [Reserved]
(20) [Reserved]
(21) One Assistant to the Deputy Under Secretary.
(22) Four Special Assistants to the Assistant Secretary for Occupational Safety and Health Administration.
(23) One Assistant to the Deputy Assistant Secretary for Occupational Safety and Health.
(24) One Special Assistant to the Director, Office of Program Operations, Occupational Safety and Health Administration.
(25) One Secretary to the Deputy Manpower Administrator.
(26) One Secretary to the Public Affairs Director.
(27) One Secretary to the Secretary.
(28) [Reserved]
(29) Two Special Assistants to the Deputy Under Secretary for Legislative Affairs.
(30) [Reserved]
(31) Counselor to the Secretary.
(32) [Reserved]
(33) Deputy Under Secretary for Legislative Affairs.
(34) One Office Management Assistant to the Counselor to the Secretary.
(35) One Executive Assistant to the Assistant Secretary for Occupational Safety and Health.
(36) One Special Assistant to the Deputy Assistant Secretary, Employment Standards Administration.
(b) *Office of the Solicitor.* (1) One Private Secretary to the Solicitor.
(2) One Special Assistant to the Solicitor.
(c)–(e) [Reserved]
(f) *Women's Bureau.* (1) One Private Secretary to the Director.
(2) Two Special Assistants to the Director.
(g) [Reserved]
(h) *Wage and Hour and Public Contracts Divisions.* (1) One Management Assistant to the Administrator.
(i) *Office of Federal Contract Compliance.* (1) One Special Assistant to the Director.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* (1) [Reserved]
(2) One Confidential Assistant to the Secretary.
(3) One Writer.
(4) One Assistant to the Secretary.
(5) One Confidential Secretary to the Under Secretary.
(6) Six Confidential Assistants to the Under Secretary.
(7) [Reserved]
(8) One Staff Assistant to the Secretary.
(9) One Confidential Secretary to each of the Assistants to the Secretary authorized under subparagraph (4) of this paragraph.
(10) One Confidential Secretary to the Executive Director, President's Committee on Mental Retardation.
(11) Four Assistants to the Secretary for Special Programs.
(12) [Reserved]
(13) Five Assistants to the Secretary.
(14) One Confidential Secretary to the Deputy Under Secretary.
(15) Three Private Secretaries to the Secretary.
(16) [Reserved]
(17) [Reserved]
(18) One Confidential Assistant for interdepartmental activities.
(19) Counselor.
(20) [Reserved]
(21) [Reserved]
(22) One Staff Assistant to the Assistant Secretary for Public Affairs.
(23) [Reserved]
(24) One Confidential Assistant to the Chief, Children's Bureau.
(25) One Confidential Assistant to the Special Assistant to the Secretary for Health Policy.
(26) [Reserved]
(27) [Reserved]
(28) One Confidential Assistant to the Executive Director, President's Council on Physical Fitness and Sports.
(29) Three special assistants to the Assistant Secretary for Public Affairs.
(30) One confidential assistant to the Assistant Secretary for Public Affairs.
(31) Commissioner, Youth Development.
(32) Deputy Commissioner, Youth Development.
(b) [Reserved]
(c) *Office of Education.* (1) Two Special Assistants to the Commissioner of Education.
(2) [Reserved]
(3) [Reserved]
(4) [Reserved]
(5) One Confidential Secretary to the Deputy Commissioner.
(6) One Private Secretary (interdepartmental activities) to the Commissioner of Education.
(7) [Reserved]
(8) [Reserved]
(9) One Confidential Secretary to the Commissioner of Education.
(10) [Reserved]
(11) [Reserved]

(12) Assistant Commissioner for Public Affairs.
(d) [Reserved]
(e) [Reserved]
(f) *Office of the Assistant Secretary for Legislation.* (1) Two Special Assistants to the Assistant Secretary.
(2) One Confidential Secretary to the Deputy Assistant Secretary for Legislation.
(3) Two Confidential Secretaries to the Assistant Secretary.
(4) [Reserved]
(5) One Assistant to the Assistant Secretary.
(6) [Reserved]
(7) One Special Assistant to the Deputy Assistant Secretary for Legislation (Education).
(8) One Deputy Assistant Secretary for Legislation (Welfare).
(9) One Special Assistant to the Deputy Assistant Secretary for Legislation (Welfare).
(10) Four Special Assistants to the Deputy Assistant Secretary for Congressional Liaison.
(11) [Reserved]
(12) [Reserved]
(g) *Welfare Administration.* (1) The Commissioner.
(2) One Confidential Secretary to the Commissioner.
(h) *Office of the Assistant Secretary for Health and Scientific Affairs.*
(1)–(4) [Reserved]
(5) The Commissioner, Food and Drug Administration.
(6) Administrator, Health Services and Mental Health Administration.
(7) One Special Assistant to the Deputy Assistant Secretary for Population Affairs.
(8) One Special Assistant to the Administrator, Health Services Administration.
(9) [Reserved]
(10) [Reserved]
(11) Administrator, National Institutes of Health.
(i) *Administration on Aging.* (1) [Reserved]
(2) One Special Assistant to the Commissioner on Aging.
(j) [Reserved]
(k) *Office of the Assistant Secretary for Planning and Evaluation.* (1) One Confidential Secretary to the Assistant Secretary.
(2) [Reserved]
(3) [Reserved]
(4) One Special Assistant to the Assistant Secretary.
(5) One Assistant to the Assistant Secretary.
(6)–(9) [Reserved]
(10) One Special Assistant for Telecommunications.
(11) [Reserved]
(12) [Reserved]
(13) Executive Assistant to the Assistant Secretary.
(l) *Social Security Administration.* (1) One Deputy Commissioner.
(2) One Confidential Assistant to the Commissioner.
(3) One Confidential Assistant (interdepartmental activities) to the Commissioner.
(m) *Office of Consumer Affairs.*
(1) One Public Affairs Officer.
(2) One Director for Communications.
(3) One Director for Consumer Education.
(4) One Writer-Editor.
(5) One Confidential Assistant to the Special Assistant to the President for Consumer Affairs.
(n) *Office of the Assistant Secretary for Community and Field Services.* (1) [Reserved]
(2) One Special Assistant to the Assistant Secretary for Community and Field Services.
(3) One Special Assistant for Juvenile Delinquency to the Deputy Assistant Secretary for Youth and Student Affairs.
(4) [Reserved]
(5) [Reserved]
(6) One Special Assistant to the Deputy Assistant Secretary for Youth and Student Affairs.
(7) One Special Assistant for Student Affairs to the Deputy Assistant Secretary for Youth and Student Affairs.
(8) [Reserved]
(9) One Assistant to the Deputy Assistant Secretary for Consumer Services.
(10)–(14) [Reserved]
(o) *Social and Rehabilitation Service.* (1) Administrator, Social and Rehabilitation Service.
(2) [Reserved]
(3) Two Confidential Assistants to the Administrator.
(4) Commissioner of Vocational Rehabilitation.
(5) One Confidential Assistant to the Commissioner of Vocational Rehabilitation.
(6) One Confidential Assistant to the Commissioner, Medical Services Administration.
(7) [Reserved]
(8) One Confidential Assistant (interdepartmental activities) to the Administrator.
(9) One Assistant Administrator for Policy Coordination.
(p) *Office of the General Counsel.* (1) One Confidential Secretary to the General Counsel.
(2)–(3) [Reserved]
(4) [Reserved]
(q) *Office of the Special Assistant to the Secretary for Civil Rights.* (1) Two Special Assistants to the Special Assistant.
(2) One Confidential Secretary to the Special Assistant.
(3) One Assistant to the Special Assistant.
(4) Two Special Assistants for Special Groups.
(5)–(6) [Reserved]
(7) One Special Assistant to the Deputy Special Assistant.
(r) *Office of the Assistant Secretary for Education.*—(1) One Special Assistant to the Assistant Secretary.
(2) One Confidential Assistant to the Assistant Secretary.
(3) One Confidential Assistant to the Deputy Assistant Secretary for Education (Policy Communications).

§ 213.3317 Overseas Private Investment Corporation.

(a) One Chauffeur to the President.
(b) One Secretary to the President.
(c) [Reserved]
(d) [Reserved]

§ 213.3318 Environmental Protection Agency.

(a) *Office of the Administrator.* (1) Five Special Assistants to the Administrator.
(2) [Reserved]
(3) One secretary to the Administrator.
(4) Three Staff Assistants to the Administrator.
(5) One Secretary to the Deputy Administrator.
(6) [Reserved]
(7) One Confidential Assistant to the Deputy Administrator.
(8) [Reserved]
(9) [Reserved]
(10) One Program Advisor to the Special Assistant to the Administrator.
(11) One Information Assistant to the Administrator.
(b) *Office of Legislation.* (1) One Assistant Director for Congressional Affairs.
(2) Two Congressional Liaison Representatives.
(3) Two Staff Assistants to the Director.
(4) [Reserved]
(5) One Special Assistant to the Director.
(c) *Office of Public Affairs.* (1) [Reserved]
(2)–(3) [Reserved]
(4) Two Public Information Specialists.
(5) One Special Assistant to the Director.
(d) *Office of the Assistant Administrator for Enforcement and General Counsel.* (1) One Special Assistant to the Assistant Administrator.
(2) One Secretary to the Assistant Administrator.
(e) [Reserved]
(f) *Office of the Assistant Administrator for Air and Water Programs.* (1) [Reserved]
(2) [Reserved]
(3) [Reserved]
(4) One Special Assistant to the Assistant Administrator (Intergovernmental Relations).
(g) [Reserved]
(h) [Reserved]
(i) *Office of the Assistant Administrator for Categorical Programs.* (1) One Special Assistant for Public Interest Group Liaison to the Assistant Administrator.

§ 213.3319 [Reserved]

§ 213.3320 Inter-American Foundation.

(a) Three Confidential Assistants to the President.
(b) [Reserved]
(c) One Private Secretary to the Vice President for Operations.
(d) [Reserved]
(e) One Administrative Aide to the President.

§ 213.3322 Interstate Commerce Commission.

(a) One Confidential Assistant to each Commissioner.
(b)–(c) [Reserved]
(d) One Confidential Assistant to the Managing Director.
(e) One Confidential Assistant to the Chairman.
(f) [Reserved]
(g) [Reserved]

§ 213.3325 The Tax Court of the United States.

(a) One Private Secretary and one Technical Assistant for the Chief Judge and one Private Secretary and two Technical Assistants for each Judge.

§ 213.3326 Office of Emergency Preparedness.

(a) *Office of the Director.* (1) One Administrative Assistant to the Director.
(2) One Courier.
(3) Four Special Assistants to the Director.
(4) General Counsel.
(5) One Secretary to the Special Assistant to the Director (for oil and related energy problems).
(b) *Office of the Deputy Director.* (1) One Confidential Administrative Assistant to the Deputy Director.
(2) [Reserved]
(3) [Reserved]
(c)–(e) [Reserved]
(f) *Office of Liaison.* (1) [Reserved]
(2) Deputy Director.
(g)–(n) [Reserved]
(o) *National Resource Analysis Center.* (1) Director.
(p) [Reserved]

§ 213.3327 Veterans' Administration.

(a) *Office of the Administrator.* (1) Six Confidential Assistants to the Special Assistant to the Administrator.
(2) The Deputy Administrator.
(3) The General Counsel.
(4) The Associate Deputy Administrator.
(5) [Reserved]
(6) One Confidential Assistant to the Administrator.
(7) Three Confidential Assistants to the Executive Assistant to the Administrator.
(8) Two Confidential Assistants to the Assistant Deputy Administrator.
(9) Director, National Cemetery System.
(b) *Department of Veterans Benefits.* (1) The Chief Benefits Director.
(2) One Confidential Assistant to the Chief Benefits Director.

§ 213.3328 U.S. Information Agency.

(a) Two Secretarial Assistants to the Deputy Director.
(b) One Confidential Assistant to the General Counsel.
(c) One Secretarial Assistant to the Director.
(d) One Secretary to the Director.
(e) [Reserved]
(f) [Reserved]
(g) Deputy Director (Policy and Plans).
(h) Associate Director (Policy and Plans).
(i) One Congressional and Legal Liaison Officer, Office of the General Counsel.
(j) One Special Assistant to the Assistant Director (Press and Publications).
(k) One Special Assistant to the Associate Director (Policy and Plans).
(l) One Special Assistant to the Assistant Director (Motion Picture and Television Service).

§ 213.3329 Federal Power Commission.

(a) Three Private Secretaries in the Office of the Chairman, one Confidential Assistant to the Chairman, one Private Secretary to each of three Commissioners, and one Confidential Assistant to each Commissioner.
(b) [Reserved]
(c)–(d) [Reserved]
(e) Two Private Secretaries to the Executive Director.
(f) One Technical Assistant to a Commissioner and two Technical Assistants to each of the other Commissioners.
(g)–(h) [Reserved]
(i) The Assistant Executive Director.
(j) [Reserved]
(k) One Private Secretary to the Assistant to the Chairman.

§ 213.3330 Securities and Exchange Commission.

(a)–(c) [Reserved]
(d) Two Confidential Assistants to the Chairman and one Confidential Assistant to each of the other four Members of the Commission.
(e) One Administrative Aide to the Executive Director.
(f) One Secretary to the General Counsel.
(g) One Secretary to the Chief Accountant.

§ 213.3331 [Reserved]

§ 213.3332 Small Business Administration.

(a) One Deputy Administrator, Associate Administrator for Finance and Investment. Associate Administrator for Operations and the Associate Administrator for Procurement and Management Assistance.
(b) [Reserved]
(c) One Private Secretary to the Administrator.
(d) [Reserved]
(e) Three Congressional Relations Officers.
(f) Director, Office of Congressional Relations.
(g) One Advisory Councils Officer.
(h) [Reserved]
(i) One Confidential Assistant to the Deputy Administrator.
(j) One Special Assistant to the Associate Administrator for Procurement and Management Assistance.
(k) One Confidential Assistant to the Associate Administrator for Procurement and Management Assistance.
(l) [Reserved]
(m) One Executive Assistant to the Administrator.
(n) One Confidential Assistant to the Executive Assistant to the Administrator.
(o) One Congressional and Public Affairs Officer.
(p) [Reserved]
(q) [Reserved]
(r) [Reserved]
(s) One Confidential Assistant to the General Counsel.
(t) One Special Assistant to the Deputy Administrator.
(u) One Special Assistant to the Executive Assistant to the Administrator.
(v) One Staff Assistant to the Executive Assistant to the Administrator.

§ 213.3333 Federal Deposit Insurance Corporation.

(a) One Assistant to each member of the Board of Directors.
(b) One Confidential Assistant to the Board of Directors.
(c) General Counsel.
(d) One Special Assistant to the Chairman.
(e) Executive Assistant and Controller.
(f) [Reserved]
(g) One Special Assistant to the Director (Appointive).

§ 213.3334 Federal Trade Commission.

(a) Two Secretaries to the Chairman.
(b) Director of Information.
(c) One Secretary to the Director of Information.

§ 213.3337 General Services Administration.

(a) *Office of the Administrator.* (1) [Reserved]
(2) The Deputy Administrator.
(3) The Assistant Administrator.
(4) Four Confidential Assistants to the Assistant Administrator.
(5) One Confidential Assistant to the Deputy Administrator.
(6) Seven Confidential Assistants to the Administrator.
(7) [Reserved]
(8) Two Special Assistants to the Assistant Administrator.
(9) [Reserved]
(10) [Reserved]
(11) One Confidential Assistant to the General Counsel.
(12) [Reserved]
(13) Associate Administrator for Federal Management Policy.
(14) One Special Assistant to the Deputy Administrator.
(15) Director, Office of Preparedness.
(b) *Public Buildings Service.* (1) The Commissioner.
(2) Four Confidential Assistants to the Commissioner.
(c) *Federal Supply Service.* (1) The Commissioner.
(2) Two Confidential Assistants to the Commissioner.
(d) *National Archives and Records Service.* (1) The Archivist of the United States.
(2) Confidential Assistant to the Archivist of the United States.

(e) [Reserved]
(f) *Property Management and Disposal Service.* (1) Commissioner.
(2) Five Confidential Assistants to the Commissioner.
(3) One Special Assistant to the Commissioner.
(g) *National Advisory Council on Economic Opportunity.* (1) One Special Assistant to the Chairman.
(2) [Reserved]
(h) *Automated Data and Telecommunications Service.* (1) Two Confidential Assistants to the Commissioner.
(2) The Commissioner.

§ 213.3338 Federal Communications Commission.

(a) One Special Assistant to the Chairman.
(b) One Secretary to the Legal Assistant to the Chairman.
(c) One Special Assistant to a Commissioner.

§ 213.3339 U.S. Tariff Commission.

(a) One Confidential Assistant to each Commissioner.
(b) One Administrative Assistant to the Chairman.
(c) One Administrative Assistant to the Executive Director.
(d) One Secretary to the Chairman.
(e) One Administrative Assistant to a Commissioner.

§ 213.3340 Civil Aeronautics Board.

(a) One Administrative Assistant to each Member of the Board.
(b) One Secretary to each Member of the Board.
(c) Director of Information.
(d) One Special Assistant to the Chairman.
(e) One Secretary to the Special Assistant to the Chairman.

§ 213.3341 National Labor Relations Board.

(a) One Private Secretary to the Chairman of the Board.
(b) One Confidential Assistant to each Board Member.
(c) [Reserved]
(d) Two Confidential Assistants to the General Counsel.
(e) [Reserved]
(f)–(g) [Reserved]
(h) One Chief Counsel to a Board Member.

§ 213.3342 Export-Import Bank of the United States.

(a) One Confidential Assistant to the President.
(b) One Private Secretary to the First Vice-President.
(c) One Private Secretary to each of the three members of the Board of Directors.
(d) [Reserved]
(e) One Private Secretary to the Senior Vice President for Planning and Export Expansion.
(f) [Reserved]
(g) [Reserved]
(h) [Reserved]
(i) One Private Secretary to the Senior Vice President for Exporter Credits, Guarantees and Insurance.
(j) One Administrative Assistant to the President and Chairman.
(k) One Confidential Assistant to the General Counsel.

§ 213.3343 Farm Credit Administration.

(a) Three Directors of Credit Services.

§ 213.3344 Occupational Safety and Health Review Commission.

(a) One Special Assistant to the Chairman.
(b) [Reserved]
(c) One Confidential Assistant to each member of the Commission other than the Chairman.
(d) One Confidential Assistant to the Chief Counsel to the Chairman.
(e) [Reserved]

§ 213.3345 Indian Claims Commission.

(a) One Private Secretary to each Commissioner.

§ 213.3346 Selective Service System.

(a) [Reserved]
(b) One Private Secretary to the General Counsel.
(c) [Reserved]
(d) One Private Secretary to the Deputy Director of Selective Service.
(e) Chief, Management Evaluation Group.
(f) One Executive Assistant to the Director of Selective Service.
(g) One Private Secretary to the Director of Selective Service.
(h) One Legislation and Liaison Officer.

§ 213.3348 National Aeronautics and Space Administration.

(a) One Secretary to the Administrator.
(b) One Secretary to the Deputy Administrator.
(c) One Secretary to each of the following: The Associate Administrator for Manned Space Flight, the Associate Administrator for Advanced Research and Technology, and the Associate Administrator for Space Science and Applications.
(d) Associate Administrator.
(e) [Reserved]
(f) [Reserved]
(g) Associate Administrator for Manned Space Flight.
(h) Associate Deputy Administrator.
(i) Deputy Associate Administrator.
(j) General Counsel.
(k) and (l) [Reserved]
(m) One Secretary to the Associate Administrator.
(n) [Reserved]
(o) One Special Assistant to the Director of the Occupational Medicine and Environmental Health Division.
(p) Associate Administrator for Aeronautics and Space Technology.
(q) Associate Administrator for Space Science.
(r) Associate Administrator for Applications.
(s) Associate Administrator for Tracking and Data Acquisition.
(t) Associate Administrator for Organization and Management.

§ 213.3349 Panama Canal Company.

(a) Secretary.

§ 213.3350 Foreign Claims Settlement Commission of the United States.

(a) [Reserved]
(b) [Reserved]
(c) One Private Secretary to the Chairman.

§ 213.3351 [Reserved]

§ 213.3354 Federal Home Loan Bank Board.

(a) Two Secretaries to the Chairman of the Board.
(b) Two Secretaries to Board Members.
(c) One Assistant to a Board Member.
(d) [Reserved]
(e) Director, Office of Communications.
(f)–(g) [Reserved]
(h) One Secretary to the General Counsel.
(i) [Reserved]
(j) One Secretary to the Director, Office of Economic Research, and Adviser to the Board.

§ 213.3355 The Renegotiation Board.

(a) One Special Assistant to the Chairman and one Special Assistant to each of the other four Renegotiation Board Members.
(b) One Secretary to the Chairman.
(c) One Secretary to each of the four Board Members.

§ 213.3356 Commission on Civil Rights.

(a) One Confidential Secretary to the Staff Director.
(b) [Reserved]
(c) [Reserved]
(d) One Confidential Secretary to the Deputy Staff Director.
(e) One Special Assistant to the Staff Director.
(f) One Director, Congressional Liaison.

§ 213.3359 ACTION.

(a) Three Special Assistants to the Associate Director for Domestic and Anti-Poverty Operations.
(b) One Chauffeur to the Director.
(c) One Deputy Associate Director for Citizens Placement.
(d) One Deputy Associate Director for SCORE/ACE.
(e) One Deputy Associate Director for Older American Programs.
(f) One Executive Assistant to the Director.
(g) One Confidential Aide to the Director.
(h) One Staff Assistant to the Associate Director for Domestic and Anti-Poverty Operations.
(i) One Special Assistant for Communications to the Associate Director for Domestic and Antipoverty Operations.

(j) [Reserved]
(k) One Deputy Associate Director for ACTION Education Programs.
(l) One Deputy Associate Director for Domestic and Anti-Poverty Operations.

§ 213.3360 Consumer Product Safety Commission.

(a) One Staff Assistant to each Member of the Commission.
(b) One Special Assistant for External Affairs to each member of the Commission.
(c) One Special Assistant for Internal Affairs to each member of the Commission.

§ 213.3364 U.S. Arms Control and Disarmament Agency.

(a) One Private Secretary to the Director.
(b) One Private Secretary to the Deputy Director.
(c) One Private Secretary to each Assistant Director appointed by the President (four positions).
(d) One Public Affairs Adviser.
(e) The General Counsel.
(f) One Private Secretary to the General Counsel.
(g) One Private Secretary to the Deputy Assistant Director, Economic Affairs Bureau.
(h) One Staff Assistant to the Special Assistant to the Director.
(i) One Congressional Assistant to the General Counsel.
(j) One Confidential Assistant to the General Counsel.

§ 213.3367 Federal Maritime Commission.

(a) One Confidential Assistant to each of three Commissioners.
(b) One Private Secretary to the Chairman, one Private Secretary to each Commissioner, one Private Secretary to the General Counsel, and one private Secretary to the Managing Director.

§ 213.3368 Agency for International Development.

(a) *Office of the Administrator.* (1) [Reserved]
(2) One Confidential Assistant (Private Secretary) to the Administrator.
(3) One Chauffeur for the Administrator.
(4) One Private Secretary to the Deputy Administrator.
(b) [Reserved]
(c) *Office of the General Counsel.* (1) One Private Secretary to the General Counsel.
(2) The General Counsel.
(d) [Reserved]
(e) *Office of the Assistant Administrator for Legislative Affairs.* (1) [Reserved]
(2) [Reserved]
(3)–(4) [Reserved]
(5) One Congressional Liaison Officer.
(f) [Reserved]

§ 213.3372 Administrative Office of the U.S. Courts.

(a) One Assistant Director.

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.* (1) [Reserved]
(2) One Assistant Director for Research, Plans, Programs, and Evaluation.
(3) One Special Assistant to the Director and one Confidential Assistant to the Special Assistant.
(4) [Reserved]
(5) One Confidential Assistant to the Director.
(6) One Confidential Secretary and one Private Secretary to the Director.
(7)–(12) [Reserved]
(13) One Special Assistant to the Director and one Confidential Secretary to this Special Assistant.
(14)–(28) [Reserved]
(29) One Deputy Associate Director for Human Rights.
(30) [Reserved]
(31) [Reserved]
(b) [Reserved]
(c) *Office of the Assistant Director for Operations.* (1) One Special Assistant to the Assistant Director.
(2) One Confidental Staff Assistant to the Assistant Director.
(3) One Special Assistant to the Director, State and Local Government Division.
(4) One Confidential Secretary to the Assistant Director.
(d) *Office of the Associate Director for Program Review.* (1) [Reserved]
(2) One Coordinator, Youth Affairs Program.
(3) One Coordinator, Older Persons Program.
(4) One Coordinator, Voluntary Action Program.
(5) One Coordinator, Rural Affairs Program.
(6) [Reserved]
(7) [Reserved]
(8) One Planning and Review Advisor to the Associate Director.
(9) Chief, Private Resources Division.
(10) [Reserved]
(11) One Special Assistant to the Associate Director.
(e) *Office of the Assistant Director for Congressional and Public Affairs.* (1) [Reserved]
(2) One Confidential Adviser to the Associate Director for Congressional Relations.
(3)–(6) [Reserved]
(7) One Congressional Relations Specialist.
(8) [Reserved]
(9) [Reserved]
(10) Two Confidential Assistants to the Associate Director for Public Affairs.
(11) [Reserved]
(12) One Deputy Associate Director for Congressional Relations.
(13) One Confidential Secretary to the Associate Director for Public Affairs.
(f) [Reserved]
(g) [Reserved]

§ 213.3374 [Reserved]

§ 213.3376 Appalachian Regional Commission.

(a) One Special Assistant to the Federal Cochairman and one Special Assistant to his Alternate.
(b) One Private Secretary to the Federal Cochairman and one Private Secretary to his alternate.

§ 213.3377 Equal Employment Opportunity Commission.

(a) Four Special Assistants to the Chairman.
(b) One Special Assistant and one Secretary to each Member of the Commission.
(c) Two Secretaries to the Chairman.
(d) One Secretary to each of two Special Assistants to the Chairman.
(e) One Public Information Officer.
(f) One Special Assistant to each of three members of the Commission.
(g) One Special Assistant to the Vice Chairman.

§ 213.3382 National Foundation on the Arts and the Humanities.

(a) One Executive Secretary to the Chairman, National Endowment for the Arts.
(b) One Assistant to the Chairman, National Endowment for the Arts.
(c) One Staff Assistant to the Chairman, National Endowment for the Arts.
(d) One Assistant for Cultural Affairs (interdepartmental activities).
(e) One Special Assistant to the Chairman of the National Endowment for the Humanities.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* (1) [Reserved]
(2) One Executive Secretary to the Secretary.
(3) [Reserved]
(4) [Reserved]
(5) [Reserved]
(6) One Private Secretary to the General Counsel.
(7) [Reserved]
(8) Two staff assistants to the Secretary.
(9) One Special Assistant to the Under Secretary.
(10) One Private Secretary to the Assistant Secretary for Legislative Affairs.
(11) One Special Assistant to the Under Secretary.
(12) Two Special Assistants to the Secretary.
(13) [Reserved]
(14) One Deputy Director, Division of International Affairs.
(15) [Reserved]
(16) One Private Secretary to the Director of Regional Support.
(17) Federal Insurance Administrator.
(18) [Reserved]
(19) Two Special Assistants to the General Counsel.
(20) Deputy Assistant Secretary for Equal Opportunity.

(21) Deputy General Counsel.
(22) [Reserved]
(23) One Private Secretary to the Deputy Assistant Secretary for Legislative Affairs.
(24) One Staff Assistant to the Under Secretary.
(25) One Staff Assistant to the Assistant to the Secretary (Public Affairs).
(26) Four Senior Assistants for Legislative Affairs.
(27) Eleven Assistants for Legislative Affairs.
(28) [Reserved]
(29) Four Program Assistants for interdepartmental activities.
(30) [Reserved]
(31) One Special Assistant to the Secretary and two staff assistants, one Secretary, and one administrative aide to the special assistant.
(32) One Administrative Assistant to the Secretary.
(33) One Administrative Aide to the Administrative Assistant to the Secretary.
(34) One Chauffeur to the Secretary.
(35) One Administrative Aide to the Executive Assistant to the Secretary.
(36) One Private Secretary to the Assistant to the Secretary (Public Affairs).
(37) One Private Secretary to the Deputy Under Secretary for Field Operations.
(38) [Reserved]
(39) [Reserved]
(40) One private secretary to the Director, Urban Program Coordination.
(41) One private secretary to the Deputy Director, urban program coordination.
(42) One administrative aide to an Assistant Director, Urban Program Coordination.
(43) [Revoked]
(44) One Deputy Under Secretary for Field Operations.
(45) [Revoked]
(46) Four Public Information Officers, Office of the Assistant to the Secretary for Public Affairs.
(47) Three Public Information Specialists, Office of the Assistant to the Secretary for Public Affairs.
(48) One Special Assistant to the Deputy Under Secretary for Field Operations.
(49) One Director, Executive Secretariat.
(50) One secretary to the Secretary.
(51) One staff assistant to the Assistant to the Secretary for Programs for the Elderly and the Handicapped.
(52) One Secretary to the Special Assistant to the Deputy Under Secretary for Field Operations.
(53) Assistant to the Secretary (Public Affairs).
(54) One Deputy Assistant to the Secretary for Programs for the Elderly and the Handicapped.

(b) *Office of the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Administration Commissioner.* (1) One Private Secretary to the Assistant Secretary.
(2) Deputy Assistant Secretary for Housing Production and Mortgage Credit-Deputy Federal Housing Administration Commissioner.
(3) Two Assistants to the Commissioner (Special Projects).
(4) [Reserved]
(5) [Reserved]
(6) One Staff Assistant to the Assistant Secretary.
(7) [Reserved]
(8) One Special Assistant for Nursing Homes.
(9) President, Government National Mortgage Association.
(10) One Special Assistant to the President, Government National Mortgage Association.

(c) *Office of Assistant Secretary for Housing Management.* (1) One Private Secretary to the Assistant Secretary.
(2)–(3) [Reserved]
(4) Four Special Assistants to the Assistant Secretary.
(5) Four Staff Assistants to the Assistant Secretary.
(6) [Reserved]
(7) [Reserved]
(8) Deputy Assistant Secretary for Housing Management.

(d) *Office of Assistant Secretary for Community Planning and Management.* (1) One Private Secretary to the Assistant Secretary.
(2) [Reserved]
(3) Four Special Assistants to the Assistant Secretary.
(4)–(7) [Reserved]
(8) Deputy Assistant Secretary for Community Planning and Management.
(9) [Reserved]
(10) One Staff Assistant to the Assistant Secretary.

(e) *Office of the Assistant Secretary for Community Development.* (1) [Reserved]
(2) [Reserved]
(3) One Special Assistant to the Assistant Secretary.
(4) [Reserved]
(5) Deputy Assistant Secretary for Community Development.
(6) [Reserved]

(f) *Office of the Assistant Secretary for Equal Opportunity.* (1) One Private Secretary to the Assistant Secretary.
(2) One Private Secretary to the Deputy Assistant Secretary.
(3) Two Special Assistants to the Assistant Secretary.
(4) One Staff Assistant to the Deputy Assistant Secretary.
(5) Two Confidential Assistants to the Assistant Secretary.

(g) *Office of the Assistant Secretary for Research and Technology.* (1) One Private Secretary to the Assistant Secretary.
(2) One Special Assistant to the Assistant Secretary.
(3) The Director of Special Projects, Operation "Breakthrough."

(h) *Office of the Administrator, Federal Disaster Assistance Administrator.* (1) One Private Secretary to the Administrator.

(i) *Office of the Assistant Secretary for Policy Development and Research.*
(1) One Executive Assistant to the Assistant Secretary.
(2) One Secretary to the Department Assistant Secretary for Policy Development.

§ 213.3386 Regional Commissions, Public Works and Economic Development Act of 1965.

(a) One Special Assistant to the Federal Cochairman of each Regional Commission established under the Public Works and Economic Development Act of 1965.
(b) One Special Assistant to the Alternate Federal Cochairman of each Regional Commission established under the Public Works and Economic Development Act of 1965.
(c) One Private Secretary to the Federal Cochairman of each Regional Commission established under the Public Works and Economic Development Act of 1965.
(d) One Private Secretary to the Alternate Federal Cochairman of each Regional Commission established under the Public Works and Economic Development Act of 1965.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* (1) [Reserved]
(2) One Special Assistant to the Secretary.
(3) Two Confidential Secretaries to the Secretary.
(4) [Reserved]
(5) [Reserved]
(6) One Confidential Secretary to the General Counsel.
(7) One Confidential Secretary to the Under Secretary of Transportation.
(8) [Reserved]
(9) One Confidential Secretary to the Assistant Secretary for Systems Development and Technology.
(10) Special Assistant for Special Projects.
(11) Two Special Assistants to the Under Secretary of Transportation.
(12) One Chauffeur to the Secretary.
(13) One Chauffeur to the Under Secretary.
(14) One Special Assistant to the Assistant Secretary for Environment and Urban Systems.
(15) One Special Assistant to the Deputy Under Secretary of Transportation.
(16) One State liaison officer, Office of the Director of Intergovernmental Relations.
(17) Seven Congressional Liaison Officers, Office of the Director of Congressional Affairs.
(18) Director, Office of Congressional Relations.
(19) [Reserved]
(20) One Special Assistant to the Assistant Secretary for Systems Development and Technology.
(21) Two Special Assistants to the Assistant Secretary for Policy, Plans, and International Affairs.

(22) One Confidential Secretary to the Assistant Secretary for Safety and Consumer Affairs.
(23)–(25) [Reserved]
(26) One Public Information Assistant to the Director, Office of Public Affairs.
(27) [Reserved]
(28) One Confidential Secretary to the Director, Office of Congressional Relations.
(29) Director, Office of Public Affairs.
(30) One Special Assistant to the Assistant Secretary for Safety and Consumer Affairs.
(31) [Reserved]
(32) One Confidential Secretary to the Assistant to the Secretary.
(33) One Secretary to a Special Assistant to the Secretary.
(34) [Reserved]
(35) [Reserved]
(36) One Special Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs.
(37) [Revoked]
(38) One Staff Assistant to the Executive Secretary to the Secretary.
(39) One Secretary to the Assistant Secretary for Congressional and Intergovernmental Relations.
(40) One Secretary to the Deputy Assistant Secretary for Congressional and Intergovernmental Relations.
(41) One secretary to the Special Assistant to the Under Secretary.
(42) [Reserved]
(43) One Staff Assistant to the Under Secretary.
(44) Deputy Under Secretary.
(45) One Executive Resources Manager to the Deputy Under Secretary.
(b) *National Transportation Safety Board.* (1) One Administrative Assistant to a Board member.
(2) One Confidential Secretary to each of the five Board members.
(3) One Confidential Secretary to the General Manager.
(4) One Legislative Affairs Officer, Office of the General Manager.
(c) [Reserved]
(d) *Federal Highway Administration.* (1) Deputy Administrator.
(2) [Reserved]
(3) [Reserved]
(e) *Federal Railroad Administration.* (1) [Reserved]
(2) One Special Assistant to the Deputy Administrator.
(3) Deputy Administrator.
(4) One Confidential Secretary to the Administrator.
(5) One Public Information Officer.
(6) One Secretary to the Deputy Administrator.
(7) One Special Assistant to the Administrator.
(f) *Urban Mass Transportation Administration.* (1) [Reserved]
(2) One Confidential Secretary to the Administrator.
(3) Deputy Administrator.
(4) One Secretary to the Deputy Administrator.
(g) *St. Lawrence Seaway Development Corporation.* (1) Two Special Assistants to the Administrator.
(2) One Confidential Secretary to the Administrator.
(h) *Federal Aviation Administration.* (1) One Private Secretary to the Administrator.
(2)–(5) [Reserved]
(6) One Special Assistant for Environmental Quality Problems to the Assistant Administrator for Public Affairs.
(7) General Counsel.
(i) *National Highway Traffic Safety Administration.* (1) Deputy Administrator.
(2) One Private Secretary to the Administrator.
(3) One Special Assistant to the Administrator.
(4) One Public Information Officer.

§ 213.3399 Temporary Boards and Commissions.

(a) *Cost-of-Living Council and Related Organizations.* (1) [Reserved]
(2) [Reserved]
(3) [Reserved]
(4) One Special Assistant to the Director, Cost of Living Council.
(b) *American Revolution Bicentennial Commission.* (1) Director.
(2) Deputy Executive Director for Program Development and Coordination.
(3) Deputy Executive Director for Communications and Field Services.
(4) Deputy Executive Director for Finance and Administration.

[FR Doc.73-26413 Filed 12-12-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

[Phase IV Price Ruling 1973-19]

APPENDIX—RULINGS

Base Price Computation

Facts. Firm O is a refiner of covered petroleum products subject to Subpart L of the Phase IV price regulations. Under Subpart L, to determine its legally authorized selling prices, Firm O must first compute its base prices. The base price for sales of an item by a refiner is defined in 6 CFR 150.355(g)(1) to be the "weighted average price at which the item was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973" plus increased product costs incurred since that date. Firm O computes its weighted average May 15 price for a product sold to a particular class of purchaser, but does not change its selling prices to individual customers within that class of purchaser. To determine its base prices, Firm O then adds an equal amount of increased product costs to each customer within the class of purchaser and thereby maintains the price differentials between customers which existed on May 15. By this freezing in place of the differentials existing on May 15, Firm O asserts that it is maintaining a weighted average May 15 price plus the increased product costs even though some of the firm's sales are above and some below the actual weighted average price plus the increased product costs.

To illustrate, Firm O's base price determination for a particular class of purchaser may be represented as follows, assuming that each customer is sold an equal number of units on May 15:

Customers in class of purchaser	May 15 selling price	Weighted average price		Increased product cost		Base price	New unit price charged
A	10 cents	11 cents		+ 2 cents	=	13 cents	12 cents
B	11 cents						13 cents
C	12 cents						14 cents
							Average=13 cents

The price to B is the market price on May 15, 1973; the lower price to A is caused by a special 30-day deal in effect on May 15; and the higher price to C is caused by the provisions of a prior contract under which C purchases his product. All of these price differentials are random differentials and do not constitute customary price differentials because these are not consistently and historically applied price distinctions based on discounts, allowances, add-ons and premiums or extras based on differences in volume, grade, quality, or location or type of purchaser or a term or condition of sale or delivery.

Issue. Has Firm O correctly applied the pricing rules of the Phase IV price regulations?

Ruling. No. Firm O's efforts to "maintain" price differentials among its customers within a particular class of purchaser are not permitted by the Phase IV price regulations. When a seller computes its base prices, those are established with respect to a "class of purchaser." Section 150.353 defines "class of purchaser" as "purchasers or lessees to whom a person has charged a comparable price for comparable property or service pursuant to customary price differentials between those purchasers or lessees and other purchasers or lessees." A class of purchaser is, therefore, the lowest unit at which a uniform selling price may be computed because, by definition, no customary price differentials exist within a class of purchaser.

The base price computed for a class of purchaser is a single price for all customers within that class of purchaser. In the case of Firm O, the base price for customers A, B and C is 13 cents. By charging a unit price of 14 cents to Customer C, Firm O is charging a price in

excess of the base price which is permissible only if prenotified and cost-justified pursuant to the provisions of § 150.355 (c)–(k). Thus, Firm O must reduce the unit price charged to Customer C to avoid charging a price in excess of the base price for that item, but may increase the price charged to Customer A from 12 cents to 13 cents. These same general principles also apply to the computation of base prices under 6 CFR 150.102 and adjusted freeze prices under 6 CFR 150.72.

WILLIAM N. WALKER,
General Counsel
Cost of Living Council.

DECEMBER 11, 1973.

[FR Doc.73-26507 Filed 12-11-73;1:26 pm]

PART 150—PHASE IV PRICE REGULATIONS

PART 152—PHASE IV PAY REGULATIONS

Manufacturers of Automobiles and Trucks

Section 150.54 is amended by adding a new paragraph (w) exempting the sale of passenger automobiles, trucks, commercial cars and buses and special purpose motor vehicles by those manufacturers of these items which prenotified the Council of price increases for both passenger cars and trucks prior to November 9, 1973. The exemption also applies to the manufacturing of chassis or passenger car bodies by these firms. The exemption covers sales by four companies, American Motors Corporation, Chrysler Corporation, Ford Motor Company, and General Motors Corporation. Other firms which manufacture trucks or passenger cars may apply to the Council for inclusion in this exemption.

The four major automobile manufacturers prenotified the Council between September 18, 1973 and November 8, 1973 of proposed price increases ranging between $114 per vehicle (3.97 percent) and $208 per vehicle (5.57 percent). The Council held public hearings on these prenotifications on November 20 and 21, 1973, receiving testimony from representatives of the four companies, auto dealers, and consumers.

Much testimony was focused on the manner in which price increases for federally-mandated safety and emission control equipment, which were authorized by the Council in September 1973, had been implemented by the companies. Under the Council's regulations, a firm may apply a weighted average price increase across a product line and may charge a maximum price for an individual item within the product line equal to 110 percent of the base level price plus the percentage amount of cost justification. The application of this rule meant that automobile manufacturers were able to increase prices on small cars by amounts substantially in excess of the average per vehicle dollar increase approved by the Council. Strong demand for small cars coupled with the improvement in competitive position of American automobile manufacturers with respect to imports brought about by currency adjustments enabled the automobile companies to obtain these price increases in the market place.

The current energy crisis has intensified the shift in the consumer preference for smaller cars with greater fuel economy and this shift has brought about demand greater than the immediate capacity of the industry to produce small cars. At the same time, a substantial decline in overall demand for new automobiles is widely forecast.

The Council was concerned about the possibility of a concentration of price increases again on the small car sector of the market as a result of the current round of prenotications. At the same time, the Council desired to provide an incentive and flexibility to speed the production shift to small cars, thereby lessening the impact of the energy crisis on the economy as a whole and, in particular, on auto industry employment. Against this background, the Council has obtained commitments individually from American Motors, Ford, and General Motors that price increases for small cars will be limited substantially below what would otherwise be authorized by the Council's regulations. In no case will the suggested base retail price per unit for a small car exceed $150 over the existing manufacturer's suggested retail price for the base vehicle, based on normal dealer markup. In addition, Ford and General Motors are limited to a weighted average wholesale price increase on all vehicles of no more than $150 per average vehicle. Due to differences in product mix and because it is still operating under previous labor agreements, American Motors is limited to an increase per average vehicle of $100 at wholesale.

These three companies will not increase prices on cars for which there are now bona fide customer orders in the hands of dealers and will encourage dealers to ensure that this price protection extends to customers.

Finally, these companies will make no further increases in the United States price for North American-built cars and trucks for the remainder of the 1974 model year, unless forced by unforeseen major economic events. Examples of events, either individually or in combination, which might force an alteration of this commitment would be a severe economic decline, a major foreign currency disruption, or cost increases substantially beyond those presently projected for the balance of the model year. In the event that such an emergency should develop with respect to small cars, these companies have agreed to provide the Council the pertinent cost information for its examination in advance of any price increases.

In return for these undertakings, which the Council believes will result in price stability in the auto sector for the remainder of the 1974 model year, the Council has granted the price exemption contained in these regulations.

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 primarily engaged in the manufacturing or assembling of motor vehicles, the sales of which are exempt, or in support thereof. The exemption is set forth in new § 152.37, and extends to employees engaged in the operation of an establishment classified under SIC Industry No. 3711 (Motor vehicles and passenger car bodies) or, under certain circumstances, SIC Industry No. 3465 (Automotive stampings). Employees engaged in the operation of a SIC 3465 establishment are exempt if the products of the establishment are used in the operation of a SIC 3711 establishment and if both establishments are operated by the same firm. Recent settlements of major labor contracts in the automobile industry have resulted in 3 year collective bargaining agreements. There is reason to believe that remaining wage settlements in the industry will follow established patterns. The wage exemption is inapplicable to any employee who receives executive or variable compensation or is a member of an executive control group.

The Council retains the authority to reestablish price or wage controls in the automobile industry if price or wage behavior is inconsistent with the policies of the Economic Stabilization Program. The Council also has the power, under §§ 150.62 and 152.25, to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

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 General Counsel, Cost of Living Council, 2000 M Street, N.W., 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 December 10, 1973.

Issued in Washington, D.C., December 10, 1973.

JOHN T. DUNLOP,
Director.

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

§ 150.54 Certain price adjustments.

* * * * *

(w) Sales of passenger automobiles, trucks, commercial cars and buses, special purpose motor vehicles and other items within Industry No. 3711 of the Standard Industrial Classification Manual, 1972 edition, by price category I firms which are within Industry No. 3711 and which prenotified the Council of price increases for both passenger cars and trucks prior to November 9, 1973 are exempt.

PAR. 2. In 6 CFR Part 152, Subpart D is amended by the addition of a new § 152.37 to read as follows:

§ 152.37 Manufacture and assembly of motor vehicles.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment primarily engaged in the manufacturing or assembling of motor vehicles, the sales of which are exempt under § 150.54(w) of this chapter, or working in support of such operation, and who are employed by the firm which operates such establishment, are exempt from and not included in the coverage of this title.

(b) *Definitional rules.* For purposes of this section—

(1) "Establishment primarily engaged in the manufacturing or assembling of motor vehicles" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under SIC Industry Number 3711.

(2) Employees engaged on a regular and continuing basis in the operation of an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under SIC Industry Number 3465 (Automotive Stampings), the products of which are used in the operation of an establishment primarily engaged in the manufacturing or assembling of motor vehicles, are considered to be among those employees working in support of the operations of the establishment primarily engaged in the manufacturing or assembling of motor vehicles, if both establishments are operated by the same firm.

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

(1) An employee who receives any 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; or

(2) An employee who is a member of an executive control group (determined pursuant to § 152.130).

(d) *Effective date.* The exemption provided in paragraph (a) of this section shall be applicable to pay adjustments with respect to work performed on and after December 10, 1973.

[FR Doc.73-26436 Filed 12-10-73;4:00 pm]

Title 7—Agriculture

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

[Navel Orange Reg. 303]

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

Limitation of Handling

PREAMBLE

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period December 14–20, 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.

§ 907.603 Navel Orange Regulation 303.

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

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges was active during the past week, as buying for the Holidays continued. Prices f.o.b. averaged $3.40 a carton on a reported sales volume of 874 carlots last week, compared with an average f.o.b. price $3.90 per carton and sales of 792 carlots a week earlier. Track and rolling supplies at 612 cars were up 131 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 recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 11, 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 December 14, 1973, through December 20, 1973, are hereby fixed as follows:

(i) District 1: 668,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 82,000 cartons."

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

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

Dated: December 12, 1973.

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

[FR Doc.73-26628 Filed 12-12-73;12:56 pm]

CHAPTER II—FOOD AND NUTRITION SERVICE

[Amdt. 4]

PART 245—DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS

Miscellaneous Amendments

Pursuant to Public Law 93-150, approved November 7, 1973, the regulations for Determining Eligibility for Free and Reduced Price Meals are hereby amended to authorize State educational agencies to establish, for the fiscal year ending June 30, 1974, income guidelines for reduced price meals at not more than 75 per centum above the applicable family-size income levels in the income poverty guidelines as prescribed by the Secretary. Also, a minor technical change is made in Section 245.6.

Since these changes in the regulations are nondiscretionary, the Department does not believe that the proposed rule making and public participation procedures are necessary. Accordingly, the regulations for Determining Eligibility for Free and Reduced Price Meals are hereby amended as follows:

1. In § 245.1, paragraph (a) is revised to read as follows:

§ 245.1 General purpose and scope.

(a) Section 9 of the National School Lunch Act, as amended, and section 4 of the Child Nutrition Act of 1966, as amended, require that schools participating in the National School Lunch Program (7 CFR Part 210) and the School Breakfast Program (7 CFR Part 220), and other schools utilizing commodities donated by the Department shall serve free meals to any child who is a member of a household which has an annual income not above the applicable family-size income level set forth in the income poverty guidelines prescribed by the Secretary. Each State educational agency is required to prescribe family-size income guidelines, not more than 25 percent above the Secretary's income poverty guidelines, to be used by schools in the State during each fiscal year in determining which children are eligible for a free meal. Each State educational agency is also required to prescribe family-size income guidelines, not more than 50 percent above the Secretary's income poverty guidelines, for use by schools which elect to serve reduced price meals to children: *Provided, however*, That for the fiscal year ending June 30, 1974, each State educational agency may prescribe family-size income guidelines, not to exceed 75 percent above the Secretary's income poverty guidelines, for use by schools which elect to serve reduced price meals to children. School food authorities are required to publicly announce their income guidelines and to make determinations with respect to family income on the basis of a statement executed by an adult member of the family. School food authorities are prohibited from making any physical segregation of or other discrimination against any child eligible for a free or reduced price meal, and no overt identification of any such child may be made.

2. In § 245.3, the second and third sentences of paragraph (a) are deleted and the following sentence is inserted in lieu thereof:

§ 245.3 Eligibility standards for free and reduced price meals.

(a) * * *. Such family-size income standards for free and reduced price meals shall in no event exceed the limits set forth in § 245.1. * * *

* * * * *

§ 245.6 [Amended]

3. In § 245.6, the second sentence of paragraph (b) is revised by inserting the words "participating in the National School Lunch Program, the School Breakfast Program or a commodity only school" after the words "another school."

Effective date: December 13, 1973.

Dated: December 10, 1973.

JAMES H. LAKE,
Deputy Assistant Secretary.

[FR Doc.73-26408 Filed 12-12-73;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 234—PHYSICAL AND MENTAL EXAMINATION OF ARRIVING ALIENS

Miscellaneous Amendments to Chapter

Correction

In FR Doc. 73-25419, appearing at page 33061 in the issue of Friday, November 30, 1973, the last line of § 234.1 which reads "conducted is set for in 42 CFR Part 34." should read "conducted is set forth in 42 CFR Part 34."

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 73-1729]

PART 545—OPERATIONS

Loans on Second or Vacation Homes

NOVEMBER 21, 1973.

The Federal Home Loan Bank Board, by Resolution No. 73-1112, dated August 8, 1973, proposed to amend § 545.6-1(a) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-1(a)) for the purpose of limiting the authority of Federal savings and loan associations regarding the making of certain loans in excess of 80 percent of the security property's value to the making of such loans on the security of a borrower's single-family dwelling which the borrower certifies is or will be his "principal" dwelling place. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on August 15, 1973, (38 FR 22047) and allowed until September 15, 1973, for interested persons to submit written comments.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board hereby amends said § 545.6-1(a) by revising subparagraph (4) (iv) thereof to read as set forth below, effective January 13, 1974.

Section 545.6-1(a) (4) (iv), prior to this amendment, provided that Federal associations could make single-family-dwelling loans in excess of 80 percent of value on the security of a borrower's second or vacation home. Based on comments on this proposal received from several Federal associations and private mortgage insurance companies, it appears that payment records on loans of over 80 percent on second or vacation homes have not to date been significantly different from payment records on loans of over 80 percent on principal dwelling places. However, notwithstanding the past records of repayment of over-80 percent of loans on second or vacation homes, the Board is of the opinion that public policy and sound lending practices in the future require that such funds as are available to Federal associations for making loans in excess of 80 percent of value should be used to finance the principal dwelling place of the borrower rather than second or vacation homes.

Some of the comments received by the Board indicated that some persons had received loan commitments or had begun construction of second or vacation homes in reliance upon being able to obtain loans in excess of 80% of value from a Federal association or subsequently selling such loans to a Federal association. In order to provide for an equitable phasing out of investments by Federal associations in loans over 80% of value on second or vacation homes, the Board is delaying the effective date of this amendment until January 13, 1974. A Federal association, however, may make such a loan after that date if it made a bona fide commitment to do so prior to that date. Also, after January 13, 1974 Federal associations may continue to purchase interests in such loans made prior to that date.

The text of § 545.6-1(a) (4) (iv), as revised effective January 13, 1974, is as follows:

§ 545.6-1 Lending powers under sections 13 and 14 of Charter K.

Any Federal association which has Charter K may, under sections 13 and 14 thereof, make the following types of loans on the security of first liens on improved real estate and the use by such an association of loan plans, practices, and procedures which comply with the applicable provisions of §§ 545.6 to 545.6-13, are hereby approved by the Board:

(a) *Homes or combination of homes and business property* * * *

(4) *Loans in excess of 80 percent of value.* The limitation of 80 percent set forth in paragraph (a) (1) (i) of this section shall be 90 percent in the case of any loan with respect to which the following requirements are met:

* * * * *

(iv) The borrower, including a purchaser who assumes the loan, has executed a certification in writing stating

(a) that no lien or charge upon such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executed by the borrower or has been contracted or agreed to be so given or executed, and (b) that the borrower is actually occupying the property as the borrower's principal dwelling or that the borrower in good faith intends to do so;

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN, *Assistant Secretary.*

[FR Doc.73-26424 Filed 12-12-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-EA-81]

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

Alteration of Transition Area

Correction

In FR Doc. 73-25201, appearing at page 32784, in the issue for Wednesday, November 28, 1973, the reference "within a 9.5-mile radius" in the eleventh line preceding the file line should read "within an 11.5-mile radius".

[Airspace Docket No. 73-EA-82]

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

Alteration of Transition Area

Correction

In FR Doc. 73-25202, appearing at page 32785, in the issue for Wednesday, November 28, 1973, the reference "39° 55'00" " in the sixteenth line preceding the file line should read "39°55'09"."

Title 15—Commerce and Foreign Trade

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

Change in Citation of Authority

The "Authority" for each part from Part 368 through Part 399 inclusive of Title 15, Chapter III, Subchapter B, is amended to read:

AUTHORITY: Sec. 4, 83 Stat. 842 (50 U.S.C. App. 2403); E.O. 11533, 35 FR 8799, 3 CFR, 1970 Comp., p. 134; E.O. 11683, 37 FR 17813, 3A CFR, 1972 Comp., p. 202.)

Dated: December 6, 1973.

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

[FR Doc.73-26335 Filed 12-12-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2476]

PART 13—PROHIBITED TRADE PRACTICES

Kim Rug Co. et al.

Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* 13.1051-30 Formal regulatory and/or statutory requirements. [New] Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements;* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosures: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-70 Textile Fiber Products Identification Act.

(Secs. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; (15 U.S.C. 45, 70)) [Cease and desist order, Economy Rug Company, Inc., trading as Kim Rug Company, et al., Dalton, Ga. Docket C-2476, Nov. 19, 1973]

In the Matter of Economy Rug Company, Inc., a corporation, d.b.a. Kim Rug Company and Scott Rug Company, and William B. Chitwood, Individually and as an Officer of Economy Rug Company, Inc.

Consent order requiring a Dalton, Ga., purchaser and wholesaler of carpeting, among other things, to cease misbranding its textile fiber products, and failing to maintain records as required by the Textile Fiber Products Identification Act.

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

It is ordered, That respondents Economy Rug Co., Inc., a corporation, its successors and assigns, also doing business as Kim Rug Co. and Scott Rug Co., or any other name, and its officers, and William B. Chitwood, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising or offering for sale, in commerce, or the importation into the United States, of any textile fiber, product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding such textile fiber products by failing to affix a stamp, tag, label, or other means of identification to each such textile fiber product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Failing to disclose on labels the required fiber content information as to floor coverings, containing exempted backings, fillings, or paddings, in such manner as to indicate that it relates only to the face, pile or outer surface of the floor covering and not to the exempted backing, filling or padding.

C. Failing to maintain and preserve, as required by section 6(b) of the Textile Fiber Products Identification Act, such records of the fiber content of textile fiber products as will show the information set forth on the stamps, tags, labels, or other identification removed by respondents, together with the name or names of the person or persons from whom such textile fiber products were received, when substituting stamps, tags, labels or other identification pursuant to section 5(b) of the Textile Fiber Products Identification Act.

D. Failing to maintain and preserve proper records showing the fiber content of the textile fiber products manufactured by said respondents, as required by section 6 of the Textile Fiber Products Identification Act and Rule 39 of the Regulations promulgated thereunder.

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

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

which he is engaged as well as a description of his duties and responsibilities.

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

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of proposed respondents engaged in the offering for sale, or sale of any product, and that proposed respondents secure a signed statement acknowledging receipt of said order from each such person.

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

Issued: November 19, 1973.

By the Commission.

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

[FR Doc.73-26363 Filed 12-12-73;8:45 am]

[Docket No. C-2477]

PART 13—PROHIBITED TRADE PRACTICES

General Electric Co.

Subpart—Interlocking directorates unlawfully: § 13.1106 *Interlocking directorates unlawfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, sec. 8, 38 Stat. 732; 49 Stat. 717; 15 U.S.C. 19) [Cease and desist, General Electric Co., New York, New York, Docket C-2477, Nov. 26, 1973]

In the Matter of General Electric Company, a corporation.

Consent order requiring a New York City manufacturer and seller of residential and commercial air conditioners, among other things to cease from interlocking directors with Chrysler Corp. so long as they compete in the manufacture and sale of any product.

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

I. *It is ordered*, That respondent General Electric Co. (General Electric), a corporation, its successors and assigns, do forthwith cease and desist from interlocking the directors of said respondent with Chrylser Corp. (Chrysler) through Edmund W. Littlefield, or any other individual, so long as said respondent and Chrysler, by virtue of their business and location of operation, compete in the manufacture and sale of any product.

II. *It is further ordered*, That respondent, for a period ending five years from the date of this order shall, within 30 days after the service upon it of this order and prior to the election of any director to its Board, transmit to each such candidate or director a copy of this complaint and order together with a request that said director identify in writing to respondent the principal product or products manufactured and sold by each other corporation having capital, surplus, and undivided profits in excess of $1,000,000 on whose Board of Directors he/she also serves.

III. *It is further ordered*, That for a period ending five years from the date of this order, if any director or any candidate for director of respondent shall fail to respond to respondent's request pursuant to Paragraph II above, respondent shall not permit said director or candidate to serve on its Board of Directors; or if any director or any candidate shall pursuant to Paragraph II above identify as a principal product of such corporation on whose Board he/she also serves, a product which is also a principal product of respondent, respondent shall not permit said director or candidate to serve on its Board of Directors so long as (a) said product continues to be a principal product of Respondent and, pursuant to Paragraph II above, continues to be identified as a principal product of the other corporation on whose Board said director serves and (b) respondent, by virtue of its business and location of operation is a competitor of said corporation in the manufacture and sale of said product, and (c) said director or candidate continues to serve on the Board of the other thus competing corporation.

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

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

Issued: November 26, 1973.

By the Commission.

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

[FR Doc. 73-26362 Filed 12-12-73;8:45 am]

[Docket No. C-2475]

PART 13—PROHIBITED TRADE PRACTICES

P. J. Nee Co.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* 13.73-92 Truth in Lending Act; § 13.155 *Prices;* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623-95 Truth in Lending Act. —Prices: § 13.1823 *Terms and conditions;* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147 (15 U.S.C. 45, 1601-1605)) [Cease and desist order, P. J. Nee Company, Rockville, Md., Docket C-2475, Nov. 12, 1973]

In the Matter of P. J. Nee Company, a Corporation

Consent order requiring a Rockville, Md., retailer and distributor of furniture, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

It is ordered, That respondent P. J. Nee Company, a corporation, its successors and assigns, and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 *et seq.*), do forthwith cease and desist from:

1. Failing to use the term "cash downpayment" to describe the downpayment in money made in connection with the credit sale, as required by § 226.8(c)(2) of Regulation Z.

2. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as required by § 226.8(c)(3) of Regulation Z.

3. Failing to use the term "amount financed" to describe the amount of credit extended, as required by § 226.8(c)(7) of Regulation Z.

4. Failing to disclose the term "finance charge" more conspicuously than other terminology, as required by § 226.6(a) of Regulation Z.

5. Failing to employ the term "annual percentage rate", as required by § 226.6(a) of Regulation Z.

6. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price", as required by § 226.8(c)(8)(ii) of Regulation Z.

7. Failing to use the term "total of payments" to describe the sum of the payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

8. Failing to disclose the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation, as required by § 226.8(b)(7) of Regulation Z.

9. Failing to make all the required disclosures in one of the following three ways, in accordance with § 262.8(a) of Regulation Z.

(a) Together on the contract evidencing the same side of the page and above or adjacent to the place for the customer's signature; or

(b) On one side of a separate statement which identifies the transaction; or

(c) On both sides of a single document containing on each side thereof the statement "Notice: See other side for important information", with the place for the customer's signature following the full content of the document.

10. Failing to disclose the annual percentage rate accurately to the nearest quarter of one percent, in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

11. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.8, and 226.10 of Regulation Z.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the computation, preparation or execution of consumer credit documents or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

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

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

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

Issued: November 12, 1973.

By the Commission.

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

[FR Doc.73-26360 Filed 12-12-73;8:45 am]

[Docket No. 8656]

PART 13—PROHIBITED TRADE PRACTICES

TEXAS INDUSTRIES, INC.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Modified order, Texas Industries, Inc., Arlington, Texas, Docket 8656, Nov. 20, 1973]

In the Matter of Texas Industries, Inc., a Corporation

Order reopening proceedings and modifying the last paragraph of Part I of a consent order to cease and desist, 68 F.T.C. 992, 30 FR 1004, by increasing from 35 percent to 50 percent the limitation on the amount of all portland cement supplied each year by respondent for consumption by the divested ready-mix facility (as long as it retains a security interest in any of the divested assets).

The order reopening proceedings and modifying order to cease and desist is as follows:

It is ordered, That the paragraph in Part I of the Order, beginning on page 3 thereof (68 F.T.C. at 998), be, and it hereby is, amended to read as follows:

Nothing in this paragraph shall be deemed to prohibit Texas Industries from retaining, accepting and enforcing bona fide liens, mortgages, deeds of trust or other forms of security on all or parts of the assets required to be divested hereunder for the purpose of securing to Texas Industries full payment of the price at which said assets are disposed of or sold, or to prohibit Texas Industries from accomplishing the required divestiture in whole or in part by means of a lease-purchase agreement or agreements, or a conditional sale or sales, pursuant to which Texas Industries retains title to the assets until the purchase price is fully paid; provided, however, that if, after bona fide disposal pursuant to the divestiture order, Texas Industries, by enforcing a bona fide lien, mortgage, deed of trust or other form of security, or by reason of the purchaser's failure to comply with the terms of a lease-purchase agreement or conditional sale agreement when and as required, regains control of any of said assets Texas Industries shall divest itself of said assets within twelve months from the time of said reacquisition to a purchaser or purchasers approved by the Federal Trade Commission, and provided further that so long as Texas Industries retains a security interest with respect to any of the assets divested hereunder, or with respect to assets as to which divestiture is made by lease-purchase or conditional sale agreement any part of the sale price remains unpaid and owing, Texas Industries shall not in any calendar year commencing in the year 1973 supply more than fifty percent of the portland cement purchased by the purchaser of said assets for consumption in ready-mix concrete producing facilities divested hereunder.

Issued: November 20, 1973.

By the Commission.

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

[FR Doc.73-26361 Filed 12-12-73;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM-74-7; Order No. 497]

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHARGES; ETHICAL STANDARDS

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Emergency Actions for Reporting of Data Relative to Electric Utility Fuel Requirements and Federal Governmental Fuel Allocation Procedures

DECEMBER 7, 1973.

Actions by the President to establish the Federal Energy Administration, and the statutory duties and responsibilities of this Commission, necessitate the promulgation of the attached Electric Utility Fuel Planning Report Form (Appendix I, below).

Fuel supply availability for electric utility generation by investor owned, publicly owned and cooperatively owned utilities, varies from system to system and from region to region of the Nation. Coastal region electric utilities, the larger users of petroleum resources (middle distillates, residual and crude oil) for boiler fuel purposes, and electric utilities in the southwest and south central regions, the larger users of natural gas for boiler fuel purposes, are experiencing increasing shortages of these critical fuels. The annexed Electric Utility Fuel Planning Report Form will provide a data base upon which utility uses of such petroleum resources may be allocated or authorized under the Emergency Petroleum Allocation Act of 1973, P.L. 93-159, 87 Stat. 627, or other statutory authority. These data are also relevant to the utility and regulatory commission analyses of inter-system and inter-regional transfers of electric power and energy to maximize the use of coal, nuclear fuel and hydro-electric generating capacity, nationally. They also relate informationally to the Commission's activities in allocating the supplies of natural gas under the Natural Gas Act, 15 U.S.C. 717(a) *et seq.*, insofar as natural gas is still used in electric utility generation. The Commission is not here exercising its natural gas regulatory jurisdiction, but, rather, is surveying all electric utility fuel needs and proposes the use of the reported data by all utilities, governmental authorities and consumers, however associated with fuels availability and the use thereof.

Commission Order No. 496, issued November 29, 1973, 38 FR 33641, provides in part:

* * * this order requests the Nation's electric utilities to seek to reduce non-essential uses of electrical power and energy uniformly across all such systems; and to maximize the use of coal and nuclear fuel electric generating capacity and hydro-electric generating capacity

nationally, with the scheduling of inter-system and inter-regional power transfers to the maximum possible extent consistent with reliability and continuity of service considerations; to do so through established power pools, the nine electric reliability councils and the National Electric Reliability Council and in cooperation with representatives of the Federal Power Commission (Chief, of the Bureau of Power) and state public service commission staff personnel. * * *[1]

By this order, the Commission is directing all electric utilities which are required to report electricity generation and fuel use pursuant to Federal Power Commission Form No. 4, Monthly Power Plant Report[2], to file with the Commission, until further notice, monthly reports on projected electric generation and fuel requirements, such projections to be consistent with minimum consumption of petroleum and natural gas fuels. The Electric Utility Fuel Planning Report Form shall be file with the Commission on a monthly basis commencing with the report for January 1974, in quadruplicate, and 75 days in advance of the beginning of the month for which data are to be reported, except for the months of January, February and March 1974. Reports for data covering these months shall be filed as follows:

January 1974. Report to be filed by December 18, 1973;

February 1974. Report to be filed by December 31, 1973; and

March 1974. Report to be filed by December 31, 1973.

The reporting electric utilities shall file one conformed copy of the Electric Utility Fuel Planning Report Form with each of the respective state public service commissions (or Governors in states where there is no established state public service commission with public utility regulatory jurisdiction over the reporting utility), of the state or states in which the reporting utility operates and such other states which are partly or wholly within the geographic boundaries of the electric reliability council or councils in which the reporting utility participates or is located.

The Electric Utility Fuel Planning Report Form, Appendix I, as annexed hereto, will provide a data base for analysis, planning and implementation of actions which will be required to meet currently foreseeable national fuel emergency conditions. The report details the following types of information:

Projected generation requirements and sources of energy for the month, as compared to the corresponding month of the previous year;

Projected consumption of fuels for the month, as compared to the corresponding month of the previous year;

Effects of plant alterations, additions, or retirements within the past year on the projected consumption of fuels for the month;

Projected fuel stocks at the beginning and end of the subject month;

A listing of the utility's oil suppliers; and

Identification of the interconnection's capacity and projected peak load during the month for systems with less than 200 MW capacity.

The Commission proposes to collate the reported data by operating utilities, power pools and electric reliability council areas, so as to provide an assessment of utility fuel availability, requirements and generating capability among utilities, regionally and inter-regionally. It is anticipated that Federal governmental fuel allocation procedures will reflect a continuing substantial use of the data to be reported.

This Commission's Order No. 496, directed that emergency actions for the conservation of petroleum and natural gas fuel resources be undertaken by the Nation's electric utilities, together with the development of contingency planning procedures for inter-system and inter-regional electric power and energy transfers and reductions in electricity usage to eliminate non-essential demands Nation-wide. As stated in that order, this Commission is participating in the work of Federal governmental authorities charged with allocation responsibilities over petroleum supplies for electric utility usage, among others.

The Commission further finds:

(1) It is necessary and appropriate in the public interest and for the purposes of the Federal Power Act, 16 U.S.C. 791 (a) *et seq.*, particularly sections 10, 19, 20, 202, 205, 206, 207, 304, 309 and 311 thereof (41 Stat. 1068–1070, 41 Stat. 1073–1074, 49 Stat. 848–849, 851–856, 858–859, 67 Stat. 461; 16 U.S.C. 803, 812, 813, 824a, 824d, 824e, 824f, 825c, 825h, 825j) to prescribe the Electric Utility Fuel Planning Report Form and to direct as hereinafter ordered.

(2) There is good cause under circumstances set forth in the recitals to make the provisions of this order effective immediately and without the prior notice and public procedure provisions of section 553 of Subchapter II of Title 5 of the United States Code, which prior notice and public procedure provisions are impractical and contrary to the public interest in this instance.

The Commission orders:

(A) There is hereby prescribed an Electric Utility Fuel Planning Report Form, as designated in Appendix I attached hereto.

(B) Part 141, Statements and Reports (Schedules), Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18, Code of Federal Regulations, is hereby amended by the addition of a new § 141.300, to read as follows:

§ 141.300 Form No. 23, Electric Utility Fuel Planning Report Form.

(a) This Form, comprised of six schedules, as identified hereinafter, is designed to secure information from electric utilities on a monthly basis covering projected electric generation and fuel requirements. It is designed to serve governmental analytical, fuel allocation and regulatory purposes during the Nation-wide fuel emergency.

(b) The Form, properly completed, shall be filed monthly with the Federal Power Commission, commencing with the report for January 1974, by all electric utilities which are required to file Federal Power Commission Form No. 4, Monthly Power Plant Report (identified specifically in Federal Power Commission Order No. 497, Appendix A); the filing to be in quadruplicate and 75 days in advance of the beginning of the month for which data are to be reported, except for the months of January, February and March 1974. Reports for data covering these months shall be filed as follows:

January 1974. Report to be filed by December 18, 1973;

February 1974. Report to be filed by December 31, 1973; and

March 1974. Report to be filed by December 31, 1973.

[1] By letter dated December 4, 1973, addressed to the Chairman of the National Electric Reliability Council, with copies to the chairmen of the regional electric reliability councils, and all state public service commission chairmen, this Commission's Chief, Bureau of Power, requested:

* * * I ask that the utilities in each Council area prepare a contingency schedule for emergency transfers of power and energy to achieve the objectives of Order No. 496, in conserving energy use generally, and in maximizing the use of coal-fired, nuclear-fueled, and hydroelectric generating capacity nationally. I ask that the utilities complete a preliminary statement of such schedules within 15 days and submit them to the Federal Power Commission staff and to furnish copies to all state public service commissions, for information purposes.

I ask that definitive complete contingency schedules be formulated by the utilities and submitted to this Commission within 30 days, with copies thereof to all state public service commissions for informational purposes. The contingency schedule of emergency transfers should first consider minimizing the use of petroleum and natural gas for electric generating purposes within each reliability council area. And, secondly, they should determine generally which generating units will be operated at high load factor during off-peak hours to generate power to be transmitted to other regions. Since these schedules will require the detailed attention of utility operating personnel in the various council areas, I anticipate that this request, directed to you in the first instance, will be redirected to all of the individual operating utilities (investor owned, publicly-owned, cooperatively-owned) in each of your respective geographic regions. The councils should perform a coordinating function in respect to the individual utility responses. It is essential that all systems be covered.

[2] These utilities include investor owned, publicly owned, including federally owned and cooperatively owned electric systems. The reporting systems total approximately 900 utilities and own or operate essentially all of the electric utility generating capacity within the Nation. Attached Appendix A (filed as part of the original document) lists the various utilities, to which this order is specifically directed. That compilation reflects investor owned electric utilities which are specifically subject to all Federal Power Act, 16 U.S.C. 791(a) *et seq.*, regulatory provisions, as well as other utilities, investor owned, publicly owned and cooperatively owned systems, which generate electric power and are subject to the Commission's reporting authority under the Federal Power Act.

Each reporting electric utility shall file one conformed copy of the Electric Utility Fuel Planning Report Form with each of the respective state public service commissions (or Governors in states where there is no established state public service commission with public utility regulatory jurisdiction over the reporting utility), of the state or states in which the reporting utility operates and such other states which are partly or wholly within the geographic boundaries of the electric reliability council or councils in which the reporting utility participates or is located.

(c) The Electric Utility Fuel Planning Report Form is comprised of:

Schedule 1, *Projected Energy Requirements and Sources.*

Schedule 2, *Fuel Requirements for Generation.*

Schedule 3, *Fuel Requirement Changes Resulting From Completed and Scheduled Alterations, Additions or Retirements in System Generating Plants During 12 Month Period Preceding End of Subject Month.*

Schedule 4, *Projected Fuel Stocks.*

Schedule 5, *Oil Suppliers.*

Schedule 6, *Power Import Capability in Case of Fuel Deficiency.*

(C) Part 3, Subchapter A, Chapter I, Title 18, Code of Federal Regulations, is hereby amended by adding § 3.142(a)(42), to read as follows:

§ 3.142 Approved forms, etc.

(a) * * *

(42) Form No. 23, Electric Utility—Fuel Planning Report Form (§ 141.300 of this chapter).

* * * * *

(D) Each electric utility, as specifically identified on Appendix A,[1] shall complete and file the Electric Utility Fuel Planning Report Form in the manner set forth in paragraph (B) above.

(E) The Commission, in its continuing review of this general subject matter, will take such future actions as may be appropriate.

(F) This order and the Commission's regulations as prescribed herein, shall take effect immediately upon the issuance of this order.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Appendix A filed as part of the original document.

APPENDIX I

FPC FORM 23 (12-73)

Form Approved by GAO
No. B-180228 (R002)
Expires 12-31-75

825 North Capitol Street
Washington, D.C. 20426

ELECTRIC UTILITY FUEL PLANNING REPORT

(Definitions and Quantities as defined in F.P.C. Form Nos. 4 and 12)

Utility Name and Address	Fuel Plan for (Month, Year)

This report shall be filed in quadruplicate 75 days prior to beginning of subject month, all as set forth in Section 141.300 of the Commission's Regulations, Approved Forms, under the Federal Power Act, 18 CFR 141.300, and Federal Power Commission Order No. 497.

SCHEDULE - 1

PROJECTED ENERGY REQUIREMENTS AND SOURCES

(REPORT BY SYSTEM)

		(A) Projected Kw-hrs During Month of:	(B) Actual Kw-hrs During Same Month Year Earlier
1	System net generation (Should equal total of 5, 6, 7, 8, 9, 10, 11)		
2	Energy received from others (Except border line receipts)		
3	Energy delivered for resale to those class I and II systems which obtain a part of their power supply from sources other than respondent's system.		
4	Net energy for load (Item 1 plus 2 minus 3)		
5	Net generation from hydro power		
6	Net generation from coal		
7	Net generation from natural gas (a) Steam electric generation		
	(b) I.C. and G.T. generation		
8	Net generation from heavy oils (#4, 5, 6) and crude		
9	Net generation from middle distillate oils (#1, 2, kerosene) (a) Steam electric generation		
	(b) I.C. and G.T. generation		
10	Net generation from nuclear power		
11	Net generation from other fuels		

SCHEDULE - 2

PROJECTED FUEL REQUIREMENTS FOR GENERATION

		(A) Projected During Month of: _____	(B) Actual During Same Month Year Earlier
1	Coal (Short Tons)		
2	Natural Gas (Mcf) (a) For steam-electric generation		
	(b) For I.C. and G.T. generation		
3	Heavy Oils (#4, 5, 6) and Crude (42 Gal. Bbl.)		
4	Middle Distillate Fuels (#1, 2, kerosene) (42 Gal. Bbl.) (a) For steam-electric generation		
	(b) For I.C. and G.T. generation		

In items 3 and 4 report the minimum oil requirements consistent with the assured supplies of other fuels.

If items 3 and 4 do not represent the minimum required oil consumptions, explain.

SCHEDULE - 3

FUEL REQUIREMENT CHANGES RESULTING FROM COMPLETED AND SCHEDULED ALTERATIONS, ADDITIONS, OR RETIREMENTS IN SYSTEM GENERATING PLANTS DURING 12 MONTH PERIOD PRECEDING END OF MONTH OF _____

	Plant Name	Action (Use Code)	Date Effective Mo /Yr	Capacity Affected Mw	Effect on System Fuel Requirements for month of _____* (Increase (+) or Decrease (-) and Amount) (A) Coal (Short Tons)	(B) Gas (Mcf)	(C) Heavy Oil (42 Gal. Bbl.)	(D) Distillate Oil (42 Gal. Bbl.)
1								
2								
3								
4								
5								
6								
7								
8								

* Show the estimated differential in total system requirements for each fuel (Increase (+) or Decrease (-)) for the subject month which resulted from the action. For example, if an alteration reduced system coal consumption but increased system heavy oil consumption from the projected month, indicate the differential under coal as a (-) quantity and under oil as a (+) quantity.

CODE: New Unit= New; Unit Altered= Alt; Unit Converted to other fuel= Conv; Retirement= Ret; Change in licensed power= Lic.

SCHEDULE - 4

PROJECTED FUEL STOCKS

			(A) Beginning of Month of: _____	(B) End of Month of: _____
1	COAL	(a) Short Tons		
		(b) Burn Days		
2	HEAVY OILS	(a) 42 Gal. Bbl.		
		(b) Burn Days		
3	MIDDLE DISTILLATE OILS	(a) 42 Gal. Bbl.		
		(b) Burn Days		

SCHEDULE - 5

OIL SUPPLIERS

	List all current Contract oil suppliers and approximate Per Cent each provides of each oil type	(A) Per Cent Heavy Oils Supplied	(B) Per Cent Middle Distillate Oils Supplied
1			
2			
3			
4			
5			
6	TOTAL ALL OTHER SUPPLIERS		
	TOTAL	100.0 %	100.0 %

SCHEDULE - 6

POWER IMPORT CAPABILITY IN CASE OF FUEL DEFICIENCIES

(Systems less than 200 MW capacity)

1	DO YOU HAVE INTERCONNECTION CAPABILITIES? ☐ YES ☐ NO	
2	INTERCONNECTION CAPACITY, MW	
3	PROJECTED PEAK LOAD DURING MONTH, MW	

[FR Doc.73-26365 Filed 12-12-73;8:45 am]

Title 19—Customs Duties

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

[T.D. 73-338]

PART 1—GENERAL PROVISIONS

Changes in Ports of Entry

On August 15, 1973, there was published in the FEDERAL REGISTER (38 FR 22032), a notice of a proposed change in Customs Region VIII, which would consolidate the Portland, Oregon, Astoria, Oregon, and Longview, Washington, Customs ports of entry into a single Columbia River (Portland, Astoria, Longview) Customs port of entry. After consideration of the comments received from the public, no changes were deemed necessary.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 9 (38 FR 17517), the Columbia River (Portland, Astoria, Longview) Customs port of entry is established. The geographical limits of the new port encompass all of the area falling, before this consolidation, within the port limits of Portland, Oregon, Astoria, Oregon, and Longview, Washington, and in addition include all points and places on either bank of the Columbia River, bounded on the west by the Pacific Ocean, and terminating on the north bank at the eastern corporate limits of Washougal, Washington, and on the south bank at the eastern boundary of the Portland International Airport.

To reflect this change, the table in § 1.2(c) of the Customs Regulations, is amended by substituting "Columbia River (Portland, Astoria, Longview) (including territory described in T.D. 73-338)" for "PORTLAND, OREG. (including territory described in E.O. 3390, Jan. 24, 1921; E.O. 5193, Sept. 14, 1929 and T.D. 53033).", "Astoria, Oreg. (E.O. 5193, Sept. 14, 1929).", and "Longview, Wash. (E.O. 4956, Aug. 31, 1928) (including territory described in E.O. 5193, Sept. 14, 1929, and T.D. 53514).", in the column headed "Ports of entry" in the Portland, Oregon, district (Region VIII).

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

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

Effective date. This amendment shall be effective on December 13, 1973.

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

[FR Doc.73-26449 Filed 12-12-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

[DESI 50125; Docket No. FDC-D-644; NDA 50-140, etc.]

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Certain Penicillin-Containing Combination Drugs; Confirmation of Order Revoking Certification or Release

An order published in the FEDERAL REGISTER of October 5, 1973 (38 FR 27593), amending the antibiotic drug regulations to repeal provisions for certification or release of certain penicillin-containing combination drugs. The order amended Parts 141a and 146a by revoking §§ 141a.34, 141a.79, 146a.50, 146a.52, 146a.78, 146a.85, and 146a.101.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 512(i), 52 Stat. 1050-1051, as amended, 59 Stat. 463, as amended, 82 Stat. 347; 21 U.S.C. 352, 357, 360b(i)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the above-identified order. Accordingly, the amendments promulgated thereby became effective November 14, 1973. All antibiotic certificates issued under these sections are also revoked.

Dated: December 6, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-26405 Filed 12-12-73;8:45 am]

Title 45—Public Welfare

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

PART 237—FISCAL ADMINISTRATION OF FINANCIAL ASSISTANCE PROGRAMS

Recipient Count, Federal Financial Participation

Correction

In FR Doc. 73-25343, appearing at page 32913 in the issue of Thursday, November 29, 1973, the eighteenth line of the preamble which reads "the financial assistance titles and (1)" should read "the financial assistance titles in (1)".

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

Eligibility of Supplemental Security Income Beneficiaries for Food Stamps or Surplus Commodities

Part 205 of Chapter II, Title 45 of the Code of Federal Regulations is amended by adding a new § 205.25. The regulation implements the provisions of Public Law 93-86 (The Agriculture and Consumer Protection Act of 1973) which restore eligibility of certain recipients of supplemental security income benefits for food stamps and surplus commodities.

Although normal rulemaking procedures have been dispensed with in order to have a final regulation prior to January 1, 1974, consideration will be given to any comments, suggestion, or objections thereto which are received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, Post Office Box 2366, Washington, D.C. 20013 on or before January 14, 1974. Comments received will be available for public inspection in room 5224 of the Department's offices at 330 C Street, SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202 245-0365), and will be given the same consideration they would receive if this were a notice of proposed rulemaking.

§ 205.25 Eligibility of supplemental security income beneficiaries for food stamps or surplus commodities.

(a) In respect to any individual who is receiving supplemental security income benefits under Title XVI of the Social Security Act, the State agency shall make the following determinations:

(1) The amount of assistance such individual would have been entitled to receive for any month under the appropriate State plan in effect for December 1973, under Title I, X, XIV, or XVI, and for such purpose such individual shall be deemed to be aged, blind, or permanently and totally disabled, as the case may be, under the provisions of such plan.

(2) The bonus value of the food stamps (according to the Food Stamp Schedule effective for July 1973) such individual would have been entitled to receive for such month, assuming the individual were receiving the assistance determined under paragraph (a)(1) of this section.

(3) The amount of benefits such individual is receiving for such month under Title XVI, plus supplementary payments as defined in section 1616(a) of the Social Security Act and payments pursuant to Section 212 of Pub. L. 93-66, if any.

(b) If the amount determined in paragraph (a)(1) of this section plus the amount determined in paragraph (a)(2) of this section exceeds the amount determined in paragraph (a)(3) of this section, such individual shall be eligible to participate in the food stamp program established by the Food Stamp Act of 1964 or surplus commodities distribution programs established by the Secretary of Agriculture pursuant to Section 416 of the Agricultural Act of 1949, Section 32 of P.L. 74-320, or any other law, in accordance with regulations and procedures established by the Secretary of Agriculture.

(c) For purposes of paragraph (a)(3) of this section, the State agency shall obtain the amount of the title XVI payment and the amount of any Federally

administered State supplementary payment from the Social Security Administration.

(d) The State agency shall redetermine the eligibility of individuals to participate in the food stamp or surplus commodities distribution programs hereunder at such times as the Secretary of Agriculture requires re-certification for such stamps or commodities.

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

(Catalog of Federal Domestic Assistance Program No. 130761, Public Assistance—Maintenance Assistance (State Aid).)

Effective date. The regulation in this section shall be effective on January 1, 1974.

Dated: November 29, 1973.

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

Approved: December 10, 1973.

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

[FR Doc.73-26438 Filed 12-12-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Reclassification of Rhode Island Air Quality Control Region; Correction

On November 23, 1973 (38 FR 32257) the Preamble of the regulation to reclassify the Metropolitan Providence Air Quality Control Region from Priority III to Priority I for carbon monoxide and photochemical oxidants was published without the appropriate regulatory amendment. The omission is corrected below.

Subpart OO—Rhode Island

In § 52.2071, the table is revised by changing the classification for carbon monoxide and photochemical oxidants in the Metropolitan Providence Interstate Air Quality Control Region from Priority III to Priority I.

Dated: December 7, 1973.

JOHN QUARLES,
Acting Administrator.

[FR Doc.73-26416 Filed 12-12-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18179]

PART 73—RADIO BROADCAST SERVICES

Notification Concerning Stay Order Relating to Non-Network Program Arrangements

DECEMBER 6, 1973.

In the First Report and Order in Docket No. 18179 (FCC 73-806, issued August 31, 1973), the Commission adopted new § 73.658(m) of the Commission's Rules. Section 73.658(m), as adopted, provides that a television station cannot, on or after August 7, 1973, enter into a non-network program arrangement which prevents another television station located in a community over 25 miles away (as determined by reference points contained in § 76.53 of the Commission's Rules) from broadcasting such non-network programs. The effective date of this new rule was September 7, 1973.

On August 31, 1973, the Commission issued a Memorandum Opinion and Order (FCC 73-890) pursuant to requests for stay by the Association of Maximum Service Telecasters (AMST), National Association of Broadcasters (NAB), and several television licensees which stayed the effective date of § 73.658(m) until November 12, 1973, to enable the Commission to consider petitions for reconsideration that would be filed. This stay provided that should the rule not be modified on reconsideration, the August 7, 1973, date contained in the rule would still obtain.

Thirty petitions for reconsideration were filed by AMST, NAB, television licensees and program suppliers. All but one requested rescission or modification of Section 73.658(m). Several parties requested a further extension of the stay. In extending the stay, the Commission set forth its reasoning which is contained in paragraph 4 of a Memorandum Opinion and Order issued November 9, 1973, which reads as follows:

> The simple but unanticipated fact is that the range and complexity of the points contained in the pleadings is such that far more time than expected will be required for a considered resolution of the issues. As a result, a further stay is necessary. Since the amount of time which will be required cannot presently be judged, we think it preferable to stay the rule indefinitely, rather than set a date certain not knowing if it will be possible to meet that deadline. In the meantime, we are not now making a change in the intent of the original stay Order which indicated that should the rule not be modified after reconsideration, all contracts finalized on or after August 7, 1973, would be subject to the new rule. However, we are not foreclosing some change in our view on this point as a result of changed circumstances, particularly the delay in concluding our action in this proceeding.

The purpose of this Public Notice is to inform all parties to the proceeding that the staff of the Commission is actively studying the petitions for reconsideration and the Commission contemplates the adoption of a final order by mid-January, 1974. Whereas, the Commission's order of November 9, 1973, stated that we were not foreclosing some change in our view, it was not our intent to indicate that the rule amendment adopted July 26, 1973 (published August 7, 1973, in the Federal Register, 38 Fed. Reg. 21268), would be either modified or rescinded.

Action by the Commission December 5, 1973.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.73-26433 Filed 12-12-73;8:45 am]

[Docket No. 17196]

PART 95—CITIZENS RADIO SERVICE

Type Acceptance of Transmitters; Correction

Erratum. In the matter of amendments of Parts 2 and 95 of the Commission's Rules to require type acceptance of transmitters used by Class B and Class D stations in the Citizens Radio Service, Docket No. 17196, RM-807.

The Appendix to the Report and Order in Docket 17196, FCC 73-1049, released October 16, 1973, and published in the FEDERAL REGISTER on October 24, 1973 (38 FR 29323) is corrected by substituting the date of May 24, 1974, for the parenthetical phrase (six months after the effective date of these rules) in the introductory text of §§ 95.58(c) and 95.97(c).

Released: December 6, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.73-26435 Filed 12-12-73;8:45 am]

[1] Commissioners Burch (Chairman), Robert E. Lee, Johnson, H. Rex Lee, Reid, Wiley and Hooks.

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-267]

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 December 12, 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 hazard
*	*	*	*	*	*	*
Pennsylvania...	Luzerne.....	Nanticoke, City of.	H 42 079 5670 02..	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Nanticoke City Hall, West Main St., Nanticoke, Pa. 18634.	Aug. 24, 1973. Dec. 14, 1973.

(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: December 6, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-26300 Filed 12-12-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Bosque Del Apache National Wildlife Refuge, New Mexico

The following special regulation is issued and is effective on December 13, 1973.

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

NEW MEXICO

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

Public hunting of snow, blue and Ross' geese only on the Bosque del Apache National Wildlife Refuge, New Mexico, is permitted from December 29, 1973 through January 13, 1974, inclusive, but only on the area designated by signs as open to hunting. This open area, Unit B comprising 1,300 acres, is delineated on maps available at refuge headquarters, San Antonio, New Mexico, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese subject to the following special conditions:

(1) An experimental program to evaluate field use of iron shot shells will be conducted this season by the Bureau of Sport Fisheries and Wildlife on the Bosque del Apache National Wildlife Refuge. Iron shot shells are available only in 12 gauge; therefore, shotguns of this gauge will be the only legal firearms used in this hunt.

(2) Each hunter, as he checks into the hunting area, shall purchase 4 iron shot shells. Shells are 4 for $1.00, or 25¢ each. Hunters will be limited to the use of these four shells for each day's hunt. It will be illegal to possess any other shells within the hunt area. Unused shot shells will not be refundable.

(3) If more than 60 hunters are present prior to 5 a.m., a daily lottery, beginning at 5 a.m., will be held to determine which hunters will participate in the hunt.

(4) Hunters selected to participate in each day's hunt will be assigned their blind by lottery.

(5) Bag and possession limit: Two geese of the permitted species, which may not include more than one Ross' goose.

(6) Shooting hours shall be from sunrise to noon.

(7) Hunting is permitted only from the assigned blind, with no more than three hunters per blind. Switching of blinds is prohibited.

(8) Hunters shall be present at the check station no later than 5 a.m. and check out at the checking station in person no later than 12:30 p.m.

(9) The iron shot hunt program will continue throughout the 16-day hunt or until the refuge supply of iron shot shells is exhausted. Should this situation occur, hunting will then continue using lead shot, with hunters providing their own lead shot shells.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 13, 1974.

W. O. NELSON, Jr.,
Regional Director,
Albuquerque, New Mexico.

DECEMBER 5, 1973.

[FR Doc.73-26381 Filed 12-12-73;8:45 am]

PART 33—SPORT FISHING

Brazoria National Wildlife Refuge, Texas

The following special regulation is issued and is effective on December 13, 1973.

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

TEXAS

BRAZORIA NATIONAL WILDLIFE REFUGE

Sport fishing on the Brazoria National Wildlife Refuge, Texas, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 900 acres of inland salt lakes and 18 miles of shoreline, are delineated on maps available at refuge headquarters, Angleton, Texas and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Fishing is not permitted on interior waters except Nicks Lake, Salt Lake and Lost Lake.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1974.

LARRY M. IVY,
Refuge Manager, Brazoria National Wildlife Refuge, Angleton, Texas.

NOVEMBER 28, 1973.

[FR Doc.73-26380 Filed 12-12-73;8:45 am]

PART 33—SPORT FISHING

Mark Twain National Wildlife Refuge, Illinois, Iowa, Missouri

The following special regulation is issued and is effective on December 13, 1973.

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

ILLINOIS-IOWA-MISSOURI

MARK TWAIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Mark Twain National Wildlife Refuge, Illinois, Iowa, and Missouri, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 10,257 acres, are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

ILLINOIS

(1) The open season for sport fishing on the Batchtown and Calhoun Divisions of the Mark Twain National Wildlife Refuge extends from January 1, 1974 through October 15, 1974 with the exception of certain designated areas which are open until December 31, 1974.

(2) The open season for sport fishing on the Keithsburg Division of the Mark Twain National Wildlife Refuge extends from January 1, 1974 through October 15, 1974.

(3) The open season for sport fishing on the Gardner Division of the Mark Twain National Wildlife Refuge extends from January 1, 1974 through October 15, 1974.

(4) (a) The open season for sport fishing on the Chautauqua National Wildlife Refuge extends from December 15, 1973 through October 15, 1974 with the exception of certain designated areas in Chautauqua Lake, Goofy Ridge Ditch and all water areas of the Public Hunting area which are open until December 14, 1974.

(b) The use of boats, powered by motors of ten (10) horsepower or less, is permitted in the waters of Lake Chautauqua.

(c) No person shall enter upon or fish from any dike, water control structure or shoreline within the refuge except at the Recreation Area, Boatyard No. 3 or along the cross dike.

IOWA

(1) The open season for sport fishing on Louisa Division of the Mark Twain National Wildlife Refuge extends from January 1, 1974 through September 30, 1974, with the exception of areas adjacent to the Port Louisa Road which are open until December 31, 1974.

(2) The open season for sport fishing on the Big Timber Division of the Mark Twain National Wildlife Refuge extends from January 1, 1974 through December 31, 1974.

MISSOURI

(1) The open season for sport fishing on the Clarence Cannon National Wildlife Refuge extends from April 1, 1974, through September 30, 1974, with the exception of Bryants Creek and certain designated areas which are open from January 1, 1974 through December 31, 1974.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1974.

LESLIE F. BEATY,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Illinois.

DECEMBER 3, 1973.

[FR Doc.73-26382 Filed 12-12-73;8:46 am]

Proposed Rules

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

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

SUPPLEMENT TO APPROVED NEW YORK PLAN

Revised Developmental Schedule

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter referred to as the Act) by which the Assistant Secretary for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) under a delegation of authority from the Secretary of Labor (Secretary's Order 12–71, 36 FR 8754, May 12, 1971) will review changes in a State plan which has been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On May 22, 1973, notice was published in the FEDERAL REGISTER (38 FR 13482) of the approval of the New York Plan and the adoption of Subpart L to Part 1952 containing this decision. Section 1952.183 of Subpart L sets forth the developmental schedule under which the plan will meet the criteria of section 18(c) of the Act and Part 1902 within three years following commencement of the plan's operations. By letter dated October 15, 1973, from Gerald E. Dunn, Executive Deputy, Industrial Commissioner of the State of New York, to Alfred Barden, Assistant Regional Director for Occupational Safety and Health, Incorporated as part of the plan, the State has submitted a supplement to the plan containing (1) a revised developmental schedule which provides among other things, for consideration of enabling legislation in February 1974 legislature (2) a standard comparison project and (3) flow charts describing the Board of Standard and Appeals variations and review processes. Pursuant to 29 CFR 1953.11(d)(1), preliminary examination discloses no cause for rejecting this supplement and its approval is under consideration.

2. *Location of supplement for inspection and copying.* A copy of the supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, Railway Labor Building, 400 First Street NW., Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 3445, 1515 Broadway, New York, N.Y. 10036; and the offices of the New York State Department of Labor in Room 579, Building No. 12, State Office Building Campus, Albany, N.Y. 12201 and Room 616 B, 80 Centre Street, New York, N.Y. 10013.

3. *Public participation.* Interested persons are hereby given until January 14, 1974, in which to submit written data, views, and arguments concerning the supplement. Such data, views, and arguments should discuss whether, in the context of the entire plan, there are reasonable expectations that the plan will meet the requirements of the Act and the criteria in Part 1902 within the three year developmental period. General comments unrelated to the plan changes described above are not appropriate. The submissions are to be addressed to the Director, Office of Federal and State Operations, Room 305, Railway Labor Building, 400 First Street NW., Washington, D.C. 20210, and will be available for inspection and copying at this address.

Any interested person(s) may request an informal hearing concerning the proposed supplement, whenever particularized written objections thereto are filed within the time allowed for comments specified above. If in the opinion of the Assistant Secretary substantial objections are filed, which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall thereafter consider all relevant comments and arguments and issue his decision as to approval or disapproval of the supplement and proposed amendment of Subpart L and its effect on the continued approval of the plan.

In accordance with the above, it is proposed to amend § 1952.183, Subpart L of Part 1952 to read as follows:

§ 1952.183 Developmental schedule.

The New York Plan is developmental. The schedule of developmental steps as described in the plan is revised in a letter dated October 15, 1973, from Gerald E. Dunn, Executive Deputy, Industrial Commissioner of the State of New York, to Alfred Barden, Assistant Regional Director for Occupational Safety and Health, and includes:

(a) Consideration of enabling legislation in February, 1974 legislature;

(b) Promulgation of regulations concerning the review of citation and employer records and reports in April, 1974;

(d) Revision of procedures for promulgation of standards in November, 1973;

(e) Review of one-third of existing standards and revision as necessary in August, 1974;

(f) Introduction of legislation covering employees of the State in January, 1975;

(g) Introduction of legislation covering employees of political subdivisions, boards, authorities, etc. in January, 1976;

(h) Review of existing variations and approvals completed in May, 1976;

(i) All new and revised standards promulgated in May, 1976.

(Secs. 8(g), 18, Pub. L. 91–596, 84 Stat. 1600, 1608, (29 U.S.C. 657(g), 667))

Signed at Washington, D.C., this 6th day of December 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-26427 Filed 12-12-73;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Change in Customs Region VIII

In order to provide better Customs service in the San Francisco, California, Customs district, it is proposed to establish a Customs port of entry at Fresno, California.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 9 (38 FR 17517), Fresno, California, is hereby proposed as a port of entry in the San Francisco, California, Customs district (Region VIII).

The geographical limits of the proposed port of entry will include all of the territory within the following boundaries:

Beginning at the junction of highway #145 and Manning Avenue, north on highway #145 to the San Joaquin River, east along the south bank of the San Joaquin River to highway #41, south on highway #41 to Herndon Avenue, east on Herndon Avenue to McCall Avenue, south on McCall Avenue to Manning Avenue, west on Manning Avenue to the junction of Manning Avenue and highway #145.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs,

Attention: Regulations Division, Washington, D.C. 20229. To ensure consideration, communications must be received on or before December 28, 1973.

Written material or suggestions submitted will be available for public inspection in accordance with section 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

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

[FR Doc.73-26450 Filed 12-12-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

NEW DRUG PRODUCTS

"Special Packaging"

Poison prevention "special packaging" standards were set forth for household substances pursuant to section 3 of the Poison Prevention Packaging Act of 1970 (PPPA). These standards previously appeared as § 295.2 (21 CFR 295.2), were subsequently transferred and recodified in 16 CFR Part 1700, published in the FEDERAL REGISTER of August 7, 1973 (38 FR 21247), and are now administered by the Consumer Product Safety Commission. Regulations have also been promulgated to require "special packaging" within the meaning of section 2(4) of the PPPA for a number of drug products, e.g., human prescription drugs in oral dosage forms, preparations containing aspirin, liquid methyl salicylate and substances subject to the Comprehensive Drug Abuse Prevention and Control Act of 1970. The "special packaging" standards for these drugs are in addition to any packaging requirements of the Federal Food, Drug, and Cosmetic Act, or regulations promulgated thereunder, or of the official compendia.

A change in the container package of any of these drugs which is subject to an approved new-drug application may require an approved supplement prior to making such change. This requirement was anticipated in the House Committee Report (No. 92-1153) on the Consumer Product Safety Act:

"Some question has been raised about the interrelationship of the Poison Prevention Packaging Act provisions authorizing special packaging standards for foods, drugs, and cosmetics, and the packaging requirements for these same products under the Food, Drug and Cosmetic Act. In particular, since a new drug application requires approval by FDA of all drug packaging there would be dual regulation over this particular aspect of the product. The Committee intends that the Commission and the Food and Drug Administration will cooperate fully in coordinating any overlapping statutory requirements. For example, before exercising its authority under the Poison Prevention Packaging Act to prescribe safety closure standards for drugs which may have been the subject of a new drug application under the Food, Drug and Cosmetic Act, the Commission would be expected to coordinate its activities with FDA to preclude the possibility that a safety closure standard would be inconsistent with requirements imposed by FDA to assure the purity and effectiveness of the drug."

Guidance to applicants is indicated to define when pre-market clearance of such packaging changes is required and the information to be submitted. Premarket clearance will be required only where it is necessary to assure the purity and effectiveness of the drug. The Food and Drug Administration will promptly process and handle all such supplements. The regulation changes herewith proposed designate a means of identifying these supplements for special handling.

Changes anticipated as a result of the "special packaging" requirements of the PPPA regulations are essentially of four basic types:

(1) Those concerned with the use of an "overcap" with an existing closure in which there is no change in the composition of the container/closure system in contact with the drug. Approved supplements will not be required.

(2) Those concerned with changing the closure (other than by use of an "overcap") where the composition of the container/closure system is identical with that described in the approved new-drug application. Such change may be put into effect in advance of approval of a supplemental application provided certain supporting data and necessary commitments for ongoing tests are submitted.

(3) Those concerned with the use of a package where the composition of the container and/or closure is different from that described in the approved new-drug application. Such changes require advance approval of a supplement prior to the change.

(4) An addition to the labeling of any statement required by the PPPA. Approved supplements will not be required.

Accordingly, the Commissioner proposes that a new paragraph (l) be added to § 130.1 *Definitions and interpretations*, for the convenience of the user and that § 130.9 of the regulations be amended to refer to such matters.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 507, 701; 52 Stat. 1050-1053, as amended; 1055-1056, as amended by 70 Stat. 919 and 72 Stat. 948, 59 Stat. 463, as amended; 21 U.S.C. 352, 355, 357, 371) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to amend §§ 130.1 and 130.9 as follows:

1. Section 130.1 is amended by adding a new paragraph (l) to read as follows:

§ 130.1 Definitions and interpretations.

* * * * *

(l) "Special packaging" as defined in section 2(4) of the Poison Prevention Packaging Act of 1970 means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

* * * * *

2. Section 130.9 is amended by adding a new paragraph (a)(4)(vi), by revising the last three sentences in (a)(4), by adding new paragraphs (a)(5)(xi) and (xii) and (d)(5) as follows:

§ 130.9 Supplemental applications.

(a) * * *

(4) * * *

(vi) A change in container to provide for "special packaging" as defined in § 130.1(l) pursuant to the requirements of regulations under the "Poison Prevention Packaging Act of 1970." The mailing cover and supplement shall be plainly marked "Special Container Packaging Supplement."

Any number of changes may be submitted at any one time; but if they fall into different categories as listed in subdivisions (i) through (vi) of this subparagraph, the proposed changes should be covered by separate communications. Where, however, a change necessitates an overlap in categories, it should be submitted in a single communication. For example, a change in tablet potency would require other changes such as in components, composition, and labeling and should be submitted in a single communication.

(5) * * *

(xi) Changes which provide for "special packaging" as defined in § 130.1(l), which are in the form of an "overcap" to the existing closure of a container without any other changes in the container/closure system. The report or written communication shall contain information as to the manufacturer of the safety closure and any identification applied to such closure.

(xii) Addition to the labeling of such statements as required by the Poison Prevention Packaging Act of 1970 or regulations promulgated thereunder.

* * * * *

(d) * * *

(5) Changes which provide for "special packaging" as defined in § 130.1(l), other than the use of an additional closure as provided for in paragraph (a)(5)(xi) of this section, where the container and closure are of the same materials as those provided for in the approved application. Each such supplement shall include data to demonstrate that the package is at least comparable to that provided for in the approved application in acting as a barrier to water vapor and gas transmission, information as to the manufacturer of the package, and any identification applied to such package. The applicant shall include a written commitment that he will test the stability of marketed batches at reasonable intervals, submit the data to the Food and Drug Administration as they become available, and withdraw from the market

any batch found to fall outside the approved specifications for the drug.

* * * * *

Interested persons may, on or before January 14, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments 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: December 7, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-26481 Filed 12-12-73;8:45 am]

[21 CFR Part 273]

BIOLOGICAL PRODUCTS

Proposed Additional Standards for Blood Grouping Serum

Correction

In FR Doc. 73-23932 appearing at page 31312 in the issue of Tuesday, November 13, 1973, make the following changes:

1. On page 31312:

a. In the fifth line of the second paragraph in the first column, the word "controversary" should read "controversy".

b. In the twelfth line of the fourth paragraph in the first column, the word "identi_y", should read "identity".

c. In the second column, remove the paragraph which appears directly after the table and insert it immediately after the last paragraph in column one.

2. In the first column on page 31313, the last three entries in the table should read as follows:

Anti-s	*Liquid:* One year. *Dried:* Five years.
Anti-U (Anti-fis)	One year.
Anti-Xg*	*Dried:* Five years.

3. The last two entries in the table in the first column on page 31314 should read as follows:

Anti-Rh_o'(CD)	O Rh_o(cDe) O rh'rh (Cde/cde) O rh''rh (cdE/cde). A_1 rh(cde) A_2 rh(cde) O rh(cde).
Anti-Rh_o''(DE)	O Rh_o(cDe) O rh'(Cde) O rh''rh(cdE/cde). A_1 rh(cde) B rh(cde) O rh(cde).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner [Federal Housing Administration]

[24 CFR Part 201]

[Docket No. R-73-244]

PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Site Location

The Department of Housing and Urban Development is considering amending Part 201 of Title 24 of the Code of Federal Regulations, Subpart B, "Mobile Home Loans", to permit mobile homes sold to purchasers utilizing FHA insured loans to be placed on sites leased from a municipality or other political subdivision of a state.

All interested persons are invited to submit written comments or suggestions in triplicate with respect to this proposal, on or before January 11, 1974, addressed to the Rules Docket Clerk, Office of the General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. All relevant material will be considered before adoption of a final rule. A copy of each communication will be available for public inspection during regular business hours at the above address.

The proposed rule is issued pursuant to Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Accordingly, § 201.525 is proposed to be amended to read as follows:

§ 201.525 Mobile home location standards.

(a) *In general.* The mobile home shall be placed in a mobile home park approved by the Commissioner, on a site owned by the borrowers which meets certain requirements prescribed by the Commissioner, or on a site leased from a municipality or other political subdivision, where the leased site otherwise meets the requirements of paragraph (c) of this section.

* * * * *

Issued at Washington, D.C., Dec. 7, 1973.

SHELDON B. LUBAR,
Assistant Secretary for Housing Production and Mortgage Credit.

[FR Doc.73-26410 Filed 12-12-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

VERMONT IMPLEMENTATION PLAN

Notice of Proposed Revision

On May 31, 1972 (37 FR 10842), the Administrator approved, pursuant to section 110 of the Clean Air Act, certain portions of the Vermont plan for implementing the national ambient air quality standards. The Vermont legislature has amended the State's statutes to transfer the regulatory and administrative authority for air pollution control from the Vermont Board of Health to the Secretary of the Agency for Environmental Conservation. This transfers the primary authority for implementing the Vermont implementation plan. The State of Vermont has submitted this statutory change to the Administrator for approval as a plan revision.

This notice of proposed rulemaking is issued to advise the public of this proposed revision and to invite public comment on whether the revision should be approved by the Administrator. The Administrator's determination to approve or disapprove will be based on whether the proposed revision meets the requirements of Section 110(a)(2)(A)-(H) of the Clean Air Act and EPA regulations in 40 CFR Part 51. All comments received by January 14, 1973, will be considered.

All comments should be submitted to the Regional Administrator, EPA Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203. Copies of the proposed plan revision are available at the Office of Public Affairs, EPA Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203; and at the State of Vermont Agency of Environmental Conservation, Division of Environmental Protection, Montpelier, Vermont 05602.

(42 U.S.C. § 1857c-5)

Dated: December 6, 1973.

JOHN QUARLES,
Acting Administrator.

[FR Doc.73-26419 Filed 12-12-73;8:45 am]

[40 CFR Part 52]

NEVADA

Approval and Promulgation of Implementation Plans

On November 23, 1973 (38 FR 32267), the Preamble to the notice of proposed rule making on Nevada compliance schedules was published without the tables showing proposed approvals and disapprovals. The omitted tables are included below. In light of this omission, the period for public comment is extended to January 15, 1974.

Dated: December 7, 1973.

JOHN QUARLES,
Acting Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart DD—Nevada

1. Section 52.1482 is amended as follows:

§ 52.1482 Compliance schedules.

* * * * *

(b) The compliance schedule revisions for the sources identified below are approved as meeting the requirements of § 51.6 and § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Morrison & Weatherly Chemicals, Inc.	McGill	Article 4	Feb. 13, 1973	Immediately	Mar. 31, 1974
		Article 7			
Nevada Cement Co	Fernley	do	do	do	Apr. 15, 1973
Frehner Construction Co	AEC Facility	do	do	do	Do.
Dresser Minerals	Battle Mountain	Article 4	do	do	Jan. 1, 1974
		Article 7			
Sierra Pacific Power Co	Fort Churchill & Tracy.	Article 8	do	do	Jan. 31, 1974
Eagle-Picher Industries	Colado & Clark	Article 4	do	do	May 31, 1975
		Article 7			
Titanium Metals Corporation of America	Henderson	Clark Co	Oct. 3, 1972	do	Dec. 31, 1973
		Section 16	May 3, 1973		
		Section 18			
Flintkote Products	Blue Diamond	Clark Co	Oct. 3, 1972	do	Mar. 31, 1973
		Section 16			
		Section 18			
Johns-Manville Products	Apex	Clark Co	Nov. 16, 1972	do	Do.
		Section 16			
		Section 18			
Reid-Gardner	Clark Co	Clark Co	do	do	Dec. 31, 1973
Generating Station		Section 16			
Nevada Power Co		Section 26			

(c) The compliance schedule revisions submitted for the sources identified below are disapproved as not meeting the requirements of § 51.6 and § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Date of adoption
Kennametal, Inc	Fallon	Not given	Aug. 14, 1972
Jack N. Tedford, Inc	do	do	Do.
Basic, Inc	Gabbs	Article 4	Feb. 13, 1973
		Article 7	June 26, 1973
Duval Corp	Battle Mountain	Article 5	Feb. 13, 1973
U.S. Gypsum Corp	Empire	Washoe Co	Jan. 18, 1973
		Section 40.005	
		Section 40.010	
		Section 40.030	
Mohave Generating Station	Laughlin	Clark Co	Jan. 11, 1973
Southern California		Section 16	July 17, 1973
Edison Co		Section 26	

[FR Doc.73-26418 Filed 12-12-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-10525, File No. S7-498]

NET CAPITAL RULE

Proposed Revision

The Securities and Exchange Commission today announced a revision of its proposal to amend Rule 15c3-1 [17 CFR 240.15c3-1] ("the net capital rule") under the Securities Exchange Act of 1934. On December 5, 1972 in Securities Exchange Act Release No. 9891 the Commission proposed to revise the net capital rule. The comment period on this proposal expired on March 6, 1973 and a great number of constructive comments and suggestions were received. The Commission has carefully considered these comments and suggestions and has determined to publish a revised proposal for comments as set forth below.

The revised proposal does not change the basic net capital concept under which the securities industry has operated for many years. Instead it continues the concept which requires broker-dealers to maintain a high degree of liquidity at all times in order to protect customers and maintain their confidence. At the same time it recognizes the need to attract permanent investment capital to the securities industry to meet the larger commitments which will arise as the capital requirements of our nation expand. The Commission believes the revised rule will meet these objections.

The Net Capital Rule

Some of the principal changes in the revised proposal include:

(1) Clarification of the minimum net capital requirements needed to engage in broker or dealer activities with particular attention given to minimum market maker requirements;

(2) A revised definition of assets not readily convertible to cash which gives some recognition to the collectability of certain assets normally accomplished within a relatively short period of time;

(3) Revised securities haircut requirements to give greater recognition to the market volatility of various types of securities and the importance of the market maker function;

(4) The treatment for net capital purposes of options including those where a recognized secondary market exists;

(5) Additional flexibility for broker-dealers in establishing their capital structures including the recognition of flow through capital from certain subsidiaries;

(6) A phase-in provision with respect to the proposed provisions pertaining to subordinated debt.

The revised rule and release follows the same format as Securities Exchange Act Release No. 9891 and is subdivided into four parts: (1) Classifications of Brokers and Dealers for purposes of the minimum liquidity requirements deemed necessary for brokers or dealers; (2) Exemptive Provisions; (3) Standards for the purpose of determining liquidity; and (4) Minimum Equity and Subordinated Debt Requirements for all brokers and dealers. No attempt is made in this release to discuss every provision of the rule and this discussion is limited to the important changes made from the prior proposal. In commenting on the revision specific reference should be made to the text of the proposed rule.

1. *Classification of brokers and dealers.* The revised proposal continues the concept of establishing different classifications of brokers or dealers so that less minimum net capital is required of those firms who confine their business to specific segments of the securities business and more comprehensive requirements would apply to those broker-dealers who do a general securities business including underwriting and market making.

The revision continues the basic $25,000 minimum net capital requirement and 8:1 ratio of aggregate indebtedness to net capital for the first year of a broker's or dealer's operation and a $25,000 minimum requirement and 15:1 ratio thereafter for all broker-dealers engaged in a general securities business.[1]

A $50,000 minimum net capital requirement and 15:1 ratio is continued for those broker-dealers who write or endorse options.[2]

The Commission has revised the minimum net capital requirements for market makers so the minimum requirement shall be $25,000 and a 15:1 ratio or $2,500 per security in which such broker-dealer makes a market, whichever is greater, with a maximum requirement of $100,000 or a 15:1 ratio. For securities which have a market value of less than $5 per share the minimum requirement of $500 for each such security has been retained. The Commission believes that the $2,500 requirement will significantly strengthen the financial responsibility of market makers without being unduly restrictive on smaller broker-dealers and would not in our view inhibit the market making function. In addition, the proposed rules ratio requirement will provide a liquidity cushion beyond the minimum requirements set forth in this rule.[3]

The Commission believes that the question of whether a broker-dealer is making a market which will require the additional minimum net capital required by this provision is a question of fact to be determined on a case by case basis and a broker-dealer's course of dealings may in fact indicate he is making a market in a particular security when publishing one sided quotations. In such instances he will be required to meet the additional minimum market maker capital requirement of this provision.

The two $5,000 minimum net capital classifications of the proposed rule have

[1] Section 240.15c3-1(a)(1).
[2] Section 240.15c3-1(a)(6).
[3] Section 240.15c3-1(a)(5).

been combined and clarified to more clearly reflect the permissible activities in which a broker-dealer with $5,000 of minimum net capital may engage. It should be noted that the $5,000 minimum requirement is predicated on the fact such broker-dealers do not handle funds or securities, do not carry customer accounts, do not engage in market making or other dealer activities, and limit their activities to the sale of various securities in a prescribed manner. The permissible activities of a $5,000 minimum net capital broker-dealer are limited to: (1) The introduction of customer accounts on a fully disclosed basis to another broker-dealer meeting more comprehensive capital requirements; (2) the sale of securities on a subscription basis; or (3) the sale of securities as broker on a best efforts basis, or condominium units, through an escrow account as prescribed in Rule 15c2-4 under the Securities Exchange Act of 1934. This provision has been further clarified to indicate that it is permissible for such a $5,000 minimum net capital firm to engage in an occasional purchase or sale of a security for his own investment account cleared either through another broker or dealer or by himself. In addition, certain limited and defined principal transactions, as set forth in the rule, may be engaged in if cleared through another broker or dealer.[4]

The $2,500 minimum capital requirement has been retained unchanged; however, the Commission wishes to make clear that this is a special capital requirement which is strictly limited in its application to those broker-dealers who sell only mutual funds or variable annuity contracts. Any extension by the broker-dealer of his business activities into the sale of other types of securities will cause such broker-dealers to lose the benefits of this provision and depending on the manner in which they conduct their operations may subject the broker-dealer to either a $5,000 or $25,000 minimum net capital requirement.[5]

Finally, it should be noted that the classifications discussed above are minimum net capital requirements and in all cases the ratio requirements of the rule continue to govern all brokers or dealers regardless of their activities.

2. *Provisions for exemption of certain broker-dealers and specialists.* The revised rule continues to exempt from its provisions those specialists who have no public customers. In addition, the revised rule has added to those exchanges whose specialists are to be excluded from the proposed rule, the Chicago Board Options Exchange ("CBOE") provided those specialists on the CBOE have no public customers, are not also clearing members of the CBOE and the clearing member guaranteeing the specialist's performance meets the capital requirements the specialist would otherwise be required to meet.[6]

With respect to the proposed rules general exemptive provision, which is now embodied in paragraph (b)(2) of the rule, a number of commentators questioned whether previous exemptions granted by the Commission pursuant to this exemption would be continued under the revised rule. The Commission wishes to make clear that exemptions from Rule 15c3-1 previously granted pursuant to former paragraph (b)(3) of the rule will continue to be applicable to brokers or dealers under the revised rule provided their business continues to be conducted in accordance with the conditions upon which the exemption was originally granted.[7]

3. *Standards for Purposes of Determining Liquidity.*—A. *Aggregated Indebtedness (AI).* The definition of aggregate indebtedness in the revised rule has been expanded in order to clarify those liabilities which may be excluded from the rule's provisions. The revised rule would exclude from AI, indebtedness secured by assets of the broker-dealer only when no recourse exists against the broker-dealer respecting such indebtedness. A phase-in provision is included for indebtedness which is "adequately secured" by assets of the broker or dealer under the existing rule.[8]

The revision makes clear that AI is to be offset by amounts on deposit in the "Special Reserve Bank Account for the Exclusive Benefit of Customers" established pursuant to Rule 15c3-3. In addition, credit balances in the securities accounts of partners which are not subordinated need not be included in AI.[9]

The revised rule would also permit the exclusion from AI of liabilities which are subordinated to the claims of customers and general creditors and which are not includable in net worth pursuant to a satisfactory subordination agreement pursuant to the rule.[10]

Finally, the rule makes clear that deferred tax liabilities of the broker or dealer are excludable from AI only when the deferred tax liability arises from the appreciation of assets which are not readily convertible to cash.[11]

B. *Net capital.* The revised rule provides that certain assets which previously did not qualify as assets readily convertible to cash may now be included as net capital. Thus, the revised rule would permit the inclusion in net capital of dividends receivable, interest receivable, floor brokerage receivable, commissions receivable from other brokers or dealers, mutual fund concessions receivable, good faith deposits and insurance claims (which have been acknowledged as due and payable by the insurance carrier) as assets readily convertible to cash for a period of no longer than 30 days from the date they arise or in the case of insurance claims the date they are acknowledged. Clearing deposits would also be treated as an asset readily convertible to cash.[12] The revised rule continues to charge stock record differences against net capital at an early date.[13]

The Commission believes that the question of whether securities shipped free should receive partial capital credit as proposed in the December 5, 1973 Release deserves further study. The Commission has therefore eliminated the provision giving partial credit for such unsecured receivables and seeks specific comment on the impact of this charge on small broker-dealers particularly those who must make free shipments of securities to mutual funds.

C. *Securities haircuts—debt instruments.* The revised rule modifies the haircut provisions of the original proposal so that they more accurately reflect the historical market fluctuations of these instruments. The Commission to a limited extent has also recognized the usefulness of the nationally recognized statistical rating organizations as a basis for establishing a dividing line for securities with a greater or lesser degree of market volatility.

Generally, haircuts on debt instruments, be they exempt securities, commercial paper, bankers acceptances, negotiable certificates of deposits, or nonconvertible debit securities would be haircut based on time to maturity. In addition, debt securities have been recognized as instruments in which short positions within the various percentage categories represent substantial hedges against long positions and only the greater of the long or short positions in each category would be haircut.

United States Government securities with less than one year to maturity would receive no haircut. Those United States Government securities with more than a year to maturity would be haircut from 1-3 percent. With respect to a broker-dealer's obligations under repurchase of reverse repurchase agreements in U.S. Government securities it is the Commission's view that the broker-dealer should be treated as if he were long the securities subject to such agreements and apply the appropriate haircuts.

Commercial paper, bankers acceptances and certificates of deposit with less than one year to maturity would receive haircuts of between ⅛ and ½ of 1 percent based on time to maturity. Reference should be made to the attached proposal respecting other debt securities.[14]

Convertible debt securities generally would be haircut in a manner similar to equity securities except if rated in one of the four highest categories by any nationally recognized statistical rating services in which case they would be haircut in a manner similar to nonconvertible debt securities.[15]

D. *Securities haircuts—equities.* The revised rule would continue to haircut the greater of the long or short positions in equity securities 30 percent of their market value. The lesser of the long or short

[4] Section 240.15c3-1(a)(3).
[5] Section 240.15c3-1(a)(4).
[6] Section 240.15c3-1(b)(1).
[7] Section 240.15c3-1(b)(2). See also, Securities Exchange Act Release No. 8389.
[8] Section 240.15c3-1(c)(1)(v).
[9] Section 240.15c3-1(c)(1)(ix), (x).
[10] Section 240.15c3-1(c)(1)(xi).
[11] Section 240.15c3-1(c)(1)(xii).
[12] Section 240.15c3-1(c)(2)(ii).
[13] Section 240.15c3-1(c)(2)(iii).
[14] Section 240.15c3-1(c)(2)(iv)(A)-(V).
[15] Section 240.15c3-1(c)(2)(iv)(F).

position, however, would receive a reduced haircut in recognition that short positions can improve market liquidity and aid in maintaining fair and orderly markets in securities. Under the proposal, the first 25 percent of the lesser of the long or short position would be exempt from a short position haircut. Any excess of the lesser of the long or short positions over the 25 percent exemption would receive a 15 percent haircut.[16]

The revised rule would also provide haircuts on risk arbitrage positions equal to 30 percent of the greater of the long or short positions in the arbitrage positions where there is a publicly announced merger or acquisition which will involve an exchange of shares for a period of 90 days from the date of the announcement.[17]

The rule provides that securities for which there is no ready market or which cannot be publicly offered or sold because of statutory, regulatory or contractual arrangements shall receive a 100% haircut. It is the Commission's view that since sales of such securities may present special regulatory problems any reduced haircut requirement would be inappropriate absent special consideration by the Commission.

E. *Options.* The proposed rule provides a detailed explanation of the treatment of options for the purpose of the net capital rule. The proposal clarifies the appropriate procedure for recognition of unrealized profits and losses for purposes of the rule. Generally, the unrealized profit and loss to be recognized would be the difference between the cost, other basis or proceeds of the sale of the underlying security and the realizable value of the security position upon expiration or exercise of the options related to the underlying security position. Realizable value could be either the market value of the underlying security position, if any, or the exercise value of the option purchased or written, whichever is most likely to be realized.[18]

The rule treats all positions in options separately and generally removes the treatment of options from the open contractual commitments provision of the rule. In addition, options listed on a registered national securities exchange or facility of a registered national securities association would be treated differently from other options.

(1) *Options not listed on an exchange.* Short options not hedging a firm security position would receive a charge equal to 30 percent of the market value of the underlying security increased by any unrealized loss.[19]

Securities positions hedged by short options would receive a haircut of 30 percent of the market value of the underlying security reduced by any amount which represents the probable profitable exercise of the option.[20]

Option conversion accounts generally would receive a haircut equal to 15 percent of the market value of the underlying security position.[21] Where the broker or dealer is long either a put or call with no underlying security position, the required haircut would be 30 percent of the market value of the underlying security, reduced by any unrealized profits but not to exceed the unrealized profits to be recognized.[22]

(2) *Options listed on an exchange or registered national securities association.* Options in the same underlying security, with the same expiration date and the same striking price would be netted to arrive at net long or net short options. Long positions in options traded on an exchange or on a facility of a registered national securities association would receive a haircut equal to 30 percent of the market value of the option. Any net short position in such options would be treated as non-listed options described above.[23] Securities positions which are hedged by long options listed on an exchange would receive a haircut equal to 30 percent of the market value of the underlying security appropriately reduced where the long option is likely to be exercised.[24]

Securities positions hedged by short options listed on an Exchange would be treated in a manner similar to non-listed options.[25]

(3) *Uncovered options written by customers.* Additional capital charges would be required for uncovered options written in customer accounts where the broker-dealer has not provided that customer's accounts are adequately collateralized to assure the customer's ability to complete the transaction when the option is exercised.[26]

F. *Securities with a limited number of market makers.* The revised proposal continues the proposed 40 percent haircut for securities not: (1) Listed on an exchange; (2) designated as OTC margin stock; (3) listed on NASDAQ; or (4) redeemable shares of registered investment companies for which only one or two independent market makers exist. The proposal, however, provides for a lesser haircut where a security can be demonstrated to be adequate collateral for a loan from a bank regularly making such loans to broker-dealers.[27]

G. *Undue concentration provisions.* The revised rule provides for an additional haircut for any securities long or short, of a single issuer, including any option to purchase or sell such securities, which have a market value exceeding 10 percent of net capital before the application of haircuts if such securities are in position for more than 15 calendar days. The proposed haircut would be applied to any single security regardless of whether or not the individual security position was part of a long or short position exempted pursuant to paragraph (c)(2)(D).[28]

H. *Commodities.* Generally, the commodity provisions of the proposed rule remain unchanged from the previous proposal. However, the percentage charge on customer commodity accounts has been reduced to ½ of 1% of total long or short future contracts carried for customers exclusive of spreads or straddles in the same commodity and those contracts hedging spot commodity positions.[29]

(4) *Minimum equity and subordinated debt requirements for all broker-dealers*—A. *Subordinated indebtedness.* The rule has been substantially revised respecting subordinated capital contributions to broker-dealers in an attempt to give firms greater flexibility in attracting capital without exposing customers to risk of loss resulting from a lack of permanence of their capital structures. In addition, the revision would allow broker-dealers under specified conditions to prepay subordinated indebtedness and eliminate unnecessary interest expense where the firm has excess capital not being utilized by the firm.

The revised proposal would reduce the minimum term for all subordinated loans to one year from the date they became effective. Loans may provide for accelerated maturity on six months notice but not earlier than 1 year from the date they are entered into. Repayment of all subordinated loans would be prohibited if after repayment the broker-dealer's capital ratio would be above 12:1 or in violation of the rule unless all claims of customers and preferential creditors are first satisfied.[30]

Prepayment of a subordinated loan could be made at the option of the broker-dealer if the firm's net capital ratio after repayment would not exceed 8:1.[31] In addition, the rule permits repayment of subordinated loans in installments after the minimum one year term.

The rule would permit a temporary infusion of subordinated capital for unusual underwritings up to three times annually if the firm's capital ratio is under 10:1 at the time such underwritings are contemplated and the broker-dealer is not subject to the reporting provisions of Rule 17a-11.[32]

Finally, the rule requires approval of subordination agreements by the Examining Authority designated by SIPC or the Commission's Regional Offices in the case of SECO broker-dealers.[33]

B. *Capital from subsidiaries of broker-dealers.* The revised rule provides that a broker-dealer shall consolidate in a single computation the net capital and aggregate indebtedness of the parent broker-dealer and any subsidiary for

[16] Section 240.15c3-1(c)(2)(iv)(J).
[17] Section 240.15c3-1(c)(2)(iv)(I).
[18] Section 240.15c3-1(c)(2)(iv)(M)-(V).
[19] Section 240.15c3-1(c)(2)(iv)(M).
[20] Section 240.15c3-1(c)(2)(iv)(N) and (O).
[21] Section 240.15c3-1(c)(2)(iv)(P) and (Q).
[22] Section 240.15c3-1(c)(2)(iv)(R) and (c)(2)(i)(B).
[23] Section 240.15c3-1(c)(2)(iv)(S).
[24] Section 240.15c3-1(c)(2)(iv)(T) and (U).
[25] Section 240.15c3-1(c)(2)(iv)(V).
[26] Section 240.15c3-1(c)(2)(xiv) and (xv).
[27] Section 240.15c3-1(c)(2)(iv)(K).
[28] Section 240.15c3-1(c)(2)(iv)(W).
[29] Section 240.15c3-1(c)(2)(xii).
[30] Section 240.15c3-1(c)(7)(vi).
[31] Section 240.15c3-1(c)(7)(v).
[32] Section 240.15c3-1(c)(7)(xv).
[33] Section 240.15c3-1(c)(7)(xiv).

which it guarantees or is otherwise required to assume liabilities. Where the broker-dealer can demonstrate in an opinion of counsel both that the subsidiary can be liquidated in 30 days by the parent or a SIPC or other trustee and the liabilities of the subsidiary will not become liabilities of the parent, the parent may elect not to compute his net capital on a consolidated basis. Finally, where the broker-dealer cannot liquidate the subsidiary in 30 days no flow-through capital benefits may accrue to the parent but liabilities of the subsidiary need not be consolidated with the parent's where an opinion of counsel indicates that those liabilities will not become liabilities of the parent in the event of the broker-dealer's liquidation.[34]

C. Debt-equity restrictions. The revised rule continues the 30 percent minimum equity requirement of the original proposal, however, this provision has been modified in order to permit the inclusion as equity under the provision certain long term subordinated loans which are not subject to any accelerated maturity provisions where such subordinated capital has been contributed by a partner, stockholder, or principal of the firm for at least 3 years. In addition, the rule prohibits a broker-dealer's equity as defined from being less than 30% of the total capitalization of the firm for more than 90 days unless application is made to the Commission.[35]

The revised rule has modified the provision prohibiting capital distributions by the broker-dealer when the firm's equity has been reduced below 50 percent of its total capitalization; however, such distributions would still be precluded if the firm's equity were less than 30 percent of the firm's total capitalization or if the firm's capital ratio were above 10:1. Finally, the revision makes clear that capital withdrawals would be permitted for the payment of partners' taxes and a reasonable salary.[36]

Commission action. Pursuant to the authority in sections 10(b), 15(c)(3), 17(a) and 23(a) of the Securities Exchange Act of 1934 the Securities and Exchange Commission proposes to amend § 240.15c3–1 of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 240.15c3–1 Net capital requirements for brokers and dealers.

(a) No member, broker or dealer shall permit his aggregate indebtedness to all other presons to exceed 1500 per centum of his net capital, and every broker or dealer shall have the net capital necessary to comply with the following conditions:

(1) In the case of a newly registered broker or dealer, his aggregate indebtedness to all other persons for 12 months after becoming registered as a broker or dealer shall not exceed 800 per centum of his net capital, and except as otherwise provided for in this paragraph (a) he shall have and maintain net capital of not less than $25,000; and

(2) If a broker or dealer became registered before August 13, 1971, and if not otherwise provided for in paragraph (a) of this section, he shall have and maintain net capital of not less than $15,000 and not less than $25,000 commencing July, 31, 1974;

(3) Notwithstanding the provisions of paragraph (a)(1) and (2) of this section, a broker or dealer shall have and maintain net capital of not less than $5,000 if he meets any of the following conditions but engages in no other securities activities:

(i) He introduces and forwards as broker all transactions and accounts of customers and promptly forwards all of the funds and securities of customers received in connection with his activities as a broker on a fully disclosed basis, and does not otherwise hold funds or securities for, or owe money or securities to, customers and does not otherwise carry accounts of or for customers;

(ii) He participates, as broker, in the sale of "best efforts" or "all or none" basis underwritings in accordance with the provisions of Rule 15c2–4(a)(2)(B);

(iii) He promptly transmits, as broker, subscriptions for securities to the issuer, underwriter, sponsor or other distributor of such securities and receives checks, drafts, notes or other evidences of indebtedness payable solely to the issuer, underwriter, sponsor or other distributor who delivers the security purchased directly to the subscriber, and the broker does not otherwise hold funds or securities for, or owe money or securities to, customers, and does not otherwise carry accounts of or for customers;

(iv) He effects an occasional transaction in securities for his own investment account; or

(v) Notwithstanding paragraph (a)(3)(i)–(iv) of this section, if he introduces and forwards all customer and all principal transactions and accounts and promptly forwards all of the funds and securities received in connection with his activities as a broker or dealer on a fully disclosed basis and he does not otherwise hold funds or securities for or owe money or securities to, customers and does not otherwise carry proprietary or customer accounts and his activities as dealer are limited to holding firm orders of customers and in connection therewith (A) in the case of a buy order, prior to executing such customer's order, purchases as principal the same number of shares or purchases shares to accumulate the number of shares necessary to complete the order which shall be cleared through another broker or dealer or (B) in the case of a sell order, prior to executing such customer's order sold the same number of shares or a portion thereof which shall be cleared through another broker or dealer.

(4) Net capital of not less than $2,500 shall be maintained by a broker or dealer who engages in no other securities activities except those prescribed in this subparagraph and who meets all of the following conditions:

(i) His dealer transactions are limited to the purchase, sale and redemption of redeemable shares of registered investment companies or of interests or participations in an insurance company separate account whether or not registered as an investment company, except that he may also effect an occasional transaction in other securities for his own investment account with or through another registered broker or dealer;

(ii) His transactions as broker are limited to: (A) The sale and redemption of redeemable securities of registered investment companies or of interests or participations in an insurance company separate account whether or not registered as an investment company; (B) the solicitation of share accounts for savings and loan associations insured by an instrumentality of the United States; and, (C) the sale of securities for the account of a customer to obtain funds for immediate reinvestment in redeemable securities of registered investment companies; and

(iii) He promptly transmits all funds and delivers all securities received in connection with his activities as a broker or dealer, and does not otherwise hold funds or securities for, or owe money or securities to, customers;

(5) Notwithstanding the provisions of paragraph (a)(1), (2), (3) and (4) of this section, if a broker or dealer is a market maker as defined in paragraph (c)(9) of this section, he shall maintain net capital in an amount not less than $2,500 for each security in which he makes a market (unless a security in which he makes a market has a market value of $5 or less in which event the amount of net capital shall be not less than $500 for each such security) except that under no circumstances shall he have net capital of less than that required by paragraph (a)(1) or (2) of this section or be required to maintain net capital of more than $100,000 unless otherwise required herein; and

(6) Notwithstanding the provisions of paragraphs (a)(1)–(5) of this section a broker or dealer who endorses or writes options, including, but not limited to puts, calls, straddles, strips or straps shall have net capital of not less than $50,000.

(b)(1) The provisions of this section shall not apply to any specialist who does not transact a business in securities with other members, brokers or dealers and who is in good standing and subject to the capital rules of the American Stock Exchange, the Boston Stock Exchange, the Midwest Stock Exchange, the New York Stock Exchange, the Pacific Stock Exchange, the PBW Stock Exchange, or the Chicago Board Options Exchange (if he is not also a clearing member of the Chicago Board Options Exchange); whose rules, settled practices and applicable regulatory procedures are deemed

[34] Section 240.15c3–1(f).
[35] Section 240.15c3–1(d).
[36] Section 240.15c3–1(e).

by the Commission to impose requirements that are satisfactory to the Commission, *Provided, however*, That this exclusion as to a particular specialist of any exchange or as to the exchange itself, may be suspended or withdrawn by the Commission at any time, upon (10) ten days written notice to such exchange or specialist, if it appears to the Commission that such action is necessary or appropriate in the public interest or for the protection of investors.

(2) The Commission may, upon written application, exempt from the provisions of this section, either unconditionally or on specified terms and conditions, any broker or dealer who satisfies the Commission that, because of the special nature of his business, his financial position, and the safeguards he has established for the protection of customers' funds and securities, it is not necessary in the public interest or for the protection of investors to subject the particular broker or dealer to the provisions of this section.

(c) Definition: For the purpose of this section:

(1) The term "aggregate indebtedness" shall be deemed to mean the total money liabilities of a broker or dealer arising in connection with any transactions whatsoever, and includes, among other things, money borrowed, money payable against securities loaned and securities "failed to receive," the market value of securities borrowed to the extent to which no equivalent value is paid or credited, customers' free credit balances, credit balances in customers' accounts having short positions in securities, and equities in customers' commodities accounts but excluding:

(i) Indebtedness adequately collateralized, as hereinafter defined, by securities or spot commodities owned by the broker or dealer;

(ii) Amounts payable against securities loaned which securities are owned by the broker or dealer;

(iii) Amounts payable against securities failed to receive which securities were purchased for the account of, and have not been sold by, the broker or dealer;

(iv) Amounts segregated in accordance with the provisions of the Commodity Exchange Act and the rules and regulations thereunder;

(v) Fixed liabilities secured by real estate or any other asset of the broker or dealer which is not included in the computation of "net capital" under this section for which no recourse exists against the broker or dealer; *Provided, however*, That any liabilities of the broker or dealer adequately secured by fixed assets or other assets of the broker or dealer prior to (date of adoption) may also be excluded but no optional renewal of such indebtedness shall be excluded pursuant to this subdivision;

(vi) Liabilities on open contractual commitments;

(vii) Indebtedness subordinated to the claims of customers and general creditors pursuant to a satisfactory subordination agreement, as hereinafter defined;

(viii) Liability reserves established and maintained for refunds of charges required by section 27(d) and 27(f) of the Investment Company Act of 1940, but only to the extent of the amounts on deposit in a segregated trust account in accordance with section 27d–1 under the Investment Company Act of 1940;

(ix) Amounts on deposit in a "Special Reserve Bank Account for the Exclusive Benefit of Customers" pursuant to § 240.-15c3–3 under the Securities Exchange Act of 1934;

(x) Credit balances in securities accounts of partners;

(xi) Liabilities which are subordinated to the claims of customers and general creditors (but which are not satisfactorily subordinated pursuant to paragraph (c)(7) of this section), by persons not customers of the broker or dealer prior to such subordination; and

(xii) Deferred tax liabilities related to appreciation in value of any asset not readily convertible to cash or for which there is no ready market, which asset has been deducted from net worth in accordance with the provisions of paragraph (c)(2)(ii) or (xx) of this section.

(2) The term "net capital" shall be deemed to mean the net worth of a broker or dealer (that is, the excess of total assets over total liabilities), adjusted by:

(i)(A) Adding unrealized profits (or deducting unrealized losses) in the accounts of the broker or dealer and, if such broker or dealer is a partnership, adding equities (or deducting deficits) in securities accounts of partners, as hereinafter defined;

(B)(*1*) Where the broker or dealer is either long or short the security underlying an option which option is short and/or long in the capital, proprietary or other accounts of the broker or dealer, the unrealized profit or loss shall be the difference between the cost, other basis or proceeds from the sale of the underlying security position and the security position's realizable value.

(2) Where the broker or dealer is long (short) an option and there is no offsetting security position the unrealized profit (loss) to be recognized is that which would be realized if the option were exercised.

(3) Unrealized profits or losses shall be increased or decreased by the write-off of any unamortized cost of long options or recognition of any unamortized proceeds from the writing or sale of options.

(C) The income tax provisions (benefits) on the unrealized profits or losses provided for in paragraph (c)(2)(i) of this section shall be deducted from (added to) net worth: *Provided, however*, If there are net income tax benefits, the net amount of such benefits which shall be added to net worth shall not exceed the sum of the income tax liabilities reflected on the books and records of the broker or dealer to the extent such liabilities could have been reduced on the date of the capital computation had the related unrealized losses been realized on that date.

(ii) Deducting fixed assets and assets which cannot readily be converted into cash (less any indebtedness secured thereby for which no recourse exists against the broker or dealer; *Provided, however*, That any assets adequately securing such indebtedness prior to (date of adoption) shall not be so deducted) including, among other things, real estate; furniture and fixtures; exchange memberships; prepaid rent, insurance and expenses; goodwill, organization expenses, all unsecured advances and loans; deficits in customers' unsecured and partly secured notes and unsecured accounts; receivables arising out of free shipments of securities; interest receivable, floor brokerage receivable, commissions receivable from other brokers or dealers, mutual fund concessions receivable and good faith deposits which are outstanding longer than 30 days from the date they arise; dividends receivable outstanding longer than 30 days from the payable date; insurance claims acknowledged by the carrier as due and payable outstanding longer than 30 days from the date they are acknowledged by the carrier; all other unsecured receivables; deficits in customers' accounts, except in bona fide cash accounts within the meaning of section 4(c) of Regulation T under the Securities Exchange Act of 1934; all assets doubtful of collection less any reserves established therefore; and, the funds on deposit in a "segregated trust account" in accordance with Section 27d–1 under the Investment Company Act of 1940, but only to the extent that the amounts on deposit in such segregated trust account exceed the amount of liability reserves established and maintained for refunds of charges required by sections 27(d) and 27(f) of the Investment Company Act of 1940; *Provided, however*, That any amount deposited in the "Special Reserve Bank Account for the Exclusive Benefit of Customers" established pursuant to § 240.15c3–3 and any clearing deposits shall not be so deducted;

(iii) Deducting the market value of all short stock record differences (which shall include securities positions reflected on the securities record which are not susceptible to either count or confirmation excluding dividends payable for which claims have not been received) unresolved for seven business days after discovery and the market value of any long security differences (which shall include securities positions reflected on the securities record which are not susceptible to either count or confirmation excluding dividends payable for which claims have not been received) where such securities have been sold by the broker or dealer until they are adequately resolved less any reserves established therefore;

(iv) Deducting the percentages specified in subdivisions (A)–(W) below of the market values of all securities or options, in the capital, proprietary and other accounts of the broker or dealer, including securities loaned to the broker

or dealer pursuant to a satisfactory subordination agreement, as hereinafter defined, and if such broker or dealer is a partnership, in the securities accounts of partners, as hereinafter defined.

(A) In the case of a security issued or unconditionally guaranteed as to principal and interest by the United States or any agency thereof the applicable percentages of the net market value long or short in the categories specified below are:

(*1*) less than 1 year to maturity—0 percent;

(2) 1 year but less than 3 years to maturity—1 percent;

(*3*) 3 years but less than 5 years to maturity—2 percent;

(*4*) 5 years or more to maturity—3 percent.

(B) In the case of any security issued or unconditionally guaranteed as to principal and interest by any State, territory or possession of the United States or any political subdivision thereof, or any authority, commission or agency of a State, territory or possession of the United States or any political subdivision thereof, which are not in default as to principal or interest or traded flat, the applicable percentages on the greater of the market value of the long or short position in the categories specified below are:

(*1*) Less than 1 year to maturity—1 percent;

(2) 1 year but less than 2 years to maturity—2 percent;

(*3*) 2 years but less than 5 years to maturity—3 percent;

(*4*) 5 years or more to maturity—5 percent.

(C) In the case of any security issued or unconditionally guaranteed by the Government of Canada or any agency thereof, the percentages of market value to be deducted are the same as in paragraph (c) (2) (iv) (A) of this section.

(D) In the case of securities of an investment company registered under the Investment Company Act of 1940, if all of the assets of such investment company are in the form of cash or securities specified in paragraph (c) (2) (iv) (A)–(C) of this section, the deduction shall be 7 percent of the market value of the greater of the long or short positions.

(E) In the case of any short term promissory note or evidence of indebtedness issued by an industrial, utility, commercial or finance company or Real Estate Investment Trust, which has a fixed rate of interest or is sold at a discount, and which has a maturity date at date of issuance of not exceeding nine months exclusive of days of grace, or any renewal thereof the maturity of which is likewise limited and is rated in one of the three highest categories by at lease one of the nationally recognized statistical rating organizations, or in the case of any negotiable certificate of deposit or bankers acceptance or similar type of instrument issued or guaranteed by any bank as defined in section 3(a) (6) of the Securities Exchange Act of 1934, the applicable percentage of the market value of the greater of the long or short position in the categories specified below are:

(*1*) less than 30 days to maturity—0 percent;

(*2*) 30 days but less than 91 days to maturity—⅛ of 1 percent;

(*3*) 91 days but less than 181 days—¼ of 1 percent;

(*4*) 181 days but less than 271 days to maturity—⅜ of 1 percent;

(*5*) 271 days but less than 1 year to maturity—½ of 1 percent; and

(*6*) with respect to any negotiable certificate of deposit or bankers acceptance or similar instrument having 1 year or more to maturity the deduction shall be on the greater of the long or short position and shall be the same percentage as that prescribed in paragraph (c) (2) (iv) (A) of this section.

(F) In the case of nonconvertible debt securities having a fixed interest rate and fixed maturity date and which are not in default as to principal or interest or traded flat and which are rated in one of the four highest rating categories by at least one of the nationally recognized statistical rating organizations, the applicable percentages on the market value of the greater of the long or short position in the categories specified below are:

(*1*) less than one year to maturity—1 percent;

(*2*) one year but less than two years to maturity—2 percent;

(*3*) two years but less than three years to maturity—3 percent;

(*4*) three years but less than four years to maturity—4 percent;

(*5*) four years but less than five years to maturity—5 percent; and

(*6*) five years or more to maturity—7 percent.

(G) In the case of a debt security not in default which has a fixed rate of interest and a fixed maturity date and which is convertible into an equity security, the deductions shall be as follows: If the market value is 100 percent or more of the face value, the deduction shall be 30 percent of the market value, on both the long and short positions as determined in paragraph (c) (2) (iv) (J) of this section; if the market value is below the face value, the security shall be treated as if it were nonconvertible debt security specified in paragraph (c) (2) (iv) (F) of this section.

(H) In the case of cumulative, nonconvertible preferred stock ranking prior to all other classes of stock of the same issuer, which is not in arrears as to dividends, the deduction shall be 20 percent;

(I) In the case of any risk arbitrage transaction in connection with any publicly announced merger or acquisition which will involve an exchange of securities within 90 days of the announcement, 30 percent (or such other percentage as required by this subdivision) of the long or equivalent short position, whichever has the greater market value.

(J) In the case of all securities, except as provided in paragraph (c) (2) (iv) (K)–(V) of this section, which are not included in any of the percentage categories enumerated in paragraph (c) (2) (iv) (A)–(I) of this section, the deduction shall be 30 percent of the market value of the greater of the long or short position. To the extent the market value of the lesser of the long or short positions exceeds 25 percent of the market value of the greater of the long or short positions there shall be a percentage deduction on such excess equal to 15 percent of the market value of such excess; *Provided, however,* That no deduction need be made in the case of (*1*) a security which is convertible into or exchangeable for other securities within a period of 90 days, subject to no conditions other than the payment of money, and the other securities into which such security is convertible or for which it is exchangeable, are short in the accounts of such broker or dealer or securities accounts of a partner as hereinafter defined, or (*2*) a security which has been called for redemption and which is redeemable within 90 days.

(K) In the case of securities (other than exempted securities nonconvertible debt securities, and cumulative nonconvertible preferred securities) which are not: (*1*) Traded on a national securities exchange; (*2*) designated as "OTC Margin Stock" pursuant to Regulation T of the Federal Reserve Board; (*3*) listed on "NASDAQ"; or (*4*) redeemable shares of registered investment companies, the deduction shall be as follows:

(*i*) In the case where there are regular quotations in an inter-dealer quotations system for the securities by three or more independent market makers and where each such quotation represents a bona fide offer to brokers and dealers to both buy and sell in reasonable quantities at stated prices, or where a ready market as defined in subparagraph (c) (11) is deemed to exist, the deduction shall be determined in accordance with subdivision (J) above;

(*ii*) Where there are regular quotations in an inter-dealer quotation system for the securities by only one or two independent market-makers and where each such quotation represents a bona fide offer to brokers and dealers to both buy and sell in reasonable quantities, at stated prices, or where a ready market as defined in subparagraph (c) (11) of this section is deemed to exist, the deduction on the greater of the long or short position shall be 40 percent and the deduction on the lesser of the long or short position in this percentage category shall be determined as in paragraph (c) (2) (iv) (J) of this section.

(L) Where a broker or dealer can demonstrate that there is sufficient liquidity for any securities long or short in the capital, proprietary or other accounts of the broker or dealer which are subject to a deduction required by paragraph (c) (2) (iv) (K) of this section, such deduction upon a proper showing may be appropriately decreased, but in no case shall such deduction be less than that prescribed in (J) above.

(M) In the case where a broker or dealer is short an option in his capital, proprietary or other accounts; 30 percent (or such other percentage of the underlying security required by paragraph (c)(2)(iv)(A)–(K) of this section of the current market value of the underlying security.

(N) In the case of a broker or dealer who is short a call and long equivalent units of the underlying security, 30 percent (or such other percentage of the underlying security required by paragraph (c)(2)(iv)(A)–(K) of this section) of the current market value of the underlying security reduced by any excess of the current market value of the underlying security over the exercise value of the call; Provided, however, That no such reduction shall have the effect of increasing net capital.

(O) In the case of a broker or dealer who is short a put and short equivalent units of the underlying security, 30 percent (or such other percentage required by paragraph (c)(2)(iv)(A)–(K) of this section) of the current market value of the underlying security reduced by any excess of the exercise value of the put over the market value of the underlying security; Provided, however, That no such reduction shall have the effect of increasing net capital.

(P) In the case of a broker or dealer who is long equivalent units of the underlying security, long a put written or endorsed by a member, broker or dealer and short a call in his capital, proprietary or other accounts, 15 percent (or 50 percent of such other percentage required by paragraph (c)(2)(iv)(A)–(K) of this section) of the market value of the underlying security.

(Q) In the case of a broker or dealer who is short equivalent units of the underlying security, long a call written or endorsed by a member, broker or dealer and short a put, in his capital, proprietary or other accounts 15 percent (or 50 percent of such other percentage required by paragraph (c)(2)(iv)(A)–(K) of this section) of the market value of the underlying security.

(R) In the case of a broker or dealer who is long a put or call endorsed or written by a member, broker or dealer in his capital, proprietary or other accounts, 30 percent (or such other percentage required by paragraph (c)(2)(iv)(A)–(K) of this section) of the market value of the underlying security not to exceed any unrealized profit to be recognized pursuant to paragraph (c)(2)(i)(B) of this section.

(S) In the case of any option listed on a registered national securities exchange or a facility of a registered national securities association, 30 percent of the market value of any net long positions in options in the same underlying security, with the same exercise price and the same expiration date. In the case of any net short position in an option in the same underlying security, with the same exercise price and the same expiration date and for which the broker or dealer does not have a related position in the underlying security the deduction shall be determined as in paragraph (c)(2)(iv)(M) of this section.

(T) In the case of a broker or dealer who is long equivalent units of the security underlying a long put listed on a registered national securities exchange or a facility of a registered national securities association (such broker or dealer may also be short a call) in his capital, proprietary or other accounts, 30 percent of the market value of equivalent units of the long security position not to exceed the amount by which the market value of equivalent units of the long security position exceeds the exercise value of the put; *Provided, however,* That if the exercise value of the put exceeds the market value of equivalent units of the long security position no percentage charge shall be applied.

(U) In the case of a broker or dealer who is short equivalent units of the security underlying a long call listed on a registered national securities exchange or a facility of a registered national securities association (such broker or dealer may also be short a put) in his capital, proprietary or other accounts, 30 percent of the market value of equivalent units of the short security position not to exceed the amount by which the exercise value of the long call exceeds the market value of equivalent units of the short security position; *Provided, however,* That if the exercise value of the call is less than the market value of equivalent units of the short security position, no percentage shall be applied.

(V) In the case of an option listed on a registered national securities exchange or facility of a registered national securities association hedged as described in paragraph (c)(2)(iv) (N) and (O) of this section, the long or short security position shall receive a deduction as determined by those subdivisions.

(W) In the case of securities of a single class or series of a single issuer, including any option written, endorsed or held to purchase or sell securities of such a single class or series of a single issuer, other than "exempted seeurities", which are long or short in the capital, proprietary or other accounts of a broker or dealer for more than 15 calendar days and which have a market value of more than 10 percent of the "net capital" of a broker or dealer before the application of paragraph (c)(2)(iv) of this section, there shall be an additional deduction from net worth equal to 50 percent of the percentage deduction otherwise provided by this subparagraph on that portion of the securities position in excess of 10 percent of the "net capital" of the broker or dealer before the application of paragraph (c)(2)(iv) of this section. This provision shall apply notwithstanding any long or short position exemption provided for in paragraph (c)(2)(iv). (I) or (J) of this section: *Provided, however,* That such additional deduction shall be applied in the case of equity securities only on the market value in excess of $10,000 or the market value of 500 shares, whichever is greater, or $25,000 in the case of a debt security.

(v) Deducting 30 percent of the market value of all "long" and all "short" future commodity contracts (other than those contracts representing spreads or straddles in the same commodity and those contracts offsetting or hedging any "spot" commodity positions) carried in the capital, proprietary or other accounts of the broker or dealer and, if such broker or dealer is a partnership, in the securities accounts of partners, as hereinafter defined.

(vi) Deducting 30 percent of the market value of spot commodities long or short in the capital, proprietary and other accounts of the broker or dealer and in customers' accounts liquidating to a deficit; Provided, however, the deduction shall be 10 per:ent of the market value of the spot commodities to the extent they are hedged by future commodity contracts or forward spot commodity con:racts in the same commodity.

(vii) Deducting the total of credit lines granted by the broker or dealer in "trade" accounts with net long positions or in "trade" accounts with net short positions, whichever is greater, plus any credit lines granted on open commodity contracts in "trade" accounts with no net long or net short position (in computing the credit line granted in the case of each account, deduct the amount of the equity therein). For purposes of this subdivision "trade" accounts shall mean an account for a business entity which regularly is engaged in the importing or processing of the commodity or the by-products thereof for which the credit line is granted.

(viii) Deducting the total amount by which the daily limit fluctuation of all future commodity contracts carried for a customer's account or accounts controlled by a customer exceeds 10 percent of the debt equity total of the broker or dealer as defined in paragraph (d) of this section. Contracts in each customer's account representing purchases and sales of a like amount of the same commodity in the same market in the same crop year may be eliminated. The daily limit fluctuations for future contracts effected in foreign markets are to be considered the same as if such contracts had been effected in a domestic market;

(ix) Deducting the amount of cash required to provide margin on all future commodity contracts in customer accounts equal to the amount necessary, after application of outstanding margin calls which are not met within 5 business days, to restore the original margin required by the relevant commodity exchange or clearing house, whichever is greater, per contract, when the original margin has been depleted by 50 percent.

(x) Deducting the amount of cash required to provide margin equal to 20 percent of the market value in each customer's account with equity, after application of outstanding margin calls not met within 5 business days, when such

account contains spot commodity positions, evidenced by warehouse receipts issued by a warehouse licensed by a commodity exchange which are the result of a future contract tendered through an exchange and which are not more than 90 days old, and are not hedged by future contracts in the same commodity. The margin required shall be 100 percent and the amount of the deduction required herein shall be the amount required to provide margin equal to 100 percent where warehouse receipts evidencing spot commodity positions are more than 90 days old or where the warehouse receipt is not issued by a warehouse licensed by a commodity exchange.

(xi) Deducting the amount of the cash required to provide margin equal to 10 percent of the market value in each customer's combined account with equity, after application of outstanding margin calls not met within 5 business days, when such account contains spot commodity positions evidenced by warehouse receipts issued by a warehouse licensed by a commodity exchange, which are the result of future contracts tendered through an exchange and which are not more than 90 days old, and are hedged by future contracts in the same commodity. The margin required shall be 100 percent and the amount of the deduction required herein shall be the amount required to provide margin equal to 100 percent where warehouse receipts evidencing spot commodity positions are more than 90 days old or where the warehouse receipt is not issued by a warehouse licensed by a commodity exchange.

(xii) Deducting an amount equal to ½ percent of the market value of the total long or total short futures contracts (other than those contracts representing spreads or straddles in the same commodity and those contracts offsetting or hedging any "spot" commodity positions) in each commodity, whichever is greater, carried for all customers.

(xiii) Deducting the amount of cash required to meet the maintenance margin requirements for securities of any regulatory or self-regulatory authority to whose authority the broker or dealer is subject, after application of outstanding margin calls which are not met within 5 business days.

(xiv) Deducting with respect to a call short in a customer's account when such customer's account is not also long equivalent units of the underlying security an amount equal to 50 percent of the market value of equivalent units of the underlying security increased by any unrealized loss on the transaction or reduced by any excess of the exercise value of the call over the current market value of the underlying security, less any margin deposits collateralizing the account and any margin calls outstanding 5 business days or less; *Provided, however,* That in no event shall the deduction provided by this subdivision be less than 25 percent of the market value of equivalent units of the underlying security, less any margin deposits collateralizing the account and any margin calls outstanding 5 business days or less.

(xv) Deducting with respect to a put short in a customer's account when such customer's account is not also short equivalent units of the underlying security, an amount equal to 50 percent of the market value of equivalent units of the underlying security increased by any unrealized loss on the transaction or reduced by any excess of current market value of the underlying security over the exercise value of the put, less any margin deposits collateralizing the account and any margin calls outstanding 5 business days or less; *Provided, however,* That in no event shall the deduction provided by this subdivision be less than 25 percent of the market value of equivalent units of the underlying security, less any margin deposits collateralizing the account and any margin calls outstanding 5 business days or less.

(xvi) Deducting, in the case of a broker or dealer who has open contractual commitments (other than options covered in paragraph (c)(2)(iv) of this section), the respective deductions as specified in paragraph (c)(2)(iv) of this section from the value (which shall be the market value whenever there is a market) of each net long and each net short position contemplated by any existing contractual commitment in the capital, proprietary and other accounts of the broker or dealer and, if such broker or dealer is a partnership, in the capital and securities accounts of partners as hereinafter defined: *Provided, however,* That the deduction with respect to any single commitment shall be reduced by the unrealized profit, in an amount not greater than the deduction provided for in paragraph (c)(2)(iv) of this section (or increased by the unrealized loss), in such commitment; and that in no event shall an unrealized profit on any closed transactions operate to increase net capital.

(xvii) Excluding liabilities of the broker or dealer who is a sole proprietor to the claims of general creditors pursuant to a satisfactory subordinated agreement, as hereinafter defined.

(xviii) Deducting, in the case of a broker or dealer who is a sole proprietor, the excess of (A) liabilities which have not been incurred in the course of business as a broker or dealer over (B) assets not used in the business.

(xix) Deducting from the market value of each failed to deliver contract which is outstanding 30 calendar days or longer, the percentage deduction which would be required by application of the deduction required by subparagraph (iv) above on the underlying security: *Provided, however,* That such deduction shall be increased by any excess of the contract price of the fail to deliver over the market value of the underlying security position.

(xx) Deducting 100 percent in the case of securities for which there is no ready market, as defined in paragraph (c)(11) of this section, and securities which cannot be publicly offered and sold because of statutory, regulatory or contractual arrangement or other restrictions.

(xxi) Adding the deferred tax liability related to the appreciation in value of any asset not readily convertible to cash or for which there is no ready market which asset has been deducted from net worth in accordance with the provisions of paragraph (c)(2)(ii) or (xx) of this section.

(xxii) With respect to any transactions in options listed on a registered national securities exchange or facility of a registered national securities association for which a member, broker or dealer acts as a guarantor or endorser of options written by a specialist not subject to the provisions of this rule, such member, broker or dealer shall adjust net capital by adding unrealized profits or deducting unrealized losses as provided in paragraph (c)(2)(i) of this section and deducting the percentage charges required by paragraph (c)(2)(iv) of this section less the amount of any related collateral deposited with such member, broker or dealer by the specialist: *Provided, however,* That in no event shall this provision result in increasing the net capital of such guarantor or endorsing, member, broker or dealer.

(3) The term "exempted securities" shall mean those securities deemed exempted securities by section 3(a)(12) of the Act and rules thereunder.

(4) Where the broker or dealer is a partnership the term "securities accounts of partners" shall mean accounts of partners who have agreed in writing that fully paid securities or credit balances in such accounts maintained with such partnership shall be included as partnership property to the extent of such partners' equity in such accounts and which accounts have been subordinated pursuant to the provisions of paragraph (c)(7) of this section.

(5) The term "contractual commitments" shall include underwriting, when-issued, when-distributed and delayed delivery contracts, the writing or endorsement of puts and calls and combinations thereof, commitments in foreign currencies, and spot (cash) commodities contracts, but shall not include uncleared regular way purchases and sales of securities and contracts in commodities futures. A series of contracts of purchase or sale of the same security conditioned, if at all, only upon issuance may be treated as an individual commitment.

(6) Indebtedness shall be deemed to be "adequately collateralized" within the meaning of this section when the difference between the amount of the indebtedness and the market value of the collateral is sufficient to make the loan acceptable as a fully secured loan to banks regularly making comparable loans to brokers or dealers in the community.

(7) The term "satisfactory subordination agreement" shall mean a written agreement duly executed by the broker or dealer and the lender, which is binding and enforceable in accordance with its terms upon the lender, his creditors, heirs, executors, administrators, and assigns, and which agreement satisfies all of the following conditions except as otherwise provided in this subparagraph:

(i) The loan agreement shall be for a specified amount which shall not be reduced for the duration of the agreement except as otherwise provided in this subparagraph;

(ii) The loan agreement shall effectively subordinate any right of the lender to demand or receive payment or return of the cash or securities loaned to the claims of all present and future creditors of the broker or dealer except for claims of subordinated lenders who may rank on the same priority as or junior to other subordinated lenders;

(iii) The proceeds of the loan shall be used and dealt with by the broker or dealer as part of its capital and shall be subject to the risks of the business;

(iv) Only cash and securities which are fully paid for may be the subject of or collateral for a subordinated loan to a broker or dealer. If the value of the securities loaned or collateralizing the loan after the deductions required under paragraph (c)(2)(iv) of this section plus the cash proceeds of the sale thereof at any time are less than the specified amount of the loan, the broker or dealer must immediately notify the lender and the self-regulatory organization, which has been designated by SIPC as the Examining Authority for such broker or dealer or where the broker or dealer is not a member of any self-regulatory organization, the Commission's Regional Office for the region in which the broker or dealer has his principal place of business. Following such notice:

(A) The lender prior to noon of the second business day following receipt of notice, may contribute additional cash or securities sufficient to bring the value of the securities after giving effect to the percentage deductions required by paragraph (c)(2)(iv) of this section plus the additional cash contributed up to an amount not less than the specified amount of the loan.

(B) Unless such additional cash or securities are contributed by the lender as provided in paragraph (c)(7)(iv)(A) of this section the broker or dealer at noon on the second business day following notice to the lender, must sell such of the securities as may be necessary to bring the value of the remaining securities after giving effect to the percentage deductions required by paragraph (c)(2)(iv) of this section for the particular securities plus the cash proceeds of the sale of the securities up to an amount not less than the specified amount of the loan. The broker or dealer may not purchase for its own account any securities subject to such a sale.

(C) Notwithstanding (B) paragraph (c)(7)(iv) of this section, the broker or dealer in lieu of selling the securities so contributed may reduce the amount of the loan by an amount no greater than 15 percent of the face amount thereof: *Provided, however,* That such reduction of the amount of the loan does not have the effect of causing the aggregate indebtedness of the broker or dealer to exceed 1,000 percentum of his net capital, and provided, further, that no single loan shall be permitted to be reduced by more than 15 percent of the original face amount of the loan in any 12 month period.

(v) In the case of any subordination agreement which has a term exceeding one year, a broker or dealer, at his option but not at the option of the lender, may, if the subordination agreement so provides, repay the entire loan or any portion thereof prior to its maturity date but in no event may any payment be made before the expiration of one year from the date such subordination agreement became effective: *Provided, however,* That such repayment, or the effect of such repayment when considered together with the repayment of any other loan or installment or sinking fund payment whose maturity or accelerated maturity falls due or which is scheduled to fall due within six months after the date of repayment of the loan pursuant to this provision, without reference to any projected profit or loss, would not cause the aggregate indebtedness of the broker or dealer to exceed 800 percentum of his net capital or his net capital would not be less than 120 percentum of the minimum dollar amount provided by this section; and *Provided, further,* That notice of such repayment be given to the self-regulatory organization, designated by SIPC as the Examining Authority for such broker or dealer, or where the broker or dealer is not a member of a self-regulatory organization to the Regional Office of the Commission in which the broker or dealer has his principal place of business, 10 days prior to such repayment.

(vi) The loan or any installment or sinking fund payment required pursuant to a subordination agreement shall not be repaid if the effect thereof would be that aggregate indebtedness of the broker or dealer exceeds 1,200 percentum of his net capital or his net capital would fall to meet 120 percent of the minimum dollar amount required by this section. The obligation of the broker or dealer to repay the loan or any installment or sinking fund payment required pursuant to a subordination agreement shall be postponed until, the aggregate indebtedness of the broker or dealer would not exceed 1,200 percentum of its net capital or its net capital would equal or exceed the minimum dollar amount required by this section by more than 120 percent after giving effect to such payment and the payment of any other loan or installment or sinking fund payment required the maturity date of which, whether normal or accelerated, falls due on or before the maturity date of such loan: *Provided, however,* That a broker or dealer and subordinated lender, upon notice to stockholders, partners, principals and other subordinated lenders may agree to such conditions as would permit the repayment of the subordinated loan or any required installment or sinking fund payment but only after the satisfaction of all claims of customers and other preferential creditors of the broker or dealer are satisfied.

(vii) Subject to paragraph (c)(7)(vi) of this section a broker or dealer and a lender may agree to accelerate the maturity of a specified subordinated loan upon the happening of specified events to a date not earlier than six months from the date such acceleration privilege is exercised: *Provided, however,* That in no event shall the accelerated maturity date be less than one year from the date the subordination agreement became effective.

(viii) The agreement shall not be subject to cancellation by either party and the loan shall not be repaid and the agreement shall not be terminated, rescinded or modified by mutual consent or otherwise if the effect thereof would be to render the agreement inconsistent with the conditions of this section.

(ix) Each broker or dealer shall immediately notify the self-regulatory organization which has been designated by SIPC as the Examining Authority for such broker or dealer, or where the broker or dealer is not a member of a self-regulatory organization the Commission's Regional Office where the broker or dealer has his principal place of business of the maturity of any subordinated loan at least six months prior to maturity of any such loan if after giving effect to the payment of the loan the aggregate indebtedness of the broker or dealer would exceed 1000 percentum of its net capital or its net capital would fail to equal the specified minimum dollar amount required by this section after giving effect to the payment of the loan or any installment or sinking fund payment required, without reference to any projected profit or loss.

(x) No default in the payment of interest or in the performance of any covenant or condition by the broker or dealer shall have the effect of acclerating the maturity of the indebtedness to a date earlier than six months from the date such acceleration privilege is exercised: *Provided, however,* That an event which results in the receivership, insolvency, liquidation pursuant to the Securities Investor Protection Act of 1970 or otherwise, bankruptcy, assignment for the benefit of creditors, reorganization, whether or not pursuant to the bankruptcy laws, or any marshalling of the assets and liabilities of the broker or dealer, the violation of this section or the revocation of the broker's or dealer's registration by the Commission may accelerate the maturity of a subordinated loan to the date of the occurrence of such event but in no event shall the happening of such an event permit the repayment of any subordinated loan until all liabilities of customers and other preferential creditors are satisfied.

(xi) Any notes or written instruments evidencing the indebtedness shall bear on their face an appropriate legend stating that such notes or instruments are issued subject to the provisions of a subordination agreement which shall be adequately referred to and incorporated by reference.

(xii) The broker or dealer shall have the right to:

(A) Deposit any cash proceeds of a subordinated loan in an account or accounts in its own name in any bank or trust company;

(B) Pledge, repledge, hypothecate, rehypothecate, any or all of the collateral subject to a subordination agreement, without notice, separately or in common with other securities or property, to secure indebtedness of the broker or dealer;

(C) Lend to itself or others any or all of the collateral; and

(D) Use and deal with the securities or other property loaned to the broker or dealer pursuant to the subordination agreement, in all respects, as part of his capital and subject to the risks of the business.

(xiii) All securities subject to a subordination agreement must be held by the broker or dealer in its own name or the name of its nominee; and

(xiv) Two copies of such agreement, and of any notes or written instruments evidencing the indebtedness, shall be filed within 10 days after such agreement is entered into, with the Commission's Regional Office for the region in which the broker or dealer maintains his principal place of business, or if the broker or dealer is a member of a self-regulatory organization which has been designated by SIPC as the Examining Authority for such broker or dealer the agreement shall be filed with such self-regulatory organization at such earlier time as that organization may by rule require. The broker or dealer shall also file a statement setting forth the name and address of the lender, the business relationship of the lender to the broker or dealer, and whether the broker or dealer carried funds or securities for the lender at or about the time the agreement was entered into. All agreements shall be examined and approved by the Commission's Regional Office or the self-regulatory organization with whom such agreement is required to be filed.

(xv) For the purpose of enabling a broker or dealer to participate as an underwriter with respect to a public offering of securities in compliance with the net capital requirements of this section a broker or dealer shall be permitted in any 12 month period and on no more than three occasions in any such 12 month period, to incur indebtedness which is subject to a satisfactory subordination agreement on a temporary basis which bears a maturity date of no more than 45 days from the date of such subordination agreement; *Provided, however,* That this temporary relief shall not apply to a broker or dealer if, at such time, he is subject to any of the reporting provisions of § 240.17a–11 under the Securities Exchange Act irrespective of his compliance with such provisions; and Provided, further, That immediately prior to incurring such subordinated indebtedness his ratio of aggregate indebtedness to net capital is not greater than 1000 percentum and that the amount of his subordinated indebtedness does not exceed the limits specified in paragraph (d) of this section. Such temporary subordinated indebtedness shall not be subject to any cancellation or acceleration provisions by mutual consent or otherwise and shall not be withdrawn if the effect thereof would be to cause aggregate indebtedness of the broker or dealer to exceed 1200 percentum of his net capital.

(xvi) Any subordination agreement which has been entered into prior to (date of adoption) and which has been deemed to be satisfactorily subordinated pursuant to this section or the net capital rules of a registered national securities exchange the members of which previously had been exempted from Section 240.15c3–1 shall continue to be deemed a satisfactory subordination agreement until the maturity of such agreement: *Provided, however,* That no agreement which provides for automatic or optional renewal by the broker or dealer or lender shall be deemed to be a satisfactory subordination agreement unless any such renewed agreement meets the requirements of this subparagraph.

(8) The term "customer" shall mean any person from whom or on whose behalf a broker or dealer has received or acquired or holds funds or securities for the account of such person, but shall not include a broker or dealer, or a general, special or limited partner or director or office of the broker or dealer, or any person to the extent that such person has a claim for property or funds which by contract, agreement or understanding, or by operation of law, is part of the capital of the broker or dealer or is subordinated to the claims of creditors of the broker or dealer: *Provided, however,* That the term "customer" shall also include a broker or dealer, but only insofar as such broker or dealer maintains a special omnibus account carried with another broker or dealer in compliance with section 4(b) of Regulation T under the Securities Exchange Act of 1934.

(9) The term "market maker" shall mean a dealer who, with respect to a particular security (i) regularly publishes bona fide, competitive bid and offer quotations in a recognized inter-dealer quotation system; or (ii) furnishes bona fide competitive bid and offer quotations to other brokers and dealers on request; and, (iii) is ready, willing and able to effect transactions in reasonable quantities at his quoted prices with other brokers or dealers.

(10) A broker or dealer is deemed to "promptly transmit" all funds and to "promptly deliver" all securities within the meaning of paragraph (a)(3) and (4) of this section where such transmission or delivery is made no later than noon of the next business day after the receipt of such funds or securities: *Provided, however,* That such prompt transmission or delivery shall not be required to be effected prior to the settlement date for such transactions.

(11) The term "ready market" shall include a recognized established securities market in which there exists independent bona fide offers to buy and sell so that a realizable price, reasonably related to the last sales price, can be determined for a particular security almost instantaneously and where payment will be received in settlement of a sale within a relatively short time conforming to trade custom. A "ready market" shall also be deemed to exist where such securities are readily acceptable as collateral for a loan by a bank as defined in section 3(a)(6) of the Securities Exchange Act and where the broker or dealer demonstrates that such securities are adequate collateral for such loans as defined in paragraph (c)(6) of this section.

(d) No broker or dealer shall permit his subordinated indebtedness and equities in the securities accounts of partners to exceed 70 percent of his debt-equity total as hereinafter defined for a period in excess of 90 days or for such longer period which the Commission may upon application of the broker or dealer grant in the public interest or for the protection of investors. In the case of a corporation, the debt-equity total shall be the sum of subordinated indebtedness, paid in capital accounts of the corporation. In the unrealized profit and loss and other capital accounts of the corportion. In the case of a partnership, the debt-equity total shall be the subordinated indebtedness and equities in the securities accounts of partners as hereinbefore defined, and the sum thereof shall be added to the capital accounts of partners and partnership unrealized profit and loss. In the case of a sole proprietorship, the debt-equity total shall include the sum of subordinated indebtedness, capital and proprietary accounts of the sole proprietorship and unrealized profit and loss: *Provided, however,* That a satisfactory subordination agreement entered into by a partner, stockholder or sole proprietor for a term of not less than three years without any provision for accelerated maturity shall be considered equity for purposes of this section.

(e) No proprietary capital whether in the form of capital contributions by partners (which shall include a satisfactory subordination agreement, entered into by a partner, stockholder or sole proprietor for a term of not less than three years without any provision for accelerated maturity) or represented by stock, paid-in capital, capital surplus, retained earnings or otherwise, may be withdrawn by action of a stockholder or partner, or by redemption or repurchase of shares of stock by the broker or dealer or through the payment of dividends or any similar distribution nor

may any unsecured advance or loan be made to a stockholder, partner or sole proprietor if the effect thereof would be that aggregate indebtedness of the broker or dealer would exceed 1000 percentum of his net capital or his net capital would fail to equal 120 percentum of the minimum dollar amount required by this section, or if it would cause subordinated indebtedness or equities in the accounts of partners, as hereinbefore defined, to exceed 70 percent of the corporate, partnership or sole proprietorship debt-equity total as defined in paragraph (d) of this section or while such condition exists: *Provided, however,* That this provision shall not preclude a broker or dealer from making required tax payments or preclude the payment to partners of a reasonable salary.

(f) Every broker or dealer shall in computing its net capital pursuant to this section consolidate in a single computation all of the assets and liabilities of any subsidiary for which it guarantees or may otherwise be required to assume liabilities; Provided, however, That if the inclusion of the assets and liabilities of any such subsidiary would increase the broker-dealer's net capital and/or decrease the broker-dealer's ratio of aggregate indebtedness to net capital and an opinion of counsel as provided for below has not been obtained then assets and liabilities of such subsidiary shall not be so consolidated. With respect to any wholly-owned subsidiaries for which the broker or dealer can demonstrate, to the satisfaction of the Commission's Regional Office for the region in which the broker or dealer maintains his principal place of business, or where the broker or dealer is a member of a self-regulatory organization designated by SIPC as the Examining Authority for such broker or dealer, such organization, through an opinion of counsel that the subsidiary may be liquidated within 30 days by the broker or dealer or a trustee appointed pursuant to the SIPA or otherwise and that none of the liabilities or contingent liabilities of the subsidiary would become liabilities of the broker or dealer and which opinion shall include such other assurances as the Commission may require, then such broker or dealer may, if he chooses, include the assets and liabilities of the subsidiaries as assets and liabilities of the parent and prepare a consolidated computation of net capital and aggregate indebtedness for purposes of this section: *Provided, however,* That such computation shall reduce net worth of the parent broker or dealer by any tax liability which would be occasioned upon the liquidation of each such subsidiary. Where an opinion of counsel demonstrates only that none of the liabilities or contingent liabilities of the subsidiary would become liabilities of the broker or dealer, then no consolidated computation of net capital shall be required.

All interested persons are invited to submit their views in writing on this proposal to amend Section 240.15c3-1 no later than January 29, 1974 to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549. All such communications should bear the File No. S7-498 and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 29, 1973.

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[17 CFR Part 240]

[Rel. No. 34-10539; File No. 37-500]

REPURCHASE OF SECURITIES AND PROHIBITIONS AGAINST CERTAIN TRADING

Notice of Proposed Rulemaking

The Commission is releasing for public comment a revision of proposed Rule 13e-2 (17 CFR 240.13e-2)[1] and a related amendment to Rule 10b-6 (17 CFR 240.-10b-6)[2] under the Securities Exchange Act of 1934 ("the Act"). The rule would be adopted under sections 13(e), 10(b) and 23(a) of the Act.

Proposed Rule 13e-2 specifies the conditions under which issuers registered pursuant to section 12 of the Act, including broker-dealer issuers and closed-end investment companies registered pursuant to the Investment Company Act of 1940, may repurchase their own securities in the open-market or in negotiated transactions.[3] The rule prescribes means designed to prevent an issuer from effecting repurchases which may have a manipulative or misleading impact on the trading market in the issuer's securities; compliance with the rule, however, does not relieve an issuer from compliance with state corporate law or other provisions of the federal securities laws which may be applicable. The proposed amendment to Rule 10b-6 would provide an exemption from that rule for purchases by an issuer pursuant to the terms and conditions of Rule 13e-2 which, absent the exemption, may have been prohibited by the existence of outstanding convertible securities, warrants or distributions pursuant to certain employee plans.

The general principles of the proposed rule may be summarized briefly. Open-market purchases by an issuer of its own securities could be made through only one broker or dealer on any one day and such purchases must comply with certain price and volume limitations.

These price and volume limitations are designed to ensure that an issuer neither leads nor dominates the trading market in its securities. The particular price and volume formula used depends on whether the principal market for the issuer's securities is a national securities exchange or the over-the-counter market, and, if the over-the-counter market, whether the security is the subject of quotations in the National Association of Securities Dealers Automated Quotations ("NASDAQ") system. In addition, transactions on an exchange would not be permitted until after an independent opening transaction or within one-half hour of the close of trading on such exchange; a similar requirement is proposed respecting bids placed in NASDAQ.

Block transactions effected with or through a broker or dealer would be subject to certain price limitations, the formula again depending on the principal market for the security, but would be exempt from the volume limitations.

A privately negotiated transaction which does not involve a broker or dealer and is not effected on a national securities exchange would also be exempted from the volume limitations and, if unsolicited, would furthermore be exempted from the price limitations.

The Commission has received numerous comments on proposed Rule 13e-2 and its provisions have been modified in several important respects, partly in response to those comments and partly in response to developments since the rule was originally proposed. First, a provision has been added specifically to address issues raised by the repurchase of securities by broker or dealer issuers. Second, the definition of a "block" of securities has been substantially modified. Third, volume limitations on securities traded over-the-counter which are the subject of quotations in the NASDAQ system have been revised to reflect the recently attained availability of volume data respecting such securities. Other more minor revisions also are discussed in the synopsis below.

OPEN-MARKET PURCHASES

Open-market exchange or over-the-counter purchases from or through a broker-dealer and not involving a block of securities could be made under the supervision and control of only one broker or dealer on any given day.[4] Additionally, all such purchases would be required to comply with certain price and volume limitations.

If the principal market for the securities is a registered national securities exchange, and the purchases are to be effected on the exchange, no bid or purchase would be permitted until after the opening transaction or within one-half hour of the close of trading. In addition, no bid could be made for such securities at a price higher than the highest current independent bid or last sale, whichever is higher (and no purchase could be made at a total cost of more than such bid plus a customary or negotiated commission). The amount which could be purchased on any one day is limited to 15 percent of the average daily volume on such exchange in the four preceding calendar weeks.[5] If a security is traded on more than one exchange, and/or in the over-the-counter market, the volume limitations would apply separately to each market, providing the self-regulatory body with oversight jurisdiction in such market has made volume data available. If volume data is not available in a particular market, purchases in such a market must be aggregated with purchases in the principal market and could not exceed 15 percent of the average daily volume in the principal market in the preceding four calendar weeks.[6]

The issuer could elect, instead of using the volume formula, to purchase one round lot (or other unit of trading where applicable) per day.

If the principal market for the security is otherwise than on a national securities exchange, no bid could be made at a price higher than the mean between the highest current bid and the lowest current independent offer (and no purchase could be made at a total cost of more than such bid plus an amount equal to a customary or negotiated commission). Generally, the volume of such purchases would be limited to an amount per week which does not exceed 1/25 of 1 percent of the security issued and outstanding;[7] however, if daily volume data for the security is collected by the National Association of Securities Dealers, Inc. ("NASD"), the daily volume limitations would instead be 15 percent of the average daily volume reported in the preceding four calendar weeks.[8] In addition, no bid would be permitted by or on behalf of the issuer in NASDAQ at the opening of the trading day until an independent bid has been entered, nor within one-half hour of the termination of Level I service. And, as with exchange securities, an issuer would nonetheless be permitted to purchase one round lot (or other unit of trading) per day even though the applicable volume limitation formula would have permitted less.

Block Purchases

Solicited block purchases by an issuer from or through a broker-dealer could be made through only one broker-dealer on any given day; unsolicited purchases need not.[9] Block purchases would be exempt from the volume restrictions[10] but would be subject to certain price limitations. If the principal market is a national securities exchange, no purchase could be made at a price above the highest current independent bid or last sale, whichever is lower (plus an amount equal to a customary or negotiated commission); if the principal market is otherwise than on a national securities exchange, no purchase could be made at a price higher than the highest current independent bid (plus an amount equal to a customary or negotiated commission).

A block would be defined in the rule[11] generally as a quantity of securities having (1) an aggregate price of not less than $50,000 if the market price of the security is less than $10, (2) an aggregate price of not less than $75,000 if the market price of the security is at least $10 but less than $20, (3) an aggregate price of not less than $125,000 if the market price is at least $20 but less than $35, (4) an aggregate price of not less than $175,000 if the market price is at least $35 but less than $50, or (5) an aggregate price of not less than $200,000 if the market price is $50 or more. Notwithstanding this general provision, however, an amount of securities involving 20 round lots or other units of trading and totaling either 150 percent or more of the average daily volume in the preceding four calendar weeks, or, for a security in which trading volume is unavailable, 2/25 of 1 percent of the outstanding class, would still be considered a "block" for the purposes of the true.

Privately Negotiated Transactions

Repurchases by an issuer which do not involve a broker or dealer and which are effected otherwise than on a national securities exchange would be exempt from the volume limitations. If the issuer solicits such transactions, however, it must comply with the open-market price restrictions. If such transactions are unsolicited neither price nor volume limitations apply.

Broker-Dealer Issuers

Repurchases of securities by broker-dealer issuers raised additional regulatory considerations which involve financial responsibility standards, the broker-dealer's professional expertise in, and proximity to, the trading markets and the conflict of interest inherent in repurchases of such securities by a broker-dealer from its own customers.

Aspects of financial responsibility have been addressed elsewhere by the Commission as part of a continuing effort to enhance the quality and permanency of broker-dealer capital.[12] Thus, before repurchasing securities pursuant to Rule 13e-2, if adopted, a broker-dealer issuer would have to determine the contraction of its capital base which would result and unless the issuer's net capital position, giving effect to those repurchases, remained above a certain minimum standard, such purchases would be precluded.[13]

In addition, because of its market proximity and expertise, a broker-dealer issuer has more ability, although is not necessarily more likely, to enhance the market value of its securities inordinately through a particular course of dealing.[14] Moreover, the agency duty which a broker-dealer owes to its customers[15] might be undermined were a broker-dealer issuer placed in acute conflict between its interest in purchasing such securities and its customer's interest in impartial investment advice.[16] For these reasons, the Commission believes that generally a broker-dealer issuer should neither effect transactions directly with customers nor control the timing, amount or price of open-market purchases. The Commission is proposing, therefore, an additional provision which would require that all bids or purchases by or on behalf of a broker-dealer issuer for its own securities, except an unsolicited purchase of a block of securities as defined in the rule, be under the supervision and control of an agent independent of the broker-dealer issuer and be executed by broker-dealers other than the issuer. This independent agent must have full discretion over the timing, amount and price of any such transactions and must comply with the price and volume and other restrictions of proposed Rule 13e-2 generally. The broker-dealer issuer may repurchase its securities directly from a customer if such transaction involves an unsolicited block and the broker-dealer discloses that it is purchasing for its own account.

Disclosure

The Commission is considering, in addition to the provisions detailed herein, whether an issuer should be required to disclose its repurchase program and, if so, the content and manner of such disclosure.[17] The Commission specifically requests comment, therefore, on the following questions:

(1) Should an issuer be required to disclose:

(a) The reason or reasons for its repurchase program;

(b) The total shares to be purchased or the total dollar amount to be expended;

(c) The proposed manner and method of such purchases including any price guidelines or limitations;

(d) The intended disposition or treatment of reacquired shares;

(e) Whether any officers or directors of the company are purchasing the issuer's securities;

(f) Whether any officers and directors intend to dispose of the issuer's securities they might presently hold;

(g) The source of funds to be used to effect the repurchases;

(h) Any significant corporate developments since the date of the last report to stockholders (whether or not reported on Form 8K);

(i) The impact, giving effect to the repurchase program, on the value of the remaining outstanding securities of the same class or series;

(j) If the Company has any present intention of liquidating, the method to be followed, the tax consequences, and the approximate amount per share potentially receivable upon such liquidation;

(k) In addition to the foregoing, if the issuer is a closed-end investment company registered pursuant to the Investment Company Act of 1940, the net asset value and market value per share as of the most recently available date.

(2) What should be the manner and timing of such disclosure? For example, should such notice be mailed to shareholders, filed with the Commission, publicly announced, or any combination of the foregoing?

Control Persons

Section 13(e)(2) of the Act states that a purchase "by or for the issuer or any such person, controlling, controlled by, or under common control with the issuer, or a purchase subject to control of the issuer or any such person, shall be deemed to be a purchase by the issuer." The Commission is specifically delegated the authority, however, to exempt certain purchases if it is "unnecessary or inappropriate that a purchase of the type described in this paragraph shall be deemed to be a purchase by the issuer * * *." Interested commentators should address the issue of whether certain persons, such as officers, directors or insiders or an issuer, or any particular categories of such persons, should, notwithstanding any "control" determination, be exempted, conditionally or unconditionally, from the operation of the rule.

EXEMPTIONS

The proposed rule provides exemptions from the operation of the rule for purchases of (1) securities issued by a public utility holding company registered under the Public Utility Company Holding Act of 1935 or by any subsidiary company thereof; (2) securities purchased by the issuer in compliance with Rule 10b-7 (17 CFR 240.10b-7) or Rule 10b-8 (17 CFR 240.10b-8) in connection with a distribution of securities being made by the issuer; (3) any security, the payment, call, or redemption of which is in accordance with the terms and conditions provided for in applicable indentures, corporate charters or other governing instruments; (4) any fractional interest in a security, evidenced by a scrip certificate, order form or similar security, if the fractional interest (i) resulted from a stock dividend, stock split, reverse stock split, conversion, merger, or similar transaction, and (ii) is purchased pursuant to arrangements among persons entitled to such fractional interests for the purpose of combining interests into whole shares or compensating security holders for a fractional interest not so combined; (5) securities pursuant to a statutory procedure for the purchase of dissenting shareholders' securities when such shareholders have asserted rights of appraisal in accordance with such statutory provisions; (6) a specified class of securities pursuant to a bona fide tender offer made to all shareholders or, except with respect to shareholders of a closed-end investment company, all shareholders of less than a specified number of units of such security; and (7) securities which the Commission, upon written request or upon its own motion, exempts either unconditionally or upon specified terms or conditions as not constituting a fraudulent, deceptive or manipulative act or practice as defined by this rule.[18]

In response to a number of comments received, the Commission is proposing two additional exemptions: (1) The purchase of securities not traded on an exchange and for which no dealer market exists, and (2) the purchase of securities from an employee upon termination of the employment relationship, or from a former employee of the issuer or of any wholly-owned subsidiary thereof, or from the estate of such employee, estabilshed in connection with the employment of, or the sale of such securities to, the employee. Neither situation appears to present any appreciable potential for market impact.[19]

Paragraph (c) of the proposed rule provides the purchases by or on behalf of any employee, dividend reinvestment, or similar plan shall be deemed to be purchases by the issuer, unless the purchase of securities pursuant to the plan are made exclusively by an agent independent of the issuer. This provision further states that the agent will be deemed independent of the issuer only if such agent is not directly or indirectly, controlling, controlled by, or under common control with the issuer, and if the issuer does not possess any control or influence, directly or indirectly, over the timing or amount of purchases, the price to be paid, or the selection of the broker or dealer through or from whom the purchases are to be made.

As originally proposed, this provision required that such plan be operated and administered by a formal trustee to be eligible for the exemption. This provision went too far, however, insofar as it did not exempt purchases by an independent agent which, while not a trustee, was nevertheless not in a control relationship with the issuer.[20] Further, this provision has been revised to make clear that the issuer may administer the details of an employee plan, such as determining employee eligibility and amount of pension or other benefits, or maintaining appropriate records, and that the issuer may revise the amount of its contributions to the plan as long as such revisions occur no more than once every six months. Finally, neither a common directorship nor the issuer's right to remove the independent agent would, alone, establish control or influence over such person.[21]

AMENDMENTS TO RULE 10b-6

As originally proposed, the amendment to Rule 10b-6 had provided that, if Rule 10b-6 would apply to purchases by an issuer solely because the issuer had outstanding convertible securities, purchases made in accordance with the provisions of Rule 13e-2 would be exempted from Rule 10b-6. After reviewing the comments and suggestions received, the Commission has decided to expand the availability of this exemption to include not only outstanding convertible securities but also other securities exchangeable for or exercisable or convertible into the underlying security, including warrants, and distributions which may arise from the existence of certain employee plans. In addition, if the provisions of Rule 13e-2 exempt an issuer's repurchases, such purchases would still be considered to be in accordance with the terms and conditions of that rule and thus exempted from Rule 10b-6.

In the revision the Commission has also added a paragraph to Rule 10b-6 concerning purchases of the issuer's securities for employee plans which is the same as paragraph (e) of Rule 13e-2. Thus, purchases for such a plan which are made by an agent independent of the issuer, under the definition specified in Rule 13e-2, would not be subject to the provisions of Rule 10b-6.

The text of § 240.13e-2 of Chapter II of Title 17 of the Code of Federal Regulation is as follows:

§ 240.13e-2 Repurchase of securities by issuer thereof.

It shall constitute a fraudulent, deceptive or manipulative act or practice for an issuer whose securities are registered pursuant to section 12 of the Act, or for any closed-end investment company registered under the Investment Company Act, directly or indirectly to bid for or purchase any of its equity securities in contravention of the terms and conditions specified herein:

(a) *Bids or purchases from or through a broker or dealer not involving a block as defined in paragraph (d) of this section.* (1) All bids for or purchases of such securities on any one day must be made under the supervision and control of only one broker or dealer.

(2) No bid for or purchase of such securities may be made on an exchange until after an independent opening transaction or within one-half hour of the close of trading and no bid may be made for such security in the National Association of Securities Dealers Automated Quotation system until after an independent bid has been entered or within one-half hour of the termination of Level I service.

(3) Transactions in securities the principal market for which is an exchange:

(i) No bid for such securities may be made at a price higher than the highest independent bid or last sale on such exchange, whichever is higher (and no purchase shall be made at a price higher than such bid plus a minimum or negotiated commission).

(ii) The amount of such securities which may be purchased in any one day shall be limited to the higher of:

(A) One round lot (or other unit of trading) per day; or

(B) 15 percent of the average daily trading volume in the principal exchange market for such security during the preceding four calendar weeks: *Provided, however,* That if such security is traded on more than one exchange, and/or over-the-counter, the amount of securities which may be purchased in any one day on each exchange or in such market may equal 15 percent of the average daily trading volume during the preceding four calendar weeks on each exchange or in such market, if the self-regulatory organization with oversight jurisdiction over such market maintains daily volume data for such security.

(4) Transactions in securities the principal market for which is otherwise than on an exchange.

(i) No bid for such securities may be made at a price higher than the mean between the highest independent bid and the lowest independent offer (and no purchase of such security may be made at a price above such bid plus a customary or negotiated commission).

(ii) If such security is not the subject of quotations in the National Association of Securities Dealers Automated Quotation system, the amount which may be purchased in any one week shall be limited to the higher of:

(A) One round lot (or other unit of trading) per day; or

(B) 1/25th of one percent of the securities in the class outstanding.

(iii) If such security is the subject of quotations in the National Association of Securities Dealers Automated Quotation

system, the amount of such securities which may be purchased on any one day shall be limited to the higher of:

(A) One round lot (or other unit of trading) per day; or

(B) 15 percent of the average daily volume in the preceding four calendar weeks.

(b) *Bids or purchases from or through a broker or dealer involving a block as defined in paragraph (d) of this section.* (1) All purchases involving a block of securities defined in paragraph (d) of this section shall be exempt from volume limitations.

(2) If such transaction is solicited, directly or indirectly, only one broker or dealer on any one day may be used; if not solicited more than one broker or dealer may be used.

(3) If the principal market for such security is a national securities exchange, no bid may be made for such security at a price higher than the highest independent bid or the last sale on such exchange, whichever is lower (and no purchase may be made at a price higher than such bid plus a customary or negotiated commission).

(4) If the principal market for such security is otherwise than on a national securities exchange, no bid may be made for such security at a price higher than the highest current independent bid (and no purchase may be made higher than such bid plus a customary or negotiated commission).

(c) *Bids or purchases not involving a broker or dealer and executed otherwise than on a national securities exchange.* (1) All purchases not involving a broker-dealer and executed otherwise than on a national securities exchange shall be exempt from the volume limitations.

(2) If such transaction is solicited directly or indirectly by the issuer, no purchase may be made at a price above:

(i) The highest independent bid or last sale, whichever is higher, if the principal market for such security is a national securities exchange; or

(ii) The mean between the highest current independent bid and the lowest current independent offer, if the principal market for such security is otherwise than on a national securities exchange.

(3) If such transaction is unsolicited, directly or indirectly, no price limitations will apply.

(d) *Block transactions.* For purposes of this section, a block of securities is a quantity of securities which (1) has an aggregate price of not less than $50,000 if the market price of the security is less than $10; an aggregate price of not less than $75,000 if the market price of the security is at least $10 but less than $20; and aggregate price of not less than $125,000 if the market price of the security is at least $20 but less than $35; an aggregate price of not less than $175,000 if the market price of the security is at least $35 but less than $50; or an aggregate price of not less than $200,000 if the market price of the security is $50 or more; or (2) which is at least 20 round lots or other unit of trading and totals 150 percent or more of the average daily volume in the preceding four calendar weeks if daily volume data is available or which is at least 20 round lots or other unit of trading and totals 2/25 of 1 percent of the class outstanding if daily volume is unavailable. The highest current independent bid shall be deemed to be the "market price", if the principal market for such security is otherwise than on a national securities exchange.

(e) *Purchases by issuer employee plans.* For the purpose of this section, a purchase by or on behalf of any bonus, profit-sharing, pension, retirement, thrift, savings, incentive, stock purchase, dividend reinvestment or similar plan of the issuer or its employees shall be deemed to be a purchase by the issuer, unless purchases of the issuer's securities pursuant to the plan are made exclusively by an agent independent of the issuer. Such agent shall be deemed independent of the issuer (1) if such agent is not directly or indirectly controlling or controlled by the issuer or its affiliates, and is not, directly or indirectly, under common control with the issuer or its affiliates and (2) the issuer or its affiliates do not possess, directly or indirectly, the authority or power to direct the time and price at which securities may be purchased, the amount of securities to be purchased, or the selection of the broker or dealer through or from whom the purchases are to be made: *Provided, however,* That the issuer or its affiliates may, subject to the provisions of the plan, and no more than once in any six-month period, revise the amount of its contributions to the plan.

(f) *Purchases by broker-dealer issuers.* In addition to the terms and conditions imposed in other paragraphs of this section, bids or purchases made by or on behalf of an issuer registered pursuant to section 12 of the Act and which is a broker-dealer registered pursuant to section 15 of the Act, shall be effected by a broker-dealer other than the issuer and such bids or purchases shall be under the supervision and control of an agent independent of the issuer as that term is defined in paragraph (e) of this section: *Provided, however,* That block purchases shall be exempt from the requirement of this paragraph if unsolicited and if the broker-dealer issuer notifies the seller in writing at or before the completion of the transaction that the broker-dealer is purchasing for its own account.

(g) *The provisions of this section shall not apply to:* (1) The purchase of securities issued by a public utility holding company registered under the Public Utility Holding Company Act of 1935 or by any subsidiary company;

(2) Bids for or purchases of securities by the issuer in compliance with § 240.10b–7 or § 240.10b–8 in connection with a distribution of securities being made by the issuer;

(3) The repayment, call or redemption of any security in accordance with the terms and conditions provided for in applicable indentures, corporate charters or other governing instruments;

(4) The purchase of any fractional interest in a security, evidenced by a scrip certificate, order form or similar security, if the fractional interest (i) resulted from a stock dividend, stock split, reverse stock split, conversion, merger or similar transaction, and (ii) is purchased pursuant to arrangements among the persons entitled to such fractional interests for the purpose of combining interests into whole shares of compensating security holders for fractional interest not so combined;

(5) The purchase by an issuer of securities of dissenting shareholders who have asserted rights of appraisal with respect to their shares in accordance with statutory provisions;

(6) The purchase of a specified class of security pursuant to a bona fide tender offer made to all shareholders or, except with respect to shareholders in a closed-end investment company, all shareholders of less than a specified number of units of such security;

(7) The purchase of securities not traded on any exchange for which no dealer market exists;

(8) The purchase of securities from an employee upon termination of the employment relationship, or from a former employee of the issuer or of any wholly-owned subsidiary thereof, or from the estate of such employee, pursuant to any right or obligation to purchase such securities established in connection with the employment of, or the sale of such securities to, the employee; and

(9) The purchase of securities which the Commission upon written request or upon its own motion exempts either unconditionally or upon specified terms or conditions as not constituting a fraudulent, deceptive or manipulative act or practice as defined by this section.

The proposed amendments of § 240.10b–6 of Chapter II of Title 17 of the Code of Federal Regulations are as follows:

Section 240.10b–6 is hereby amended by redesignating paragraph (f) thereof as paragraph (h) and adding new paragraphs (f) and (g) as follows:

§ 240.10b–6 Prohibitions against trading by persons interested in a distribution.

* * * * *

(f) If the provisions of this section would apply to bids for or purchases of a security by an issuer solely because the issuer, or a wholly-owned subsidiary thereof, has outstanding warrants of other securities exchangeable for or convertible into such security, or has one or more employee plans which do not come within paragraph (e) of this section, such provisions shall not apply to such bids or purchases if they are made in accordance with the terms and conditions of § 240.13e–2.

(g) For the purpose of this section, a purchase by or on behalf of any bonus, profit-sharing, pension, retirement, thrift, savings, incentive, stock purchase,

dividend reinvestment or similar plan of the issuer or its employees shall be deemed to be a purchase by the issuer, unless purchases of securities pursuant to the plan are made exclusively by an agent independent of the issuer. Such agent shall be deemed independent of the issuer (1) if such agent is not directly or indirectly controlling or controlled by the issuer or its affiliates, and is not, directly or indirectly, under common control with the issuer or its affiliates and (2) the issuer or its affiliates do not possess, directly or indirectly, the authority or power to direct the time and price at which securities may be purchased, or the selection of the broker or dealer through or from whom the purchases are to be made: *Provided, however*, that the issuer or its affiliates may, subject to the provisions of the plan, and no more than once in any six-month period, revise the amount of its contributions to the plan.

All interested persons are invited to submit their comments in writing on the revised proposed Rule 13e–2 and proposed amendments to Rule 10b–6 to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549 on or before January 15, 1974. All such communications should refer to File No. S7–500 and will be available for public inspection.

(Secs. 10(b), 13(e), 23(a), 48 Stat. 891, 894, 901; as amended 82 Stat. 454, 84 Stat. 1497, sec. 2, 49 Stat. 1379, sec. 2; 15 U.S.C. 78j(b), 78m(e), 78w(a).)

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 6, 1973.

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[1] Rule 13e–2 and the amendment to Rule 10b–6 were first published in Securities Exchange Act Release No. 8930 (July 13, 1970) and in the Federal Register for July 16, 1970, at 35 FR 11410. *See also* proposed Securities Exchange Act Rule 10b–10; *Hearings on S. 510, Before the Subcommittee on Securities, Senate Committee on Banking and Currency*, 90th Cong., 1st Sess., at 214–16 (1967).

[2] 17 CFR 240.10b–6.

[3] Investment companies are also referred to Investment Company Act Rule 23c–1 (17 CFR 270.23c–1).

[4] This general proscription is not meant to prohibit the designated broker-dealer from using the services of another broker-dealer for the execution of transactions in other markets. The designated broker-dealer must, however, coordinate and supervise such transactions.

[5] In computing average daily trading volume for the preceding four calendar weeks, the amount purchased by the issuer in block transactions exempt from the volume limitations of this rule would be subtracted.

[6] The rule as originally proposed would have required that all transactions in a secondary trading market to be aggregated with transactions in the principal exchange market and all such transactions would have been limited to 15 percent of the average daily volume during the preceding four calendar weeks in the principal exchange market. When a composite transaction reporting system for listed securities is operational, *see* Securities Exchange Act Release No. 9850 (Nov., 1972) (adopting Securities Act Rule 17a–15 [17 CFR 240.17a–15]) (announcing the filing of a Rule 17a–15 plan for a composite transaction reporting system), consideration will be given to the use of overall volume data in the case period.

[7] Since the 1/3 of 1 percent limitation is a weekly limitation, the issuer would have to elect, at the beginning of any particular week, whether to purchase 1/3 of 1 percent of the class outstanding that week or one round lot per day.

[8] In July, 1970, when Rule 13e–2 was first proposed, NASDAQ had not begun operating. Since NASDAQ became operational on February 8, 1971, however, the number of issues "listed" has grown to 3,500 and the NASD is publishing reliable volume data for securities which are quoted in that system.

[9] A broker-dealer should be cautioned that it may not accomplish indirectly what the issuer may not accomplish directly; thus, for example, a broker-dealer may not systematically make open-market purchases, soliciting sellers, with a view to selling to the issuer pursuant to the unsolicited block transaction exception.

[10] *But see supra* n. 5. In addition, if the purchaser has a reasonable basis for believing that the seller is making a short sale of all or any part of the block, the purchaser cannot avail itself of this exception from the volume limitations since covering the short position could involve subsequent solicited open-market purchases in smaller quantities.

[11] Previously, proposed Rule 13e–2 had defined a block as a quantity of securities of not less than 10 units having a value of $250,000. Many of the comments received pointed out that this definition discriminated against issuers with low priced securities.

[12] Securities Exchange Act Release No. 10525 (Nov. 29, 1973); *see also* Securities Exchange Act Release No. 9891 (Dec. 5, 1972).

[13] Securities Exchange Act Release No. 10525 at p. 34.

[14] *See, e.g.*, Securities Exchange Act Release No. 9950, at pp. 109–126 (Jan. 16, 1973) (adopting Securities Exchange Act Rule 19b–2 [17 CFR 240.19b–2]) for a discussion of certain market advantages of the context of exchange membership.

[15] *Cf. Hanly* v. *Securities and Exchange Commission*, 415 F. 2d 589 (2d Cir., 1969); *Charles Hughes & Co.* v. *Securities and Exchange Commission*, 139 F. 2d 434 (2d Cir., 1943); *certiorari denied*, 321 U.S. 786.

[16] *Cf.*, New York Stock Exchange Rule 320 (d), 2 CCH, *New York Stock Exchange Guide*, Para. 2320 at p. 3081; American Stock Exchange Rule 312(j), *American Stock Exchange Guide*, Para. 9372 at p. 2615.

[17] That the Commission is considering a provision specifically to require the disclosure of certain aspects of an issuer's repurchase program should not be taken to indicate that some disclosure is not already required, in certain circumstances, by other provisions of the federal securities laws.

[18] Three of the exemptive provisions previously contained in the rule—the purchase of "exempted securities", the purchase of redeemable securities issued by an open-end investment company or unit trust and the purchase of securities issued by entities organized and operated for religious, educational, benevolent, fraternal and reformatory purposes and not for profit—have been deleted as unnecessary. The rule would not have applied to those securities in any event, since such securities are not registered pursuant to Section 12 of the Securities Exchange Act. *See*, Sections 12(a), 12(c)(2)(B) and 12(g)(2)(D) of the Securities Exchange Act, 15 U.S.C. 78*l*(a), 78*l*(g)(2)(B) and 78*l*(g)(2)(D) (1970).

[19] In contrast, some commentators suggested that an exemption be adopted for the purchase of securities in any amount necessary to meet the requirements of a sinking fund obligation. In our view, these commentators have misconstrued the nature of, and reasons for, the other exemptions. Unrestricted purchases by an issuer pursuant to sinking fund obligations would appear indistinguishable, in terms of market impact on those securities, from any other repurchases.

[20] *See*, Section 13(e)(2) of the Act; H.R. Rep. No. 1711, 90th Cong., 2d Sess., 2, 6–7 (1968); 114 Cong. Rec. 21954 (1968) (remarks of Senator Bennett).

[21] *Cf.*, Securities Act Release No. 4790 (July 13, 1965).

[FR Doc.73–26341 Filed 12–12–73;8:45 am]

[17 CFR Parts 240, 249]

[Rel. No. 34–10535; File No. S7–499]

EXTENSION OF TIME FOR FURNISHING INFORMATION

Proposed Guidelines

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend Rule 12b–25 under the Securities Exchange Act of 1934 ("the Act") [17 CFR 240.12b–25] and to adopt a new form, Form 12b–25 [17 CFR 249.322], thereunder. Rule 12b–25 sets forth the circumstances under which a registrant may apply for an extension of time to furnish information to the Commission required by sections 13 or 15(d) under the Act. The proposed amendment would require the filing of a form where a registrant applies for an extension of time to furnish information to the Commission. The purpose of the amendment is to give registrants specific guidelines for applying for such an extension and to allow for uniform and more prompt consideration of such applications by the Commission's staff. In pertinent part, Rule 12b–25 provides that where a registrant is required to furnish any information, report or document to the Commission pursuant to section 13 or section 15(d) under the Act but is unable to do so without unreasonable effort or expense, it shall, no later than the last day of the specified period when such information, report or document is due, file with the Commission an application which (1) identifies the information, report or document in question, (2) gives detailed reasons why the filing cannot be made without unreasonable effort or expense and (3) requests an extension of time for filing such information, report or document. The Commission has not adopted a specific form or prescribed the exact format to be used by registrants in applying for an extension of time. In the absence of a specific form, many applications are filed with the Commission which fail to contain sufficient information upon which the staff may make a determination with respect to such applications.

As a result, the staff must communicate with the registrants in an effort to

obtain additional, or clarifying information. The effort required to obtain the additional information is costly to the Commission. Equally important, the absence of the filing of any required report, information or document with the Commission and the absence of the filing of an adequate application which explains why such report, information or document has not been filed deprives the public of the data necessary to make informed investment decisions.

In light of the above, the Commission proposes to adopt Form 12b–25 and require its filing where a registrant wishes to apply for an extension of time to file a required report, document, etc. The proposed form would contain specific questions designed to aid the registrant in applying for an extension of time. The Commission believes that the disclosure which the form has been designed to achieve will also enable its staff to determine such applications in a more prompt and precise manner.

Commission action: Pursuant to the authority in sections 13, 15(d) and 23 of the Securities Exchange Act of 1934, the Securities and Exchange Commission proposes to amend § 240.12b–25 and to adopt a new section 249.322 in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 240.12b–25 Extension of time for furnishing information.

NOTE.—The disclosures required in reports filed with the Commission are essential to the preservation of free, fair and informed securities markets. It is of critical importance that such reports be furnished within the time they are required to be filed under the Commission's rules. Only the most compelling and unexpected circumstances justify a delay in the filing of a report and the dissemination to the public of the factual information called for therein.

(a) If any required information, document or report, other than an initial registration statement under section 12 (g) of the Act, cannot, without unreasonable effort or expense, be furnished within the time it is required to be filed, the registrant shall, as soon as possible, but no later than the last day of the specified period, file with the Commission, an application on Form 12b–25 [§ 249.322 of this chapter] for an extension of time of not more than 30 days furnishing the information called for by all items of the Form. One additional extension of not more than 30 days also may be applied for in the same manner as the initial application.

(b) An application pursuant to paragraph (a) of this section shall be deemed granted unless the Commission within 15 days after the receipt thereof shall enter an order denying the application or shall notify the registrant that the application does not meet the requirements of this section.

(c) An application for any further extension of time beyond that provided for in paragraph (a) of this section shall be made in the same manner set forth in paragraph (a) of this section but shall be deemed to have been denied unless the Commission shall enter an order granting such application within 15 days after its receipt.

(d) If the extension requested pursuant to paragraph (a) or (c) of this section is necessitated by the inability of any person other than the registrant to furnish any required opinion, information, report or certification, the application shall have attached as an exhibit, a statement signed by such person stating the specific reasons why such person is unable to furnish the required opinion, information, report or certification.

(e) If the application pursuant to paragraph (a) or (c) of this section, or the extension of time granted, relates only to a portion of the required information, document or report, the registrant shall file the remaining portion, and the portion filed shall prominently indicate the nature of the omitted portion.

§ 249.322 Application for extension of time for furnishing information pursuant to section 13 or 15(d) of the Act.

This form shall be filed pursuant to § 240.12b–25 of this chapter by persons requesting extension of time for furnishing information required by section 13 and/or 15(d) of the Act, in a signed original and four conformed copies with the Commission at Washington, D.C. 20549 no later than the last day of the specified period for filing the information, document or report. Copies of this form may be obtained from the Commission on request.

NOTE.—Copies of the form have been filed with the Office of the Federal Register and additional copies may be obtained on request from the Securities and Exchange Commission, Washington, D.C. 20549.

(Secs. 13, 15(d), 23(a), 48 Stat. 894, 895, 901, secs. 3, 8, 49 Stat. 1377, 1379, sec. 2, 52 Stat. 1075, secs. 4, 6, 10, 78 Stat. 569, 570, 580; (15 U.S.C. 78m, 78 o(d), 78w)).

Incorporation by reference for § 249.322 was approved by the Director of the Office of the Federal Register on _____.

All interested persons are invited to submit their views and comments on this proposal to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before January 11, 1974. All such communications should refer to File No. S7–499 and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 4, 1973.

[FR Doc.73–26342 Filed 12–12–73;8:45 am]

Notices

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

DEPARTMENT OF STATE

[Public Notice CM-94]

GOVERNMENT ADVISORY COMMITTEE ON INTERNATIONAL BOOK AND LIBRARY PROGRAMS

Notice of Meeting

The Government Advisory Committee on International Book and Library Programs will meet in open session in Room 1205 in the Department of State, 2201 C Street NW., Washington, D.C. from 9:30 a.m. to 4:30 p.m. on January 10, 1974 and from 9 a.m. to noon on January 11, 1974.

The committee will discuss international copyright matters, recommendations to the Department of State on UNESCO's book promotion efforts and hear a report on the UNESCO-sponsored meeting on the Florence and Beirut Agreements.

For purposes of fulfilling building security requirements, anyone wishing to attend the meeting must advise the Executive Secretary by telephone in advance of the meeting. Telephone: 632–2841.

Dated: December 5, 1973.

CAROL M. OWENS,
Executive Secretary.

[FR Doc.73-26415 Filed 12-12-73;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 140 (Rev. 1)]

ASSISTANT COMMISSIONER (STABILIZATION) ET AL.

Redelegation of Authority Implementing Initial Phase IV Functions

1. The authority granted the Commissioner of Internal Revenue by Cost of Living Council Order No. 37 and Cost of Living Council Order No. 37, Amendment 1, and Treasury Department Orders No. 150–82 and No. 150–82 (Revision 1) is hereby redelegated to the Assistant Commissioner (Stabilization), Regional Commissioners, Assistant Regional Commissioners (Stabilization) and District Directors and also to Key District Directors to exercise in and for the related Associate Districts. Key District Directors will exercise functional supervision over Stabilization activities in related Associate Districts.

2. This authority may be redelegated by the Assistant Commissioner (Stabilization), Regional Commissioners, Assistant Regional Commissioners (Stabilization) and District Directors and may not be further redelegated.

3. Delegation Order No. 140, issued August 13, 1973, is superseded.

Issued: December 7, 1973.

Effective: December 7, 1973.

[SEAL] DONALD C. ALEXANDER,
Commissioner.

[FR Doc.73-26451 Filed 12-12-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO GRAZING DISTRICT ADVISORY BOARDS

Notice of Meetings

Notice is hereby given that four Bureau of Land Management grazing district advisory boards, chartered by the Taylor Grazing Act, will meet at separate locations in New Mexico during January 1974, as follows, in chronological order:

Albuquerque, January 8, at 9:30 a.m. at the Bureau of Land Management district office, 3550 Pan American Freeway. Purpose will be to consider district grazing applications for the 1974 season; range improvements to be built during the fiscal year beginning July 1, 1974; and matters pursuant to Grazing Regulations for the Public Lands under 43 U.S.C. Part 4110—Grazing Administration (Inside Grazing Districts). The BLM planning system, as it pertains to the San Juan Planning Unit, also will be reviewed. The meeting is open to the public. Requests for information should be submitted in writing to the BLM district manager, 3550 Pan American Freeway, Albuquerque, New Mexico 87107; or by telephone at (505) 766–2579. Notice is given also, should a protest meeting be necessary pursuant to the Board's action on January 8 and the grazing regulations herein specified, that such protest meeting will be held at the same place and time of day on February 8, 1974.

Socorro, January 9, at 9:30 a.m., at the Bureau of Land Management district office, 200 Neel Avenue, NW. Purpose will be to consider and act upon district grazing applications for the 1974 season; the proposed El Malpais Outstanding Natural Area; proposed land exchanges; wild horse and burro management; predator control; proposed Ibex release; range improvements and other FY 1974 projects; environmental analysis reports; TG&E Powerline status; and the NRDC law suit. Proposed FY 1975 projects will be discussed at a protest meeting at the same location and time of day on February 8, notice of which meeting also is given hereby for the purpose of hearing protests which may arise pursuant to the board's actions under provisions of 43 USC Part 4110. Both meetings will be open to the public. Requests for information should be submitted in writing to the BLM district manager, 200 Neel Avenue, NW, Socorro, New Mexico 87801; or by telephone at (505) 835–0412.

Roswell, January 10 at 9:30 a.m. at the Bureau of Land Management district office, 1717 W. Second Street. Purpose will be to consider and act upon district grazing applications for the 1974 season; organize the board; hear reports from district and state BLM officials; receive advisory board recommendations on boundary adjustments; ranch transfers; exchange of use agreements, and proposed range improvements. There will be review and discussion of allotment management plans; progress of range improvements for the current fiscal year and improvements proposed for the next fiscal year; off-road vehicles, recreation; wild horses and burros; new stipulations for licenses and permits, and environmental impact concerns. The meeting will be open to the public and opportunity will be afforded for a limited number of brief oral statements from members of the public. Written statements also may be submitted. Notice also is given that should a protest meeting be necessary as a result of the board's actions on January 10, such protest meeting will be held at the same time and place on February 8. Written comments or inquiries should be addressed to the Bureau of Land Management district manager at 1717 W. Second Street, Roswell, New Mexico 88201. Oral requests for information will be received at the same office at (505) 622–7670.

Las Cruces, January 11, at 9:30 a.m. at the BLM district office, 1705 N. Valley Drive.

The agenda for the meeting will include remarks by the State Director and the District Manager, recommendations on all types of grazing applications, section 7 transfers, review and discussion of allotment management plans, completed and proposed projects; other district programs, proposed rulemaking, stipulations to be attached to licenses, permits and leases, status report on wild horse and burro management, election of officers, and any public statements. The meeting will be open to the public. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Board chairman prior to the meeting of the Board. Any interested person may file a written statement with the Board for consideration. Notice is given also that should a protest meeting be necessary as a result of the board's actions on January 11, the

same shall be held at the district office at 9:30 a.m., February 8. The Advisory Board chairman is Eldon P. Harvey, P.O. Box 140, El Paso National Bank Building, El Paso, Texas 79910. Written statements should be submitted to Mr. Harvey.

KEITH E. NORRIS,
Acting State Director.

[FR Doc.73-26394 Filed 12-12-73;8:45 am]

Bureau of Land Management

RAWLINS DISTRICT ADVISORY BOARD

Notice of Meeting

DECEMBER 5, 1973.

Notice is hereby given that the Rawlins District Advisory Board will hold a protest meeting on January 10, 1974, at the Rawlins District Office, Bureau of Land Management, Rawlins, Wyoming. The agenda for the meeting will include hearing of protests, consideration of the 1974 range improvement program, and any other business to come before the board.

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 Curtis Rochelle, Chairman, c/o District Manager, Bureau of Land Management, Rawlins, Wyoming 82301.

MARLOWE E. KINCH,
Acting District Manager.

[FR Doc.73-26354 Filed 12-12-73;8:45 am]

Office of the Secretary

[INT. FES 73-67]

TUALATIN PROJECT, OREGON

Availability of Supplement to the Final Environmental Statement

The Department of the Interior has prepared a supplement to the final environmental statement (FES 72-8) for the Tualatin Project in western Oregon. The supplement was written because of several changes made in the project plan after filing the final environmental statement on April 25, 1972.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.

Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3007.

Office of the Regional Director, Bureau of Reclamation, P.O. Box 043, Boise, Idaho 83724, Telephone (208) 342-2711, Ext. 2109.

Tualatin Project Office, Bureau of Reclamation, P.O. Box 98, Forest Grove, Oregon 97116, Telephone (503) 357-3168.

Single copies of the supplement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151. Please refer to the statement number above.

Dated: December 6, 1973.

WILLIAM A. VOGELY,
Acting Deputy Assistant Secretary of the Interior.

[FR Doc.73-26353 Filed 12-12-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 391.1, the lists (38 FR 23022 and 30116) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as indicated in the following table listing species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

ESTABLISHMENTS SLAUGHTERING HUMANELY

Name of establishment	Estimate No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Swift & Co.	3GI	(*)					
Minden Beef Co.	417	(*)					
Frederick & Herrud, Inc.	586					(*)	
J. W. Treuth & Sons, Inc.	2612	(*)					
Vista Meat Packing Co., Inc.	2854	(*)	(*)				
Anthony Parillo, Inc.	5193	(*)	(*)	(*)	(*)	(*)	
Johnson Meat Co.	6016	(*)	(*)	(*)	(*)	(*)	
Bergman Meat Packing Co., Inc.	6788	(*)	(*)	(*)		(*)	
Country Pride, Inc.	E6803						(*)
Southern Meat of Texas	7004	(*)					
American Packing Co., Inc.	7248	(*)				(*)	
Dwight Gordon	9351	(*)	(*)	(*)		(*)	
New establishments reported—12							
Granite State Packing Co.	785		(*)				
University of Nebraska—Loeffel Meat Laboratory	5658					(*)	
Giunta	8649	(*)					
Steve Fichera Wholesale meats	9576	(*)					
Species added—4							

Done at Washington, D.C., on December 5, 1973.

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

[FR Doc.73-26322 Filed 12-12-73;8:45 am]

Commodity Exchange Authority

REGIONAL DIRECTORS

Delegation of Authority To Issue Subpenas; Service of Subpenas; Fees

a. Pursuant to 7 CFR 2.52, and as authorized by 7 CFR 2.7, the Regional Directors of the Commodity Exchange Authority are hereby authorized to issue subpenas in connection with any investigation under the Commodity Exchange Act (7 U.S.C. 1 et seq.), requiring witnesses to appear and testify and to produce documentary evidence before such investigating officials or employees of the Commodity Exchange Authority as may be designated by the Regional Directors for that purpose. Such appearance and production of documentary evidence may be required from any place in the United States to any specified place of investigation.

b. The delegation of authority contained in paragraph a hereof shall not preclude the Administrator of the Commodity Exchange Authority from issuing subpenas in connection with any investigation under the Commodity Exchange Act.

c. Subpenas may be served (1) by a United States Marshal or his deputy, or (2) by any employee of the United States Department of Agriculture or of any other Federal agency, who is not less than 18 years of age, or (3) by certifying and mailing a copy of the subpena, addressed to the individual, partnership, corporation, organization, or association to be served, to his or its last known principal place of business or residence. Proof of service may be made by the return of service of the subpena by the person making service; or, if service was by certified mail, by the signed returned post office receipt. In making personal service, the person making service shall leave a copy of the subpena with the

person subpenaed; the original, bearing or accompanied by the original proof of service, shall be returned to the official of the Commodity Exchange Authority issuing such subpena.

d. Witnesses summoned by subpena in accordance with the authority herein contained may be paid the same fees and mileage as are paid witnesses in the courts of the United States.

Effective date. The delegation of authority contained herein shall be effective as of December 15, 1973.

Issued: December 10, 1973.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[FR Doc.73-26392 Filed 12-12-73;8:45 am]

Office of the Secretary

FOREIGN AGRICULTURAL SERVICE

Proposed Transfer of Assignments of Functions and Delegations of Authority

In accordance with Reorganization Plan No. 2 of 1953, and in order to afford interested persons and groups an opportunity to place before the Department their views with respect to the proposed actions, the Department is giving advance public notice of a proposed transfer of assignments of functions and delegations of authority.

In order to better meet the Department's international goals, it is proposed that a new Foreign Agricultural Service be established.

A principal goal of the Department is to maintain and increase U.S. exports of available agricultural commodities. In view of the changing nature of world agricultural supply and demand relationships, a realignment of functions bearing on this goal is necessary in order to provide unified and coordinated program leadership.

This realignment is intended to directly support three primary international functions: (1) Gather, analyze and disseminate information on world production and utilization of agricultural commodities, (2) develop export markets for U.S. agricultural commodities, and (3) represent the USDA in international trade matters.

The Department proposes to transfer into this new agency the following functions:

(a) All functions of the present Foreign Agricultural Service.

(b) All functions of the Export Marketing Service.

(c) All functions of the International Organizations Staff.

In order to be considered, views and comments of interested persons and groups must be received in writing by the Assistant Secretary for International Affairs and Commodity Programs by December 28, 1973. All written submissions made purusant to this notice shall be available for public inspection at the office of the Assistant Secretary for International Affairs and Commodity Programs from 8:30–5:00, Monday through Friday, except on holidays (7 CFR 1.27b).

Done at Washington, D.C., this 7th day of December 1973.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.73-26393 Filed 12-12-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

FIRST SECURITY BANK OF UTAH

Notice of Approval of Applicant as Trustee

Notice is hereby given that First Security Bank of Utah, National Association, with offices at 79 South Main Street, Salt Lake City, Utah, has been approved as Trustee pursuant to Pub. L. 89-346 and 46 CFR 221.21-221.30.

BURT KYLE,
Director, Office of
Domestic Shipping.

DECEMBER 4, 1973.

[FR Doc.73-26444 Filed 12-12-73;8:45 am]

[Docket No. S-400]

PRUDENTIAL-GRACE LINES, INC.

Notice of Application

Notice is hereby given that Prudential-Grace Lines, Inc. has filed an application, dated November 9, 1973, requesting written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, to permit C4-S1-49a type combination cargo-passenger vessels to carry passengers, their baggage and automobiles between U.S. Pacific ports (Washington-California, inclusive) on regularly scheduled voyages on Trade Route Nos. 23, 24, and 25, designated Line B in Prudential-Grace Lines' operating-differential subsidy contract.

Interested parties may inspect this application in the Office of Subsidy Administration Maritime Administration, Room 1097, Department of Commerce Building, Fourteenth and E Streets NW., Washington, D.C. 20230.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on December 21, 1973, file same with Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant Section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under Section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistant Program No. 11.504 Operating-Differential Subsidies (ODS).)

Dated: December 10, 1973.

By Order of the Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-26442 Filed 12-12-73;8:45 am]

PROPOSED SHORE FACILITY FOR TREATMENT AND DISPOSAL OF SHIP GENERATED OILY WATER WASTES

Availability of Final Environmental Impact Statement

Notice is hereby given that copies of the U.S. Department of Commerce final environmental impact statement on the Maritime Administration proposed shore facility for treatment and disposal of ship generated oily water wastes were made available to the Council on Environmental Quality and to the public on November 27, 1973. Copies of the statement will be available for public inspection at the following locations:

Maritime Administration, Office of Public Affairs, Room 4889, Department of Commerce, Washington, D.C. 20230.
Maritime Administration, Eastern Regional Office, 26 Federal Plaza, New York, N.Y. 10007.
Maritime Administration, Central Regional Office, 701 Loyola Ave., New Orleans, La. 70152.
Maritime Administration, Western Regional Office, 450 Golden Gate Ave., San Francisco, California 94102.

Any questions concerning the statement should be directed to Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-967-4335.

The final statement entitled, "Maritime Administration Proposed Shore Facility for Treatment and Disposal of Ship Generated Oily Water Wastes", refers to the Maritime Administration lease to the Virginia Port Authority of the former Navy Cheatham Annex fuel farm in York County, Virginia for use as a facility for processing ship-generated oily water wastes (approximately 60 pages).

By order of the Acting Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-26443 Filed 12-12-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL ADVISORY COMMITTEES

Notice of Meetings

The Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, announces the meeting dates and other required information for the following National Advisory bodies scheduled to assemble the month of January 1974:

Committee name	Date, time, place	Type of meeting and/or contact person
Neuropsychology Research Review Committee.	Jan. 3-5, 9:00 a.m., Woodmont West Room, Holiday Inn, Bethesda, Md.	Open—Jan. 3, 9-10 a.m., closed—otherwise contact Leonard Lash, 301-443-3636, Parklawn Bldg., Rm. 10-95, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10 a.m., January 3, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92-463, Section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Preclinical Psychopharmacology Research Review Committee.	Jan. 7-8, 9:00 a.m., Conference Room C, Parklawn Bldg., Rockville, Md.	Open—Jan. 7, 9-9:30 a.m., closed—otherwise contact Marion Miller, 301-443-3454, Parklawn Bldg., Rm. 9-97, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m., January 7, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Epidemiologic Studies Review Committee.	Jan. 10-11, 9:00 a.m., Conference Room H, Parklawn Bldg., Rockville, Md.	Open—Jan. 10, 9-10 a.m., closed—otherwise contact Robert E. Markush, 301-443-3774, Parklawn Bldg., Rm. 10C-09, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10 a.m., January 10, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Juvenile Problems Research Review Committee.	Jan. 10-11, 9 a.m., Madison Room, Sheraton Park Hotel, Washington, D.C.	Open—Jan. 10, 9-9:30 a.m., closed—otherwise contact Diana Souder, 301-443-3566, Parklawn Bldg., Rm. 10-99, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to the research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m., January 10, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Clinical Psychopharmacology Research Review Committee.	Jan. 10-11, 9 a.m., Sheraton-Carlton Hotel, Washington, D.C.	Open—Jan. 10, 9-10 a.m., closed—otherwise contact Solomon C. Goldberg, 301-443-3524, Parklawn Bldg., Rm. 9-105, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10 a.m., January 10, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Social Problems Research Review Committee.	Jan. 10-11, 9 a.m., Virginia Room, Mayflower Hotel, Washington, D.C.	Open—Jan. 10, 9-9:30 a.m., closed—otherwise contact Edward J. Flynn, 301-443-3566, Parklawn Bldg., Rm. 10-99, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m., January 10, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92-463, Section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Social Sciences Research Review Committee.	Jan. 10-11, 9 a.m., Gallery Room, Dupont Plaza Hotel, Washington, D.C.	Open—Jan. 10, 9-9:30 a.m., closed—otherwise contact Lorraine B. Torres, 301-443-3942, Parklawn Bldg., Rm. 10C-06, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m., January 10, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Committee name	Date, time place	Type of meeting and/or contact person
Experimental Psychology Research Review Committee.	Jan. 10-12, 9 a.m., Dupont Room, Dupont Plaza Hotel, Washington, D.C.	Open—Jan. 10, 9-9:30 a.m., closed—otherwise contact John Hammack, 301-443-3936, Parklawn Bldg., Rm. 10-95, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m., January 10, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Clinical Program—Projects Research Review Committee.	Jan. 11-12, 9 a.m., Statler Hilton Hotel, 16th and K Streets NW., Washington, D.C.	Open—Jan. 11, 9-10:30 a.m., closed—otherwise contact Julian J. Lasky, 301-443-4708, Parklawn Bldg., Rm. 10C-23B, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes commendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10:30 a.m., January 11, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Personality and Cognition Research Review Committee.	Jan. 12-13, 9 a.m., Ginza Room, Miyako Hotel, San Francisco, Calif.	Open—Jan. 12, 9-9:30 a.m., closed—otherwise contact E. Wayne Herron, 301-443-3942, Parklawn Bldg., Rm. 10C-06, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m., January 12, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Metropolitan Mental Health Problems Review Committee.	Jan. 14, 9 a.m., Counsel Room, Sheraton-Silver Spring Hotel, Silver Spring, Md.	Open—Jan. 14, 9-10:30 a.m., closed—otherwise contact A. Robert Polcari, 301-443-3373, Parklawn Bldg., Rm. 12C-16, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research, fellowships, and training activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10:30 a.m., January 14, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Experimental and Special Training Review Committee.	Jan. 15-17, 9 a.m., Conference Room L, Parklawn Bldg., Rockville, Md.	Open—Jan. 15, 9-9:30 a.m., close—otherwise contact Ralph Simon, 301-443-3869, Parklawn Bldg., Rm. 8C-02, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to training activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m. January 15, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Committee name	Date, time place	Type of meeting and/or contact person
Crime and Delinquency Review Committee.	Jan. 16-18, 9 a.m., Fairfax Hotel, Washington, D.C.	Open—Jan. 16, 9-10 a.m., closed—otherwise contact Carol Beall, 301-443-3728, Parklawn Bldg., Rm. 12C-04, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10 a.m., January 16, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Mental Health Small Grant Committee.	Jan. 17-18, 1 p.m., District and Press Rooms, The Hotel Washington, Washington, D.C.	Open—Jan. 17, 4-5 p.m., closed—otherwise contact Stephanie B. Stols, 301-443-4337, Parklawn Bldg., Rm. 10C-14, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of small grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 4 to 5 p.m., January 17, the meeting will be open for discussion of administrative announcements and legislative developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Clinical Projects Research Review Committee.	Jan. 17-19, 9 a.m., Statler Hilton Hotel, 16th and K Streets NW., Washington, D.C.	Open—Jan. 17, 9-10:30 a.m., closed—otherwise contact Julian J. Lasky, 301-443-4708, Parklawn Bldg., Rm. 10C-23B, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10:30 a.m., January 17, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Continuing Education Training Review Committee.	January 21-23, 9 a.m., Conference Room A, Parklawn Bldg., Rockville, Md.	Open—Jan. 21, 9-10 a.m., closed—otherwise contact Warren Lamson, 301-443-4735, Parklawn Bldg., Rm. 8C-22, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to training activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10 a.m., January 21, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Alcoholism and Alcohol-Problems Review Committee.	Jan. 23-25, 9 a.m., Holiday Inn Bethesda, Md.	Open—Jan. 23, 9-10 a.m., closed—otherwise contact J. C. Teegarden, 301-443-4223, Parklawn Bldg. Rm. 6C-03, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism relating to research activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Agenda. From 9 to 10 a.m., January 23, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Substantive information may be obtained from the contact persons listed above.

The Information Officers who will furnish summaries of the meetings and rosters of the committee members are located in the Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852. The NIAAA Information Officer is Mr. Harry Bell, Director, Office of Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 6C-15, telephone no. 443-3306. The NIDA Information Officer is Mr. James Helsing, Program Information Officer for Drug Abuse, National Institute on Drug Abuse, Room 15C-12, telephone no. 443-4566. The NIMH Information Officer is Mr. Edwin Long, Deputy Director, Office of Communications, National Institute of Mental Health, Room 15-105, telephone no. 443-3600.

Dated December 3, 1973.

ROGER O. EGEBERG,
Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.73-26336 Filed 12-12-73;8:45 am]

Food and Drug Administration

[DESI 5668; Docket No. FDC-D-599; NDA No. 10-725]

COMBINATION GASTROINTESTINAL DRUG PRODUCT

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In a notice (DESI 5668) published in the FEDERAL REGISTER of June 18, 1971 (36 FR 11757) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below stating that the drug was regarded as possibly effective and lacking substantial evidence of effectiveness for use as labeled for gastrointestinal disturbances. As no data have been submitted pursuant to the notice the possibly effective indications have been reclassified as lacking substantial evidence of effectiveness.

NDA 10-725; Barbicaine Oral Solution containing pentobarbital, phenobarbital, and procaine hydrochloride; formerly marketed by Cutter Laboratories, Inc., Fourth and Parker Streets, Berkeley, Ca. 94710.

Cutter Laboratories informed the Food and Drug Administration that marketing of the product has been discontinued for some time and requested that approval be withdrawn.

As all identical, similar, and related products not the subject of an approved new drug application, will be subject to a final order which withdraws approval on the basis of a determination that the drug lacks substantial evidence of effectiveness, this notice is published so that any person who manufactures or distributes a product that is identical, similar, or related to the product described above will have opportunity to present evidence and request a hearing on the proposed order.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before January 14, 1974 the applicant(s) and any other interested person is required to file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before January 14, 1974, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after on or before January 14, 1974, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

(Sec. 502, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).)

Dated: December 6, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-26401 Filed 12-12-73;8:45 am]

FRESH AND FROZEN OYSTERS, CLAMS, AND MUSSELS

Notice of Availability of Proposed Good Manufacturing Practice Regulations

Notice is hereby given that a draft of Proposed Current Good Manufacturing Practice Regulations (21 CFR Part 128g) Fresh and Frozen Oysters, Clams, and Mussels, is on display with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, MD 20852.

Copies of the draft of the proposed regulation are being distributed to State shellfish regulatory agencies and the Shellfish Institute of North America for review and comment. These groups are recognized active participants in the National Shellfish Sanitation Program and will be the groups most directly affected by the proposed regulation.

Notice is also made of the Eighth National Shellfish Sanitation Workshop to be held January 16, 17, and 18, 1974, in New Orleans, Louisiana. The Workshop is an open meeting and includes members of the National Shellfish Sanitation Program. One of the topics for discussion at this workshop will be the Proposed Current Good Manufacturing Practice Regulations for Fresh and Frozen Oysters, Clams, and Mussels. The workshop will also consider approaches for the development of other Federal regulatory procedures and standards for the sanitary control of oysters, clams, and mussels.

Persons interested in obtaining copies of the draft of the proposed regulation or desiring further information about the workshop should contact Chief, Shellfish Sanitation Branch, Bureau of Foods, Food and Drug Administration, 200 C St., SW., Washington, DC 20204.

Any person who wishes to submit comments (in quintuplicate) on the draft to the Hearing Clerk, or to meet with Food and Drug Administration officials, may do so on or before February 11, 1974.

Dated: December 7, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-26400 Filed 12-11-73;8:45 am]

MEDICAL DEVICE CLASSIFICATION PANELS

Request for Nominations for Members: Panels for Ear, Nose, and Throat Devices, and Devices Used in Plastic and General Surgery

In his message to the Congress on consumer affairs on October 30, 1969, the President requested the Secretary of Health, Education, and Welfare, to determine the scope and nature of additional legislative controls to protect the public against unreasonable risk of injury or illness from medical devices. The Secretary established a Study Group on Medical Devices for this purpose under the chairmanship of Theodore Cooper, M.D., Director of the National Heart and Lung Institute. The Study Group completed its report, entitled "Medical Devices: A Legislative Plan," in September 1970. (The report of the Study Group is available for public review at the office of the Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, during regular working hours Monday through Friday, and may be purchased from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22151.)

The Cooper committee recommended an immediate, systematic review of existing medical devices, and classification of these devices into three categories: (1) Those requiring premarketing clearance, (2) those for which standards would be appropriate, and (3) those which should be exempt from premarketing review and standards. The Secretary requested that the Commissioner of Food and Drugs immediately undertake an industry-wide inventory of existing medical devices, and their classification into the above three categories,

pending introduction and enactment of appropriate new medical device legislation.

In 1972, an inventory of existing medical devices was developed. Information for this inventory was obtained by sending questionnaires to over 4000 addressees in the United States. From the approximately 2000 replies received, 1100 manufacturers in the United States were identified as supplying medical devices. From these manufacturers a list of approximately 8000 devices was developed.

The classification of devices which was requested by the Secretary has been initiated by dividing all devices into 14 separate categories generally based on medical specialties. These are: Orthopedics; cardiovascular; dental; anesthesiology; obstetrics and gynecology; gastroenterology and urology; ear, nose, and throat; plastic and general surgery; physical medicine; neurological disease; general hospital and personal use; ophthalmology; radiology; and clinical pathology.

The Commissioner has established the first six panels to review and classify devices that fall within their respective medical specialty areas. The Commissioner now is preparing to establish panels for ear, nose, and throat devices and for devices used in plastic and general surgery.

Notice is hereby provided for all interested persons to nominate qualified physicians, engineers, or scientists to serve on these two device classification panels. Nominations for these qualified experts are invited from individuals and from consumer, industry, and professional organizations, and should be sent to:

Dr. Carl W. Bruch,
Food and Drug Administration
Office of Medical Devices (HFM-120)
5600 Fishers Lane
Rockville, Maryland 20852

Nominations must state that the person nominated is aware of the nomination, is interested in becoming involved in this effort, and appears to have no conflict of interest. A complete curriculum vitae must be enclosed with each nomination. Nominees shall be qualified by training, education and experience in the field of medical devices and have particular expert knowledge in the specialty area concerned.

In addition to qualified experts, the Commissioner has concluded that each panel should also include one non-voting representative of the consumer interests, and one non-voting representative of the regulated industry.

Accordingly, any group or organization interested in participating in the selection of an appropriate representative of the consumer interests for each panel should send such nominations to:

Mr. Alexander Grant
Food and Drug Administration
Director, Consumer Affairs (HFI-1)
5600 Fishers Lane
Rockville, Maryland 20852

Separate nominations should be specified for each panel. After receipt of such nominations, a list of the nominees for the consumer interests for each panel will be compiled and submitted to each consumer group or organization responding along with a voting sheet, which will be filled in and returned to the Food and Drug Administration. The nominee with the highest number of votes will be the consumer representative for that panel.

Similarly, any group or organization interested in participating in the selection of an appropriate representative of the regulated industry for each panel should send such nominations to Dr. Carl W. Bruch at the address given above.

Separate nominations should be specified for each panel. After receipt of such nominations, a list of the nominess for the industry representative for each panel will be compiled, and submitted to each industry group or organization responding. The responding parties, after deliberating among themselves, will select the industry representative. If the responding parties do not provide the name of the industry representative for each panel by a predetermined date, the Food and Drug Administration will choose the industry representative.

It will be the responsibility of the nonvoting consumer and industry members of the panel to represent the consumer and industry interests in all deliberations.

To be considered, nominations of experts to serve on the two panels now being formed, and letters from consumer and industry groups and organizations expressing an interest in participating in the selection of a consumer and an industry non-voting member for each panel, must be received on or before January 15, 1974.

The Commissioner is preparing and will publish in the FEDERAL REGISTER a description of how the panels will function. An opportunity will be provided for all interested persons to present information and views to the panels for their consideration in the classification process.

Dated: December 6, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-26403 Filed 12-11-73;8:45 am]

[DESI 4589; Docket No. FDC-D-490; NDA 4-589]

McGAW LABORATORIES

Withdrawal of Approval of New Drug Application for Intravenous Solution Containing 5 Percent Alcohol and 5 Percent Dextrose With Vitamins

A notice was published in the FEDERAL REGISTER of August 28, 1973 (38 FR 22995), extending to McGaw Laboratories Inc. (successor to Don Baxter Inc.), 1016 Grandview Avenue, Glendale, CA 91201, and to any interested person, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drugs, and Cosmetic Act withdrawing approval of pertinent parts of NDA 4-589 for 5 percent Alcohol, 5 percent Dextrose with Vitamins containing alcohol, dextrose, niacinamide, riboflavin, and thiamine hydrochloride. The basis of the proposed action was the lack of substantial evidence that the drug is effective for its labeled indications.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR, 23185, October 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

By letter of September 5, 1973, McGaw Laboratories elected not to avail itself of the opportunity for a hearing. No other person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with regard to the drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of those parts of new drug application No. 4-589 pertaining to the aforesaid product and all amendments and supplements thereto is withdrawn effective December 24, 1973.

Shipment in interstate commerce of the above-listed drug product or of any identical, related, or similar product, not the subject of an approved new drug application, will thereafter be unlawful.

Dated: December 6, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-26404 Filed 12-12-73;8:45 am]

[DESI 12939; Docket No. FDC-D-596; NDA Nos. 11-224 and 12-939]

PENICILLINASE INJECTION

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice (DESI 12939) published in the FEDERAL REGISTER of August 26, 1970 (35 FR 13611) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report

received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug, stating that the drug was regarded as possibly effective for the treatment of allergic reactions to penicillin G:

NDA 12-939; Neutrapen containing 800,000 units penicillinase per vial, marketed by Riker Laboratories Inc., Subsidiary 3M Co., 19901 Nordhoff St., Northridge, California 91324.

This notice applies also to NDA 11-224, held by Riker Laboratories, covering the same drug product.

Data consisting of literature references and one clinical study were submitted by Riker. With the exception of a 1968 publication the referenced material was published in 1962 or before and was, therefore, available at the time of the Academy's review. With one possible exception, a blood level experiment, the literature references do not represent adequate and well-controlled studies. The clinical study submitted was intended to show the effect of the drug on penicillin blood levels. Thus, the data fail to provide substantial evidence that penicillinase is effective in the treatment of allergic reactions to penicillin G. The data did confirm, however, that the drug lowers blood levels of penicillin G, a fact which had been acknowledged by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group in its review of the drug. Subsequently, with permission of the Food and Drug Administration, Riker revised the labeling to indicate only that penicillinase lowers blood levels of penicillin G.

Based upon further consideration and recommendations of the FDA Anti-Infective Agents Advisory Committee, the Commissioner concludes that, in the absence of studies demonstrating effectiveness of the drug in the treatment of allergic reactions to penicillin G, the product lacks, substantial evidence of effectiveness for any drug use for which it is offered. Establishing that blood levels of penicillin G are lowered does not, in and of itself, establish any therapeutic usefulness of the drug to a patient.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before January 14, 1974, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before January 14, 1974, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14 (b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after January 14, 1974, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

(Sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: December 6, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-26402 Filed 12-12-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing Management

[Docket No. D-73-256]

DIRECTOR AND DEPUTY DIRECTOR, HONOLULU INSURING OFFICE

Redelegation of Authority Regarding College Housing Program and Rehabilitation Loan Program

SECTION A. *Authority redelegated with respect to the College Housing Program.* To the Director, the Deputy Director, and the Director, Housing Management Division, Honolulu Insuring Office, is redelegated the power and authority of the Secretary of Housing and Urban Development with respect to the management aspects, including the servicing of loans and grants, of the College Housing Program under title IV of the Housing Act of 1950 (12 U.S.C. 1749-1749c), except the power and authority specified in section A, 1 and the power and authority additionally excepted in section C:

1. To make the determination to consent to the modification of any agreement to which the Government is a party with respect to time of payment on any installment of principal or interest due

the Government, or any required deposit into a fund or reserve, under section 402(c)(8) of the Housing Act of 1950 (12 U.S.C. 1749a(c)(8));

2. To make the determination to authorize postponement of a scheduled payment due the Government or deferment of any required deposit into a fund or reserve;

3. To make the determination to foreclose on any property, or commence any legal action to protect or enforce any right conferred upon the Secretary by any law, contract, or other agreement;

4. To make the determination to accept deeds in lieu of foreclosure; or

5. To make the determination to purchase prior liens on such property.

SEC. B. *Authority redelegated with respect to the Rehabilitation Loan Program.* To the Director, the Deputy Director, and the Director, Housing Management Division, Honolulu Insuring Office, is redelgated the power and authority of the Secretary of Housing and Urban Development with respect to the Rehabilitation Loan Program under section 312 of the Housing Act of 1964 (42 U.S.C. 1452b), except the power and authority specified in section B, 1–2, and the power and authority additionally excepted in section C:

1. Approve applications for section 312 rehabilitation loans and execute documents in connection therewith.

2. Delegate to or use as agent any Federal or local public or private agency or organization pursuant to section 312(f) (42 U.S.C. 1452(f)).

SEC. C. *Additional authority excepted.* There is further excepted from the authority redelegated under sections A and B the power and authority to:

1. Establish the rate of interest on Federal loans.

2. Issue notes or other obligations for purchase by the Secretary of the Treasury.

3. Issue rules and regulations.

4. Sue or be sued.

5. Exercise the powers and authorities under section 402(a) of the Housing Act of 1950 (12 U.S.C. 1749(a)).

(Secretary's delegation of authority to redelegate published at 36 FR 5005, March 16, 1971)

Effective date. This amendment to the redelegation of authority is effective as of October 30, 1973.

R. C. ODLE, Jr.,
Acting Assistant Secretary for Housing Management.

[FR Doc.73-26431 Filed 12-12-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-277, 50-278]

PHILADELPHIA ELECTRIC CO.

Notice and Order for Evidentiary Hearing

By letter dated December 5, 1973, the State of Maryland requested a further evidentiary hearing in the above captioned proceeding on the basis that the discharge from the combined operation of Peach Bottom Units 2 and 3 as proposed by the Applicant will affect the quality of the Maryland waters in its portion of the Condowingo Pond so as to violate the water quality standards set by Maryland and approved by the Environmental Protection Agency for those waters. This request for hearing by the State of Maryland was made pursuant to section 401(a)(2) of the Federal Water Pollution Control Act Amendments of 1972 (FWPCA), Pub. L. 92-500. Section 401(a)(2) provides that, if an adjoining state such as Maryland requests a public hearing on its objection that the discharge from the facility violates its water quality requirements, the licensing agency shall hold such a hearing and the Administrator of the Environmental Protection Agency shall at such hearing submit his evaluation and recommendations with respect to the State's objections.

Please take note and *it is hereby ordered*, That in accordance with the aforementioned request by the State of Maryland, that an evidentiary hearing in this proceeding is scheduled to begin at 10 a.m. local time on Monday, January 7, 1974, in the Auditorium of the Atomic Energy Commission Headquarters, Germantown, Maryland. This evidentiary hearing will cover the issues specified in section 401(a)(2) of the FWPCA.

Members of the public are invited to attend this public hearing.

Issued at Washington, D.C., this 10th day of December 1973.

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.73-26432 Filed 12-12-73;8:45 am]

[Docket No. 50-323]

PACIFIC GAS AND ELECTRIC CO.

Notice of Issuance of Amended Construction Permit

Notice is hereby given that pursuant to an Initial Decision, dated November 23, 1973 by the Atomic Safety and Licensing Board, the Atomic Energy Commission has issued Amendment No. 2 to Provisional Construction Permit No. CPPR-69 issued to Pacific Gas and Electric Co. for construction of the Diablo Canyon Nuclear Power Plant, Unit 2, in San Luis Obispo County, California. The Initial Decision lifts the suspension on removal of the discharge structure cofferdam imposed by the Atomic Safety and Licensing Board in its decision of June 5, 1972. The amendment requires the conduct of monitoring studies to determine the actual effects of the removal of such cofferdam.

The Director of Regulation has found that the provisions of the amendment comply with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Chapter I and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

A copy of the Initial Decision dated November 23, 1973 and Amendment No. 2 to CPPR-69, and other related documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the San Luis Obispo City-County Library, 888 Morro Street, San Luis Obispo, California 93406. Single copies of the Initial Decision and Amendment No. 2 to CPPR-69, may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland this 6th day of December 1973.

For the Atomic Energy Commission.

KARL R. GOLLER,
Chief, Pressurized Water Reactors Branch No. 3 Directorate of Licensing.

[FR Doc.73-26357 Filed 12-12-73;8:45 am]

[Docket Nos. 50-438; 50-439]

TENNESSEE VALLEY AUTHORITY

Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for these proceedings (Bellefonte Nuclear Plant, Units 1 and 2):

Alan S. Rosenthal, Chairman.
Dr. John H. Buck, Member.
Michael C. Farrar, Member.

Dated: December 7, 1973.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.73-26407 Filed 12-12-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22859]

DOMESTIC AIR FREIGHT RATE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on January 8, 1974, at 10 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., December 7, 1973.

[SEAL] ARTHUR S. PRESENT,
Administrative Law Judge.

[FR Doc.73-26428 Filed 12-12-73;8:45 am]

[Docket 23333; Order 73-12-35]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Order 73-10-59 dated October 16, 1973, issued under delegated authority, approved an IATA agreement[1] which included certain transatlantic specific commodity rates for the carriage of horseflesh, intended for January 1, 1974 effectiveness.

In a petition for reconsideration filed November 1, 1973, later amended by "Petition for Discretionary Review," Seaboard World Airlines, Inc. (Seaboard), requests that the Board reconsider the approval and disapprove the IATA agreement incorporating these rates.

Seaboard asserts that the rates in question are unreasonable, unjustly discriminatory, unduly preferential, and unduly prejudicial. In support of its claims, Seaboard maintains that given the increasing volumes of horseflesh shipped by air and the current meat shortage and high prices for meat, horseflesh shipments would not revert to surface carriage were these rates increased to lawful levels; that should the Board disapprove these rates shippers could use the slightly higher 0602[2] specific commodity rate; that use of the 0602 rate already affords shippers excessive discounts from compensatory rate levels and no further preferences should be permitted; that the horseflesh rates which are geared to minimum shipments of 5,000 kgs. or more are as low or lower than the bulk high-weight-break rates Seaboard charges for shipments of 30,000 kgs. or more; and that the special handling and refrigeration required for this perishable commodity exacerbate the non-compensatory and preferential aspects of this rate since the low rate does not cover the shipping of an ordinary commodity not requiring special handling. Lastly Seaboard states that it is aware that if the Board does disapprove the questioned rates, the lower currently effective rates will become effective, but hopes that IATA carriers will correct these unjustified and uneconomic rates by filing cost-justified rates.

Pan American World Airways, Inc. (Pan American), and Trans World Airlines, Inc. (TWA), have filed answers to Seaboard's petition requesting that it be dismissed.[3]

Both Pan American and TWA maintain that any increase or rejection of the questioned rates would divert this traffic to Montreal where low rates for this commodity presently exist; that horseflesh would simply not move at the higher 0602 rate out of New York since the difference between this latter rate and the horseflesh rates from Montreal are significant; that horseflesh can neither withstand a substantial increase in rates nor be carried at the 0602 rate applicable for other meats since the retail price of horseflesh is lower than most other meats; and that comparison of the questioned rates and Seaboard's 30,000 kg. high-weight-break rate misses the mark, since the horseflesh rates are based on a density twice that of traffic carried at Seaboard's 30,000 kg. rate thus allowing for significant revenues on a per pallet basis.

Additionally, Pan American states that the questioned rates represent the latest effort to improve yield from this traffic; that Seaboard has failed to document cost savings in transporting 30,000 kg. over 5,000 kg. shipments and has indicated in other connections that it uses cargo carried at the 30,000 kg. rate as "filler" traffic by breaking up these larger shipments for carriage as smaller ones thus eliminating any economics of scale; that the "perishable" nature of horseflesh does not suggest these rates are illegal since Seaboard's 30,000 kg. rates are available for many perishable items; and that the 5,000 kg. horseflesh shipments go on one flight reducing any potential spoilage problems.

TWA believes the petition should be denied without regard to any merit since Seaboard failed to object to the initial filing; that the petition is in part self-serving and anti-competitive since the questioned rates compare favorably with the 30,000 kg. high-weight-break rates charged by Seaboard for all commodities including horseflesh; that Seaboard's suggestion that horseflesh be carried at the 0602 rate, which is significantly higher than Seaboard's 30,000 kg. rates, would preclude carriage of horseflesh by IATA carriers; that handling requirements cannot be a factor in assessing the reasonableness of these rates since horseflesh does not require any special handling, packaging, or other preparation. Finally, TWA asserts that some 8 million pounds of traffic have been generated over a year's time by the rates at issue.

Upon consideration of Seaboard's petition for discretionary review, the Board concludes it will exercise its discretionary right of review and consider the agreement in the light of the allegations contained in Seaboard's petition and the answers filed by Pan American and TWA. Upon consideration of the agreement under review the Board has concluded that it warrants approval, and the relief sought by Seaboard will be denied.

The rates in question appear to be generative. According to information received, despite the availability of the 0602 rate in Canada, horseflesh did not begin to move until the lower 0670 horseflesh rate was introduced from Canada thereby generating 8 million pounds of traffic in one year. Thus it appears U.S. carriers are seeking to participate in this traffic by the filing of the 0670 rates which are at a higher level than the prior Canadian rates.[4]

Moreover, the density of the item (18 pounds per cubic foot) makes it attractive in that it permits efficient use of aircraft load capacity. Since present aircraft are more space limited than weight limited, cargo that is denser than the 9–10 pounds per cubic foot average in the North Atlantic market permits more optimum balance of an airplane's volume and weight capacities and thus produces more revenue when viewed in terms of the total airplane space remaining for carriage of other cargo.

Additionally, we note that since New York and Montreal are common rated on this item with regard to the respective European destinations, disapproval of the questioned rates from New York still would leave identical low rates from Montreal in effect. This raises the strong possibility that horseflesh traffic currently leaving New York would divert to Montreal rather than move up to the higher 0602 rate from New York as the petitioner suggests with consequent loss of this traffic and revenues to U.S. carriers.

Finally, Seaboard has not demonstrated injury. While these rates are at a relatively low level their yield approximates those derived from Seaboard's 30,000 kg. high weight break rate and there is no indication of any significant cost savings in transporting 30,000 kg. shipments as compared with the high density traffic in question with a 5,000 kg. minimum.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act makes the following finding:

It is not found that the specific commodity rates incorporated in Agreement C.A.B. 23978, R–1 are adverse to the public interest or in violation of the Act.

Accordingly, *it is ordered*, That:

1. The petition of Seaboard World Airlines, Inc., for discretionary review is granted;

2. The relief sought by Seaboard World Airlines, Inc., therein is denied;

3. The motion of Seaboard World Airlines, Inc., for leave to file an unauthorized document in reply to the answers of Pan American World Airways, Inc., and Trans World Airlines, Inc., is denied; and

4. Agreement C.A.B. 23978, R–1 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A

"Horseflesh" rates against which Seaboard's petition is directed:

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[1] The order would become effective and be the action of the Board unless a petition for review is filed, or the Board gives notice that it will review the order on its own motion.

[2] Meat including slaughtered poultry and game, sausage, bologna, and frankfurters.

[3] Seaboard also filed a motion on November 20, 1973, for leave to submit an unauthorized document in reply to the answers of Pan American and TWA which will be denied.

[4] See Appendix A.

Market	Rate
Montreal/New York to Amsterdam/Brussels/Paris	45 cents per kg.
Montreal/New York to Vienna	49 cents per kg.
Montreal/New York to Frankfurt	47 cents per kg.

"*Horseflesh*" rates previously in effect from Montreal only:

Market	Rate	Dates effective
Montreal to Amsterdam/Brussels/Paris.[1]	42 cents per kg.	June 15, 1973 to Sept. 29, 1973.
Montreal to Vienna.[2]	46 cents per kg.	June 15, 1973 to Sept. 29, 1973.
Montreal to Frankfurt.[2]	44 cents per kg.	August 7, 1973 to Dec. 31, 1973.

[1] International Air Traffic Tariffs Corp., Agent, CAB No. 399.
[2] International Air Traffic Tariffs Corp., Agent, CAB No. 399.
[3] Approved by Order 73-8-30 of Aug. 7, 1973 which also approved an identical rate from New York to Frankfurt.

[FR Doc.73-26430 Filed 12-12-73;8:45 am]

[Docket 24488; Order 73-12-8]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Delayed Inaugural Flights

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated C.A.B. agreement number.

The agreement would permit KLM Royal Dutch Airlines to postpone to a date not later than May 5, 1974, the performance of its inaugural flight between New York and St. Maarten. We will herein approve the agreement insofar as it applies in air transportation as defined by the Act.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that Resolution 100 (Mail 937) 200h, which is incorporated in Agreement C.A.B. 24097, is adverse to the public interest or in violation of the Act.

Accordingly, *it is ordered*, That: Agreement C.A.B. 24097 be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-26429 Filed 12-12-73;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

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 Commerce to fill by noncareer executive assignment in the excepted service the position of Special Assistant for Bicentennial Affairs, Office of the Secretary.

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

[FR Doc.73-26389 Filed 12-12-73;8:45 am]

DEPARTMENT OF COMMERCE

Title Change in Noncareer Executive Assignment

By notice of March 18, 1972, F.R. Doc. 72-4224 the Civil Service Commission authorized the Department of Commerce to make a change in title for the position of Assistant Director for Private Programs, Office of Minority Business Enterprise, authorized to be filled by noncareer executive assignment. This is notice that the title of this position is now being changed to Assistant Director for National Programs, Office of Minority Business Enterprise.

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

[FR Doc.73-26383 Filed 12-12-73;8:45 am]

DEPARTMENT OF DEFENSE

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 Defense to fill by noncareer executive assignment in the excepted service the position of Director of Net Assessment, Immediate Office, Office of the Secretary of Defense.

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

[FR Doc.73-26387 Filed 12-12-73;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 Director, Office of Policy Development and Planning, Public Health Service, Office of the Assistant Secretary for Health, Office of the Secretary.

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

[FR Doc.73-26390 Filed 12-12-73;8:45 am]

DEPARTMENT OF THE INTERIOR

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 the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant Commissioner—Resource Development, Bureau of Reclamation.

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

[FR Doc.73-26386 Filed 12-12-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

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 Transportation to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Congressional Relations, Office of the Secretary.

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

[FR Doc.73-26385 Filed 12-12-73;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

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 Office of Management and Budget to fill by noncareer executive assignment in

the excepted service the position of General Counsel, Office of the Director.

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

[FR Doc.73-26384 Filed 12-12-73;8:45 am]

PRESIDENT'S COMMISSION ON PERSONNEL INTERCHANGE

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 President's Commission on Personnel Interchange to fill by noncareer executive assignment in the excepted service the position of Executive Director.

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

[FR Doc.73-26388 Filed 12-12-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PAKISTAN

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 5, 1973.

On May 30, 1973, there was published in the FEDERAL REGISTER (38 FR 14184) a letter dated May 16, 1973, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs establishing an administrative mechanism to exempt from the limitations of the Bilateral Cotton Textile Agreement of May 6, 1970, as amended, between the Governments of the United States and Pakistan, certain traditional Pakistan Items, produced or manufactured in Pakistan and exported to the United States, which had been certified for exemption by the Government of Pakistan. One of the requirements is that each certification for exempt items must include the signature of an official authorized to issue such certifications. The Government of Pakistan has requested that Mr. M. Adil Siddiqui be so authorized, in addition to the nine officials previously designated.

Accordingly, there is published below a letter of December 5, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that Mr. M. Adil Siddiqui be authorized to issue certifications for exempt Pakistan Items. A facsimile of Mr. Siddiqui's signature is published as an enclosure to that letter.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive of May 16, 1973, from the Chairman, Committee for the Implementation of Textile Agreements that directed you, effective as soon as possible and until further notice, to exempt from the levels of restraint applicable to the Bilateral Cotton Textile Agreement of May 6, 1970, as amended, between the United States and Pakistan certain traditional Pakistan Items. One of the requirements is that each certification for exempt items must include the signature of an official authorized to issue such certifications. The aforementioned directive of May 16, 1973 was previously amended by directive of August 22, 1973.

Pursuant to the aforementioned authority and in accordance with the procedures of Executive Order 11651 of March 3, 1972, the directive of May 16, 1973, is further amended to authorize Mr. M. Adil Siddiqui to issue certifications for exempt items, in addition to the nine officials previously designated. A facsimile of Mr. Siddiqui's signature is enclosed.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

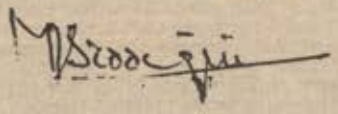
SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

Enclosure

SPECIMEN SIGNATURE OF ADDITIONAL GOVERNMENT OF PAKISTAN CERTIFYING OFFICER FOR TRADITIONAL PAKISTAN ITEMS

M. ADIL SIDDIQUI,
Research Officer Export Promotion Bureau Lahore.

Signature



[FR Doc.73-26439 Filed 12-12-73;8:45 am]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE ARAB REPUBLIC OF EGYPT

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 7, 1973.

On October 5, 1970, the Government of the United States in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Arab Republic of Egypt concerning exports of cotton textiles and cotton textile products from the Arab Republic of Egypt to the United States over a three-year period beginning October 1, 1970 and extending through September 30, 1973. The agreement was extended for three months beginning October 1, 1973. Among the provisions of the agreement, as extended, are those establishing an aggregate limit for the 64 categories, and within the aggregate limit specific limits on Categories 1/2, 3/4, 9/26, and 16/21/22/27, for the three-month period beginning October 1, 1973.

Accordingly, there is published below a letter of December 7, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that the amounts of cotton textiles in the above categories, produced or manufactured in the Arab Republic of Egypt, which may be entered or withdrawn from warehouse for consumption in the United States for the three-month period beginning October 1, 1973, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as extended, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the Bilateral Cotton Textile Agreement of October 5, 1970, as extended, between the Governments of the United States and the Arab Republic of Egypt, effected by an exchange of notes between the Government of the United States and the Government of India, representing the interests of the Arab Republic of Egypt, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective October 1, 1973, and for the three-month period extending through December 31, 1973, entry into the United States for consumption of cotton textiles in Categories 1/2, 3/4, 9/26, and 16/21/22/27, produced or manufactured in the Arab Republic of Egypt, in excess of the following levels of restraint:

Category	*Three-Month Levels of Restraint*
1/2	926,100 pounds (of which not more than 868,219 pounds may be in Category 1, and not more than 115,763 pounds may be in Category 2).
3/4	173,644 pounds (of which not more than 17,365 pounds may be in Category 4).
9/26	8,682,188 square yards (of which not more than 7,235,156 square yards may be in Category 9, and not more than 2,894,063 square yards may be in Category 26).

Category	Three-Month Levels of Restraint
16/21/22/27 ---	2,604,656 square yards (of which not more than 940,570 square yards may be in Category 16; not more than 1,012,922 square yards may be in Category 21; not more 1,012,922 square yards may be in Category 22; and not more than 564,342 square yards may be in Category 27).

In carrying out this directive, entries of cotton textiles in the above categories, produced or manufactured in the Arab Republic of Egypt, which have been exported to the United States from the Arab Republic of Egypt prior to October 1, 1973, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period October 1, 1972 through September 30, 1973. In the event that the above levels of restraint established for such goods for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of October 5, 1970, as extended, between the Governments of the United States and the Arab Republic of Egypt which provide, in part, for the limited carryover of shortfalls in certain categories to the next agreement year and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above will be made to you by further letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on April 29, 1972 (37 FR 8802), as amended on February 14, 1973 (38 FR 4436).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Arab Republic of Egypt with respect to imports of cotton textiles and cotton textile products from the Arab Republic of Egypt have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-26441 Filed 12-12-73;8:45 am]

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Entry of Withdrawal From Warehouse for Consumption

DECEMBER 4, 1973.

On April 6, 1973 there was published in the FEDERAL REGISTER (38 FR 8762) a letter dated April 2, 1973, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, implementing those provisions of the Bilateral Cotton Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of China which establish specific export limitations on Categories 48 and 49 for the agreement year beginning January 1, 1973 and extending through December 31, 1973.

The levels of restraint for the period, as set forth in that letter, should have been 19,950 dozen for Category 48 and 30,692 dozen for Category 49, instead of 19,000 dozen and 29,231 dozen, respectively.

Accordingly, there is published below a letter of December 4, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that, effective as soon as possible, the levels of restraint applicable to Categories 48 and 49, produced or manufactured in the Republic of China and exported to the United States during the twelve-month period which began on January 1, 1973, be increased to the designated levels.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directive issued to you on April 2, 1973 by the Chairman, Committee for the Implementation of Textile Agreements, regarding imports into the United States of cotton textiles and cotton textile products produced or manufactured in the Republic of China.

Paragraph two of the directive of April 2, 1973 is amended herewith to read as follows:

"Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the Bilateral Cotton Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of China, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective as soon as possible and for the twelve-month period extending through December 31, 1973, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 48 and 49, produced or manufactured in the Republic of China, in excess of the following:

Category	Twelve-month levels of restraint [1]
48 ----------	19,950 dozen
49 ----------	30,692 dozen"

[1] These levels have not been adjusted to reflect any entries made on or after January 1, 1973.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton textiles and cotton textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc. 73-26440 Filed 12-12-73;8:45 am]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN EL SALVADOR

Entry or Withdrawal From Warehouse for Consumption

NOVEMBER 28, 1973.

On April 3, 1973, there was published in the FEDERAL REGISTER (38 FR 8549) a letter dated March 29, 1973 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products, produced or manufactured in El Salvador and exported to the United States during the twelve-month period beginning April 1, 1973. Certain of these levels were subsequently amended by directive of May 29, 1973 (38 FR 14437). As set forth in the letter of March 29, 1973, the levels of restraint are subject to adjustment pursuant to paragraphs 4 and 8 which provide, in part, that within the aggregate limit certain specific limits may be exceeded by not more than five (5) percent and for limited carryover of shortfalls in certain categories to the next agreement year.

Accordingly, at the request of the Government of El Salvador and pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of November 28, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs further amending the level of restraint applicable to cotton textile products in Category 9 produced or manufactured in El Salvador and exported to the United States during the twelve-month period which began on April 1, 1973.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: On March 29, 1973, the Chairman, Committee for the Implementation of Textile Agreements, directed

you to prohibit entry during the twelve-month period beginning April 1, 1973 of cotton textiles and cotton textile products in certain specified categories produced or manufactured in El Salvador, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1] The directive of March 29, 1973 was subsequently amended by directive of May 29, 1973.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraphs 4 and 8 of the Bilateral Cotton Textile Agreement of April 19, 1972, as amended, between the Governments of the United States and El Salvador, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed further to amend, effective as soon as possible, the level of restraint established in the aforesaid directive of May 29, 1973 for cotton textile products in Category 9 to 1,725,000 square yards for the twelve-month period beginning April 1, 1973.[2]

The actions taken with respect to the Government of El Salvador and with respect to imports of cotton textile products from El Salvador have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-26490 Filed 12-12-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

KANSAS IMPLEMENTATION PLAN

Approval of Public Hearing Procedures

On December 9, 1972 (37 FR 26310), the Administrator amended 40 CFR Part 51 to clarify requirements relative to adoption of revisions to State implementation plans under § 110 of the Clean Air Act (42 U.S.C. 1857c-5). Included in these amendments were requirements relating to public hearings. A new § 51.4(e) was added to specify that, subject to the Administrator's approval, States may use their own procedures to satisfy the public hearing requirements of § 51.4(b) if such procedures carry out the intent of Section 110 of the Clean Air Act by providing for adequate notice and opportunity for public participation.

On August 7, 1973, the Kansas State Department of Health submitted to the EPA Regional Office in Kansas City a request for approval of State procedures for giving notice of public hearings on proposed amendments to the State implementation plan. The Kansas procedures meet all requirements of § 51.4 except the thirty-day notice requirement of § 51.4(b). The State statute (K.S.A. 65-1014(b)) requires the Kansas State Board of Health to advertise public hearings at least once each week for three consecutive weeks; the first advertisement to appear not more than thirty days prior to the hearing date and the last advertisement to appear not less than three days prior to the hearing date. Notice must be given by publication in a newspaper or newspapers having general circulation within the area or areas affected by the subject matter of the hearing.

Strict compliance with both the State maximum thirty-day notice requirement and the Federal minimum thirty-day notice requirement would dictate that the first advertisement be published precisely thirty days prior to the hearing date. Since many newspapers in Kansas are not published daily, the choice of hearing dates would thus be severely restricted. A Federal minimum notice requirement of twenty-five days would alleviate this problem.

The Administrator has determined that the Kansas procedures for notice of public hearings, although different from the requirements of 40 CFR 51.4(b), do provide for adequate notice to and participation by the public, consistent with § 110 of the Clean Air Act. The Kansas procedures are hereby approved upon the condition that notice under such procedures shall be not less than twenty-five days prior to the date of any hearing and that the record of any such hearing shall be kept open for public comment for at least thirty days from the date of the notice.

Copies of the request for approval are available for public inspection at the U.S. Environmental Protection Agency, Region VII Office, 1735 Baltimore Avenue, Kansas City, Missouri 64108. This approval is effective immediately.

Dated: December 7, 1973.

JOHN QUARLES,
Acting Administrator.

[FR Doc.73-26417 Filed 12-12-73;8:45 am]

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Petition Regarding Pesticide Chemical

Correction

In FR Doc. 73-24374 appearing on page 31559 of the issue for Thursday, November 15, 1973, in the ninth line of the first paragraph "methomy" should read "methomyl".

CONSUMER PRODUCT SAFETY COMMISSION

NATIONAL FOOTBALL LEAGUE PLAYERS ASSOCIATION

Denial of Petition Regarding Artificial Turf Covering

Section 10 of the Consumer Product Safety Act (Public Law 92-573, 86 Stat. 1217; 15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for the issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies such petition, it shall publish in the FEDERAL REGISTER its reasons for such denial.

On June 4, 1973, the Commission received a petition from the National Football League Players Association (NFLPA) requesting the Commission to initiate a proceeding under section 7 of the act (86 Stat. 1212; 15 U.S.C. 2056) to promulgate a consumer product safety standard for artificial turf covering used on athletic playing fields or to declare such product to be a banned hazardous product pursuant to section 8 of the act (86 Stat. 1215; 15 U.S.C. 2057).

Additionally, the NFLPA petition requests the Commission to restrain further use of artificial turf covering or prohibit new installations pending promulgation of a consumer product safety standard or a banning order.

On August 7, 1973, the Commission received from the Monsanto Company a request that the Commission deny the NFLPA petition.

The NFLPA alleges that serious injuries sustained by persons playing football on fields covered with artificial turf include knee and ankle injuries, cartilage and ligament tears, body burns, staphylococcus infections, severe fractures and concussions, heat prostration, and blistering.

Having considered the information and data submitted in support of the NFLPA petition, Monsanto Company's comments, and surveillance data reported by the National Electronic Injury Surveillance System, the Commission concludes that the evidence is insufficient to support the proposition that persons playing football on fields covered with artificial turf incur a significantly greater risk of sustaining more frequent or more severe injuries than persons playing football on fields covered with natural turf.

The Commission also finds that since football-related activities, equipment, and apparel are ranked seventh in the Commission's listing of hazardous consumer products, based upon the frequency and severity of injuries reported to hospital emergency rooms, any action taken by the Commission to reduce or eliminate unreasonable risks of injury to

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of April 19, 1972, as amended, between the Governments of the United States and El Salvador which provide, in part, that within the aggregate limit, limits on certain categories may be exceeded by not more than five (5) percent; for limited carryover of shortfalls in certain categories for the next agreement year; and for administrative arrangements.

[2] This level has not been adjusted to reflect any entries made on or after April 1, 1973.

consumers associated with playing football should not be limited to the playing surface. Further, artificial turf has consumer uses other than as a football playing surface; consequently, the scope of any proceeding the Commission might undertake to reduce or eliminate any unreasonable risk of injury to consumers should include all known and possible consumer uses of artificial turf coverings.

Therefore, pursuant to section 10(d) of the Consumer Product Safety Act (Public Law 92-573, 86 Stat. 1217; 15 U.S.C. 2059(d)), notice is hereby given of the Commission's denial of the above-described NFLPA petition.

Dated: December 6, 1973.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.73-26414 Filed 12-12-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 19870, 19871]

WINDHAM BROADCASTING CO. AND NUTMEG BROADCASTING CO.

Order Regarding Application for Construction Permits

In re applications of Kenneth N. Dawson and Randall M. Mayer, d/b as Windham Broadcasting Group, Willimantic, Connecticut, Docket No. 19870, File No. BPH-8177, Requests: 98.3 MHz, #252; 2.25 kW (H & V); 340 feet; The Nutmeg Broadcasting Company, Willimantic, Connecticut, Docket No. 19871, File No. BPH-8113, requests: 98.3 MHz, #252; 1.05 kW (H & V); 470 feet; for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek the same channel in the same community.

2. Based on cost figures contained in its application, it appears that Windham Broadcasting Group will need $67,725 to construct and operate its proposed facility for a period of one year.[1] To finance its proposal, the applicant relies on capital contributions totaling $80,000, $60,000 from partner Kenneth N. Dawson and $20,000 from partner Randall M. Mayer. Dawson plans to utilize $20,000 currently in a bank, $2,000 in a mutual fund, $6,300 on deposit in a savings society, and a loan of $32,000 from his mother. While Mr. Dawson's mother, Hilda M. Dawson, filed an affidavit indicating her willingness to commit such funds to her son and indicating the availability of part of the necessary amount, she has not filed a balance sheet showing the availability of $32,000 in liquid assets in excess of current liabilities, as required by section III, paragraph 4(b) of FCC Form 301. Partner Mayer relies upon $18,500 in loans, $10,500 from his parents, Herman W. and Blossom M. Mayer, $3,000 from his grandmother, Blanche M. Randall, and $5,000 from Josephine P. DuPont. As in the case of Hilda M. Dawson, none of the parties stating a willingness to make a loan have submitted proof that the funds are available and that such funds are free and clear of current liabilities. Thus, a balance sheet or financial statement must be submitted for each lender. Further, if these monies are to be loaned to Dawson and Mayer, the offers to make these loans do not meet the requirements of acceptable loans as spelled out in section III, paragraph 4(a) of FCC Form 301. Besides the amount to be loaned, the agreement must also state the rate of interest to be charged, the terms of repayment, and the security required, if any. If no security is to be required, this too shall be stated. Accordingly, appropriate financial issues will be specified.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

4. *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, with respect to Windham Broadcasting Group:

(a) The rate of interest to be charged, the terms of repayment, and the security required, if any, of the loans to be made to Kenneth N. Dawson and Randall M. Mayer;

(b) Whether Mrs. Hilda M. Dawson has sufficient funds available to meet her loan commitment to Kenneth N. Dawson;

(c) Whether Herman W. and Blossom M. Mayer, Blanche M. Randall, and Josephine P. DuPont have sufficient funds to meet their respective loan commitments to Randall M. Mayer; and

(d) In light of the foregoing, whether the applicant is financially qualified.

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 of the applications should be granted.

5. *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.

6. *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: December 5, 1973.

Released: December 7, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73-26434 Filed 12-12-73;8:45 am]

[1] Windham's first-year expenses are itemized as follows: down payment on equipment, $7,500; 14 payments including principal and interest at $486.50, $6,811; land, $8,000; buildings, $5,000; miscellaneous, $4,500; and working capital, $35,914.

FEDERAL ENERGY OFFICE

AGRICULTURE ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Agriculture Advisory Committee will be held Tuesday, December 18, 1973, at 1:30 P.M., in Room 4121, Treasury Building, 15th and Pennsylvania Avenue NW., Washington, D.C.

The Committee was established to advise the Administrator, FEO, with respect to general agricultural aspects of interests and problems related to the policy and implementation of programs to meet the current national energy crisis. The purpose of the meeting is to hear the views of the Committee members.

The meeting is open to the public, however, space and facilities are limited.

Further information concerning this meeting may be obtained from Richard A. Ashworth, Assistant to the Under Secretary, Department of Agriculture, Washington, D.C., Area Code 202-447-6185. Minutes of the meeting will be made available for public inspection two weeks after the meeting at the Office of Oil and Gas, Department of the Interior, Washington, D.C.

Dated: December 11, 1973.

W. E. SIMON,
Administrator.

[FR Doc.73-26480 Filed 12-12-73;8:45 am]

FEDERAL POWER COMMISSION

BOSTON EDISON CO.

[Docket No. E-8187]

Further Extension of Time and Postponement of Prehearing Conference and Hearing

DECEMBER 5, 1973.

On December 3, 1973, Staff Counsel filed a motion for a further extension of the procedural dates fixed by notice issued October 31, 1973. The motion states that counsel for Boston Edison Company,

the Town of Norwood, and New England Power Company have agreed to the proposed schedule changes.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of Testimony and Exhibits by Staff, December 18, 1973.
Service of Testimony and Exhibits by Interveners, January 11, 1974.
Service of Rebuttal Evidence by Boston Edison Company, January 29, 1974.
Prehearing Conference, February 5, 1974 (10 a.m., e.s.t.).
Cross-examination, February 12, 1974 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26369 Filed 12-12-73;8:45 am]

CASCADE NATURAL GAS CORP.

[Docket No. CP74-142]

Notice of Application

DECEMBER 6, 1973.

Take notice that on November 16, 1973, Cascade Natural Gas Corporation (Applicant), 222 Fairview Avenue North, Seattle, Washington 98109, filed in Docket No. CP74-142 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce for Rocky Mountain Natural Gas Company, Inc. (Rocky Mountain), and the construction and operation of tap and related facilities to implement this exchange, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to render transportation service for Rocky Mountain pursuant to the terms of a transportation agreement, which incorporates the terms and conditions of the transportation service which Applicant has proposed to offer to distributors and pipeline companies in its pending application in Docket No. CP73-349. Applicant proposes to receive up to a maximum daily quantity of 9,000 Mcf from Rocky Mountain at three points in Rio Blanco County, Colorado, and deliver this gas to Rocky Mountain in Mesa County, Colorado. Applicant proposes to charge Rocky Mountain 11.2 cents per Mcf for the first block of service (up to 15 days), 4.4 cents per Mcf for the second block of service (the balance of the monthly term) and 8.8 cents per Mcf for any authorized overrun gas.

Applicant states that Rocky Mountain needs this transportation service in order to obtain additional gas this winter.

In order to implement this service Applicant requests authorization to construct and operate mainline control facilities in the amount of $3,900 and measuring stations at the point of receipts of the gas in the amount of $20,000. Applicant indicates that its costs for the measuring stations are to be reimbursed by Rocky Mountain.

Because the instant application only involves the installation of minor tap and metering facilities and the service is limited to transportation through Applicant's existing mainline system, Applicant requests a waiver of the requirements of § 157.14(a)(6-d) of the regulations under the Natural Gas Act (18 CFR 157.14(a)(6-d) so that no detailed environmental report need be filed.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 31, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26376 Filed 12-12-73;8:45 am]

CLEVELAND ELECTRIC ILLUMINATING CO.

[Docket No. E-8479]

Notice of Application

DECEMBER 5, 1973.

Take notice that Cleveland Electric Illuminating Company (Applicant) by letter dated October 31, 1973, submits for filing an Agreement between the Applicant and Ohio Edison Company (Edison). Said Agreement is filed pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder.

The Agreement provides that Applicant is obligated to supply and Edison is entitled to receive capacity and energy from Applicant's Ashtabula No. 8 Unit, under arrangements of the CAPCO Group consisting of the named companies, Duquesne Light Company, Toledo Edison Company and Pennsylvania Power Company. Applicant requests that this Agreement be accepted for filing and made effective as of October 3, 1973.

Any person desiring to be heard or to make any protest with reference to this application should on or before December 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission rules of practice and procedure (18 CFR 1.8 or 1.10). Persons wishing to become parties to a proceeding or to participate as a party in a hearing related thereto must file petitions to intervene in accordance with 18 CFR 1.8.

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding.

The application referred to herein is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26373 Filed 12-12-73;8:45 am]

[Project No. 2485]

CONNECTICUT LIGHT AND POWER CO., ET AL.

Application for Approval of Exhibit R and Amendment of License

DECEMBER 5, 1973.

Public notice is hereby given that application for approval of Exhibit R and amendment of license was filed November 3, 1972, and supplemented April 20, 1973, and August 7, 1973, under the Federal Act (16 U.S.C. 791a-825r) by The Connecticut Light and Power Company, The Hartford Electric Light Company, and the Western Massachusetts Electric Company (Correspondence to: Robert E. Barrett, Jr., President, Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089, Maurice L. Zilber, Esq., Peabody, Brown, Rowley & Storey, One Boston Place, Boston, Massachusetts 02108) for constructed Project No. 2485, known as the Northfield Mountain Pumped Storage Project, which is located on the Connecticut River near the Towns of Northfield and Erving, Franklin County, Massachusetts, in the vicinity of Miller Falls, and Greenfield.

The three applications were submitted in compliance with Article 41 of the license (39 FPC 746). Included in the three applications are a revised Exhibit R plan providing for ultimate development of nine recreational areas and a request that Article 41 of their license be amended.

The nine recreational areas Licensees propose to develop are: (1) The Riverview Family and Group Area located along the bank of the Connecticut River adjacent to the project's tailrace. (2)

The Observation Tower and Mountaintop Picnic Area located on site near the project's upper reservoir. (3) The developed Munn's Ferry-Boat Camping Recreation Area which is a semi-wooded three-acre tract just off Route 63 on a bend of the Connecticut River about three miles north of the project tailrace. (4) The Barton Cove Nature Area located on a site about one mile upstream from Turners Falls Dam (FPC Project No. 1889) and just off Route 2 (Mohawk Trail) with the land area being a peninsula bordered by the Connecticut River. (5) The Northfield Mountain Tour and Trail Center located on the north side of the West Access Road off Route 63, overlooking the Connecticut River Valley. (6) The Northfield Mountain Trail System which would be a complex of trails totaling approximately 35 miles which are to be built to interconnect with existing and proposed State trails. (7) The Interpretive River-Boat Tour to consist of a removable boat dock to serve as a landing facility for conducted tours on the Connecticut River and a small building to be used for ticket sales and a house toilet. (8) The Bennett Meadow Wildlife Management Area, a future 200 acre site located on the west side of the Connecticut River, adjacent to and south of Route 10. This area is under study for use as a wildlife management area. (9) The Pauchaug Brook Area, which area the Licensees will purchase and make available to the Commonwealth of Massachusetts.

The present Article 41 requires the licensees to expend $1,350,000 in the development of the Four Mile Brook area, the purchase and delivery of the Pauchaug Brook area to the Commonwealth of Massachusetts and any additional recreational areas that can be developed with the remaining money. The proposed revisions in Article 41 increases the amount of money to be expended on recreation to $2,500,000, which will be spent on constructing, operating and maintaining the proposed seven recreational areas and the one constructed-site. This proposed amendment would also delete the requirement of developing the Four Mile Brook area and keep the proposed plan of buying and delivering the Pauchaug Brook area to the Commonwealth of Massachusetts. The request for deleting the requirement of developing the Four Mile Brook area was submitted in an earlier application which was noticed October 6, 1971. The primary reason given by Licensees for no development of the Four Mile Brook area was opposition from the citizens of Northfield, Massachusetts. Finally, the final revised application for Amendment of Article 41 filed August 7, 1973, by Licensees would clarify their commitment to the development of recreational resources.

Any person desiring to be heard or to make protest with reference to said application should on or before January 17, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26370 Filed 12-12-73;8:45 am]

[Docket Nos. RP71-15, etc.]

EAST TENNESSEE NATURAL GAS CO.
Proposed Substitute PGA Rate Adjustment

DECEMBER 6, 1973.

Take notice that on November 26, 1973, East Tennessee Natural Gas Company (East Tennessee) tendered for filing as part of its FPC Gas Tariff, Sixth Revised Volume No. 1, Substitute Sixth Revised Sheet No. 4 to be effective January 1, 1974, in lieu of Sixth Revised Sheet No. 4 filed on November 16, 1973.

East Tennessee states that the sole purpose of this revised tariff sheet is to adjust East Tennessee's rates pursuant to the PGA provision in Section 22 of the General Terms and Conditions. East Tennessee further states that such tariff sheet reflects an adjustment based on (1) the increased rates of its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), which were suspended until January 1, 1974, by the Commission's order of August 1, 1973, in Docket No. RP73-113, and (2) Tennessee's PGA rate increase filed November 16, 1973, to be effective on January 1, 1974. East Tennessee further states that this filing reflects the revised rates to be reflected in the filing to be made by Tennessee on or before November 30, 1973, in Docket No. RP73-113, pursuant to the Commission's order therein dated August 1, 1973.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected 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, 1.10). All such petions or protests should be filed on or before December 24, 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, but parties already permitted to intervene in this docket need not refile petitions to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26377 Filed 12-12-73;8:45 am]

[Docket No. RP72-136]

FLORIDA GAS TRANSMISSION CO.
Proposed Changes in Rates and Charges

DECEMBER 6, 1973.

Take notice that on November 19, 1973, Florida Gas Transmission Company (Florida Gas) tendered for filing Fourth Revised Sheet 3-A to its FPC Gas Tariff, Original Volume No. 1, containing changes in rates in its Rate Schedules G and I to become effective on January 1, 1974. The changes in rates result from the application of the purchased gas cost adjustment provision in section 15, General Terms and Conditions of the Tariff, which was approved by the Commission in Docket No. RP72-136.

A comparison between the currently effective rates and those to be made effective on January 1, 1974, under this filing is as follows:

	Cents per therm	
	Currently effective	To become effective Jan. 1, 1974
Rate Schedule G	6.906	6.977
Rate Schedule I	5.516	5.587

The annual effect on the proposed changes is $536,000 based on sales for the twelve months ended September 30, 1973.

Florida Gas states that a copy of its filing has been served upon all customers purchasing gas under its FPC Gas Tariff, Original Volume No. 1 and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 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 19, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26374 Filed 12-12-73;8:45 am]

[Docket No. E-8170]

GEORGIA POWER CO.

Further Extension of Time and Postponement of Prehearing Conference and Hearing

DECEMBER 5, 1973.

On November 29, 1973, The Power Section, Georgia Municipal Association and the Cities of Acworth, *et al.* (Cities) filed a motion for an extension of the procedural dates fixed by notice issued November 8, 1973. The motion states that counsel for the Company and the Cooperative intervenors do not oppose the motion.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of Testimony and Exhibits by Intervenors, January 14, 1974.
Service of Rebuttal Evidence by Company, January 30, 1974.
Prehearing Conference, February 19, 1974 (10 a.m., EST).
Hearing (upon completion of Prehearing Conference), February 19, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26372 Filed 12-12-73;8:45 am]

[Docket No. E-8510]

PENNSYLVANIA POWER & LIGHT CO.

Notice of Application

DECEMBER 6, 1973.

Take notice that on November 20, 1973, Pennsylvania Power & Light Company (Applicant), Two North Ninth Street, Allentown, Pennsylvania 18101, filed an application with the Federal Power Commission pursuant to section 204 of the Federal Power Act seeking authority to issue short-term unsecured Promissory Notes including commercial paper notes.

Applicant is a Pennsylvania corporation principally engaged in the production, purchase, transmission, distribution and sale of electricity in a service area of approximately 10,000 square miles in 29 counties of central eastern Pennsylvania with an estimated population of about 2.3 million persons.

The unsecured Promissory Notes are to be issued from time to time, prior to December 31, 1974, to lenders, brokers, dealers or direct purchasers of unsecured Promissory Notes, including banks and institutional investors. Notes in the form of commercial paper will mature in no more than 270 days from the date of issue, and all other notes will have maturities of less than one year from the date of issue. The aggregate face amount of such notes to be outstanding at any one time is not to exceed (i) 25 percent of Applicant's gross revenues during the preceding 12 months of operations, or (ii) $120 million, whichever is less.

The proceeds from the issuance of the Notes will be used principally as interim financing of Applicant's construction program, which will require approximately $1.845 billion over the 1973–1977 period.

Any person desiring to be heard or to make any protest with reference to said application should, on or before December 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26375 Filed 12-12-73;8:45 am]

[Projects No. 2391, etc.]

POTOMAC EDISON CO.

Application for Transfer of License

DECEMBER 5, 1973.

Public notice is hereby given that application was filed September 20, 1973 under the Federal Power Act (16 U.S.C. 791a–825r) by The Potomac Edison Company of Virginia (Licensee), The Potomac Edison Company of West Virginia (Licensee), and The Potomac Edison Company of Maryland (Transferee) (Correspondence to: Robert B. Murdock, Esq., The Potomac Edison Company, Downsville Pike, Hagerstown, Maryland 21740) for transfer of licenses of certain projects. Shenandoah River projects include No. 2391 Warren Hydro Station, Warren County, Virginia; No. 2425 Luray-Newport Development, Page County, Virginia; No. 2509 Shenandoah Hydro Station, Page County, Virginia; and No. 2343 Millville Hydro Station, Jefferson County, West Virginia. Potomac River projects include No. 2515 Harper's Ferry Hydro Station, Jefferson County, West Virginia; No. 2516 Dam No. 4 Hydro Station, Berkeley and Jefferson Counties, West Virginia; and No. 2517 Dam No. 5 Hydro Station, Berkeley County, West Virginia.

According to the application, transfer of licenses of these particular projects to The Potomac Edison Company of Maryland is part of broader proceedings before the Securities and Exchange Commission and the state regulatory commissions of Maryland, Pennsylvania, Virginia, and West Virginia, wherein the above-named utilities plus part or all of the Monongahela Power Company, the Potomac Edison Company of Pennsylvania, and Monterey Utilities Corporation would merge into The Potomac Edison Company. The survivor corporation would retain its Maryland incorporation and as a part of the merger would also be incorporated in Virginia in order to be qualified to do business in Maryland, Pennsylvania, Virginia, and West Virginia. It would acquire all of the property, rights, and franchises and assume all obligations and liabilities of the companies being merged.

Any person desiring to be heard or to make protests with reference to said application should on or before January 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26368 Filed 12-12-73;8:45 am]

[Docket No. E-8515]

PUBLIC SERVICE CO. OF COLORADO

Notice of Service Agreement

DECEMBER 5, 1973.

Take notice that Public Service Company of Colorado, (PSCC), on November 26, 1973, tendered for filing a service agreement reflecting special wholesale electric service by contract with Southern Colorado Power Division of Central Telephone and Utilities Corporation, Pueblo, Colorado (Central). An effective date of January 1, 1974, is requested. The jurisdictional annual revenues resulting from the Agreement are estimated by the company as $2,833,496 for the twelve months ending on December 31, 1974.

Copies of the filing were served upon the public utility's jurisdictional customers.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 20, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26371 Filed 12-12-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, December 18, 1973, from 10 am. to 4 pm., Room 260b and c, Federal Building, 49 4th Street, San Francisco, California. This meeting will be for the purpose of considering Architect-Engineering firms to provide design services for the proposed new Border Station Facility in Lukeville, Arizona, as well as one year term contracts for miscellaneous small projects in Los Angeles and San Francisco, California.

The meeting will be closed to the public in accordance with the provisions set forth in section 10(d) of Pub. L. 92-463.

T. E. HANNON,
Regional Administrator.

[FR Doc.73-26525 Filed 12-12-73;8:45 am]

MIDDLE ATLANTIC REGIONAL MANPOWER ADVISORY COMMITTEE

NOTICE OF MEETING

The Middle Atlantic Regional Manpower Advisory Committee will meet at Penn Center Inn, Philadelphia, Pennsylvania, on January 9, 1974. Appointed by the Secretary of Labor, the Committee makes recommendations to the Regional Director, U.S. Department of Labor, and the Regional Director of the Department of Health, Education and Welfare on issues related to manpower programs authorized by the Manpower Development and Training Act and related legislation. Members of the Committee are chosen from representatives of labor, management, agriculture, education, training and the public at large. The Chairman is Dr. Milton Rock of Hay Associates.

City and County manpower planners have been requested to discuss their planning processes which they will use in formulating Fiscal Year 1975 plans, and to identify issues and problems which they foresee in answering effectively the manpower needs in their communities.

The meeting will be held in the Landing Room, Penn Center Inn, 20th and Market Streets, Philadelphia, Pennsylvania, at 9:30 a.m., and is expected to adjourn soon after 4:00 p.m. The meeting will be open to the public.

Signed at Philadelphia, Pa., this 5th day of December 1973.

J. TERRELL WHITSITT,
Assistant Regional Director for Manpower.

[FR Doc.73-26425 Filed 12-12-73;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

SUBCOMMITTEE ON STATE PROGRAMS

Notice of Meeting

Notice is hereby given of a meeting of the Subcommittee on State Programs of the National Advisory Committee on Occupational Safety and Health established by section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 556).

The meeting will begin at 9:30 a.m. on December 20, 1973, in conference room 3426, Department of Labor Building, 14th Street and Constitution Avenue, NW., Washington, D.C.

During the course of the meeting the subjects which will be considered include the following:

(1) State Plan Monitoring System.
(2) Report on the Status of the Recommendations on State Programs Previously Made by the Subcommittee.
(3) Extent of Continued Federal Activity in States with Approved Plans.

Members of the public are invited to attend the proceedings.

Any written data, views, or arguments concerning the subjects to be considered, which are received by the Committee's Executive Secretary, on or before December 19, 1973, together with 25 duplicate copies, will be provided to the members and will be included in the minutes of the meeting.

Communications to the Executive Secretary should be addressed as follows:

Mr. Roger W. Grant, Executive Secretary, National Advisory Committee on Occupational Safety and Health, Room 1120B, 1726 M Street NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 11th day of December, 1973.

ROGER W. GRANT,
Executive Secretary.

[FR Doc.73-26586 Filed 12-12-73;9:15 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

MADELINE COAL CO. ET AL.

Opportunity for Public Hearing Regarding Applications for Initial Permits Electric Face Equipment Standard

Applications for Initial Permits for Noncompliance with the Electric Face Equipment Standard have been received for items of equipment in the underground coal mines listed below.

(1) ICP Docket No. 4028-000, Madeline Coal Co., Mine No. 1, Mine ID No. 15 01197 0, Isom, Kentucky.
(2) ICP Docket No. 4029-000, Rachel Ann Coal Co., Mine No. 2, Mine ID No. 46 00716 0, Premier, West Virginia.
(3) ICP Docket No. 4030-000, Vinton Coal Co., Vinton No. 3 Mine, Mine ID No. 36 02384 0, Vintondale, Pennsylvania.

In accordance with the provisions of section 305(a)(2) (30 U.S.C. 865(a)(2)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for an initial permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

DECEMBER 10, 1973.

[FR Doc.73-26358 Filed 12-12-73;8:45 am]

TERRY COAL CO.

Applications for Initial Permits Electric Face Equipment Standard

Applications for Initial Permits for Noncompliance with the Electric Face Equipment Standard have been received for items of equipment in the underground coal mines listed below.

ICP Docket No. 4026-000, Terry Coal Company, Mine No. 6, Mine ID No. 46 00743 0, Baisden, West Virginia.

In accordance with the provisions of section 305(a)(2) (30 U.S.C. 865(a)(2)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for an initial permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

DECEMBER 10, 1973.

[FR Doc.73-26359 Filed 12-12-73;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SA-441]

AIRCRAFT ACCIDENT AT BOSTON, MASS.

Notice of Investigation and Hearing

In the Matter of Investigation of Accident involving Pan American World Airways, Inc., Boeing 707 321-C of United States Registry N458 at Boston, Massachusetts, November 3, 1973.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9:30 a.m., E.s.t., on January 29, 1973, in the Commonwealth Room of the Sheraton-Boston Hotel, Prudential Square, 39 Dalton Street, Boston, Massachusetts.

Dated this 7th day of December 1973.

RUDOLF KAPUSTIN,
Hearing Officer.

[FR Doc.73-26352 Filed 12-12-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AIM COMPANIES

Notice of Suspension of Trading

DECEMBER 4, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of AIM Companies 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 11:10 a.m., E.s.t., December 4, 1973 through December 13, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-26343 Filed 12-12-73;8:45 am]

[811-2191]

AMERICAN OPTION WRITERS INCOME FUND, INC.

Notice of Proposal To Terminate Registration

DECEMBER 5, 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 The American Option Writers Income Fund, Inc., 1 Whitehall Street, New York, New York 10004 ("Fund"), a corporation formed under the laws of the State of Delaware and registered under the Act as an closed-end, diversified management investment company, has ceased to be an investment company as defined in the Act.

Fund was initially organized in Delaware on April 5, 1971 and filed a Form N-8A Notification of Registration and a Form N-8B-1 Registration Statement with the Commission on May 17, 1972. Simultaneously, Fund filed a registration statement under the Securities Act of 1933.

Fund has never sold or issued any of its shares; it presently has no assets; its registration statement under the Securities Act of 1933 was withdrawn on May 1, 1973; it does not propose a public offering of its shares; and it was dissolved under Delaware law on December 29, 1972.

Section 8(f) of the 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 January 2, 1974, 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 reasons 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 should 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 Fund at the address stated above. Proof of service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated herein, unless an order for a hearing shall be issued 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.73-26345 Filed 12-12-73;8:45 am]

[File No. 500-1]

ARTKO CORP.

Notice of Suspension of Trading

DECEMBER 4, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Artko Corp. 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 11:10 a.m., E.s.t., December 4, 1973 through December 13, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-26349 Filed 12-12-73;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Notice of Suspension of Trading

DECEMBER 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation 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 December 6, 1973 through December 15, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-26396 Filed 12-12-73;8:45 am]

[812-3546]

LIONEL D. EDIE CAPITAL FUND, INC., ET AL.

Notice of Application For Exemption

DECEMBER 5, 1973.

Notice is hereby given that Lionel D. Edie Capital Fund, Inc., 530 Fifth Avenue, New York, New York 10036 ("Capital Fund"), Fundamerica of Japan, Inc. ("Fundamerica"), Edie Special Growth Fund, Inc. ("Edie Growth"), Edie Special Institutional Fund, Inc. ("Edie Institutional") (collectively "Funds"), open-end, diversified, management investment companies registered under the Investment Company Act of 1940 ("Act"), the Funds' investment adviser, Edie Management Services, Inc. ("Adviser"), Edie Fund Sales, Inc. ("Distributor"), which acts as distributor of the shares of Edie Growth and Edie Institutional and will act as distributor for shares of Capital Fund, and George F. James 191 Cat Rock Road, Cos Cob, Connecticut, 06807. ("James") (collectively "Applicants"), have filed an application for an order pursuant to section 6(c) of the Act declaring that James shall not be deemed an "interested person" of the Funds, Adviser, and Distributor as that term is defined under section 2(a)(19) of the Act solely by reason of his status as a director of the Equitable Life Assurance

Society of the United States ("Equitable"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

James, a member of the boards of directors of the Funds, is also a member of the board of directors of Equitable, a mutual insurance company incorporated under the laws of New York, which is in the business of selling life insurance and variable annuities. Equitable sells individual variable annuities funded by separate accounts which are registered under the Act and HR–10 plans funded by separate accounts, interests in which are registered under the Securities Act of 1933. Solely because it sells variable annuity contracts and HR–10 plans, Equitable has registered as a broker-dealer under the Securities Exchange Act of 1934 and is a member of the National Association of Securities Dealers, Inc. ("NASD"). Equitable does not otherwise act as a broker or dealer.

In December 1971, Equitable organized a wholly-owned brokerage subsidiary, Equico Securities, Inc. ("Equico"), which is a member of the Philadelphia-Baltimore-Washington Stock Exchange. Equico is not at present registered as a broker-dealer under the Securities Exchange Act of 1934, nor is it at present a member of the NASD. Equico deals only in listed securities and acts as a broker solely for Equitable.

Applicants represent that neither Equitable nor Equico has ever engaged in securities transactions on behalf of the Funds, the Distributor, or the Adviser or participated in the distribution of any of the Funds. Furthermore, each of the Funds warrants that, so long as James remains one of its directors, such Fund will not knowingly purchase any securities from or through, or sell any securities to or through, Equitable or any subsidary of Equitable, and Equitable or any subsidiary will not be permitted to participate in the distribution of such Fund's shares.

Applicants represent that James, who is a member of the executive and finance committees of the board of directors of Equitable, does not participate in the day-to-day operations of Equitable. James is neither a director nor an officer of Equico and in no way participates in the day-to-day operations of Equico.

Section 2(a)(19) of the Act, in pertinent part, defines an "interested person" of an investment company to include any broker or dealer registered under the Securities Exchange Act of 1934, or any affiliated person of such broker or dealer. Section 2(a)(3) of the Act defines an affiliated person of another person to include any director of such other person.

James, as a director of Equitable, is an affiliated person of a broker or dealer, and thus is an "interested person" of the Funds, Adviser, and Distributor.

Applicants represent that while the Boards of Directors of each of the Funds is presently constituted in compliance with section 10 of the Act, which, in part, provides that no registered investment company shall have a board of directors more than 60 percentum of the members of which are persons who are interested persons of such registered company, problems could arise, as a result of James' classification as an interested person of the Funds, in the event a presently non-interested director of any of the Funds either ceases to serve as a director or changes his status from a non-interested director because of another affiliation.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities, or transactions from any provision of the Act or of any rule or regulation under the Act 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.

Applicants assert that James is and has been an independent director of the Funds and that his relationships with the Funds, Adviser, and Distributor are in no way altered or affected by his being a director of Equitable. James has no relationship with the Funds other than his position as a director and, in some instances, as a shareholder, and has no material relationship with the Adviser or the Distributor other than as a director of the Funds. Applicants further state that James has no relationship or conflict of interest with the Funds by virtue of his being a director of Equitable.

Applicants contend that an order declaring James not to be an "interested person" of the Funds, Adviser, or Distributor is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

Notice is hereby given that any interested person may, no later than December 31, 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, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should 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 (air mail 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 the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following December 31, 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 any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73–26347 Filed 12–12–73;8:45 am]

[811–1372]

EVERYMAN FUND, INC.

Notice of Filing of Application

DECEMBER 5, 1973.

Notice is hereby given that Everyman Fund, Inc. (P.O. Box 17006, West Hartford, Connecticut) formerly All American Fund, Inc. ("Applicant"), an Ohio corporation registered as a diversified, open-end, management investment company under the Investment Company Act of 1940 (the "Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. 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.

Applicant registered under the Act on February 24, 1966, by filing a Form N–8A Notification of Registration. On that same date, Applicant filed a Form N–8B–1 Registration Statement under the Act together with a Form S–5 Registration Statement under the Securities Act of 1933 ("1933 Act"), which 1933 Act Registration Statement became effective on April 27, 1966.

Applicant states that all of its directors, by written consent dated December 1, 1970, determined that Applicant should be dissolved, and on March 15, 1971, Applicant ceased offering its shares for sale to the public. As of July 20, 1973, Applicant had 82 stockholders and $17,841 in net assets. No public offering of Applicant's securities is now being made and no such offering is presently proposed for the future.

On the date of receipt of an Order of the Commission declaring that Applicant has ceased to be an investment company, Applicant will deposit with the Midwest Bank & Trust Co., 1132 Euclid Avenue, Cleveland, Ohio, the net assets of the Applicant for distribution to the remaining stockholders of Applicant. Checks will be sent to each investor constituting the net asset of his shares on the date of receipt of the Order of the Commission. Apart from the laws of escheatment applicable to disposition of unclaimed property in the hands of banks, there is no deadline for the distribution. Steps will then be taken to effect the formal dissolution of Applicant under the laws of the State of Ohio, Applicant's State of Incorporation.

Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, 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 than any interested person may, not later than December 26, 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, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should 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 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 O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following December 26, 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 any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73–26344 Filed 12–12–73;8:45 am]

[File No. 500–1]

HOME-STAKE PRODUCTION CO.

Notice of Suspension of Trading

DECEMBER 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Home-Stake Production Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

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 December 6, 1973 through December 15, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73–26398 Filed 12–12–73;8:45 am]

[File No. 500–1]

KORACORP INDUSTRIES, INC.

Notice of Suspension of Trading

DECEMBER 5, 1973.

The common stock of Koracorp Industries, Incorporated being traded on the New York Stock Exchange and the Pacific Coast Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Koracorp Industries, Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

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 December 6, 1973 through December 15, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73–26399 Filed 12–12–73;8:45 am]

[70–5342]

MIDDLE SOUTH UTILITIES, INC. AND ARKANSAS-MISSOURI POWER CO.

Notice of Post-Effective Amendment Regarding Extension of Maturity Date of Line of Credit and of Time Within Which Notes May Be Issued and Sold Thereunder

DECEMBER 4, 1973.

Notice is hereby given that Middle South Utilities, Inc., Two Eighty Park Avenue, New York, New York 10017 ("Middle South"), a registered holding company, and Arkansas-Missouri Power Co., 405 West Park Street, Blytheville, Arkansas 72315 ("Ark-Mo"), a public utility subsidiary company of Middle South, have filed a post-effective amendment to their previously amended application-declaration with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10(a), 12(b), 12(c), and 12(f) of the Act and Rules 42, 43, 45, and 50(a)(2) 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 transaction.

By order dated June 20, 1973 (HCAR No. 18008), the Commission authorized, among other things, Ark-Mo to make borrowings from a group of commercial banks ("Banks") during 1973 of up to $12,000,000 to provide funds for payment of construction expenditures in 1973. As of November 15, 1973, Ark-Mo's borrowings from the Banks aggregated $4,000,000. Due to delays in construction, it is now proposed to extend through December 31, 1974, the period during which Ark-Mo may make such borrowings. All other terms and conditions of the borrowings heretofore authorized and described in the above-mentioned Commission order remain unchanged.

No special or separable fees are anticipated to be incurred in connection with the proposed transaction. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 28, 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 application-declaration as further amended by said posteffective amendment 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 amended by said posteffective amendment 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.73–26350 Filed 12–12–73;8:45 am]

[File No. 500-1]

MOUNTAIN EQUITIES INC.

Notice of Suspension of Trading

DECEMBER 4, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Mountain Equities 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 11:10 a.m., E.s.t., December 4, 1973 through December 13, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-26348 Filed 12-12-73;8:45 am]

[File No. 500-1]

SIBANY MANUFACTURING CORP.

Notice of Suspension of Trading

DECEMBER 4, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Sibany Manufacturing Corp. 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 11:10 a.m., s.t., December 4, 1973 through December 13, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-26346 Filed 12-12-73;8:45 am]

[File No. 500-1]

STRATTON GROUP, LTD.

Notice of Suspension of Trading

DECEMBER 5, 1973.

The common stock of Stratton Group, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Stratton Group, Ltd. 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 December 6, 1973 through December 15, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-26397 Filed 12-12-73;8:45 am]

SELECTIVE SERVICE SYSTEM

[Temporary Instructions Nos: 660-12, 622-5, 680-2]

CONSCIENTIOUS OBJECTORS AND MEDICAL SPECIALISTS

Classification and Early Release From Alternate Service

1. A Department of the Army directive dated October 23, 1973, provides for the early release, prior to Christmas 1973, of certain enlisted personnel serving on active duty.

2. In order to extend parallel treatment to conscientious objectors performing alternate service, any registrant scheduled for release from an alternate service assignment during the period of December 18, 1973 through January 7, 1974, will be released during the period of December 10 through December 19, 1973, or as soon as practicable thereafter.

3. The provisions of § 660.12 of the Registrants Processing Manual will be followed in the processing of registrants covered by this directive.

This Temporary Instruction; issued November 16, 1973, will terminate on January 8, 1974.

JOHN D. DEWHURST, *Deputy Director.*

1. Local boards may classify a medical specialist registrant into Class 2-AM without obtaining a recommendation from the State Medical Advisory Committee (MAC), provided he qualifies for that deferment.

2. The provisions of paragraphs 3 and 4 of Section 680.12, Registrants Processing Manual, which require that a recommendation be obtained from the MAC before classifying a registrant into Class 2-AM, are suspended until further notice.

This Temporary Instruction; issued November 30, 1973, will remain in effect until it is amended or rescinded.

BYRON V. PEPITONE, *Director.*

DECEMBER 6, 1973.

[FR Doc.73-26339 Filed 12-12-73;8:45 am]

TARIFF COMMISSION

[AA1921-131]

CALCIUM PANTOTHENATE FROM JAPAN

Determination of Injury

The Treasury Department advised the Tariff Commission on September 7, 1973 that calcium pantothenate from Japan is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted investigation AA1921-131 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the institution of the investigation and of a hearing to be held in connection therewith was published in the FEDERAL REGISTER of September 17, 1973 (38 FR 26030). The hearing date was November 6, 1973.

In arriving at its determination, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission determined by a unanimous vote [1] that an industry in the United States is being injured by reason of the importation of calcium pantothenate from Japan that is being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS [2]

The Antidumping Act, 1921, as amended, requires that the Tariff Commission find two conditions satisfied before an affirmative determination can be made. The Act requires, first, that there must be injury or likelihood of injury to or prevention of establishment of an industry in the United States; [3] and second, that such injury or likelihood of injury must be by reason of the importation into the United States of the class or kind of foreign merchandise which the Secretary of the Treasury has determined is being, or is likely to be, sold at less than fair value (LTFV).

In the present case, the Commission [4] determined that an industry in the United States is being injured by reason of the importation of calcium pantothenate from Japan that is being sold at less than fair value within the meaning of the statute.

The imported product. Calcium pantothenate is the calcium salt of pantothenic acid, a member of the B-complex group of vitamins. Pantothenic acid is universally distributed in animal and plant tissues and is essential to the metabolism of all living cells. Pantothenic acid derivatives are produced and sold commercially to pharmaceutical companies for use in vitamins for human consumption and to producers and users of animal feeds.

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[1] Commissioner Young and Vice Chairman Parker did not participate in the decision.

[1] Commissioner Ablondi concurs in the result.

[3] Prevention of the establishment of an industry is not an issue in the instant case and therefore will not be treated further.

[4] Vice Chairman Parker and Commissioner Young not participating.

The injured industry. In making this determination, the injured industry is considered to consist of all facilities in the United States used in producing calcium pantothenate. Five firms operating production facilities in three States (Illinois, Missouri, and New Jersey) account for the U.S. output. One domestic producer sold to the pharmaceutical market; all five firms supply the product for feed.

There are two markets for calcium pantothenate, pharmaceutical and feed. The imported products were almost all of a pharmaceutical grade but were used for both pharmaceuticals and feeds in the United States. U.S. industry was injured in both of these markets. A discussion of the manifestation of that injury and the role played by the LTFV imports follows.

Market penetration. The Treasury Department's investigation (June 1972 through December 1972) showed that, in terms of value, about 60 percent of the calcium pantothenate exported from Japan to the United States, for which fair-value comparisons were made, was sold at LTFV. Imports from Fuji Industries were determined to be at fair value. The price advantage afforded by the less than fair value sales were up to 8 percent and enabled the Japanese exporters to increase their share of the U.S. market. The ratio of U.S. imports of calcium pantothenate from Japan to U.S. consumption during 1972 was greater than it was in the preceding 12-month period. The estimated ratio of the value of LTFV imports from Japan to apparent U.S. consumption (for all uses) of calcium pantothenate increased from approximately 15 percent in 1971 to 22 percent in 1972. The corresponding import consumption ratio for calcium pantothenate used in pharmaceutical products increased from approximately 39 percent in 1971 to 44 percent in 1972. The corresponding import consumption ratio for calcium pantothenate used in animal feed more than doubled from 1971 to 1972, rising from approximately 6 percent to 14 percent.

Although apparent consumption of calcium pantothenate in the United States increased by approximately 7 percent in 1972 as compared with consumption in the preceding year, U.S. producers' aggregate shipments declined by approximately 10 percent. Thus the Japanese suppliers were able not only to obtain all of the additional business represented by the growth of the domestic market, but also to supplant some 10 percent of domestic production because Japan was almost the only source of imported calcium pantothenate. In these circumstances, the market penetration of the Japanese imports, in part attributable to LTFV sales, is an index of injury to the domestic industry.

Price suppression and depression. The U.S. producers' prices for calcium pantothenate sold to pharmaceutical companies remained relatively stable during the period 1971 to mid-1973, despite rising costs. At the same time, U.S. producers' prices for calcium pantothenate sold for use in animal feed declined during the period, reaching their lowest point during the period in which Treasury found calcium pantothenate imported from Japan to have been sold at less than fair value. Prices of imported calcium pantothenate in both the pharmaceutical and animal feed markets were consistently below domestic prices during the period 1971 to mid-1973 (with the exception of one month in 1971), which included the period in which Treasury found the LFTV sales. A significant proportion of the underselling is attributed to the margin of dumping, which in some cases was as high as 8 percent. U.S. producers' prices were stable or declining during this period. Japanese prices also were declining, with the result that Japanese imports were able to increase their share in the domestic market.

The price suppression experienced in the pharmaceutical market and price depression experienced in the animal feed market during most of the period on account of LTFV sales denied U.S. producers an opportunity to offset increasing production costs with higher prices. This inability to offset increasing production costs led to the reduction in profits (and in some cases, losses) discussed below.

Other indices of injury. The ratio of net operating profits to net sales for three of the five U.S. producers submitting data to the Commission on their calcium pantothenate operations declined from 20.4 percent in fiscal 1971 to 17.2 percent in fiscal 1972. Employment in the U.S. plants producing calcium pantothenate declined 8 percent in 1972, while plant utilization declined 33 percent in that year.

Conclusion. In summary, the LTFV imports have permitted the Japanese suppliers to obtain an increasing share of the U.S. market for calcium pantothenate, including both the pharmaceutical market and the animal feed market. The dumping margins enabled the imported product to increase its share of the U.S. market and contributed to a sharp decline in U.S. producers' prices for feed grade calcium pantothenate in 1972 and the inability of the U.S. producer to raise its price for pharmaceutical grade calcium pantothenate in 1972, despite a rise in costs of production. This resulted in a decline in the ratio of net operating profits to net sales of U.S. producers in 1972, as well as a decline in employment and plant utilization. Accordingly, we have determined that an industry in the United States is being injured by reason of the importation of calcium pantothenate from Japan that is being sold at LTFV.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-26445 Filed 12-12-73;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

FEDERAL ADVISORY COUNCIL ON UNEMPLOYMENT INSURANCE

Notice of Meeting

A meeting of the Federal Advisory Council on Unemployment Insurance will be held at 9 a.m. on Friday, January 25, 1974, in Conference Room 107A, Main Labor Building, 14th and Constitution Avenue, NW., Washington, D.C. This meeting will be open to the public.

The agenda of the meeting is as follows:

	MORNING
9:00	Opening of Meeting. Unemployment Insurance and the Energy Shortage. Council Business. Background Comments on Duration of Unemployment Insurance—Mr. William H. Kolberg Council Chairman and Assistant Secretary for Manpower.
9:30	Benefit Duration—Mr. Robert C. Goodwin Council Vice Chairman and Associate Manpower Administrator for Unemployment Insurance will serve as Discussion Moderator. During the course of the meeting the following issues will be discussed. Recommendations will be made by the Council members following the discussion of each issue. Length of benefits—increasing duration of regular benefits; optimal duration for extended benefits. When benefits should be paid—trigger formula (Federal and State). Eligibility — consideration might be given to stronger labor force attachment for extended benefits; provision of counseling, retraining, job relocation assistance, public employment.
12:00	Lunch.
	AFTERNOON
1:00	Continued discussion and recommendations on benefit duration issues.
3:30	Discussion summary and review of recommendations.
4:15	Adjournment.

Any inquiries concerning this meeting should be directed to:

Mrs. Sally Ehrle, Executive Secretary, Federal Advisory Council on Unemployment Insurance, Room 5102, Main Labor Building, Washington, D.C. 20210.

Mrs. Ehrle's telephone number is Area Code 202, number 961-4097.

The government intends to move this office on December 14, 1973, to Room 7000, Patrick Henry Building, 6th & D Sts. NW., Washington, D.C. 20213, Telephone—Area Code 202, number 376-7034. The secretariat may be reached at one of the above locations.

Signed at Washington, D.C., this 4th day of December 1973.

WILLIAM H. KOLBERG,
Council Chairman and Assistant Secretary for Manpower.

[FR Doc.73-26426 Filed 12-12-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 406]

ASSIGNMENT OF HEARINGS

DECEMBER 7, 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-C-6228, Gaines Motor Lines, Inc.—Investigation and Revocation of Certificate, now being assigned hearing February 4, 1974, (2 days), at Atlanta, Ga., in Room 305, 1252 W. Peachtree St., N.W.

MC 114604 (Sub-No. 17), Caudell Transport, Inc., now being assigned hearing February 6, 1974 (3 days), in Room 305, 1252 West Peachtree St., NW., Atlanta, Ga.

MC 107012 Sub 170, North American Van Lines, Inc., now being assigned hearing February 11, 1974 (1 week), in Room 305, 1252 West Peachtree St., NW., Atlanta, Ga.

FD 20812, Railway Express Agency, Inc., Notes, now being assigned continued prehearing conference December 18, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-138195, Mid-Island Messenger Service, Inc., now being assigned hearing January 28, 1974 (1 week), at New York, N.Y., in a hearing room to be later designated.

MC 19227 Sub 158, Leonard Bros. Trucking Co., Inc., application is dismissed.

MC-126034 Subs 1, 3, & 4, Bucks County Construction Co., MC-138504 Hatfield Recon Center, Inc. m, now being assigned hearing January 28, 1974 (2 days), at Philadelphia, Pa., in a hearing room to be later designated.

MC 101186 Sub 13, Ariedge Transfer, Inc., now assigned January 15, 1974, at Des Moines, Iowa, will be held in Room B, Iowa Commerce Commission, Valley Bank Bldg., 4th and Walnut Street.

MC-F-11890, Howard Sober, Inc.—Purchase (Portion)—Insured Transporters, Inc., now being assigned hearing January 8, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 113271 Sub 34, Chemical Transport, now being assigned January 28, 1974 (2 days), at Denver, Colo., in a hearing room to be later designated.

MC-F-11891, Gray Moving & Storage, Inc.—Purchase (Portion)—Thomas C. Warner, now being assigned January 30, 1974 (3 days), at Denver, Colo., in a hearing room to be later designated.

MC-127834 Sub 86, Cherokee Hauling & Rigging, Inc., now being assigned hearing February 19, 1974 (1 day), at Memphis, Tenn., in a hearing room to be later designated.

MC-135797 Sub 11, J. B. Hunt Transport, Inc., now being assigned hearing February 20, 1974 (1 day), at Memphis, Tenn., in a hearing room to be later designated.

MC-F-11971, Roadway Express, Inc.—Control and Merger—Shumpert Truck Line, Inc., now being assigned hearing February 21, 1974 (2 days), at Memphis, Tenn., in a hearing room to be later designated.

MC-107515 Sub 854, Refrigerated Transport Co., Inc., now being assigned hearing February 25, 1974, at Memphis, Tenn., in a hearing room to be later designated.

MC 119777 Sub 266, Ligon Specialized Hauler, Inc., now being assigned February 2, 1974 (2 days), at Seattle, Wash., in a hearing room to be later designated.

MC 112822 Sub 285, Bray Lines, Inc., now being assigned February 6, 1974 (3 days), at Seattle, Washington in a hearing room to be later designated.

MC 106497 Sub 81, Parkhill Truck Company; MC 113855 Sub 272, International Transport, Inc.; MC 124692 Sub 113, Sammons Trucking, now being assigned continued hearing February 11, 1974 (2 days), at Seattle, Washington in a hearing room to be later designated.

MC 113678 Sub 480, Curtis, Inc., now being assigned continued hearing February 13, 1974 (3 days), at Seattle, Wash., in a hearing room to be later designated.

MC-FC-74065, Riteway Transport, Inc., Phoenix, Arizona, Transferee and Padre Freight Lines, Long Beach, California, Transferor, and MC-FC-74299, Riteway Transport, Inc., Phoenix, Arizona, Transferee and Cibola Freight Lines, Phoenix, Arizona, Transferor, now being assigned continued hearing January 28, 1974 (1 week), in Room 2, Arizona Corporation Commission, 1688 W. Adams Street, Phoenix, Arizona.

MC 129862 Sub 3, Rajor, Inc., now assigned January 21, 1974, and MC 138780, Kankakee Automobile Leasing Co., now assigned January 16, 1974, at Chicago, Ill., will be held in Room 672, 536 South Clark Street.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-26323 Filed 12-12-73;8:45 am]

ASSIGNMENT OF HEARINGS

DECEMBER 10, 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-114416 Sub 6, Elkins Transport Service, Inc., now assigned December 12, 1973, at Spokane, Wash., is cancelled and application dismissed.

MC-116763 Sub 261, Carl Subler Trucking, Inc., now being assigned hearing January 29, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-138808, A. M. Trucking, Inc., now being assigned hearing February 5, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-124212 Sub 71, Mitchell Transport, Inc., now being assigned hearing February 6, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-136343 Sub 11, Milton Transportation, Inc., now being assigned hearing on February 5, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-138833, Larue A. Young and Barbara B. Young, DBA Home to Port Transfer Service, now being assigned hearing on February 20, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I & S No. 8891, Transited Animal Feed in Packages, Western Territory, now assigned January 14, 1974, No. 35886, Texas Motor Coaches, Inc., Anthony Tour Service, Inc., and Traveling Texans Tours, Inc.—Investigation of Operations and Practices—now assigned January 17, 1974, MC-F-11827, Joe Hodges Transportation Corp.—Purchase—Toddman Transport Co., MC 120634 Sub 19, Joe Hodges Transportation Corp., now assigned January 18, 1974, MC 118341 Sub 2, Valley Trucking Co., Inc., now assigned January 21, 1974, and No. 35871, Fort Worth and Denver Railway Company-V-The Atchison, Topeka, and Santa Fe Railway Company, now assigned January 23, 1974, at Dallas, Texas, will be held in Room 5A15-17 New Federal Building, 1100 Commerce Street.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-26448 Filed 12-12-73;8:45 am]

[No. 35940]

BANGOR AND AROOSTOOK RAILROAD AND CP RAIL

Investigation Into the Lawfulness of Interchange Arrangements

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 5th day of December 1973.

It appearing, that the Commission has reason to believe that there exists a contract between the Bangor and Aroostook Railroad and CP Rail which contract has resulted in certain routing and solicitation practices which may have resulted in discriminatory handling of freight originating or destined to points on the Bangor and Aroostook line in possible violation of section 3(4) of the Interstate Commerce Act;

It is ordered, That an investigation on the Commission's own motion be, and it is hereby, instituted for the purposes of inquiring into and concerning said possible violation, and all matters connected therewith or related thereto, as provided under sections 12 and 13 (1) and (2) of the Interstate Commerce Act, and if such violations are found, to enter an order requiring any person or company participating therein to take such action as may be necessary to prevent violations of said provisions;

It is further ordered, That the Bangor and Aroostook Railroad, R.F.D. #2, Box 14, Bangor, Maine 04401, CP Rail, Canadian Pacific Limited, Windsor Station, Montreal, Quebec, Canada and the voluntary association known as Dumaines, 4500 Prudential Center, Boston, Massachusetts 02199, be and they are hereby made respondents in this proceeding, and that this proceeding be set for hearing at a time and place to be hereinafter fixed;

It is further ordered, That within 30 days from the service of this order, the respondents Bangor and Aroostook Railroad and the CP Rail, Canadian Pacific Limited, pursuant to section 20 of the Interstate Commerce Act, by way of a special report, shall furnish and file with the Secretary of the Interstate Commerce Commission for inclusion in the docket in this proceeding, copies of all contracts, agreements, arrangements, accounting, correspondence and documentation pertaining to traffic which was sought to be diverted, or actually diverted to the Brownville Junction interchange between the two respondents away from the Northern Maine Junction interchange between the Bangor and Aroostook Railroad and the Maine Central Railroad. Additionally, the Bangor and Aroostook Railroad is directed to include all traffic and interchange records, and summaries thereof, reflecting the amounts of traffic interchanged at the said two interchange points since January 1, 1968. Both said respondents shall include summaries of bonus payments related to the aforesaid diversions. Respondents Dumaines and the Bangor and Aroostook Railroad shall also submit all underlying documents concerning the reasons for the instigation of said contract;

It is further ordered, That under the authority of section 2 of the Elkins Act, The Maine Central Railroad, 222 St. John Street, Portland, Maine 04102, the Boston and Maine Corporation, 150 Causeway Street, Boston, Massachusetts 02114 and the Penn Central Transportation Company, 6 Penn Center Plaza, Philadelphia, Pennsylvania are hereby named as parties to this proceeding as persons interested in or affected by the practice under consideration, and pursuant to section 20 of the Interstate Commerce Act said parties are directed to prepare a special report demonstrating the effects, if any, which they believe that this diversion has had upon their operations and revenues;

It is further ordered, That the Bureau of Enforcement be directed to participate as a party in this proceeding;

And it is further ordered, That a copy of this order be served upon said respondents and, in view of the nature and scope of the proceeding, that notice of this proceeding be given to the public by posting a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. and publishing a copy in the Federal Register.

By the Commission, Division 2.

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

[FR Doc.73-26447 Filed 12-12-73;8:45 am]

[Notice No. AB-73]

CINCINNATI UNION TERMINAL CO.

Proposed Abandonment

The Interstate Commerce Commission hereby gives notice that by order dated December 6, 1973, it has been determined that the proposed abandonment in the above-entitled proceeding by The Cincinnati Union Terminal of a line of railroad in the City of Cincinnati, Hamilton County, Ohio, if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), (42 U.S.C. 4321 et seq.), and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the proposed abandonment, if approved, would facilitate the contemplated conveyance of portions of the 150-acre terminal yard area (not including the Union Terminal rotunda) to railroad companies for expansion of their nearby freight operations and to adjoining businesses for expansion of their existing commercial and industrial activities. The general area would thus maintain its present character and use consistent with local development plans and zoning classifications. Because the Commission lacks direct or indirect jurisdiction either to authorize the disposal of rail facilities other than the main line, or to condition the disposition of such facilities in any manner, the action accordingly will have no effects within the meaning of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), on the Union Terminal rotunda, which is listed on the National Register of Historic Places. The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423, telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before December 27, 1973.

Present: Kenneth H. Tuggle, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.); and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Cincinnati, Ohio, within 15 days of the date of service of this order, and certify to this Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the Federal Register.

Dated at Washington, D.C., this 6th day of December, 1973.

By the Commission, Commissioner Tuggle.

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

[FR Doc.73-26326 Filed 12-12-73;8:45 am]

[Notice No. MC-88]

DETENTION OF MOTOR VEHICLES—NATIONWIDE

DECEMBER 3, 1973.

Notice is hereby given that, by petition filed on October 19, 1973, the major motor carrier tariff publishing bureaus, on behalf of their motor common carrier members, are seeking to broaden the scope of this proceeding by including railroads, freight forwarders, and REA Express. Upon the filing of the petition, the Commission issued a notice to all parties, served on November 1, 1973, which postponed the times for filing initial and reply statements pending disposition of the petition. Thus far, only a small number of replies have been received, including a response from REA Express, Inc. in opposition to the relief sought. Because of this fact, the Commission is publishing this notice in order to give other interested parties, including the Nation's railroads and freight forwarders, an opportunity to submit their views on the relief sought by the petitioners. To facilitate the submission of responsive views by interested parties, pertinent portions of the petition are reproduced below.

Each of the petitioners is an association of motor common carriers of property organized for the purpose of publishing tariffs containing rates, charges, rules, and regulations applicable to the transportation of freight in interstate commerce, for the accounts of both member and participating carriers. Each of the petitioners accordingly publishes rules and charges applicable to the detention of motor vehicles pursuant to the direction of their member and participating carriers on a collective basis, as well as exceptions and variations on an individual carrier basis. Insofar as petitioner Middle Atlantic Conference is concerned, the publication of vehicle detention rules is made pursuant to and consistent with the decision of the Commission prescribing a uniform detention rule for application in Middle Atlantic territory. See, *Detention of Motor Vehicles—Middle Atlantic and New England*, 325 I.C.C. 336. As a consequence, petitioners have had extensive experience in dealing with the circumstances and conditions which affect the terms and requirements that can reasonably be effectively imposed and maintained by carriers to attempt to control detention of vehicles beyond properly allowable free time. The ability of carriers to establish and maintain adequate and effective vehicle detention provisions is governed more by competitive circumstances than by any other factor, and these competitive circumstances are the composite of the service offerings of all types of carriers, both regulated and non-regulated. For purposes of this proceeding we are, of course, concerned only with regulated carriers. We emphasize, however, that the competitive circumstances prevailing within terminal areas in connection with pickup and delivery of shipments are, insofar as regulated

surface carriers are concerned, the composite of the services offered by motor carriers, rail carriers, freight forwarders, and REA.

The order of May 22, 1973, instituting this proceeding states the genesis of the proceeding as:

> The failure of motor common carriers of property to provide uniform vehicle detention rules, including prearranged schedules, has given rise to shipper and carrier complaints alleging unjust and unreasonable practices, unjust discrimination, preference and prejudice, as well as unlawful concessions and rebates.
>
> A number of inquiries have also been received as to whether arrangements for prearranged schedules may be made without provisions therefor being published in applicable tariffs lawfully on file with this Commission.

The order then recites that the proceeding is being instituted (a) to inquire into the need for requiring uniform vehicle detention rules, (b) to consider the question of prearranged schedules for pickup and delivery, and (c) to examine the level of vehicle detention charges to be assessed and collected. The order then states:

> It is the duty of this Commission under the Interstate Commerce Act to require that motor common carriers provide lawful, nondiscriminatory, reasonable and adequate service and reasonable rates and charges. Therefore, the purpose of this rulemaking proceeding is to discourage undue delays of carriers' vehicles at origins, stopoff points, and destinations at the same time to assure lawful, non-discriminatory, non-preferential, non-prejudicial, reasonable and adequate service, and reasonable vehicle detention rates and charges with respect to all classes, types and sizes of shippers and receivers of interstate freight shipments, nationwide.
>
> Additionally, it is timely and otherwise appropriate and desirable to facilitate the simplification of carrier tariff provisions regarding vehicle detention so as to effect maximum utilization of automated systems techniques in the publication, application, and policing of detention rules and charges by carriers and shippers alike.

With the foregoing predicate, the order of May 22 then institutes this proceeding to determine whether the facts and circumstances require or warrant the adoption of the proposed regulations attached to the order or other regulations of similar import, and limits the scope of the proceeding to motor common carriers of property. We are confident that complaints to the Commission concerning vehicle detention, including allegations of unjust and unreasonable practices, unjust discrimination, preference, and prejudice, as well as unlawful concessions and rebates, have not been limited exclusively to motor common carriers, but have embraced as well railroads engaged in the performance of TOFC service, freight forwarders, and REA. We are equally confident that the question of prearranged schedules for pickup and delivery is as pertinent to the operations of railroads engaged in TOFC service, freight forwarders, and REA, as it is to the operations of motor common carriers of property. Finally, we are absolutely certain that the duty of the Commission under the law with respect to railroads engaged in TOFC service, freight forwarders, and REA is identical with the duty of the Commission relating to motor common carriers of property as set forth in the order and quoted above.

In this petition, we take no position on the question of whether uniform vehicle detention rules should or should not be prescribed, but we do respectfully submit that the question itself cannot fairly be considered if the scope of the proceeding is restricted to only the motor common carriers of property. Vehicle detention rules and charges are designed and intended to encourage and promote efficiency by discouraging unreasonable delay in the loading or unloading of carrier equipment. While detention charges contain an element of compensation, they are primarily in the nature of penalty charges rather than service charges. The cases discussing the nature of detention charges are numerous, but see, for instance, *Demurrage Rules and Charges, Nationwide*, 340 I.C.C. 83; *Detention of Vehicles and Loading and Unloading Provisions*, 329 I.C.C. 220, *Detention of Motor Vehicles—Middle Atlantic and New England*, 325 I.C.C. 336; and *Segregation of Freight, New Eng. & Mid. Atl. States*, 335 I.C.C. 239. Because the very purpose of detention rules and charges is to discourage delay in the releasing of carrier equipment, the specific rules and charges, to the extent that they vary in defining free time, conditions under which charges will be assessed, and the amount of charges, have direct competitive effects which may themselves force individual carriers to forego the benefits of detention rules in their service to important shippers or receivers.

Considerations of the sort described constitute the premise upon which the Commisson prescribed a uniform vehicle detention rule for application in Middle Atlantic territory. In *Detention of Motor Vehicles—Middle Atlantic and New England*, 325 I.C.C. 336, 340, the Commission said:

> The purpose of the proposed detention rule is to discourage delays of carriers' vehicles at origins, stopoff points, and destinations. The rule is not designed, as such, as a source of revenue. It is essentially an effort to reach unreasonable delays of carrier vehicles attributable to consignors, consignees, or their representatives. Our restatement of section I(b) in appendix E makes this clear. A limited group of carriers cannot effectively maintain a detention rule when other carriers, through lack of cooperation or for competitive reasons, provide inadequate provisions or refuse to allow any detention rule to apply for their account. In addition, a single rule will eliminate unfair competitive advantages among shippers resulting from the present multiplicity of rules or lack thereof, and will curtail unlawful concessions resulting from the failure of carriers to collect and the failure of shippers to pay such detention charges as are now applicable. For these reasons, the prescription of a uniform detention rule is in the public interest and necessary for the efficient and economical operation of the respondents.

The fact that the competitive impact of vehicle detention rules is not limited to motor carriers of property, but applies between railroads and motor carriers has been recognized by the Commission in *Detention of Vehicles & Loading & Unloading Provisions*, 329 I.C.C. 220, 225, wherein the Commission considered modifications in the TOFC detention rules of the railroads proposed for the purpose of assisting the railroads in competition with motor carriers. Plainly, in TOFC service, the railroads compete directly with motor carriers for the movement of freight in highway trailers. The prescription of vehicle detention rules separately for either motor carrier service or railroad TOFC service would have far reaching competitive effects by giving one mode or the other a clear-cut competitive advantage.

Similarly, the freight forwarders are today engaged in direct competition with both motor carriers of property and railroads in TOFC service for the movement of trailer-load quantities of freight. While this is a most anomalous situation in that it constitutes the very antithesis of the service which freight forwarders are intended to perform, it is a fact. That is, freight forwarders came into being as an agency to assemble and consolidate small shipments into volume lots for line-haul movement by the physical carriers, and to break bulk and distribute small shipments at the destination of the movement performed by the physical carriers. As a matter of law, the freight forwarders are not permitted themselves to perform line-haul transportation service and are required to depend upon the physical carriers for such service. As a consequence, the forwarders, who do not in fact transport anything, ought not to be in a position to directly compete with the physical carriers for the movement of volume-lot shipments which do not require the contribution of the special services that constitute the sole economic justification for the very existence of the forwarders.

Nonetheless, the forwarders today maintain extensive publications of trailer-load and volume rates, both class and commodity, which are generally the equivalent of the rates of motor carriers of property. They own and operate substantial fleets of trailer equipment and perform pickup and delivery identical with that of both the motor carriers and the railroads in conjunction with their TOFC services. It is perfectly plain that so long as the freight forwarders are permitted to compete directly with the motor carriers and the railroads, the consideration of vehicle detention rules without inclusion of the freight forwarders could, as a result of competition, have seriously damaging effects upon the transportation system.

In this context, whatever justification one may believe exists for according freight forwarders equal status with physical carriers, it must be clearly remembered that the freight forwarders, being totally dependent upon physical carriers for line-haul service, contribute absolutely nothing to the transportation capability of the nation. To the extent that forwarders might receive a competitive advantage by failure to include them in this proceeding, the transportation capability of the nation could be

impaired without any counter-balancing public benefit.

REA Express conducts very extensive motor carrier operations pursuant to authority which it has secured over the years, as well as performing service utilizing railroads as the underlying transportation. Although historically considered as a carrier of small shipments, REA's role as an "express company" is by no means well defined, and it is in many, if not all, respects directly competitive with the other regulated surface carriers. Specifically, REA has undertaken a program of publishing truckload and volume rates at a level slightly below that of the motor common carriers for the specific purpose of competing with those carriers in the movement of truckload shipments. In connection with this service, which in its physical aspects is identical with motor carrier service, REA does not presently maintain vehicle detention rules or charges of any kind, and thus has an obvious competitive advantage to offer shippers in its solicitation efforts. Plainly, the principles which so clearly necessitate the inclusion of the railroads and freight forwarders in this proceeding extend to and include REA Express.

The Commission ought not to proceed any further in its consideration of vehicle detention rules without broadening the proceeding to include therein all competitive services subject to the Commission's jurisdiction which involve the use of motor vehicles for the transportation of property. To limit the scope of this proceeding to consideration of whether a uniform vehicle detention rule is required only for motor common carriers of property would be to treat the question in a vacuum."

Any person interested in the matter which is the subject of the petition should file a reply thereto on or before January 14, 1974. The original and 15 copies of the reply should be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, and a copy should be served on Mr. John S. Fessenden, 618 Perpetual Building, Washington, D.C. 20004.

The replies should be addressed to the question of whether or not the scope of this proceeding should be broadened as proposed by the petitioners and adequate reasons for the position taken by the replicant should be presented.

A copy of this notice will be served upon the petitioners and all parties to this proceeding. Notice of the filing of the petition will be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by delivering a copy thereof to the Director, Office of the Federal Register, for publication therein.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-26331 Filed 12-12-73;8:45 am]

[Exemption No. 56; Ex Parte No. 241; Amdt. 1]

ERIE LACKAWANNA RAILWAY CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption From Mandatory Car Service Rules

DECEMBER 7, 1973.

To: Erie Lackawanna Railway Company, Thomas F. Patton and Ralph S. Tyler, Jr., Trustees, Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees.

Upon further consideration of Exemption No. 56 issued October 31, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 56 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire December 31, 1973.

This amendment shall become effective November 30, 1973.

Issued at Washington, D.C., November 30, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-26328 Filed 12-12-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 7, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before December 27, 1973.

FSA No. 42782—*Clay to Southwestern Territory*. Filed by Southwestern Freight Bureau, agent (No. B-446), for interested rail carriers. Rates on clay, in carloads, as described in the application, from Olmsted, Ill., Belle Fourche and Deadwood, S. Dak., and stations in Wyoming, to stations in Arkansas.

Grounds for relief—Rate relationship.

Tariff—Supplement 16 to Southwestern Freight Bureau, Agent, tariff 329-C, ICC 4991. Rates are published to become effective on January 14, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-26333 Filed 12-12-73;8:45 am]

[Ex Parte No. MC-43]

MICHIGAN & NEBRASKA TRANSIT CO., INC.

Filing of Petition Regarding Lease and Interchange of Vehicles by Motor Carriers

DECEMBER 6, 1973.

At a Session of the Interstate Commerce Commission, Motor Carrier Leasing Board, held at its office in Washington, D.C. on the 3rd day of December, 1973.

It appearing, that a petition has been filed by Michigan & Nebraska Transit Co. Inc. (MC-52492 and various subs) and John D. Turck (MC-68967) for waiver of paragraph (b) of § 1057.5 of the Lease and Interchange of Vehicles Regulations (49 CFR Part 1057), concerning equipment interchanged between petitioners;

It further appearing, there is no basis for granting relief;

It is ordered, That the petition for waiver of paragraph (b) of § 1057.4 as set forth in the first paragraph of this order, be, and it is hereby denied.

By the Commission, Motor Carrier Leasing Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-26332 Filed 12-12-73;8:45 am]

[Exemption No. 55; Ex Parte No. 241; Amdt. No. 1]

NORFOLK AND WESTERN RAILWAY CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption From Mandatory Car Service Rules

DECEMBER 7, 1973.

TO: Norfolk and Western Railway Company, Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees.

Upon further consideration of Exemption No. 55, issued October 31, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 55 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire December 31, 1973.

This amendment shall become effective November 30, 1973.

Issued at Washington, D.C., November 30, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-26329 Filed 12-12-73;8:45 am]

[I.C.C. Order No. 100; Amdt. 1; Under Revised Service Order No. 994]

PENN CENTRAL TRANSPORTATION CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 100 (Penn Central) and good cause appearing therefor:

It is ordered, That I.C.C. Order No. 100 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 15, 1974, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 15, 1973, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-26446 Filed 12-12-73;8:45 am]

[Notice No. 40]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 7, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's revised deviation rules-motor carriers of property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before January 11, 1974.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-2202 (Deviation No. 122), ROADWAY EXPRESS, INC., P.O. Box 471, Akron, Ohio 44309, filed November 30, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follow: (1) From Enid, Okla., over U.S. Highway 64 to Tulsa, Okla., thence over Interstate Highway 44 to Springfield, Mo., and (2) From Perry, Okla., over U.S. Highway 64 to Tulsa, Okla., thence over Interstate Highway 44 to Springfield, Mo., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follow: (1) From Enid, Okla., over U.S. Highway 81 to Pond Creek, Okla., thence over U.S. Highway 60 to junction U.S. Highway 66, thence over U.S. Highway 66 to Springfield, Mo., and (2) From Perry, Okla., over U.S. Highway 77 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 66, thence over U.S. Highway 66 to Springfield, Mo., and return over the same routes.

No. MC-33641 (Deviation No. 52), IML FREIGHT, INC., P.O. Box 2277, Salt Lake City, Utah 84110, filed November 28, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Reno, Nev., over U.S. Highway 395 to junction California Highway 14, thence over California Highway 14 to junction Interstate Highway 5, thence over Interstate Highway 5 to Los Angeles, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Reno, Nev., over U.S. Highway 40 to Fernley, Nev., thence over U.S. Highway 95 to Fallon, Nev., thence over U.S. Highway 50 to Ely, Nev., thence over U.S. Highway 93 to Glendale, Nev., thence over U.S. Highway 91 and 93 (Interstate Highway 15) to Las Vegas, Nev., thence over U.S. Highway 91 (Interstate Highway 15) to Barstow, Calif., thence over U.S. Highway 66 to Los Angeles, Calif., and return over the same route.

No. MC-42487 (Deviation No. 101), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, P.O. Box 5138, Chicago, Illinois 60680, filed November 27, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Columbus, Ohio, over Interstate Highway 70 to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Ohio Highway 7, thence over Ohio Highway 7 to Belpre, Ohio, thence over U.S. Highway 50 to Parkersburg, W. Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Columbus, Ohio, over U.S. Highway 40 to Wheeling, W. Va., thence over West Virginia Highway 2 to junction Interstate Highway 77, thence over Interstate Highway 77 to Parkersburg, W. Va., and return over the same route.

No. MC-48958 (Deviation No. 50), ILLINOIS-CALIFORNIA EXPRESS, INC., P.O. Box 9050, Amarillo, Texas 79105, filed November 28, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Los Angeles, Calif., over U.S. Highway 66 (Interstate Highways 10 and 15) to Barstow, Calif., thence over U.S. Highway 91 (Interstate Highway 15) to Salt Lake City, Utah, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From Salt Lake City, Utah, over U.S. Highway 89 to junction Alternate U.S. Highway 89 at or near Kanab, Utah, thence over Alternate U.S. Highway 89 to junction U.S. Highway 89, thence over U.S. Highway 89 to Flagstaff, Ariz., thence over Interstate Highway 17 to Phoenix, Ariz., and (2) From Los Angeles, Calif., over U.S. Highway 66 via San Bernardino, Calif., to Albuquerque, N. Mex., thence over U.S. Highway 85 to Denver, and return over the same routes.

No. MC-59583 (Deviation No. 48), THE MASON AND DIXON LINES, INC., P.O. Box 969, Kingsport, Tennessee 37662, filed November 30, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cleveland, Ohio, over Interstate Highway 90 to Buffalo, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cleveland, Ohio, over U.S. Highway 422 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction Pennsylvania Highway 14, thence over Pennsylvania Highway 14 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction New York Highway 17, thence over New York Highway 17 to junction New York Highway 96, thence over New York Highway 96 to junction New York Highway 96A, thence over New York Highway 96A to junction U.S. Highway 20, thence over U.S. Highway 20 to junction New York Highway 332, thence over New York Highway 332 to junction New York Highway 96, thence over New York Highway 96 to junction New York Highway 33, thence over New York Highway 33 to Buffalo, N.Y., and return over the same route.

No. MC-111594 (Deviation No. 16), C W TRANSPORT, INC., 610 High Street, Wisconsin Rapids, Wisconsin 54494, filed November 28, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Portage, Wis., over U.S. Highway 51 to junction U.S. Highway 16, thence over U.S. Highway 16 to junction Wisconsin Highway 60, thence over Wisconsin Highway 60 to junction Wisconsin Highway 175, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Minneapolis, Minn., over U.S. Highway 12 to Fairchild, Wis., thence over U.S. Highway 10

to junction Wisconsin Highway 13, thence over Wisconsin Highway 13 to junction Wisconsin Highway 73, thence over Wisconsin Highway 73 to junction U.S. Highway 51, thence over U.S. Highway 51 to Portage, Wis., thence over Wisconsin Highway 33 to Addison, Wis., thence over Wisconsin Highway 175 to Milwaukee, Wis., thence over Wisconsin Highway 32 to the Wisconsin-Illinois State line, thence over Illinois Highway 42 to Chicago, Ill., and return over the same route.

By the Commission.

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

[FR Doc.73-26325 Filed 12-12-73;8:45 am]

[Notice No. 97]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 7, 1973.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new special rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 28961 (Sub-No. 25) (Republication), filed July 3, 1972, published in the FR issue of July 27, 1972, and republished this issue. Applicant: MC-DUFFEE MOTOR FREIGHT, INC., 3047 Lonyo Road, Detroit, Mich 48209. Applicant's representative: Robert H. Kinker, Box 464, 711 McClure Building, Frankfort, Ky. 40601. An Order of the Commission, Division 1, Acting as an Appellate Division, dated November 21, 1973, and served November 30, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *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 plantsite and warehouse site of Eaton Corporation at Glasgow, Ky., on the one hand, and, on the other, Lexington and Louisville, Ky., and Cincinnati, Ohio; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128273 (Sub-No. 127) (Republication), filed April 4, 1972, published in the FR issue of May 11, 1972, and republished this issue. Applicant: MIDWESTERN DISTRIBUTION, INC., 121 Humboldt, P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Danny Ellis (same address as applicant). An Order of the Commission, Division 1, Acting as an Appellate Division, dated August 27, 1973 and served September 7, 1973, finds that the Report and Order of March 13, 1973, Review Board Number 2, (a) concluded that imposition of a tacking restriction in the proceeding was unwarranted, and (b) granted authority to applicant as requested in the application; and further finds that the application as published in the FEDERAL REGISTER of May 11, 1972 stated that the requested authority could not be tacked with applicant's existing authority, and that this notice was incorrect. The Commission finds thereunder that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irreguar routes, (1) of *paper and paper products,* (a) from Ripon, Calif., to points in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Utah, Wisconsin, and Wyoming, and (b) from Vicksburg, Mich., to Ripon, Calif., and (2) of *materials and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk, and commodities, which because of size or weight require the use of special equipment), from points in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Utah, Wisconsin, and Wyoming to Ripon, Calif.; that applicant is fit, willing, and able properly to perform such service and to confrom to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder.

Applicant states the requested authority can be tacked: In Sub 58 (paper and paper products) at Herty and Sheldon, Tex., to serve points in Mississippi, Tennessee, Kentucky, Ohio, and states east thereof (except Maine, Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island); in Sub 76 (paper and paper products) at Brainerd and Cloquet, Minn., to serve points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia; in Sub 88 (paper and paper products) at Springhill, Bastrop, and Hodge, La., to serve points in Mississippi, Tennessee, Kentucky, Ohio, and states east thereof; in Sub 50 (materials and supplies used in the manufacture and distribution of paper and paper products) at the plant site of Charmin Paper Products Company near Neeley's Landing, Mo., to provide service from points in Tennessee, Mississippi, and Alabama to Ripon, Calif.; in Sub 57 (materials and supplies used in the manufacture of paper and paper products) at the plant site and storage facility of Hammermill Paper Company at Watervliet, Mich., to provide service from points in Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi to Ripon, Calif.; in Sub 76 (materials and supplies used in the manufacture of paper and paper products) at Brainerd and Cloquet, Minn., to provide service from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia to Ripon, Calif.; and in Sub 88 (materials and supplies used in the manufacture of paper and paper products) at Springhill, Bastrop and Hodge, La., to provide service from points in Mississippi, Tennessee, Kentucky, Ohio, and points in states east thereof to Ripon, Calif. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 97009 (Sub-No. —) (NOTICE OF FILING OF PETITION TO MODIFY A COMMODITY DESCRIPTION), filed November 15, 1973. Petitioner: VINCENT J. HERZOG, 200 West Delaware Street, Honesdale, Pa. 18431. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner presently holds a motor *common carrier* certificate in No. MC 97009 (Sub-No. 21) issued March 27, 1972, authorizing transportation, over irregular routes, of *uncrated new and used furniture,* except as defined in *Practices of Motor Common Carriers of Household*

Goods, 17 M.C.C. 467, between Wilkes-Barre, Pa. and points within 15 miles thereof, on the one hand, and, on the other, points in Maryland, New Jersey, and New York. By the instant petition, petitioner seeks to modify its commodity description to read: "New and used furniture, except as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the Federal Register.

No. MC 115570 and (Sub-Nos. 1, 5, and 7) (NOTICE OF FILING OF PETITION TO MODIFY PERMITS), filed November 9, 1973. Petitioner: WALTER A. JUNGE, INC., 2280 Diamond Blvd., Suite 160, Concord, Calif. 94530. Petitioner's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Petitioner presently holds motor *contract carrier* permits in No. MC 115570 and (Sub-Nos. 1, 5, and 7) issued August 28, 1958, December 31, 1968, December 19, 1968, and February 23, 1971, respectively, authorizing transportation, in the lead permit over regular routes of: I. *Paper* and *paper products*, (A) From Sumner, Wash., to Seattle, Wash., serving the intermediate point of Tacoma, Wash., restricted to delivery only: From Sumner over U.S. Highway 410 to Tacoma, Wash. (also from Sumner over unnumbered highway to Tacoma), and thence over U.S. Highway 99 to Seattle; and (B) From Sumner, Wash., to Seattle, Wash., serving no intermediate points: (1) From Sumner over Washington Highway 5 to junction Washington Highway 2, and thence over Washington Highway 2 to Seattle; (2) From Sumner over Washington Highway 5 to junction Washington Highway 5M, and thence over Washington Highway 5M to Seattle; and (3) From Sumner over unnumbered highway to Seattle; II. *Materials, supplies and equipment* incidental to, and used in, the manufacture of paper and paper products, and the operations of papermills, (A) From Seattle, Wash., to Sumner, Wash., serving the intermediate point of Tacoma, Wash., restricted to pickup only: From Seattle over the above-described routes to Sumner; and III. *Paper, paper products*, and *paper mill supplies*, (A) From Portland, Oreg., to Seattle, Wash., serving the intermediate point of Tacoma, Wash., restricted to delivery only:

From Portland over U.S. Highway 99 to Grand Mound, Wash., thence over unnumbered highway (formerly U.S. Highway 99) via Tenino, Wash., to Olympia, Wash., thence over U.S. Highway 99 via Tacoma, Wash., to Seattle, and return over the same route with no transportation for compensation except as otherwise authorized; (2) From Portland to Tacoma, Wash., as specified above, thence over U.S. Highway 410 to Sumner, Wash., thence over Washington Highway 5 to junction Washington Highway 2, thence over Washington Highway 2 to Seattle, and return over the same route with no transportation for compensation except as otherwise authorized; and (3) From Portland over the above-described routes to Tenino, Wash., thence over Washington Highway 5H to junction Washington Highway 5, thence over Washington Highway 5 through Parkland, Wash., to Tacoma, Wash., thence over the above-specified routes to Seattle, and return over the same route with no transportation for compensation except as otherwise authorized; (B) From Portland, Oreg., to Seattle, Wash., serving the intermediate point of Puyallup, Wash., for delivery only: From Portland over the above-described routes to the junction of Washington Highways 5 and 5H, near Spanaway, Wash., thence over Washington Highway 5 to junction Washington Highway 5G, thence over Washington Highway 5G to Puyallup, Wash., thence over Washington Highway 5 to junction Washington Highway 5M, thence over Washington Highway 5M to Seattle (also from Puyallup over the above-described routes through Sumner, Wash., to Seattle), and return over the same routes with no transportation for compensation except as otherwise authorized; (C) Between Portland, Oreg., and Sumner, Wash., serving the intermediate point of Tacoma, Wash., restricted to delivery only: From Portland over U.S. Highway 99 and unnumbered highway via Tenino, Wash., to Tacoma, as specified above, thence over U.S. Highway 410 to Sumner, and return over the same route; and (D) Between Portland, Oreg., and Sumner, Wash., serving the intermediate point of Puyallup, Wash.:

(1) From Portland over U.S. Highway 99 to Grand Mound, Wash., thence over unnumbered highway (formerly U.S. Highway 99) to Tenino, Wash., thence over Washington Highway 5H to junction Washington Highway 5, thence over Washington Highway 5 through Parkland, Wash., to Tacoma, Wash., thence over the above-described routes to Sumner, and return over the same route; and (2) From Portland over the above-described route to junction Washington Highways 5H and 5, near Spanaway, Wash., thence over Washington Highway 5 to junction Washington Highway 5G, thence over Washington Highway 5G to Puyallup, Wash., thence over Washington Highway 5 to Sumner, and return over the same route, and over irregular routes of, *paper* and *paper products*, (1) From Antioch, Stockton, and San Francisco, Calif., to points in Oregon and Washington; and (2) From Port Angeles, Port Townsend, Seattle, Sumner, and Tacoma, Wash., and Portland, Oreg., to points in California; in Sub-No. 1, over irregular routes, of: *Paper, paper products, fibreboard, fibreboard products, pulpboard, roofing materials, insulation, insulation materials, and wallboard*, From Sumner, Port Angeles, Tacoma, and Seattle, Wash., to points in Oregon. RESTRICTION: The operations authorized above are limited to a transportation service to be performed under a continuing contract, or contracts, with Fiberboard Paper Products Corporation, San Francisco, Calif. From Portland, Oreg., to points in Washington, with no transportation for compensation on return except as otherwise authorized. RESTRICTION: The operations authorized immediately above are limited to a transportation service to be performed under a continuing contract, or contracts, with the following shippers: Bird & Son, Inc., of Massachusetts and Fibreboard Paper Products Corporation, San Francisco, Calif.; in Sub-No. 5, over irregular routes of: *Pulpboard*, From Port Townsend, Seattle, and Tacoma, Wash., to Longview, Wash.

RESTRICTION: The service authorized herein is subject to the following conditions: The authority granted herein is restricted to the transportation of traffic having a subsequent movement by water, and further restricted to a transportation service to be performed, under a continuing contract, or contracts, with Fibreboard Paper Products Corporation, of San Francisco, Calif.; and in Sub-No. 7, over irregular routes, of: (1) *Paper, and paper articles*, and *pulp*, and (2) *materials, supplies, machinery and machinery parts*, used in the manufacture of the commodities set forth in (1) above, Between the plant sites and storage facilities of Fibreboard Corporation, in Oregon, Washington and California, on the one hand, and, on the other, points in Idaho, Montana and Utah. RESTRICTION: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the Fibreboard Corporation of San Francisco, Calif. By the instant petition, petitioner seeks to modify its permits by deleting Bird & Son, Inc. and Fiberboard Paper Products Corporation as contracting shippers to the authority described above, and substitute in lieu thereof, the contracting shipper of Boise Cascade Corporation. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the Federal Register.

Applications Under Sections 5 and 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

Motor Carriers of Property

Application(s) for Certificates or Permits Which Are To Be Processed Concurrently With Applications Under Section 5 Governed by Special Rule 240 to the Extent Applicable

No. MC 107906 (Sub-No. 31), filed November 8, 1973. Applicant: TRANSPORT MOTOR EXPRESS, INC., P.O. Box 958, Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. 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, commodities requiring special equipment, and livestock), between points in Lake, Cook, DuPage, Kane, Kendall, and Will Counties, Ill., that part of McHenry County, Ill., on and south of Illinois Highway 120 and on and east of Illinois Highway 47, and that part of Kankakee County, Ill., on and north of Illinois Highways 114 and 17 (except Kankakee, Ill.).

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at points in the counties named above to serve points in Indiana, Kentucky, Ohio, Pennsylvania, and Illinois. The purpose of the application is to convert a portion of the Certificate of Registration issued to Meyers Motor Transport Co. under MC 121328 (Sub-No. 1) to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5 purchase proceeding in MC-F-12039, published in the FR issue of November 21, 1973. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC – F – 12040. (Correction) (SCHWERMAN TRUCKING CO.—MERGER—LES JOHNSON CARTAGE CO.), published in the November 21, 1973, issue of the FEDERAL REGISTER on page 32190. Prior notice should have included; *Petroleum products*, in bulk, in tank trucks, from Green Bay, Wis., to points in Michigan located in an area bounded by a line beginning at Menominee, Mich., located in an area bounded by a line beginning at Lake Mich., to the Delta-Schoolcraft County line, thence along the Delta-Schoolcraft County line to junction U.S. Highway 2, thence east along U.S. Highway 2 to junction Michigan Highway 77, thence along Michigan Highway 77 to junction Michigan 28, thence west along Michigan Highway 28 to junction U.S. Highway 141, thence along U.S. Highway 141 to the Michigan-Wisconsin State line, thence along the Michigan-Wisconsin State line to point of beginning including points on U.S. Highway 2 between Crystal Falls, and Iron River, Mich., inclusive; *rejected shipments of petroleum products*, from the above-specified destination points to Green Bay, Wis.; petroleum and petroleum products (except residual fuel oils), as described in Appendix XIII to the report of Description in Motor Carrier Certificates, 61 MCC 209, in bulk, in tank vehicles, from Escanaba, Mich., and points within 15 miles thereof, to points in Wisconsin restricted against service from Croos, Mich.; *Jet fuel*, in bulk, in tank vehicles, from the terminal facilities of the Amoco Oil Company at or near Elk Grove Village, Ill., to points in the Upper Peninsula of Michigan; *empty containers*, used in transporting cement, from points in the Upper Peninsula of Michigan to Manitowoc and Green Bay, Wis.

No. MC-F-12055. Authority sought for control by H. F. JOHNSON, INC., P.O. Box 1435, Billings, MT 59103, of ROCKY MOUNTAIN FEED INGREDIENTS SERVICE, INC., P.O. Box 1425, Billings, MT 59103. Applicants' attorney: Hugh Sweeney, P.O. Box 1321, Billings, MT 59103. Granting of this application is conditioned upon the person or persons engaging in common control or management filing an application for approval thereof under section 5(2) of the Interstate Commerce Act. Operating rights sought to be controlled: (1) liquid animal feed in bulk, in tank vehicles, as a common carrier over irregular routes, from Billings, Mont., to points in that portion of North Dakota on or west of U.S. Highway 83 and to points in Wyoming; (2) animal feed, in bulk, from Edgely, N. Dak., to points in that portion of South Dakota on or north of U.S. Highway 14; (3) dry animal feed, in bulk, from Great Falls, Mont., to points in that portion of Idaho on or north of U.S. Highway 12; (4) beet pulp, from Worland, Lovell, and Torrington, Wyo., to points in Montana and (5) molasses, in bulk, in tank vehicles, from Worland, Lovell, and Torrington, Wyo., to points in Montana (except Billings, Hardin, and Sidney, Mont.). H. F. JOHNSON, INC., is authorized to operate as a *common carrier* in Idaho, North Dakota, Montana, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12056. Authority sought for purchase by GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, ID 83201, of a portion of the operating rights of BARTON F. LYMAN, doing business as LYMAN TRUCK LINE, P.O. Box 675, Blanding, UT 84511. Applicants' attorney: Maurice H. Greene, P.O. Box 4201, Pocatello, ID 83201. Operating rights sought to be transferred: *General commodities*, excepting commodities requiring special equipment and commodities in bulk, as a *common carrier*, over regular routes, between Monticello, Utah, and junction U.S. Highways 164 and 89 near Tuba City, Ariz., serving all intermediate points, and serving points in San Juan County, Utah, and Navajo and Conconino Counties, Ariz., and the Navajo and Hopi Indian Reservation as off-route points, with restriction. Vendee is authorized to operate as a *common carrier* in Idaho, Montana, Utah, Oregon, Colorado, New Mexico, Nevada, California, Arizona, Wyoming, Washington, North Dakota, South Dakota, Wisconsin, Michigan, Minnesota, and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12057. Authority sought for control by SEARS, ROEBUCK AND CO., 925 S. Homan Ave., Chicago, IL 60607, of DART TRANSPORTATION SERVICE, 1430 Eastman Ave., Los Angeles, CA 90023. Applicants' attorney: Robert W. Ginnane, 1054 31st St. NW., Washington, D.C. 20007. Operating rights sought to be controlled: *Such merchandise* as is dealt in by mail-order and chain retail department business houses, as a *contract carrier* over irregular routes, from points in the Los Angeles Commercial Zone and the Los Angeles Harbor Commercial Zone, as these zones are defined in *Los Angeles, Calif., Commercial Zone*, 3 M.C.C. 248, to Merced, San Bruno, San Rafael, and Santa Cruz, Calif., Sears, Roebuck and Co., owns a 20 percent stock interest in Signal Delivery Service, Inc., a motor carrier, but alleges it does not control this carrier. Accordingly, by concurrent filed motion it moves to dismiss the subject application for lack of jurisdiction by the Commission to consider the present acquisition of control. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12058. Authority sought for purchase by SKAGIT VALLEY TRUCKING CO., INC., P.O. Box 400, Mount Vernon, WA 98273, of the operating rights of VALLEY REFRIGERATED TRUCK SERVICE, INC., doing business as VALLEY TRUCK SERVICE, 208 SE. Oak St., Portland, OR 97214, and for acquisition by MILTON R. EGBERS, also of Mount Vernon, WA 98273, and ALBERT T. EGBERS, Box 437, Mount Vernon, WA 98273, of control of such rights through the purchase. Applicants' representative: MILTON R. EGBERS. Operating rights sought to be transferred: *Frozen fruits, frozen vegetables*, and *frozen berries*, as a *common carrier* over irregular routes, between points in Washington, on the one hand, and, on the other, points in Lane, Linn, Benton, Marion, Multnomah, and Polk Counties, Oreg. Vendee is authorized to operate as a *common carrier* in Idaho, Oregon, and Washington. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

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

[FR Doc.73-26334 Filed 12-12-73;8:45 am]

[Notice No. 406]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before January 1, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74655. By order of December 6, 1973, the Motor Carrier Board approved the change in control of the License in No. MC–12948 issued October 13, 1965, to Amity Travel Service, Inc., Stoystown, Pa., through purchase by Robert J. Tischler and Kay Tischler, 2827 Brownsville Road, Pittsburgh, Pa. 15227, of stock from William Bennix and Grace Bennix, 117 Curry Hollow Road, Pittsburgh, Pa. 15236, the said license authorizing the corporation to engage in operations at Stoystown and Amity, Pa., in connection with the transportation of passengers and their baggage, in special and charter operations, in round-trip sightseeing or pleasure tours, beginning and ending at points in Somerset, Bedford, Washington, and Greene Counties, Pa., and extending to points in the United States, including Alaska and Hawaii.

No. MC–FC–74731. By order of December 3, 1973, the Motor Carrier Board approved the transfer to Pudenz Truck Line, Inc., Breda, Iowa, of Certificate No. MC–2726 issued October 26, 1955, to Dennis Pudenz, Carroll, Iowa, authorizing the transportation of livestock from Auburn, Iowa, and points within 15 miles of Auburn to Omaha, Nebr.; and feed, oil, lumber, and livestock from Omaha, Nebr., to Auburn, Iowa, and points within 15 miles of Auburn. Miss Verna E. Frank, Accountant, 2002 Crestview Drive, Carroll, Iowa 51401.

No. MC–FC–74828. By order of December 3, 1973, the Motor Carrier Board approved the transfer to Poppert Trucking, Inc., City of Industry, Calif., of Permit No MC–133984 (Sub-No. 2) issued to M. A. Poppert, dba Poppert Trucking Company, City of Industry, Calif., authorizing the transportation of: Commercial store fixtures, climate control equipment and parts therefor, between points in Arizona, California, Nevada, Oregon, Idaho, and Washington. Jerry Solomon Berger, Attorney, 9454 Wilshire Blvd., Beverly Hills, Calif., 90212.

No. MC–FC–74843. By order of December 3, 1973, the Motor Carrier Board approved the transfer to E. W. Belcher Trucking, Inc., 201 Dallas Drive, Denton, Texas, 76201, of the operating rights in Certificates No. MC–133494 (Sub-No. 2), MC–133494 (Sub-No. 3) and MC–133494 (Sub-No. 6) issued November 6, 1970, October 12, 1972 and May 10, 1973 respectively to E. W. Belcher, doing business as Belcher Trucking Co., 201 Dallas Drive, Denton, Texas 76201, authorizing the transportation of various commodities from and to specified points and areas in Arkansas, Louisiana, Mississippi, Tennessee and Texas.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-26327 Filed 12-12-73;8:45 am]

MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 7, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Arizona Docket No. 2778 (Sub-No. 1556) (AMENDMENT), filed November 20, 1973. Applicant: CITY DELIVERY, INC., 1742 W. Linden, Phoenix, Ariz. 85007. Applicant's representative: Richard B. Wilks, 114 W. Adams, Suite 310, Phoenix, Ariz. 85003. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, (1) special delivery, seven-day per week—twenty-four-hour per day service between all points and places in the State of Arizona; (2) unscheduled same-day service from all points and places within a 10-mile radius of the Phoenix terminal to all points and places within a 130-mile radius of the Phoenix terminal provided that shipment is at Phoenix terminal by 9:00 a.m.; (3) unscheduled, next-day service from all points and places within a 130-mile radius of the Phoenix terminal to all points and places within a 130-mile radius of the Phoenix terminal provided that pickup is made by 9:00 a.m.; (4) unscheduled two-day and later service to and from all points and places not covered under same-day or next-day service; (5) service other than special delivery and unscheduled same-day service shall be restricted to the transportation of shipments weighing more than 50 pounds or exceeding 108 inches in length and girth combined; (6) all references to mile radius refer to road miles between points, scheduled pickups within the 10-mile radius of the Phoenix terminal shall be made for delivery to the Phoenix terminal by 9:00 a.m. all other pickups shall be unscheduled; (7) all general commodities shall be transported except liquids in bulk, monies and valuables, explosives, refrigerated products, house trailers, cement, cement blocks, and materials in dump trucks; and (8) all in addition to the authority presently authorized by the certificate. Interstate, intrastate and foreign commerce authority sought.

HEARING: January 22, 1974 (4 days) at the Capitol Annex Building, 1688 West Adams, Phoenix, Ariz. at 9:30 A.M. Requests for procedural information should be addressed to the Arizona Corporation Commission, 1688 West Adams, Room 216, Phoenix, Ariz. 85007, and should not be directed to the Interstate Commerce Commission.

California Docket No. 54459 (AMENDMENT), filed November 27, 1973. Applicant: AMERICAN TRANSFER CO., 2810 Jensen Avenue (P.O. Box 1226), Fresno, Calif. 93706. Applicant's representative: Marvin Handler, 100 Pine Street #2550, San Francisco, Calif. 94111. By this application applicant seeks to substitute and amend page 2 of Exhibit "B" to add Ione, Calif., as an off-route point on two routes, so that it will read as follows: (1) Between all points and places in the San Francisco territory, as described in Part 2; and (2) Between all points and places on or within 15 lateral miles of the following routes: (a) Between San Francisco and Sacramento via Interstate Highway 80; (b) Between Interstate Highway 80 near Pinole and Stockton via California State Highway 4; (c) Between San Francisco and Stockton via Interstate Highway 80, California State Highway 17, Interstate Highways 580, 205, and 5, California State Highways 120 and 99; (d) Between Tracy and Fresno via California State Highways 33, 152, and 180; (e) Between Dos Palos and junction California State Highway 99 via California State Highway 152; (f) Between junction Interstate Highways 580 and 5 and Interstate Highway 580 near Tracy, via Interstate Highway 580; (g) Between junction of Interstate Highway 5 south of Bakersfield and Sacramento via California State Highway 99, serving Ione as an off-route point; (h) Between Sacramento and Lincoln via Interstate Highway 80, and California State Highway 65; (i) Between junction California State Highways 33 and 180, and Maricopa via California State Highway 33; (j) Between Maricopa and junction California State Highway 99 via California State Highway 166; (k) Between Dunningan and Los Angeles Basin Territory via Interstate Highway 5, serving Ione as an off-route point; (l) Between junction California State Highway 99 near Bakersfield and California State Highway 198 near Exeter via California State Highway 65; (m) Between junction California State Highways 65 and 198 to junction Interstate Highway 5 via California State Highway 198; (n) Between California State Highway 99 near Fowler and Clovis via unnumbered highway known as Clovis Avenue; (o) Between Calwa and Sanger via unnumbered highway known as Jensen Avenue; (p) Between junction California State Highway 99 near Fowler and Reedley via unnumbered highway known as Manning Avenue; (q) Between California State Highway 99 near Selma and Dinuba via unnumbered highway known as Mountain View Avenue; (r) Between California State Highway 99 near Goshen and Dinuba via unnumbered highway known as Alta Avenue; (s) Between Wasco and junction California State Highway 198 near Hanford via California State Highway 43; (t) Between Fresno and junction Interstate Highway 5 near Kettleman City via California State Highway 41; and (u) Between Buttonwillow and McKittrick via California State Highway 58. Intrastate, interstate

and foreign commerce authority sought. HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, 350 McAllister Street, San Francisco, Calif 94102, and should *not* be directed to the Interstate Commerce Commission.

Oklahoma Docket No. MC 31004 (Sub-No. 3), filed October 23, 1973. Applicant: TRI CITIES WAREHOUSE, INC., P.O. Box 75538, Oklahoma City, Okla. 73107. Applicant's representative: William L. Anderson, 4700 N. Thompson, Oklahoma City, Okla. 73105. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *Contents of box cars or trailer load shipments* within the State of Oklahoma. Intrastate, interstate, and foreign commerce authority sought. HEARING: December 26, 1973, at 340 Jim Thorpe Office Building, Oklahoma City, Okla., at 9:00 A.M. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Oklahoma Corporation Commission, 340 Jim Thorpe Office Building, Oklahoma City, Okla. 73105, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[FR Doc.73-26324 Filed 12-12-73;8:45 am]

[Notice No. 167]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 5, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 10095 (Sub-No. 3 TA), filed November 27, 1973. Applicant: RAYMOND BRACHT, doing business as BRACHT TRANSPORTATION CO., P.O. Box 151, 223 East Railway, Milbank, S. Dak. 57252. Applicant's representative: Raymond Bracht (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *lactose* (milk sugar), in bags, *empty wooden cheese containers* completely disassembled, (1) from Milbank, S. Dak., to Sturgis, Mich., and Columbus, Ohio, and (2) from Springfield, Mo., to Milbank, S. Dak. for 180 days. SUPPORTING SHIPPER: Valley Queen Cheese Factory, Inc., P.O. Box 351, Milbank, S. Dak. 57252. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 15945 (Sub-No. 13 TA), filed November 26, 1973. Applicant: BRINGWALD TRANSFER INC., 2820 Decker Road, Vincennes, Ind. 47591. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel wire*, from the plantsite of Laclede Steel Company, Inc., at Alton, Ill., to Washington, Ind., for 180 days. SUPPORTING SHIPPER: Laclede Steel Company, Equitable Building, St. Louis, Mo. 63102. 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 93224 (Sub-No. 22 TA), filed November 28, 1973. Applicant: S & N FREIGHT LINE, INCORPORATED, Bryant & Kempsville Roads, Post Office Box 12147 (Thomas Corner Station), Norfolk, Va. 23502. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diesel fuel*, in bulk, in tank vehicles, from Chesapeake, Va., to Jefferson, Ohio, for 180 days. SUPPORTING SHIPPER: L. R. Capshaw Inc., 4920 Southern Blvd., Virginia Beach, Va. 23462. SEND PROTESTS TO: District Supervisor Robert W. Waldron, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Bldg., Richmond, Va.

No. MC 107403 (Sub-No. 864 TA), filed November 28, 1973. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitroparaffin derivatives*, in bulk, in tank vehicles, from Terre Haute, Ind., to Sterlington, Pa. for 180 days. SUPPORTING SHIPPER: Coy A. Orman, Assistant Mgr. of Transportation, Commercial Solvents Corporation, P.O. Box 207, Terre Haute, Ind. 47808. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Wm. J. Green, Jr., Federal Bldg., 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 107403 (Sub-No. 865 TA), filed November 28, 1973. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur hexafluoride*, in bulk, from Metropolis, Ill., to Bay Port, Tex., for 180 days. SUPPORTING SHIPPER: Daniel J. Crowley, Supervisor, Distribution Analysis, Allied Chemical Corporation, P.O. Box 1087R Columbia Road, Morristown, N.J. 07960. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Wm. J. Green, Jr., Federal Bldg., 600 Arch St., Rm. 3238, Philadelphia, Pa. 19106.

No. MC 107496 (Sub-No. 920 TA), filed November 27, 1973. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, P.O. Box 855 (Box zip 50304), Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas*, in bulk, from the site of the terminal of Northern Propane Gas Co. at or near Rosemount, Minn., to points in Wisconsin, Iowa, North Dakota, South Dakota, Minnesota, and Upper Michigan, for 150 days. SUPPORTING SHIPPER: Northern Propane Gas Company, 4820 Excelsior Blvd., Minneapolis, Minn. 55416. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 921 TA), filed November 27, 1973. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, P.O. Box 855 (Box zip 50304), Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, from Memphis, Tenn., to points in Arkansas and Mississippi, for 150 days. SUPPORTING SHIPPER: Cargill, Incorporated, Cargill Building, Minneapolis, Minn. 55402. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 108449 (Sub-No. 366 TA), filed November 28, 1973. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same address as applicant). Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Minot, N. Dak. (Farstad Petroleum Co.), to Mansfield and Fremont, Ohio, for 180 days. SUPPORTING SHIPPER: The Ohio Brass Company, 380 N. Main Street, Mansfield, Ohio 44902. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg. & U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 111375 (Sub-No. 70 TA), filed November 28, 1973. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., Mail: P.O. Box 3358, Off: County CV and Acker Road, Madison, Wis. 53704. Applicant's representative: Charles W. Singer, 2440 E. Commercial Blvd., Fort Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Foodstuffs* (except fresh meats), and (b) *fresh meat* when moving in mixed loads with the commodities in (a) above, from Chicago, Ill., and points in its Commercial Zone as described by the Commission, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; (2)(a) *Food* (except meats), *food sauces and food ingredients, and advertising specialties and related supplies* when moving in conjunction with food (except meats), food sauces and food ingredients, and (b) *Meats* (except fresh meat) when moving in mixed loads with the commodities in (a) above, from Chicago, Ill., and points in its commercial zone as described by the Commission, to points in New Mexico; and (3) *Meats, meat products, and meat by-products* as defined in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Chicago, Ill., and points in its Commercial Zone as described by the Commission, to Los Angeles, San Francisco, and San Diego, Calif., for 180 days. SUPPORTING SHIPPERS: There are approximately 33 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 W. Wilson Street, Room 202, Madison, Wis. 53703.

No. MC 114969 (Sub-No. 36 TA), filed November 23, 1973. Applicant: PROPANE TRANSPORT, INC., P.O. Box 232, 1734 State Route 131, Milford, Ohio 45150. Applicant's representative: John L. Alden, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas*, between points in Kent County, Mich., on the one hand, and, on the other, points in Indiana and Ohio, for 180 days. SUPPORTING SHIPPERS: Y M, Inc., P.O. Box 169, Fremont, Ohio 43420, and Superior Lima Division, Sheller-Globe Corporation, 1200 East Kibby Street, Lima, Ohio 45802. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514–B Federal Bldg., 550 Main Street, Cincinnati, Ohio 45202.

No. MC 134404 (Sub-No. 15 TA), filed November 28, 1973. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 499, So. Bound Brook, N.J. 08880. Applicant's representative: James L. Delaney (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel bath tubs, lavatories, sinks, and plumbers fittings and supplies*, from Salem, Ohio, to Montgomery, Ala.; Hartford, Rockville, and Waterbury, Conn.; the District of Columbia; Clearwater, Delray Beach, Ft. Lauderdale, Miami, Orlando, Pompano Beach, and Riviera Beach, Fla.; Atlanta and Marietta, Ga.; Belleville, Cook County, Ill.; Valparaiso, Ind.; Sioux City, Iowa; Topeka, Kans.; Bowling Green, Elkhorn City, Lexington, Louisville, and Paducah, Ky.; New Orleans, La.; Lewiston, Portland, and Waterville, Maine; points in Anne Arundel, Baltimore, Frederick, Howard, Montgomery, and Prince Georges Counties, Md.; points in Essex, Greenfield, Hampden, Middlesex, New Bedford, Norfolk, Plymouth, and Suffolk Counties, Mass.; Detroit, Flint, Pontiac, and Southfield, Mich.; Kansas City and St. Louis, Mo.; Grand Island and Omaha, Nebr.; Manchester, N.H.; points in Atlantic, Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Ocean, and Passaic Counties, N.J.; points in Albany Middletown, Nassau County, New York City, Niagara Falls, Rochester, Suffolk County, and Syracuse, N.Y.; Charlotte, Greenville, and Wrightsville, N.C.; Fargo, and Grand Rapids, N. Dak.; points in Allegheny County, Altoona, Bethlehem, Harrisburg, Lansdale, New Castle, Philadelphia, and Reading, Pa.; Greenville and Myrtle Beach, S.C.; Sioux Falls, S. Dak.; Johnson City and Memphis, Tenn.; Alexandria, Fairfax, Falls Church, Fredricksburg, Manassas, McLean, Richmond, and Winchester, Va.; and Huntington, W. Va., for 180 days. SUPPORTING SHIPPER: American Standard, Inc., P.O. Box 2003, New Brunswick, N.J. 08903. SEND PROTESTS TO: District Supervisor Robert S. H. Vance, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 139214 (Sub-No. 1 TA), filed November 28, 1973. Applicant: ALBERT BIEBER, Box 307, McLaughlin, S. Dak. 57642. Applicant's representative: Albert Bieber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular houses and related materials*, from McLaughlin, S. Dak., to points in North Dakota, for 180 days. SUPPORTING SHIPPER: Standing Rock Housing Corp., McLaughlin, S. Dak. 57642, A. Roland Holt, General Manager. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 139243 (Sub-No. 1 TA), filed November 12, 1973. Applicant: DAVISON TRANSPORT, INC., Sunset Avenue, North Bend, Ohio 45052. Applicant's representative: Melvin E. Marmer, 17th Floor Central Trust Tower, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in dump trucks, from North Bend, Ohio, to points in Ohio, Indiana, Kentucky, and Michigan, for 180 days. SUPPORTING SHIPPERS: Vistron Corporation, 1074 Guildhall Building, Cleveland, Ohio 44115, and Agrico Chemical Company, P.O. Box 3166, Tulsa, Okla. 74101. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514–B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

No. MC 139249 (Sub-No. 1 TA), filed November 26, 1973. Applicant: WALTER R. MC LAUGHLIN, Oak Lane & Ashbourne Road, Cheltenham, Pa. 19012. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automated data processing media and business papers, reports, and records* (except cash letters) no single shipment to exceed ten pounds in weight, between the facilities of National Cash Register Data Processing Center in West Windsor Township, Mercer County, N.J., on the one hand, and, on the other, points in Delaware, Bucks, Montgomery, and Philadelphia Counties, Pa., for 180 days. RESTRICTION: The operations authorized above are limited to a transportation service to be performed under a continuing contract or contracts with persons who operate savings and loan institutions. SUPPORTING SHIPPERS: (1) Conshohocken Federal Savings & Loan Association, Fayette St. & Second Ave., Conshohocken, Pa.; (2) First Federal Savings and Loan Association of Bucks County, 118 Mill Rd., Bristol, Pa. 19007; (3) Olney Federal Savings and Loan Association, 401 W. Tabor Rd., Philadelphia, Pa. 19120; (4) York Road Federal Savings and Loan Association of Jenkintown, 123 York Rd., Jenkintown, Pa.; and (5) Main Line Federal Savings and Loan Association, 44 E. Lancaster Ave., Ardmore, Pa. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, William J. Green, Jr., Federal Building, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

Motor Carriers of Passengers

No. MC 109802 (Sub-No. 31 TA), filed November 28, 1973. Applicant: LAKELAND BUS LINES, INC., East Blackwell Street, Dover, N.J. 07801. Applicant's representative: Charles J. Williams, 47

Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express*, in the same vehicles with passengers, (1) Between Denville, N.J. and Wayne, N.J.: from Denville, N.J., over Interstate Highway 80 to junction with New Jersey Highway 23 and U.S. Highway 46, in Wayne, N.J., and return over the same route, as an alternate route for operating convenience only, in connection with applicant's existing routes to and from New York, N.Y., as set forth in Certificate No. MC 109802 and Subs thereto, serving no intermediate points, except for purposes of joinder only; (2) Between Parsippany-Troy Hills, N.J., and Wayne, N.J.: (a) from junction of U.S. Highway 46 and Interstate Highway 80 in Parsippany-Troy Hills, N.J., over Interstate Highway 80 to Wayne, N.J.; (b) from junction of Interstate Highway 80 and Cherry Hill Road, in Parsippany-Troy Hills, N.J., over U.S. Highway 80 to Wayne, N.J.; and (c) from junction of U.S. Highway 46, Interstate Highway 287, and U.S. Highway 46 in Parsippany-Troy Hills, N.J., over U.S. Highway 80 to Wayne, N.J., and return over the same routes, as alternate routes for operating convenience only, in connection with applicant's existing routes to and from New York, N.Y., as set forth in Certificate No. MC 109802 and Subs thereto, serving no intermediate points, except for purposes of joinder only;

(3) Between Wayne, N.J., and New York, N.Y.: from the junction of New Jersey Highway 23 and Interstate Highway 80 in Wayne, N.J., over Interstate Highway 80 to junction with Interstate Highway 95 in Ridgefield Park, N.J., thence over Interstate Highway 95 to Secaucus, N.J. (Interstate Highway 95 being known as the New Jersey Turnpike between Ridgefield Park, N.J., and Secaucus, N.J.), thence over Interstate Highway 95 exit road to junction with Interstate Highway 495 in North Bergen, N.J., thence over Interstate Highway 495 to New York, N.Y., and return over the same route using Interstate Highway 95 (New Jersey Turnpike) access road in North Bergen, N.J., for operating convenience only, in connection with applicant's existing routes to and from New York, N.Y., as set forth in Certificate No. MC 109802 and Subs thereto, serving no intermediate points, except for purposes of joinder only; (4) Between Parsippany-Troy Hills, N.J., and Montville, N.J.: from Intersection of U.S. Highway 46 and Interstate Highway 287, in Parsippany-Troy Hills, N.J., over Interstate Highway 287 to its junction with Main Street, in Montville, N.J., and return over the same route, as an alternate route for operating convenience only, in connection with applicant's existing routes to and from New York, N.Y., as set forth in Certificate No. MC 109802 and Subs thereto, serving no intermediate points, except for purposes of joinder only; and (5) Between Netcong, N.J., and Hackettstown, N.J.: from Netcong, N.J., over access roads to Interstate Highway 80, thence over Interstate Highway 80 to junction with New Jersey Highway 517, serving no intermediate points, thence over New Jersey Highway 517 to Hackettstown, N.J., and return over the same routes, in connection with applicant's existing routes to and from New York, N.Y., as set forth in Certificate No. MC 109802 and Subs thereto, for 180 days.

NOTE.—Applicant proposes to tack or join the proposed routes with the regular routes authorized in Certificate No. MC 109802 and in Subs 12, 13, 22, and 24. The tacking will take place at the termini set forth in the above-described routes. The authority sought will not permit applicant to serve any new points or territory.

SUPPORTING SHIPPERS: There are approximately 118 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

By The Commission.

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

[FR Doc.73-26330 Filed 12-12-73;8:45 am]

[Notice 100]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 7, 1973.

The following applications (except as otherwise specifically noted, each application (on applications filed after March 27, 1972) states that there will be significant effect on the quality of the human environment resulting from approval of its application), are governed by § 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 200 (Sub-No. 262), filed October 23, 1973. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, Mo. 64142. Applicant's representative: Ivan E. Moody, Suite 1200, Temple Building, 903 Grand Ave., Kasas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, mineral wool, material wool products and materials, roofing material, and products, and materials* used in the installation of the aforementioned products and materials, from the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, to points in Indiana (except Indianapolis and points in the Chicago, Ill., Commercial Zone); Lower Peninsula of Michigan (except those in the Detroit Commercial Zone); and Ohio.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 340 (Sub-No. 27), filed October 24, 1973. Applicant: QUERNER TRUCK LINES, INC., 1131-33 Austin Street, San Antonio, Tex. 78208. Applicant's representative: M. Ward Bailey,

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

2412 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Amarillo, Tex., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, Mississippi, Rhode Island, Illinois, Indiana, Texas, Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Michigan, restricted to shipments originating at the plantsite and facilities utilized by John Morrell and Company.

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 Amarillo, Tex. or Chicago, Ill.

No. MC 2226 (Sub-No. 104) (PARTIAL CORRECTION), filed August 13, 1973, published in the FR issue of November 8, 1973, and republished in part as corrected this issue. Applicant: RED ARROW FREIGHT LINES, INC., 3901 Seguin Road, P.O. Box 1897, San Antonio, Tex. 78927. Applicant's representative: Phillip Robinson, The 904 Lavaca Building, P.O. Box 2207, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Dallas and Amarillo, Tex., serving Fort Worth, Wichita Falls, and all intermediate points betwen Wichita Falls and Amarillo: (c) From Dallas over the Texas Turnpike Authority Toll Road to Fort Worth, thence over U.S. Highway 287 to Amarillo, and return over the same route.

NOTE.—The purpose of this republication is to correctly indicate the request in route (1)(c) above, which was previously published in error. The rest of the notice remains as previously published. Common control was approved in Docket No. MC-F-9959. If a hearing is deemed necessary, applicant requests it be held at both Lubbock and Austin, Tex., in that order.

No. MC 2253 (Sub-No. 65), filed October 25, 1973. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, N.C. 28021. Applicant's representative: James E. Wilson, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. 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 Chattanooga and Copperhill, Tenn., as off-route points in connection with applicant's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 2392 (Sub-No. 88), filed October 29, 1973. Applicant: WHEELER TRANSPORT SERVICE, INC., P.O. Box 14248, West Omaha Station, Omaha, Nebr. 68114. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and liquid feed ingredients*, in bulk, in tank vehicles, (1) from points in Butler County, Kans., to points in Colorado, Iowa, Missouri, Nebraska, and Oklahoma; and (2) from Pryor, Okla., to Fremont, Nebr.

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.

No. MC 2860 (Sub-No. 136), filed October 30, 1973. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum foil and sheet, aluminum foil and sheet containers, plastic sheet, plastic containers, caps and covers for aluminium and plastic containers, and material, equipment, and supplies used in the manufacture and distribution of said commodities*, between Clayton, N.J., on the one hand, and, on the other, points in Alabama, North Carolina, South Carolina, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Applicant states that the requested authority can be tacked at Wilmington, Del., with existing authority to serve points in New Jersey and Illinois. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 2860 (Sub-No. 137), filed October 24, 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: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Amarillo, Tex., to points in Connecticut, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Delaware, Florida, Georgia, North Carolina, and South Carolina, restricted to shipments originating at plantsite and facilities utilized by John Morrell & Co.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 9153 (Sub-No. 2), filed October 23, 1973. Applicant: J. R. CHRISTONI, INC., North Cherry Street Extension, Wallingford, Conn. 06492. Applicant's representative: J. R. Christoni, Sr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel*, from the plantsites of Highway Safety Corporation located at or near Glastonbury, Conn., on the one hand, and, on the other, points in Massachusetts, Rhode Island, New York, and New Jersey.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at the destination points named above to provide service between Glastonbury, Conn., on the one hand, and, on the other, points in the Town of Newington, Wallingford, and points within 15 miles of Wallingford, and the plantsite of Brickman-Joy Corp. in the City of Hartford, Conn. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., New York, N.Y., or Boston, Mass.

No. MC 11220 (Sub-No. 136), filed October 23, 1973. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. 38101. Applicant's representative: James J. Emigh, P.O. Box 59, Memphis, Tenn. 38101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except automobiles set up on wheels, dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving points in that part of De Soto County, Miss., on and bounded by a line beginning at the Tennessee-Mississippi state line and extending along Germantown Road to junction Goodman Road, thence along Goodman Road to junction Center Hill Road, thence along Center Hill Road to the Tennessee-Mississippi state line and thence along the Tennessee-Mississippi state line to point of beginning, as off-route points in connection with carrier's authorized regular-route operation from and to Memphis, Tenn. (The area described above is generally referred to as the Holiday Industrial Park, De Soto County, Miss.)

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Jackson, Miss.

No. MC 13900 (Sub-No. 17), filed October 24, 1973. Applicant: MIDWEST HAULERS, INC., 228 Superior Street, Toledo, Ohio 43604. Applicant's reprcsentative: Harold G. Hernly, 118 North Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodi-*

ties which are at the time moving on bills of lading of freight forwarders as defined in Section 402(a)(5) of the Act, (1) serving Allentown, Pa. as an intermediate point and Reading, Pa. as an off-route point in connection with carrier's regular route operations between Cincinnati, Ohio, and Newark, N.J., over U.S. Highway 22; and (2) serving New York, N.Y., as an intermediate point in connection with carrier's regular route operations between Washington, D.C., and Bridgeport, Conn., over U.S. Highway 1.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 14552 (Sub-No. 51), filed October 15, 1973. Applicant: J. V. McNICHOLAS TRANSFER CO., a Corporation, 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: Paul F. Beery, Suite 1660, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from the plant site of Bethlehem Steel Corporation at Lackawanna, N.Y., to points in Illinois, Indiana, Ohio, and the lower peninsula of Michigan.

NOTE.—Applicant holds contract carrier authority in MC 123991 and Subs 4 and 7, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 25798 (Sub-No. 248), filed October 15, 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: *Frozen foods*, from the plantsite and warehouse facilities of Morton Frozen Foods, Div. of Continental Baking Co., Inc., located at or near Crozet, Va., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and West Virginia.

NOTE.—Common control was approved in MC-F-8953. Applicant states that the requested authority can be tacked with its existing authority, at the plantsite and warehouse facilities of Morton Frozen Foods located at Crozet, Va., to provide a through service: in the lead certificate from Hendersonville, N.C., to points in Maine and New Hampshire, and from Winter Haven, Fla., to points in Maine, New Hampshire, and West Virginia; in Sub-No. 11 and 22 (combined) from points in Florida to points in Maine and New Hampshire; in Sub-No. 25 from Auburndale, Leesburg, Plymouth, and Frostproof, Fla., to points in Maine and New Hampshire; in Sub-No. 26 from Seabrook, N.J., and Baltimore, Md., to the destination points named above; in Sub-No. 33 from South St. Paul, Minn., to the destination points named above; in Sub-No. 34 from Brunswick and St. Simons Island, Ga., and Ocala and Jacksonville, Fla., to points in Maine and New Hampshire; in Sub-No. 46 from Auburndale, Leesburg, and Plymouth, Fla., to points in Maine and New Hampshire; in Sub-No. 74 from Burnesville, Minn. to the destination points named above (except points in West Virginia); in Sub-No. 80 from Gloucester, Mass., to the destination points named above (except points in West Virginia); in Sub-No. 82 from Crookston, Duluth, Minneapolis, and Mankato, Minn., Fargo, N. Dak., and Sioux City, Iowa, to the destination points named above (except points in West Virginia); in Sub-No. 100, from the plantsite of Armour & Co. located at or near Sterling, Ill., to the destination points named above; in Sub-No. 109 from Darien, Wis., to points in West Virginia; in Sub-No. 110 from Fort Atkinson, Wis., to the destination points named above (except points in West Virginia, Pennsylvania, and New York); in Sub-No. 114 from the plantsite of Swift & Co. located at or near Grand Island, Nebr., to the destination points named above; in Sub-No. 116 from Monmouth, Ill., to the destination points named above (except points in West Virginia); in Sub-No. 120 from the plantsite of Ore-Ida Foods, Inc., in Montcalm County, Mich., to the destination points named above (except points in West Virginia); in Sub-No. 126 from Des Moines, Fort Dodge, and Webster City, Iowa, to the destination points named above (except points in West Virginia); in Sub-No. 136 from Seabrook, N.J., to the destination points named above; in Sub-No. 156 from Akron, Ohio, to the destination points named above (except points in West Virginia); and in Sub-No. 171 from the plantsite and storage facilities utilized by Wilson & Co., Inc., located at or near Logansport, Ind., to the destination points named above. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 26396 (Sub-No. 102), filed October 23, 1973. Applicant: POPELKA TRUCKING COMPANY, a Corporation, doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products, lumber, and lumber products*, from points in Flathead County, Mont., to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Kalispell and Columbia Falls, Mont. (Flathead County) in Sub-No. 83, to provide a through service from Beaver and Yakima, Wash.; Priest River, Troy, Calder, Priest Lake, Mountain Home, Tamarack, Kooskia, and Emmett, Idaho; and points in Lane, Wasco, Jackson, Josephine, Linn, Tillamook, Multnomah, Douglas, Polk, Coos, Benton, Yamhill, and Marion Counties, Oreg., to the destination points named herein. If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont.

No. MC 26396 (Sub-No. 103) (CORRECTION), filed October 4, 1973, published in the FR issue of November 29, 1973, as MC-26396 (Sub-No. 99) and republished as corrected this issue. 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.

NOTE.—The purpose of this republication is to indicate the correct Docket Number assigned to this proceeding in No. MC-26396 (Sub-No. 103). The rest of the notice remains as previously published.

No. MC 27817 (Sub-No. 110), filed October 29, 1973. Applicant: H. C. GABLER, INC., R.D. #3, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except in bulk), from points in Derry Township (Dauphin County), Pa., and Lebanon, Pa., to points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Maryland, District of Columbia, Virginia, North Carolina, South Carolina, West Virginia, Ohio, and Indiana; and (2) *materials and supplies* used in the production of foodstuffs (except in bulk), from points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Maryland, District of Columbia, Virginia, North Carolina, South Carolina, West Virginia, Ohio, and Indiana, to points in Derry Township (Dauphin County), Pa., and Lebanon, Pa., restricted in (1) and (2) above to traffic originating at and destined to the points designated above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 29753 (Sub-No. 4), filed October 29, 1973. Applicant: BOB AIKINS LINES, INC., P.O. Box 264, Lawrenceburg, Ind. 47025. Applicant's representative: Norbert B. Flick, Executive Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden barrels*, from Lawrenceburg, Ind., to Overpeck, 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 Cincinnati, Ohio, or Louisville, Ky.

No. MC 30237 (Sub-No. 25), filed October 1, 1973. Applicant: YEATTS TRANSFER COMPANY, a Corporation, Box 666, Altavista, Va. 24517. Applicant's representative: W. Barney Arthur, Box 551, 513 Main St., Altavista, Va. 24517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, as defined in Appendix II to the report in "Description in Motor Carrier Certificate", 61 M.C.C. 209, from points in Appomattox County, Va., to points in Virginia, and the District of Columbia, and returned shipments of new furniture on return.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority; in the base certificate at Rocky Mount, Va., to provide a through service from points in Appomattox County, Va., to points in Delaware, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, West Virginia, and the District of Columbia; in Sub-No. 10 at Altavista and Rocky Mount, Va., to provide a through service from points in Appomattox County, Va., to points in Maine, Connecticut, Massachusetts, New

Hampshire, Rhode Island, and Vermont; and in Sub-No. 18 at Altavista and Rocky Mount, Va., to provide a through service from points in Appomattox County, Va., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, South Carolina, Tennessee, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30319 (Sub-No. 146), filed November 23, 1973. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY OF TEXAS AND LOUISIANA, a Corporation, 7600 South Central Expressway, Dallas, Tex. 75216. Applicant's representative: Lloyd M. Roach, 1517 West Front Street, Tyler, Tex. 75701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving New Orleans, La., and its Commercial Zone as an off-route point in connection with carrier's regular route operations in Texas and Louisiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans or Baton Rouge, La.

No. MC 32779 (Sub.-No. 9), filed October 24, 1973. Applicant: SILVER EAGLE COMPANY, a Corporation, 35425 16th Ave. So., Federal Way, Wash. 98002. Applicant's representative: Robert R. Hollis, 400 Pacific Bldg., Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined in 17 M.C.C. 467, commodities in bulk, and commodities which because of size or weight require the use of special equipment), (1) Between Portland, Oreg., and Port of Entry at the intersection of U.S. Highway 97 and the United States-Canadian Border near Oroville, Wash.: From Portland over Interstate Route 80N to junction with U.S. Highway 197 east of The Dalles, Oreg., thence over U.S. Highway 197 to junction U.S. Highway 97 near Goldendale, Wash., thence over U.S. Highway 97 to junction Washington State route 131 near Ellensburg, Wash., thence over Washington State route 131 to junction U.S. Highway 97 south of Liberty, Wash., thence over U.S. Highway 97 to the United States-Canadian border north of Oroville, Wash., and return over the same route, serving intermediate and off-route points in Okanagan, Douglas and Chelan Counties, Wash., and the off-route point of Quincy, Wash., (2) Between Portland, Oreg., and Port of Entry at the intersection of U.S. Highway 97 and the United States-Canadian border near Oroville, Wash.: From Portland over Interstate Route 5 to junction with Washington State route 18 near Federal Way, Wash., thence over Washington State route 18 to junction Interstate Route 90 near North Bend, Wash., thence over Interstate Route 90 to junction U.S. Highway 97 near Cle Elum, Wash., thence over U.S. Highway 97 to U.S. Highway 97 to United States-Canadian border north of Oroville, Wash., and return over the same route, serving intermediate and off-route points in Okanagan, Douglas, and Chelan Counties, Wash., and the off-route point of Quincy, Wash. (3) Between Seattle, Wash., and Port of Entry at the intersection of U.S. Highway 97 and the United States-Canadian border near Oroville, Wash.: From Seattle over Interstate Route 5 to junction with Washington State route 18 near Federal Way, Wash., thence over Washington State route 18 to junction Interstate Route 90 near North Bend, Wash., thence over Interstate Route 90 to junction U.S. Highway 97 near Cle Elum, Wash., thence over U.S. Highway 97 to the United States-Canadian border north of Oroville, Wash., and return over the same route, serving intermediate and off-route points in Okanagan, Douglas and Chelan Counties, Wash., and the off-route point of Quincy, Wash. (4) Between Spokane, Wash., and Port of Entry at the intersection of U.S. Highway 97 and the United States-Canadian border near Oroville, Wash.:

From Spokane over Interstate Route 90 to junction Washington State route 281 near George, Wash., thence over Washington State route 281 to junction Washington State route 28 at Quincy, Wash., thence over Washington State route 28 to junction U.S. Highway 97 near Wenatchee, Wash., thence over U.S. Highway 97 to United States-Canadian border north of Oroville, Wash., and return over the same route, serving intermediate and off-route points in Okanagan, Douglas, and Chelan Counties, Wash., and the off-route point of Quincy, Wash. Restriction: The separate grants of authority embraced by this application may not be combined among themselves or with any other certificate authority now held by applicant to provide a through service over the routes of applicant between Spokane, Wash., on the one hand, and, on the other, Seattle, Wash., or Portland, Oreg.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Portland, Oreg., or Seattle or Spokane, Wash.

No. MC 33641 (Sub-No. 107), filed October 19, 1973. Applicant: IML FREIGHT, INC., 2175 S. 3270 West, Salt Lake City, Utah 80217. 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: *Silver bullion*, from Garfield and Salt Lake City, Utah, to Franklin Center, Pa.

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 Salt Lake City, Utah.

No. MC 37523 (Sub-No. 8), filed October 29, 1973. Applicant: FREDONIA TRUCK LINE, R.R. 4, Fredonia, Kans. 66736. Applicant's representative: Richard Shaw, P.O. Box 361, 716 Maple Street, Coffeyville, Kans. 67337. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed mill feeds and dry feed ingredients*, from points in Wilson County, Kans., to points in Oklahoma, Missouri, Arkansas, Texas (except Brazoria, Chambers, Ft. Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties, Tex.).

NOTE.—Applicant presently holds motor contract carrier authority in MC 123056, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 44128 (Sub-No. 39), filed October 30, 1973. Applicant: EPES TRANSPORT SYSTEM, INCORPORATED, 830 S. Main Street, Blackstone, Va. 23834. Applicant's representative: James E. Wilson, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. 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 Odenton, Md., as an off-route point to applicant's presently authorized regular route between Richmond, Va., and Philadelphia, Pa., restricted to traffic moving to or from the warehouse and plant facilities of the Diamond Packing Division of Diamond International Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 44639 (Sub-No. 78), filed October 19, 1973. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel (except commodities in bulk), between Franklin, Va., on the one hand, and, on the other, New York, N.Y., and points in Hudson County, N.J.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 44913 (Sub-No. 13), filed August 31, 1973. Applicant: E. ROSCOE WILLEY, INC., P.O. Box 116, Secretary, Md. 21664. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal cans and closures*, from Cambridge, Md., to Suffolk, Va.

NOTE.—Applicant states that the requested authority can be tacked with its existing

authority at Cambridge, Md., to provide a through service from Philadelphia, Pa., to Suffolk, Va. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 48958 (Sub-No. 116), filed September 4, 1973. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Robert W. Wright, Jr., P.O. Box 16404, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from points in Porter County, Ind., to points in Colorado, New Mexico, Texas, Illinois, Iowa, Missouri, and Nebraska.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at points in New Mexico to serve points in Utah, Arizona, and California. Also tacking is possible at points in Nebraska to serve points in Kansas, in Docket No. MC-F-11702. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 341), filed October 29, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal containers and metal container ends*, and (2) *accessories and equipment* used in connection with the manufacture and distribution of metal containers and metal container ends, when moving with those commodities, from the plant and warehouse sites of the National Can Corporation located at or near Obetz, Ohio, to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the plant and warehouse sites of the National Can Corporation located at or near Obetz, Ohio.

NOTE.—Common control was approved in MC-F-10280 and MC-F-11307. 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 52704 (Sub-No. 107), filed October 23, 1973. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Suite 246, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal* (except in bulk), and *lighter fluid (naphtha distillate), hickory chips, fireplace logs and vermiculite, other than crude, when moving in mixed shipments with charcoal*, from Dothan, Ala., to points in Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, and (2) *materials and supplies, such as, bags, twine, hickory chips, lighter fluid (naphtha distillate), fireplace logs, and vermiculite, other than crude* (except in bulk), from the above named destination States to the plantsite of Kingsford Company at or near Dothan, Ala.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 52953 (Sub-No. 43), filed October 26, 1973. Applicant: ET&WNC TRANSPORTATION COMPANY, 132 Legion Street, Johnson City, Tenn. 37601. Applicant's representative: H. M. Cook (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, commodities in bulk, and those requiring special equipment), serving Holiday Industrial Park (DeSoto County), Miss., as an off-route point in connection with applicant's regular route authority.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn.

No. MC 59150 (Sub-No. 83), filed October 29, 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: *Lumber*, from the plantsite and warehouse facilities of International Paper Company in Hancock County, Ga., to points in Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and 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 either Jacksonville, Fla., Atlanta, Ga., or Washington, D.C.

No. MC 59367 (Sub-No. 88), filed November 1, 1973. Applicant: DECKER TRUCK LINE, INC., 3584 5th Avenue South, P.O. Box 915, Fort Dodge, Iowa 50501. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum and gypsum products, and materials and supplies* used in the installation and distribution thereof, from Fort Dodge, Iowa, to points in Nebraska, North Dakota, South Dakota, Minnesota, Kansas, Missouri, Iowa, Indiana, and Michigan; and (2) *paper and paper articles*, from points in Illinois, to points in Iowa.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Omaha, Nebr.

No. MC 59957 (Sub-No. 42) (CLARIFICATION), filed June 21, 1973, published in the FR issue of November 23, 1973, and republished as clarified this issue. Applicant: MOTOR FREIGHT EXPRESS, a Corporation, Arsenal Road & Toronita Road, York, Pa. 17402. Applicant's representative: Walter M. F. Neugebauer (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 site of Motor Freight Express Terminal in Marlboro (Middlesex County), Mass., as an off-route point in connection with carrier's regular route operations between New Haven, Conn. and Boston, Mass.

NOTE.—The purpose of this republication is to indicate that applicant seeks to serve the terminal site, rather than provide service from the terminal site as was previously published in error. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 61783 (Sub-No. 31), filed July 19, 1973. Applicant: GEORGIA-FLORIDA-ALABAMA TRANSPORTATION, COMPANY, a Corporation, 1541 Reeves Street, Dothan, Ala. 36301. Applicant's representative: Maurice F. Bishop, 603 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the plantsite and storage facilities of General Motors Corp., Packard Electric Division, located at or near Clinton, Miss., as an off-route point in connection with carrier's regular-route operations to and from Jackson, Miss.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Jackson, Miss.

No. MC 64808 (Sub-No. 17) (CORRECTION), filed October 5, 1973, published in the FR issue of November 29, 1973, as MC-109124 (Sub-No. 17), and republished as corrected this issue. 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, Michi-

gan, 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.—The purpose of this republication is to indicate the correct Docket Number assigned to this proceeding. 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 69116 (Sub-No. 159), filed October 23, 1973. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Edward G. Bazelon, 39 South LaSalle 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, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving York and Livingston, Ala., as off-route points in connection with applicant's otherwise authorized regular-route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Meridian, or Jackson, Miss.

No. MC 69116 (Sub-No. 160), filed October 23, 1973. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Iron and steel products, metal or metal alloy products, and nickel, iron, chromium, alloy products*, serving West Leechburg (Westmoreland County) and Bagdad (Armstrong County), Pa., as off-route points in connection with applicant's presently authorized regular-route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 82492 (Sub-No. 89), filed October 25, 1973. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* in mixed shipments and when moving at the same time and in the same vehicle with foodstuffs, *drugs and plastic and rubber articles* (except commodities in bulk), from points in Indiana and the lower peninsula of Michigan, to points in 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 Detroit, Mich., Chicago, Ill., or Washington, D.C.

No. MC 82841 (Sub-No. 132), filed October 23, 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: *Wood fence, gates, posts, rails, and pickets*, from Gladstone and Stephenson, Mich., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 83835 (Sub-No. 112), filed October 29, 1973. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant'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: *Plastic and aluminum pipe, sprinkler systems, and materials and supplies* used in the manufacture of such commodities (except in bulk), between the plant sites of Gifford-Hill & Co., Inc., located at Lubbock, Tex.; Colby, Kans.; Brinkley, Ark.; and Grand Island, Nebr., on the one hand, and, on the other, points in the United States (except Hawaii), restricted to shipments originating at or destined to the above-named plant sites.

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 Dallas, Tex.

No. MC 87720 (Sub-No. 153), filed October 10, 1973. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laboratory and hospital equipment; and chemicals*, except in bulk, from Bridgewater Township (Somerset County), N.J., to St. Louis, Mo., Chicago, Ill., Houston, Tex., Santa Clara, Calif., Raleigh, N.C., Atlanta, Ga., and Rochester, N.Y.; and (2) *materials, supplies and equipment* used in the manufacture, distribution or sale of the commodities described in (1) above, except in bulk, from the foregoing destinations, to Bridgewater Township (Somerset County), N.J., under contract with Fisher Scientific Company.

NOTE.—Applicant holds common carrier authority in MC 135684 Sub-No. 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 92633 (Sub-No. 24), filed October 29, 1973. Applicant: ZIRBEL TRANSPORT INC., 420 28th Street North, Lewiston, Idaho 83501. Applicant's representative: Jack S. Shepherd (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logging, mining, and contractors' materials, supplies, and equipment*, between points in Spokane County, Wash., Nez Perce County, Idaho, and points in Montana.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at points in Nez Perce County, Idaho, and Spokane County, Wash., to provide service between points in Oregon, Washington, and Idaho, on the one hand, and, on the other, points in Montana. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash., or Boise, Idaho.

No. MC 94201 (Sub-No. 115), filed December 11, 1972. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Ave., Gadsden, Ala. 35903. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copper, brass, or bronze tube, rod, fittings, castings, and related products and by-products*, from the plantsite, warehouse, and storage facilities of the Federal Pacific Electric Company located at or near Fulton, Miss., to points in Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Indiana, Massachusetts, Rhode Island, Virginia, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Ohio, Illinois, 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 Birmingham, Ala., or Washington, D.C.

No. MC 94350 (Sub-No. 342), filed October 26, 1973. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobile in initial shipments, from points in Steuben and Oneida Counties, N.Y., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada.

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 Syracuse, N.Y.

No. MC 96324 (Sub-No. 24), filed October 23, 1973. Applicant: GENERAL DELIVERY, INC., P.O. Box 1816, Fair-

mont, W. Va. 26554. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and closures* for containers, from Winchester, Va., Cumberland, Md., Short Gap and Martinsburg, W. Va., and Chattanooga, Tenn., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 15 at Pittsburgh, Pa., and Red House, Md., to serve Morgantown, W. Va.; at points in Greene and Fayette Counties, Pa., to serve points in Monongalia County, W. Va.; and at Short Gap and Martinsburg, W. Va., to provide a through service from points in West Virginia to the destination points named above; and in Sub-No. 16 at points in Virginia and Ohio, and at Baltimore, Md., to serve Fairmont, W. Va. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 99375 (Sub-No. 2), filed October 29, 1973. Applicant: SACRAMENTO FREIGHT LINES, INC., 621 Harbor Boulevard, West Sacramento, Calif. 95691. Applicant's representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wine and vinous products*, in vehicles equipped with mechanical refrigeration and heating units, from points in California north of the northern-most boundary lines of San Luis Obispo, Kern, and San Bernardino Counties; to points in the United States (except Alaska and Hawaii), and (2) *returned empty reusable beverage containers*, from points in the United States (except Alaska and Hawaii), to the origin points listed in (1) above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Sacramento or San Francisco, Calif.

No. MC 99610 (Sub-No. 15) (CORRECTION), filed July 23, 1973, published in the FEDERAL REGISTER issue of October 4, 1973, and republished, as corrected, this issue. Applicant: ROSS NEELY EXPRESS, INC., 1500 Second Street, Pratt City, Birmingham, Ala. 35214. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Equipment, materials, and supplies*, used in the manufacture of mobile homes, (2) *material handling equipment; equipment, materials, and supplies* used in the manufacture of material handling equipment and (3) *parts, attachments, and accessories* used in connection with the commodities described in (1) and (2) above, between Winfield, Ala., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities in bulk.

NOTE.—Applicant states that the requested authority can be tacked with its existing and pending authority at Winfield, Ala., to provide a through service from Dothan, Andalusia, Birmingham, points within 125 miles of Birmingham, Mobile, and points within 15 miles of Mobile, Ala., to points in the United States. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 100666 (Sub-No. 255), filed October 19, 1973. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. 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: *Ground waste paper and glue applicators, and parts thereof*, in mixed shipments with *ground waste paper and glue*, from the plant and warehouse facilities of National Cellulose Corporation at Houston, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 100666 (Sub-No. 257), filed October 29, 1973. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. 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: *Cereal binders, sealing compounds, corn flour, industrial flour, industrial starches, and processed grain products* (except commodities in bulk, animal and poultry feed and feed ingredients, and edible flour), from McPherson, Kans., to points in Oklahoma and New Mexico.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 102223 (Sub-No. 15), filed October 29, 1973. Applicant: FRETTE-NICHOLSON TRUCK LINES, INC., P.O. Box 206, Ankeny, Iowa 50021. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. 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, from Columbus Junction and Waterloo, Iowa, to points in Illinois, on and south of Interstate Highway 74.

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 Kansas City, Mo.

No. MC 102616 (Sub-No. 883), filed October 16, 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: *Gasoline and fuel oils*, in bulk, in tank vehicles, from Clermont, Ind., to points in 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 Indianapolis, Ind., or Louisville, Ky.

No. MC 103051 (Sub-No. 289), filed October 25, 1973. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave. North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Chatham County Ga., to points in North Carolina and South Carolina.

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 Nashville, Tenn., or Atlanta, Ga.

No. MC 106398 (Sub-No. 690), filed October 29, 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, from points in Monroe County, Miss., 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 Memphis, Tenn.

No. MC 107012 (Sub-No. 192), filed October 29, 1973. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway East & Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Michael L. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Physical fitness and gymnasium equipment and apparatus*, uncrated, from points in Los Angeles County, Calif., to points in the United States (except Alaska and Hawaii).

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 Los Angeles or San Francisco, Calif.

No. MC 107012 (Sub-No. 193), filed October 29, 1973. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway East & Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Michael L. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet, carpet padding*, and *materials and supplies* used in the installation of carpet and carpet padding, from points in Lyerly, Ga., and Greenville and Landrum, S.C., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control and dual operations were approved in MC-F-9464. 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 107452 (Sub-No. 4), filed October 30, 1973. Applicant: R. D. BROWN, doing business as DAN BROWN TRUCKING, Greybull Heights, Greybull, Wyo. 82426. 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: *Drilling mud bentonite and barite*, between points in Wyoming, Colorado, Utah, Idaho, Montana, Nevada, North Dakota, on and west of North Dakota Highway 30, and those in South Dakota located west of the Missouri River and on or north of U.S. Highway 14.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Billings, Mont., Denver, Colo., or Casper, Wyo.

No. MC 107460 (Sub-No. 46), filed October 29, 1973. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, Lancaster, Pa. 17601. Applicant's representative: Donald D. Shipley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal roofing and accessories thereof and fabricated metal products*, from the plantsite of Fabral Corporation, located at or near Gridley, Ill., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming; and (2) *materials and supplies* used in the manufacture of metal roofing (except commodities in bulk), from points in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming, to the plantsite of Fabral Corporation, located at or near Gridley, Ill., under a continuing contract or contracts with Fabral Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 107515 (Sub-No. 880), filed October 29, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plant site and warehouse facilities utilized by J. H. Filbert, Inc., located at or near Atlanta, Ga., to points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas, and Texas (except Alaska and Hawaii), restricted to traffic originating at and destined to the points named.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 108207 (Sub-No. 375), filed October 29, 1973. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Dallas, Tex. 75207. Applicant's representative: J. B. Ham, Post Office Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass roving* impregnated with resin, from Jackson, Ohio, to Litchfield Park, Ariz.

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, or Dallas, Tex.

No. MC 108207 (Sub-No. 376), filed October 29, 1973. Applicant: FROZEN FOOD EXPRESS, a Corporation, 318 Cadiz Street, Dallas, Tex. 75207. Applicant's representative: J. B. Ham, P.O. Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Davenport, Iowa, to Liberal, Kans.

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 Dallas, Tex.

No. MC 108298 (Sub-No. 35), filed October 29, 1973. Applicant: ELLIS TRUCKING COMPANY, INC., 1205 South Platt River Drive, Denver, Colo. 80223. Applicant's representative: Eldon E. Bresee (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 Holiday Industrial Park located in DeSoto County, Miss., as an off-route point in connection with applicant's regular route operations to and from Memphis, Tenn.

NOTE.—Common control was approved in Docket No. MC-F-7530. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Memphis, Tenn.

No. MC 109124 (Sub-No. 17) (CLARIFICATION), filed October 1, 1973, published in the FR issue of November 29, 1973, and republished as clarified this issue. Applicant: SENTLE 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) *material 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). The purpose of this republication is to clarify applicant's request for authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109689 (Sub-No. 257), filed October 23, 1973. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from Salt Lake City, Utah, and points within 10 miles thereof, to points in Arizona, Idaho, Wyoming, and Clark County, Nev.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 238 at Salt Lake City, Utah, to provide a through service from Fredonia, Ariz., to points in Idaho and Wyoming; and at Fredonia, Ariz., to serve points in Colorado, New Mexico, Utah, and additional points in Nevada; and in Sub-No. 52 at Salt Lake City, Utah, to provide a through service from points in Utah to the destination points named above. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 110563 (Sub-No. 116), filed October 18, 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: *Candy and confectionary, chocolate candy, milk chocolate, or confectionary*, from Freehold, N.J., to points in Pennsylvania, Ohio, Kentucky, Michigan, Indiana, Illinois, Wisconsin, Missouri, Kansas, Iowa, Nebraska, Minnesota, North Dakota, South Dakota, and Oklahoma, restricted to traffic originating at Freehold, N.J.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 110563 (Sub-No. 118), filed October 18, 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: *Candy and foodstuffs*, from New York, N.Y., North Bergen and Englewood, N.J., and points in Bergen, Essex, and Hudson Counties, N.J., to points in Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, Missouri, Iowa, Nebraska, Kansas, Minnesota, North Dakota, and South Dakota, restricted to traffic originating at the plantsites and warehouse facilities utilized by Delson Candy Co.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 111545 (Sub-No. 192), filed October 23, 1973. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., P.O. Box 6426, Station A, Marietta, Ga. 00062. Applicant's representative: Robert E. Born (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical transformers, circuit breakers, and parts* which by reason of size or weight requires the use of special equipment; and (2) *Electrical equipment and parts* which do not require the use of special equipment when moving in connection with commodities in (1) above between Rankin County, Miss., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—The requested authority can be tacked (a) with applicant's specified commodity authority between points in Texas on the one hand, and, on the other, points in Mississippi; and (b) between points in Texas on the one hand, and, on the other, points in Missouri and Oklahoma. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Milwaukee, Wis., or Washington, D.C.

No. MC 112184 (Sub-No. 42), filed October 25, 1973. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, a Corporation, 11250 Kinsman Road, Newbury, Ohio 44065. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid resins, core compounds, formaldehyde, acetone, methanol, phenol, ethanol, and nitrogen fertilizer solutions* in bulk in tank vehicles, between the plantsite of Georgia Pacific Corporation, located in Franklin County, Ohio, on the one hand, and, on the other, points in Indiana (except Gary and Griffith), Michigan (except Kalamazoo and Mt. Clemens), and Pennsylvania (except Erie and Petrolia), under a continuing contract with Georgia Pacific Corporation.

NOTE.—Applicant holds common carrier authority in MC-112184 Sub-No. 2 and other Subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 112893 (Sub-No. 49), filed October 29, 1973. Applicant: BULK TRANSPORT COMPANY, a Corporation, P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Green Bay, Madison, Milwaukee, and Two Rivers, Wis., to Walcott, Iowa.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113651 (Sub-No. 161), filed September 17, 1973. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, frozen and nonfrozen, from Presque Isle, Caribou, Portland, and Washburn, Maine, to points in New York, Pennsylvania, Ohio, Michigan, Indiana, Illinois, Missouri, Kentucky, Tennessee, West Virginia, Arkansas, Virginia, Alabama, Maryland, Georgia, North Carolina, South Carolina, Florida, Mississippi, and Vermont, restricted to traffic originating at Presque Isle, Caribou, Portland, and Washburn, Maine, and destined to the named destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 114045 (Sub-No. 390), filed October 29, 1973. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, toilet preparations, cosmetics, soap, shampoo, shave cream, hair goods, and advertising matter*, in vehicles equipped with mechanical temperature control, from Cockeysville (Baltimore County), Md., to Dallas, Tex., Los Angeles, and Brisbane, Calif.

NOTE.—Common control was approved in Docket No. MC-F-8619. 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 Baltimore, Md., or Washington, D.C.

No. MC 114211 (Sub-No. 210), filed October 23, 1973. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe, conduit and tubing and fittings and accessories* therefor, from Wheatland, Pa., to points in Iowa, Nebraska, South Dakota, and Minnesota; and (2) *returned shipments* of the commodities described in (1) above, from the destination points named in (1) above, to Wheatland, Pa.

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 or Des Moines, Iowa, or Omaha, Nebr.

No. MC 114273 (Sub-No. 151), filed October 29, 1973. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, from Christiansburg, Bedford, and Martinsville, Va., to points in Iowa.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 152), filed October 29, 1973. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from Floreffe, Pa., to Truesdale, Mo.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114725 (Sub-No. 54), filed October 29, 1973. Applicant: WYNNE

TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and liquid feed ingredients*, in bulk, in tank vehicles, (1) from points in Butler County, Kans., to points in Colorado, Iowa, Missouri, Nebraska, and Oklahoma, and (2) from Pryor, Okla., to Fremont, Nebr.

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.

No. MC 114896 (Sub-No. 10), filed October 17, 1973. Applicant: PUROLATOR SECURITY, INC., 1341 West Mockingbird Lane, Dallas, Tex. 75202. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food coupons*, between points in the United States (except Alaska and Hawaii), and (2) *United States Bonds*, between points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with General Services Administration.

NOTE.—Common control was approved in MC-F-11658 and MC-F-11680. Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114965 (Sub-No. 51), filed October 23, 1973. Applicant: CYRUS TRUCK LINE, INC., Box 327, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, Box 328, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *No. 2 diesel fuel*, from Kansas City Power and Light, Northeast Station, First and Park, Kansas City, Mo., and Amoco Refinery, Sugar Creek, Mo., to Kansas City Power & Light, LaCygne Station, at or near LaCygne, Kans.

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 115841 (Sub-No. 461), filed October 29, 1973. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same address as applicant). 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*, (1) from Gulfport, Miss., to points in Alabama, Arkansas, Georgia, Florida, California, Mississippi, Oklahoma, and Texas, and (2) from points in Mississippi to Gulfport, Miss., restricted to traffic originating at and destined to the named points.

NOTE.—Common control was approved in MC-F-7304. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Pittsburgh, Pa., or Washington, D.C.

No. MC 115841 (Sub-No. 462), filed October 29, 1973. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite of Madison Foods, Inc., located at or near Madison, Nebr., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

NOTE.—Common control was approved in MC-F-7304. 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 115841 (Sub-No. 463), filed October 29, 1973. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Office supplies*, including mucilage, ink, paint, ink pads, pens and pencils, duplicating fluid, advertising matter, business machine ribbons, display racks, cleaning compounds, carbon paper, carbon paper sets, adhesives, and paper (except commodities in bulk), from Crossville, Tenn., to Los Angeles, Calif.

NOTE.—Common control was approved in MC-F-7304. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 115917 (Sub-No. 28), filed October 30, 1973. Applicant: UNDERWOOD & WELD COMPANY, INC., P.O. Box 247, Crossnore, N.C. 28616. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt, salt products, and salt byproducts*, in containers or blocks; (2) *pepper*, in packages, in mixed shipments with the commodities named in (1) above; (3) *animal and poultry mineral feed mixtures*, in packages, in mixed shipments with the commodities named in (1) above; and (4) *materials and supplies* used in agricultural, water treatment, food processing, wholesale, grocery, and institutional supply industries (except in bulk), in mixed shipments with the commodities named in (1) above, from Watkins Glen, N.Y., to points in Alabama, Florida, 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 Washington, D.C.

No. MC 116273 (Sub-No. 165), filed November 1, 1973. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (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 Milton, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116626 (Sub-No. 9), filed October 29, 1973. Applicant: C. W. EANES, RFD. 1, Box 6, Gretna, Va. 24557. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (including laminated wood flooring), from points in Campbell and Charlotte Counties and Lynchburg, Va., to points in Kentucky 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 Richmond, Va.

No. MC 116859 (Sub-No. 13), filed October 26, 1973. Applicant: CLARK TRANSFER, INC., P.O. Box 190, Route 130 & Dulty Lane, Burlington, N.J. 08016. Applicant's representative: David A. Sutherlund, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over iregular routes, transporting: *Household goods, displays, exhibits, and objects of art*, between 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 117119 (Sub-No. 490), filed October 23, 1973. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except comodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Kraft Foods at or near Springfield, Mo., to points in Arizona, California, Colorado, Idaho, Nevada,

Oregon, Utah, Washington, and New Mexico, restricted to points in named origins and destined to points in named destinations.

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 Chicago, Ill., or Dallas, Tex.

No. MC 117344 (Sub-No. 230), filed October 29, 1973. Applicant: THE MAXWELL CO., a Corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson—John L. Alden, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Liquid cleaning compound*, in bulk, in rubber-lined tank vehicles, from Cincinnati, Ohio, to Buffalo, N.Y., and points in Pennsylvania.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 117940 (Sub-No. 101), filed October 25, 1973. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority ought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, other than in bulk, from Little Falls and Clearwater, Minn., and Hudson, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC–114789 Sub-No. 1 and other Subs, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 118159 (Sub-No. 137), filed October 25, 1973. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Jack R. Anderson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766, from Amarillo, Tex., to points in Arkansas, Louisiana, and Mississippi, restricted to shipments originating at plantsite and facilities utilized by John Morrell & Co.

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 Chicago, Ill., Kansas City, Mo., or Tulsa, Okla.

No. MC 118202 (Sub-No. 26), filed October 30, 1973. Applicant: SCHULTZ TRANSIT, INCORPORATED, P.O. Box 406, 323 Bridge Street, Winona, Minn. 55987. Applicant's representative: Eugene A. Schultz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C 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), from the plant site and storage facilities utilized by Sunflower Beef Packers, Incorporated, at York, Nebr., to points in New York, Pennsylvania, New Jersey, Maryland, Ohio, Massachusetts, and Chicago, Ill., and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC–134631 Sub-No. 4, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 118202 (Sub-No. 28), filed October 25, 1973. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 503, Winona, Minn. 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured mulch*, from Findlay and Barberton, Ohio, and Chicago, Ill., to points in the United States (except Alaska and Hawaii.)

NOTE.—Applicant holds contract carrier authority in MC 134631 (Sub-No. 4), therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 118518 (Sub-No. 9), filed October 25, 1973. Applicant: MUKLUK FREIGHT LINES, INC., 3111 C Street, Anchorage, Alaska 99503. Applicant's representative: A. Alvis Layne, Pennsylvania Building. Washington, D.C. 20004. 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, livestock, and commodities requiring special equipment), between points in the Kenai Peninsula south of an imaginary line extending east and west through Girdwood, Alaska, including Girdwood, Alaska.

NOTE.—Common control was approved in MC–F–27420. Applicant states that the requested authority can be tacked with its existing authority at Girdwood, Alaska, to provide service between points in the Kenai Peninsula and additional points in Alaska. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118806 (Sub-No. 30), filed October 26, 1973. Applicant: ARNOLD BROS. TRANSPORT, LTD., 739 Lagimodiere Boulevard, Winnipeg, Manitoba, Canada. Applicant's representative: Daniel C. Sullivan, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods and class A and B explosives) (1) between Noyes, Minn., and the port of entry on the International Boundary line between the United States and Canada near Noyes, Minn.; and (2) between Pembina, N. Dak., and the port of entry on the International Boundary line between the United States and Canada near Pembina, N. Dak.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118806 (Sub-No. 31), filed October 26, 1973. Applicant: ARNOLD BROS. TRANSPORT, LTD., 739 Lagimodiere Boulevard, Winnipeg, Manitoba, Canada. Applicant's representative: Daniel C. Sullivan, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, millwork, forest products, such commodities* as are manufactured or distributed by lumber mills and lumber yards, from the ports of entry on the International Boundary line between the United States and Canada at or near Pembina, N. Dak., and Noyes, Minn., to points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic 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 Chicago, Ill.

No. MC 118831 (Sub-No. 109), filed October 23, 1973. Applicant: CENTRAL TRANSPORT, INCORPORATED, Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry synthetic plastic resins*, in bulk, from Scottsboro, Ala., to Elizabethton, Tenn.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with Sub 85, on chemicals, at Scottsboro, Ala., to provide a through service from Lanette, Ala., to Elizabethton, Tenn. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., Raleigh, N.C., or Atlanta, Ga.

No. MC 119656 (Sub-No. 20), filed October 29, 1973. Applicant: NORTH EXPRESS, INC., 219 E. Main Street, Winamac, Ind. 46996. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel fluxing compound*, from El Dorado and Chicago, Ill., and Painesville, Ohio, to the plant site and warehouse facilities of Cravens Insul. Co., Inc., at North Judson, Ind.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing

authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 119789 (Sub-No. 186), filed October 25, 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: *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 Amarillo, Tex., to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia, restricted to shipments originating at plantsite and facilities utilized by John Morrell and Co.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Washington, D.C.

No. MC 119789 (Sub-No. 187), filed October 25, 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: *Recreational equipment and sporting goods*, from Old Forge, Pa., to Arizona, Arkansas, California, Colorado, Kansas, Louisiana, Missouri, Nevada, New Mexico, Oklahoma, Texas, and Utah.

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 Scranton, Pa., or Washington, D.C.

No. MC 119792 (Sub-No. 38), filed October 18, 1973. Applicant: CHICAGO SOUTHERN TRANSPORTATION CO., INC., 3215 South Hamilton, Chicago, Ill. 60632. Applicants' representative: William J. Boyd, 29 South LaSalle Street, Suite 330, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, products, meat by-products, and packinghouse products*, from Gulfport, Miss., to Kentucky, Tennessee, Georgia, Florida, North Carolina, South Carolina, Illinois, Indiana, Wisconsin, Michigan, Ohio, Minnesota, Nebraska, Iowa, Kansas, and Missouri.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New Orleans, La.

No. MC 120841 (Sub-No. 6), filed September 24, 1973. Applicant: WALTER J. DUNLAP AND W. A. BIRCKBICHLER, doing business as BLACK & WHITE EXPRESS, a partnership, 217 American Avenue, Butler, Pa. 16001. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15218. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen and perishable foods* requiring refrigeration, in temperature-controlled vehicles, (a) between points in Butler County, Pa.; and (b) from points in Butler County, Pa., to points in Pennsylvania; and (2) *the return of refused, damaged or rejected shipments* to the point of origin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 121281 (Sub-No. 8), filed October 26, 1973. Applicant: BIG MAC TRUCKING CO., a Corporation, 1335 Boyles Street, P.O. Box 15069, Houston, Tex. 77020. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bricks*, from points on the International Boundary line between the United States and the Republic of Mexico, to points in 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 San Antonio or Houston, Tex.

No. MC 123004 (Sub-No. 3), filed October 23, 1973. Applicant: THE LUPER TRANSPORTATION COMPANY, a Corporation, 350 East 21st Street, Wichita, Kansas 67219. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Amarillo, Tex., to points in Arizona, Arkansas, California, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Memphis, Tenn., restricted to shipments originating at plantsite and facilities utilized by John Morrell and Co.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123048 (Sub-No. 285), filed November 1, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53406. Applicant's representative: Paul L. Martinson, Post Office A, Racine, Wis. 53401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain buggies and feed mixers*, from Tonkawa, Okla., to the port of entry on the International Boundary line between the United States and Canada located in North Dakota.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123099 (Sub-No. 6), filed October 25, 1973. Applicant: HOWARD ANDERSON, doing business as ANDERSON'S TRUCKING COMPANY, RD 4, Box 11, Wellsboro, Pa. 16901. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, between Rochester, N.Y., on the one hand, and, on the other, points in Pennsylvania (except points in Potter, Tioga, Lycoming, Northumberland, and Clinton Counties).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Syracuse or Buffalo, N.Y.

No. MC 123639 (Sub-No. 154), filed October 25, 1973. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site and storage facilities of Madison Food Company at or near Madison, Nebr., to points in Arizona, California, Colorado (except points in the Denver, Colo. Commercial Zone), Connecticut, Delaware, Idaho, Illinois, Indiana (except points in Illinois and Indiana in the Chicago, Ill. Commercial Zone), Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the named origins and destined to the named destinations.

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 123872 (Sub-No. 14), filed October 23, 1973. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Drawer 2607, Hickory, N.C. 28601. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave., NW., Washington, D.C. 20036. 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, commodities in bulk in

tank vehicles), from the plantsite of Missouri Beef Packers, Inc., at Rock Port, Mo., to points in Alabama, Florida, Georgia, 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 either Hickory or Charlotte, N.C., or Washington, D.C.

No. MC 123872 (Sub-No. 15), filed October 30, 1973. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Drawer 2607, Hickory, N.C. 28601. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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, commodities in bulk, in tank vehicles), from the plant site and warehousing facilities of Hygrade Food Products Corporation, at or near Storm Lake, Iowa, to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and 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 Hickory, N.C., or Washington, D.C., or Charlotte, N.C.

No. MC 124221 (Sub-No. 43), filed October 19, 1973. Applicant: HOWARD BAER, P.O. Box 27, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plant site of KB Specialty Foods (a wholly-owned Kroger Co. subsidiary) at or near Greensburg, Ind., to Kroger Co. distribution centers and storage facilities located at Atlanta, Ga.; Charleston, W. Va.; Cincinnati, Cleveland, Solon, and Columbus, Ohio; Detroit and Grand Rapids, Mich.; Kansas City and St. Louis, Mo.; Little Rock, Ark.; Louisville, Ky.; Memphis and Nashville, Tenn.; Peoria, Ill.; Salem and Roanoke, Va.; Houston, Fort Worth, and Dallas, Tex.; and Irwin and Pittsburgh, Pa.; including points in the commercial zones of the said points named above; (2) *unsold, outdated, or damaged items* of the above-named commodities on return; and (3) *foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plant site of Orval Kent Food Co., Inc., Chicago, Ill., and Kroger Co. warehouses or storage facilities at Cincinnati Ohio, and its commercial zone (except those points in the Commercial Zone in Kentucky), to the plant site of KB Specialty Foods at or near Greensburg, Ind., restricted to a transportation service under a continuing contract with The Kroger Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio; Indianapolis, Ind.; or Washington, D.C.

No. MC 124576 (Sub-No. 7), filed October 23, 1973. Applicant: WILLIAMS TRANSPORTATION, INC., U.S. Highway 85 North, P.O. Box 218, Belle Fourche, S. Dak. 57717. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* used and dealt in by retail and wholesale lumber yards (except cement in bulk), between points in Colorado, South Dakota, Nebraska, Minnesota, and Wyoming (except cement in bags from Laramie, Wyo., and points within 10 miles of Laramie, to Henry, Nebr., and points within 150 miles of Henry), under contract with Lampert Lumber Company.

NOTE.—Applicant is presently authorized in MC-124576 (Sub-No. 1) to provide the service requested herein (with the exception of Colorado). The purpose of this application is to add the state of Colorado to the already authorized service territory. Applicant agrees to surrender said Sub-No. 1 Permit upon the granting of the instant application. If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn., or Rapid City, S. Dak.

No. MC 124692 (Sub-No. 125), filed October 25, 1973. Applicant: SAMMONS TRUCKING, a Corporation, P.O. Box 1447, Missoula, Mont. 59801. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Peoria, Chicago Heights, and Chicago, Ill., and East Chicago, Ind., to points in Minnesota, North Dakota, South Dakota, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority, to provide additional service. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124887 (Sub-No. 5), filed October 25, 1973. Applicant: ELBERT GRADY SHELTON, doing business as SHELTON TRUCKING, Route One, Box 230, Altha, Fla. 32421. 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: *Charcoal, charcoal products, charcoal pellets, vermiculite, charcoal lighter fluid, woodchips, fireplace logs, sawdust and wax impregnated* (except commodities in bulk), from points in Houston County, Ala., to points in Florida and Georgia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tallahassee, Fla., or Atlanta, Ga.

No. MC 125023 (Sub-No. 19), filed October 17, 1973. Applicant: SIGMA-4 EXPRESS, INC., 3825 Beech Ave., Erie, Pa. 16508. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages, in containers, and related advertising materials moving therewith*, (a) from Fort Wayne, Ind., to points in West Virginia, (b) from Milwaukee, Wis., to Vandergrift, Pa., and (c) from Columbus, Ohio, to Elmira Heights, N.Y., and (2) *empty malt beverage containers* on return movements.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 125512 (Sub-No. 7), filed September 16, 1973. Applicant: ELTON F. BURISH, doing business as ELTON BURISH TRUCKING, Route 2, Box 58A, Marathon, Wis. 54448. Applicant's representative: Mrs. Elton Burish (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood chips*, in bulk, from Iron Wood Products Corporation, Eli Street, Bessemer (Gogegic County), Wis.; and (2) *sawdust and shavings*, in bulk, from Northern Hardwoods Division of Copper Range Co., located on Michigan Highway 26 near South Range (Adams Township), Houghton County, Mich., to points in Brokaw, Green Bay, Kaukauna, Marshfield, Mosinee, Nekoosa, Rhinelander, Rothschild, Sheboygan Falls, Tomahawk, and Wausau, Wis., in (1) and (2) under contract with Copper Range Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Wausau, Wis., or Houghton, Mich.

No. MC 125533 (Sub-No. 6), filed October 29, 1973. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, Ohio 44312. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products*, from Pottstown, Pa., to points in that part of Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Rhode Island, Virginia, and the District of Columbia within 300 miles of Pottstown, Pa.; (2) *rejected or damaged shipments of clay products*, and *materials and supplies* used in the manufacture of clay products, from the above-specified destination territory named in (1) above to Pottstown, Pa.; (3) *clay products*, from Clearfield, Pa. to points in Delaware, Maryland, New York, New Jersey, Virginia, West Virginia, and the District of Columbia; (4) *rejected and unused clay products*, and *materials and supplies* used in the manufacture of clay products, (a) from points in Delaware, Maryland, New York, New Jersey, Virginia, West Virginia, and the District of Columbia, to Clearfield, Pa., and (b) from points in West Virginia, to Pottstown, Pa.; (5) *clay products*, (a) from Pottstown, Pa., to points in Connecticut,

Maryland, Massachusetts, New York, Ohio, Rhode Island, Virginia, Maine, New Hampshire, and Vermont, except points in that part of Connecticut, Maryland, Massachusetts, New York, Ohio, Rhode Island, and Virginia within 300 miles of Pottstown, and (b) from the site of the plant of the Clow Corporation at Clearfield, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, Ohio, Rhode Island, and Vermont.

(6) *Clay products*, from Pottstown and Clearfield, Pa., to points in Illinois, Indiana, Michigan, North Carolina, South Carolina, Tennessee, and Wisconsin; (7) *returned clay products* and *materials and supplies* used in the manufacture of clay products, (a) from points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Wisconsin, and the District of Columbia, to Pottstown, Pa., and (b) from points in Connecticut, Illinois, Indiana, Maine, Massachusetts, Michigan, New Hampshire, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, and Wisconsin, to Clearfield, Pa.; (8) *clay products*, (a) from Mogadore, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin; (b) from Parral, Ohio, to points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (c) from Strasburg, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (9) *returned clay products*, and *materials and supplies* used in the manufacture of clay products, (a) from points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, to Mogadore, Ohio; (b) from points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, to Parral, Ohio; and (c) from points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, to Strasburg, Ohio, (a), (b), and (c) restricted against the transportation of the above-specified commodities, in bulk; (10) *clay products*, (a) from the site of the United States Concrete Pipe Company plant at Mogadore, Ohio, and the site of the Clow Corporation plants at Midvale and Parral, Ohio, to points in Maine, Vermont, New Hampshire, Connecticut, Rhode Island, and Massachusetts, and (b) from the site of the United States Concrete Pipe Company plant, at Mogadore, Ohio, to points in New Jersey, Delaware, and the District of Columbia; (11) *Empty containers, pallets, returned clay products*, and *materials and supplies* used in the manufacture of clay products, from their respective destination points, to Mogadore, Midvale, and Parral, Ohio; (12) *refractory materials, refractory products*, and *materials* used in the installation of refractory materials and refractory products, (a) from the plantsite of Clow Corporation, at Clearfield, Pa., to points in Connecticut, Ohio, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (b) from the plant site of the United States Concrete Pipe Company at Mogadore, Ohio, and the plant site of Clow Corporation, at Parral, Ohio, to points in Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, and Vermont; (c) from the plant site of the United States Concrete Pipe Company at Mogadore, Ohio, to points in Delaware, New Jersey, and the District of Columbia; (d) from Pottstown, Pa., to points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Virginia, Vermont, and the District of Columbia; and (e) from Clearfield, Pa., to points in Delaware, Maryland, New York, New Jersey, Virginia, West Virginia, and the District of Columbia; (13) *Refractory materials, refractory products*, and *materials* used in the installation of refractory materials and refractory products which had a prior origination at Clearfield and Pottstown, Pa., and Mogadore and Parral, Ohio, from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia to Clearfield and Pottstown, Pa., and Mogadore and Parral, Ohio; (14) *fibre pipe* and *attachments, parts, and fittings* therefor, (a) from Berlin, N.H., to points in Delaware, Maine, Maryland, New Jersey, New York, North Carolina, Tennessee, and Virginia; and (b) from points in Lumberton Township, N.J., to points in Delaware, Kentucky, Maine, New York, North Carolina, Tennessee, Vermont, and Pennsylvania; (15) *manhole covers, gratings, castings*, and *attachments, parts, and fittings* therefor, from Brillion, Wis., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; (16) *plastic pipe* and *attachments, parts and fittings* therefor, from Kenilworth, N.J., to points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Michigan, Minnesota, Missouri, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Vermont, and Wisconsin; (17) *cast iron pipe* and *attachments, parts, and fittings* therefor, from Williamstown, N.J., to points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Michigan, Minnesota, Missouri, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, and Wisconsin; (18) *Fibre pipe, plastic pipe, cast iron pipe, manhold covers, gratings*, and *castings*, and *attachments, parts, and fittings* therefor, (a) from the plant sites and warehouses of Clow Corporation at Pottstown, Pa., to points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Michigan, Minnesota, Missouri, New York, North Carolina, Ohio, Rhode Island, Tennessee, Vermont, and Wisconsin; and (b) from the plant sites and warehouses of Clow Corporation, at Mogadore, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (19) *returned shipments* of the commodities specified in (14) through (18) above, from the above-specified destination points to their respective origin points; (20) *equipment, materials*, and *supplies* (except liquid commodities, in bulk, in tank vehicles) used in the manufacture, packaging, and sale of clay and concrete products, from Oakdale and Croydon, Pa., Relay, Md., and Portage, Mich., to Ancor, Diamond, and Uhrichsville, Ohio, (21) *polyvinyl chloride* (except in bulk), from East Providence, R.I., to Uhrichsville, Ohio; (22) *manhole covers, gratings*, and *castings*, and *attachments, parts, and fittings*, therefor from Neenah, Wis., to points in Ohio and Indiana; steel, and *attachments, parts, and fittings* therefor, from Mogadore, Ohio, to Fort Lauderdale and Ocala, Fla.;

(24) *Cast iron pipe, cast iron pipe fittings, iron fire hydrants, iron body valves, iron valve boxes, lubricants, nuts, bolts*, and *plastic or rubber gaskets*, from Coshocton, Ohio, to points in Kentucky and Tennessee; (25) *returned shipments* of the commodities specified in (24) above, from points in Kentucky and Tennessee to Coshocton, Ohio; (26) *iron fire hydrants, iron body valves, iron valve boxes, lubricants, nuts, bolts*, and *plastic or rubber gaskets*, from Coshocton, Ohio to points in Ohio, Michigan, Indiana, Pennsylvania, West Virginia, Illinois, and New York; (27) *returned shipments* of the commodities specified in (26) above, from points in Ohio, Michigan, Indiana, Pennsylvania, West Virginia, Illinois, and New York to Coshocton, Ohio; (28) *returned shipments of cast iron pipe* and *cast iron pipe fittings*, from points in Ohio, Michigan, Indiana, and Pennsylvania to Coshocton, Ohio; (29) *cast iron pipe* and *cast iron pipe fittings*, from Coshocton, Ohio, to points in New York; (30) *returned shipments* of the commodities specified in (29) above, from

points in New York to Coshocton, Ohio; (31) *metal castings*, between Coshocton, Ohio, and points within 10 miles of Coshocton, and Newcomerstown, Ohio, and points within 10 miles of Newcomerstown, on the one hand, and, on the other, points in the Chicago, Ill., Commercial Zone, as defined by the Commission; (32) *cast iron pipe and fittings, cast iron manhole covers, radiators, pig lead, jute caulking*, and *materials* used in the production thereof, from Newcomerstown and Coshocton, Ohio, to points in Ohio, Michigan, Indiana, and Pennsylvania; (33) *cast iron pipe, cast iron pipe fittings, cast iron manhole covers, pig lead*, and *jute caulking*, from Newcomerstown and Coshocton, Ohio, to points in West Virginia and Illinois; (34) *scrap iron, pig iron*, and *returned shipments of cast iron pipe and fittings*, from points in West Virginia and Illinois, to Newcomerstown and Coshocton, Ohio;

(35) *Radiators*, from Newcomerstown and Coshocton, Ohio, to Chicago, Ill.; (36) *sprinkler systems* and *parts and accessories therefor*, and *tools, materials, equipment, and supplies* (except commodities in bulk), used in the sale, packaging, distribution, installation, and repair of such systems, parts, and accessories, from Monroe, Ind., to points in Colorado, Connecticut, Delaware, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (37) *tools, equipment, materials, and supplies* (except commodities in bulk) used in the manufacture, sale, packaging, distribution, installation, and repair of sprinkler systems and parts, and accessories therefor, including returned shipments of such systems, parts, and accessories, from the destination points named in (36) above, to Monroe, Ind.; (38) *iron and steel conduit and metallic tubing*, and *fittings* for such commodities (except pipe used in, or in connection with, the construction, operation, maintenance, servicing, or dismantling of pipelines), (a) from Ambridge and New Kensington, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (b) from Niles, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Pennsylvania, and the District of Columbia;

(39) *Clay and refractory materials and products*, and *materials and supplies* used in the installation thereof (except commodities in bulk), from Carol Stream and Streator, Ill., to points in Connecticut, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, Wisconsin, and the District of Columbia; (40) *cast iron pipe, cast iron fittings*, and *parts, valves, machinery* and *fire hydrants*, from Florence, N.J., to Charleston, W. Va., Norfolk, Va., Providence and Newport, R.I., Boston, Worcester, Springfield, and Salem, Mass., and points in New York, Pennsylvania, Delaware, Maryland, and Connecticut; (41) *damaged or returnable cast iron pipe, cast iron fittings*, and *parts, valves, machinery, and fire hydrants*, from Charleston, W. Va., Norfolk, Va., Providence and Newport, R.I., Boston, Worcester, Springfield, and Salem, Mass., and points in New York, Pennsylvania, Delaware, Maryland, and Connecticut, to Florence, N.J.; (42) *cast iron pipe, cast iron fittings, valves, hydraulic machinery, and hydraulic machinery parts* and *fire hydrants*, from Florence, N.J., to points in Massachusetts (except Boston, Worcester, Springfield, and Salem, Mass.), and points in Rhode Island (except Providence and Newport, R.I.); (43) *concrete pipe*, from Dover, South Kearny, Little Ferry, and Kenilworth, N.J., to New York, and points in Westchester and Nassau Counties, N.Y., on return except as otherwise authorized;

(44) *Cast iron pipe* and *cast iron fittings, parts*, and *valves*, from Florence, N.J., to points in Maine, New Hampshire, Vermont, and the District of Columbia; (45) *clay and refractory materials and products* and *materials and supplies* used in the installation thereof, from Carol Stream and Streator, Ill., to points in Delaware, Kentucky, North Carolina, and Virginia; (46) *material* and *supplies* (except liquid commodities, in bulk, in tank vehicles), used in the manufacturing and distribution of cast iron products, from points in Illinois, Indiana, Iowa, Maryland, Michigan, North Carolina, Ohio, Pennsylvania (except Plymouth Meeting), South Carolina, Virginia, and West Virginia, to points in Burlington County, N.J., restricted against the transportation (a) of sand, gravel, and limestone, in bulk, in dump trucks, from points in Bucks, Montgomery, Delaware, and Philadelphia Counties, Pa., (b) of refractory products, fluxing compounds, and rimming agents from points in Allegheny, Armstrong, Butler, and Westmoreland Counties, Pa., and (c) of shipments originating at points in Canada; (47) *plastic pipe*, and *hydrants, valves, fittings, couplings*, and *materials and supplies* used in the installation thereof, from the facilities of Clow Corporation, at or near Buckhannon, W. Va., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas;

(48) *Clay and refractory products, fittings, attachments*, and *materials and supplies* used in the installation thereof, from the facilities of Clow Corporation, at or near Somerville, N.J., to points in Pennsylvania, New York, Connecticut, Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, Delaware, Maryland, Virginia, Ohio, North Carolina, Indiana, Michigan, Illinois, Kentucky, Wisconsin, Tennessee, and the District of Columbia; (49) *materials and supplies* used in the manufacture and distribution of clay and refractory products, fittings, and *materials and supplies* used in the installation thereof, from points in West Virginia and points in the states named in paragraph (48) above, to the facilities of Clow Corporation, at or near Somerville, N.J.; and (50) *propane gas*, in bulk, from Marcus Hook, Pa., to the plantsite and storage facilities of Griffin Pipe Products Co. located at or near Florence, and Burlington County, N.J., (1) through (50) described above shall not be tacked or joined, directly or indirectly, for the purpose of performing any through service.

NOTE.—Applicant seeks by this application to convert its contract carrier authority in MC 102982 and subs thereunder to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 127042 (Sub-No. 128), filed October 23, 1973. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98 (Leeds Station), Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard, cooking oils, shortening, oleo, margarine, monoglyceride, diglyceride, and triglyceride* (except in bulk), from Bradley, Ill., to points in Minnesota, Wisconsin, North Dakota, and South Dakota.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in Sub 8 at points in North Dakota, South Dakota, and Minnesota to serve Sioux City, Iowa, and all intermediate points and off-route points in the regular route authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127505 (Sub-No. 60), filed October 29, 1973. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, Route #2, Mendota, Ill. 61342. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass wool matting and padding*, from Shawnee, Ohio, to points in Minnesota, and Wisconsin; and (2) *flat glass* (except that which because of size or weight requires the use of special equipment or special handling), from Floreffe, Pa., to Truesdale, Mo.

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 Philadelphia, Pa.

No. MC 127791 (Sub-No. 6), filed October 19, 1973. Applicant: WELLS CARTAGE LIMITED, 726 Powell Street, Vancouver 4, B.C., Canada. 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: (1) *Chemical solvents* in bulk liquid form, from Vancouver, Wash., to ports of entry on the International Boundary line between the United States and Canada located at or near Blaine, Wash.; and (2) *canned seafoods*, from Anacortes, Bellingham, and Seattle, Wash., to the ports of entry on the International Boundary line between the United States and Canada located at or near Blaine, 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 128008 (Sub-No. 1), filed October 26, 1973. Applicant: VALLEY CARTAGE, INC., 960 Spruce Street, Terre Haute, Ind. 47808. Applicant's representative: R. C. Brentlinger (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials and supplies when shipped in the same vehicle*, from Milwaukee, Wis., to the warehouse facilities of Brentlinger Distributing Co., Inc., at or near Terre Haute, Ind., and *empty malt beverage containers on return*, under continuing contract with Brentlinger Distributing Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 128024 (Sub-No. 7), filed October 29, 1973. Applicant: BUILDING TRANSPORTATION COMPANY, a Corporation, 10540 N. Central Expressway, P.O. Box 22261, Dallas, Tex. 75222. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings*, and *equipment, materials and supplies* used in the construction thereof, between points in the United States including Alaska but excluding Hawaii under a continuing contract or contracts with Morgan Portable Building Corporation and its affiliate Morgan-Dallas Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 128521 (Sub-No. 4), filed October 25, 1973. Applicant: BIRMINGHAM-NASHVILLE EXPRESS, INC., 317 Arlington Ave., P.O. Box 7429, Nashville, Tenn. 37210. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and articles requiring special equipment), serving Western Electric Warehouse site located at intersection of U.S. Highway 31 and Alabama Highway 17, in Shelby County, Ala., as an off-route point in connection with applicant's regular route to and from Birmingham, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Nashville, Tenn.

No. MC 128685 (Sub-No. 17), filed October 23, 1973. Applicant: DIXON BROS., INC., P.O. Box 636, Newcastle, Wyo. 82701. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepackaged homes and buildings*, complete or in sections, and *equipment, supplies, and component parts* used in the construction, erection or completion of such homes and buildings, from the plant site and warehouse facilities of Nordas American Homes near Minnesota Lake, Minn., to points in Colorado, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either St. Paul, Minn., Rapid City, S. Dak., or Casper, Wyo.

No. MC 128951 (Sub-No. 8), filed October 23, 1973. Applicant: ROBERT H. DITTRICH, doing business as BOB DITTRICH TRUCKING, 312 North Garden Street, New Ulm, Minn. 56073. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers and fertilizer ingredients, liquid and dry, in bulk and in bags, and urea, liquid and dry, in bulk and in bags*, (1) from Duluth, Minn., to points in Wisconsin; (2) from Duluth, Mankato, and Moorhead, Minn., to points in North Dakota and South Dakota; and (3) from Fargo, N. Dak., to points in South Dakota 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 either Minneapolis, or St. Paul, Minn.

No. MC 129516 (Sub-No. 25), filed October 25, 1973. Applicant: PATTON'S INC., 2300 Canyon Road, Ellensburg, Wash. 98926. 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: (1) *Dry fertilizer*, (a) from points in Sacramento, Alameda, San Joaquin, and Yolo Counties, Calif., to points in Oregon and Washington and (b) from points in Snohomish County, Wash., to ports of entry on the International Boundary line between the United States and Canada at or near Blaine, Sumas, and Oroville, Wash. and (c) from points in Clark County, Wash., to points in Oregon and to ports of entry on the International Boundary line between the United States and Canada at or near Blaine, Sumas, and Oroville, Wash.; and (2) *borax, boron, and borate products*, from Boron, Calif., to ports of entry on the International Boundary line between the United States and Canada located at or near Blaine and Sumas, 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. or Portland, Oreg.

No. MC 129876 (Sub-No. 7), filed October 25, 1973. Applicant: DUBOIS TRUCKING, INC., P.O. Box 502, Montpelier, Vt. 05602. Applicant's representative: John P. Monte, 61 Summer Street, Barre, Vt. 05641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petoleum products*, including No. 1 and 2 oil, i.e., kerosene and heating oil, from So. Portland, Maine, and Rensselaer, N.Y., to Berlin, Vt., under a continuing contract or contracts with Green Mountain Power Corporation of Burlington, Vt.

NOTE.—Applicant presently holds motor common carrier authority in MC 119808 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., Boston, Mass., or Albany, N.Y.

No. MC 129973 (Sub-No. 10), filed October 31, 1973. Applicant: FIELD MARKETING SERVICES, INC., 825 Third Avenue, New York, N.Y. 10022. Applicant's representative: William J. Lippman, 1819 H. St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books, and educational materials, equipment, and supplies*, between points in Hudson, Essex, and Union Counties, N.J., and New York City, N.Y., on the one hand, and, on the other, points in New Castle County, Del.; Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa.; Nassau, Orange, Rockland, Suffolk, and Westchester Counties, N.Y.; and points in New Jersey (except between Hudson, Essex, and Union Counties, N.J., on the one hand, and, on the other, points in Nassau, Suffolk, and Westchester Counties, N.Y.), under continuing contract with Encyclopaedia Britannica, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 133106 (Sub-No. 40), filed October 24, 1973. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1858, Liberal, Kans. 67901. 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: (a) *Commodities* dealt in and sold by food business houses; (b) *exempt commodities* when moving in mixed loads with those named in part (a), from New York, Pennsylvania, New Jersey, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Oklahoma, Nebraska, Colorado, Texas, Idaho, California, Kentucky,

Washington, Oregon, to the facilities utilized by Allied Supermarkets at or near Liberal, Kansas, under continuing contract with Allied Supermarts Inc., Ideal Food Division.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Wichita, Kans.

No. MC 133485 (Sub-No. 9) (CLARIFICATION), filed September 26, 1973, published in the FR issue of November 29, 1973, and republished as clarified this issue. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminster Street, Providence, R.I. 02909. Applicant's representative: Morris J. Levin, 1620 Eye Street NW., 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 serve points in southern Massachusetts, New York, and New Jersey. The purpose of this republication is to clarify applicant's tacking possibilities. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or New York, N.Y.

No. MC 133534 (Sub-No. 9), filed September 28, 1973. Applicant: ROBERT V. MARKT, 1405 Rifle Terrace, Box 85 Station A, St. Joseph, Mo. 64503. Applicant's representative: Lucy Kennard Bell, Suite 910, Fairfax Bldg., 101 West Eleventh St., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and storage facilities of Missouri Beef Packers, Inc., located at or near Rockport, Mo., to points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, and the St. Louis, Mo.-East St. Louis, Ill., 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 Kansas City or Jefferson City, Mo.

No. MC 134323 (Sub-No. 57), filed October 17, 1973. Applicant: JAY LINES, INC., 720 N. Grand Street, Amarillo, Tex. 79105. Applicant's representative: Gailyn L. Larsen, 521 S. 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Swift Fresh Meats Company, at or near Brownwood, Tex., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virgina, West Virginia, and the District of Columbia, under contract with Swift Fresh Meats Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 134405 (Sub-No. 14), filed October 29, 1973. Applicant: BACON TRANSPORT COMPANY, P.O. Box 1134, Ardmore, Okla. 73401. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation Life Center, 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials* (except composition roofing), from the plantsite of Trumbull Asphalt Co. located at or near Del City, Okla., 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 134467 (Sub-No. 6), filed October 29, 1973. Applicant: POLAR EXPRESS, INC., P.O. Box 691, Springdale, Ark. 72764. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shortening and animal and vegetable oils and blends thereof* (except in bulk), from the plantsites and storage facilities utilized by Armour Foods Company at or near Helena, Ark., to points in Louisiana, Mississippi, Alabama, Georgia, Florida, Tennessee, North Carolina, South Carolina, Kentucky, West Virginia, Virginia, Maryland, Delaware, Ohio, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia, restricted to traffic moving in mechanically refrigerated equipment.

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., or Phoenix, Ariz.

No. MC 134501 (Sub-No. 10) (CLARIFICATION), filed September 10, 1973, published in the FR issue of November 15, 1973, and republished as clarified, this issue. Applicant: UFT TRANSPORT COMPANY, a Corporation, P.O. Box 1118, Irving, Tex. 75060. Applicant's representative: T. M. Brown, 600 Leininger Building, Oklahoma City, Okla. 73115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and fixtures*, from Youngstown, Ohio, and Sturgis, Mich., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority may be tacked with its existing authority at Youngstown, Ohio, and Sturgis, Mich., to provide a through service: from Camden, Little Rock, Stamps, and Waldron, Ark., to points in the United States; and at Sturgis, Mich., to provide a through service from points in Arkansas, Colorado, Idaho, Illinois, Indiana, Kentucky, Minnesota, Montana, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Shelby County, Tenn., to points in the United States. The purpose of this republication is to clarify tacking information. If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio, or Pittsburgh, Pa.

No. MC 134696 (Sub-No. 5), filed October 25, 1973. Applicant: BEAR CAT, INC., 2936 Hilyard Street, P.O. Box 334, Klamath Falls, Oreg. 97601. Applicant's representative: Earle V. White, 2400 SW. Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, road oil, petroleum fuels, and cutter stock*, in bulk, (1) from Bakersfield, Calif., to Arden, Nev.; and (2) from Arden, Nev., to points in Iron, Garfield, Kane, Washington, Beaver, and Piute Counties, Utah; Mohave County, Ariz.; and San Bernardino, Kern, and Inyo Counties, Calif., under continuing contract with Witco Chemical Corp.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Los Angeles, Calif.

No. MC 134783 (Sub-No. 14), filed October 30, 1973. Applicant: DIRECT SERVICE, INC., P.O. Box 786, Plainview, Tex. 79072. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Lubbock, Tex., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

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 134838 (Sub-No. 5), filed October 17, 1973. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., 2561 Plant Atkinson Road, Smyrna, Ga. 30080. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave. NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut buildings, pre-cut sections of buildings, component parts, and equipment and materials* incidental to the erection and completion of such buildings and sections, from Atlanta, Ga., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 134903 (Sub-No. 1), filed October 23, 1973. Applicant: KENTUCKY MOTOR FREIGHT, INC., 110 Crestwood Avenue, Louisville, Ky. 40206. Applicant's representative: Donald Duff, 6th Floor, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) Between Louisville and Grayson, Ky.: From Louisville over Interstate Highway 64 to junction U.S. Highway 60 near Owingsville, thence over U.S. Highway 60 to Grayson, and return over the same route, serving all intermediate points east of Owingsville and its commercial zone: (2) Between junction Interstate Highway 64 and U.S. Highway 60 near Owingsville and Grayson, Ky.: From Junction Interstate Highway 64 and U.S. Highway 60 over Interstate Highway 64 to its junction with Kentucky Highway 7, thence over Kentucky Highway 7 to Grayson, and return over the same route, serving no intermediate points; (3) Between junction Interstate Highway 64 and Kentucky Highway 2 and Olive Hill, Ky.: From junction Interstate Highway 64 and Kentucky Highway 2 over Kentucky Highway 2 to Olive Hill, and return over the same route, serving no intermediate points; and (4) Between junction Interstate Highway 64 and Kentucky Highway 32 and Morehead, Ky.: From junction Interstate Highway 64 and Kentucky Highway 32 over Kentucky Highway 32 to Morehead, and return over the same route, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lexington or Louisville, Ky.

No. MC 134922 (Sub-No. 56), filed October 29, 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: *Canned goods and frozen foods*, from Oxford, Pa., to points in Arkansas, Georgia, Illinois, Louisiana, Michigan, Minnesota, Missouri, North Carolina, Ohio, Oklahoma, Tennessee, Texas, and Utah.

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 Little Rock, Ark.

No. MC 135007 (Sub-No. 39), filed October 29, 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), between the plantsites and storage facilities utilized by Spencer Foods, Inc. at or near Hartley, Spencer, and Cherokee, Iowa, and Schuyler and Fremont, Nebr., under contract with Spencer Foods, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 135420 (Sub-No. 4), filed October 22, 1973. Applicant: L & H REFRIGERATED EXPRESS, INC., 2313 Fairview Drive, P.O. Box 61, Norfolk, Nebr. 68701. Applicant's representative: R. D. Huseth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and storage facilities of Madison Foods, Inc., located at or near Madison, Nebr., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Norfolk, Omaha, or Lincoln, Nebr., or Chicago, Ill.

No. MC 135435 (Sub-No. 2), filed October 29, 1973. Applicant: DALE SMART, doing business as DALE SMART TRUCKING, 4950 Fannett, 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: (1) *Forgings*, from Beaumont and Houston, Tex., to points in Illinois, and (2) *returned shipments of forgings*, from points in Illinois, to Beaumont and Houston, Tex., under a continuing contract, or contracts, with Beaumont Well Works Company, Inc., of Beaumont, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 136201 (Sub-No. 2), filed October 15, 1973. Applicant: ROCKY MOUNTAIN FEED INGREDIENTS SERVICE, INC., 1524 Lockwood Road, Billings, Mont. 59101. Applicant's representative: Hugh Sweeney, 2720 Third Avenue North, P.O. Box 1321, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients and molasses*, in bulk in tank vehicles and in bags, between points in Colorado, Idaho, Montana, Minnesota, Nebraska, North Dakota, South Dakota and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 136208 (Sub-No. 2), filed October 29, 1973. Applicant: CREAGER TRUCKING CO., INC., 710 North Columbia Blvd., Portland, Oreg. 97217. Applicant's representative: George R. La Bissoniere, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Arlington, Centralia, and Wapato, Wash., and points in Multnomah County, Oreg., to points in Arizona, Colorado, Nevada, Indiana, Oregon, and Utah.

NOTE.—Applicant presently holds motor contract carrier authority in MC 129352 and subs thereunder, therefor 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 Portland, Oreg.

No. MC 136232 (Sub-No. 3), filed October 25, 1973. Applicant: FRALEY'S, INCORPORATED, Route 1, Big Stone Gap, Va. 24219. Applicant's representative: Harry J. Jordan, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Duffield, Va., on the one hand, and, on the other, Birmingham, Decatur, and Dora, Ala., under contract with Virginia Birmingham Bolt, Inc., located at Big Stone Gap, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va., or Washington, D.C.

No. MC 136474 (Sub-No. 5), filed October 29, 1973. Applicant: ALLIED DELIVERY AND INSTALLATION, INC., 230 Willow St., Nashville, Tenn. 37210. Applicant's representative: Robert L. Baker, 500 Court Square Bldg., 300 James Robertson Pky., Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lamps, lighting fixture, and parts* therefor, between points in Alabama, Kentucky, Mississippi, and Tennessee (except Carthage and Martin, Tenn.).

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., or Washington, D.C.

No. MC 136474 (Sub-No. 6), filed October 26, 1973. Applicant: ALLIED DELIVERY AND INSTALLATION, INC., 230 Willow St., Nashville, Tenn. 37210. Applicant's representative: Robert L. Baker, 500 Court Square Bldg., 300 James Robertson Pky., Nashville, Tenn. 37210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by Home Products Distributors, between Nashville, Tenn., on the one hand, and, on the other, points in Bedford, Bledsoe, Cannon, Cheatham, Clay, Coffee, Cumberland, Dickson, Davidson, DeKalb, Fentress, Franklin, Giles, Grundy, Hickman, Houston, Humphreys, Jackson, Lawrence, Lincoln, Macon, Marshall, Maury, Montgomery, Moore, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Stewart, Trousdale, Van Buren, Warren, Wayne, Williamson, Wilson, and White Counties, Tenn.; and Allen, Barren, Christian, Logan, Simpson, Todd, Trigg, and Warren Counties, Ky.

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., or Washington, D.C.

No. MC 136500 (Sub-No. 3), filed October 25, 1973. Applicant: HARRY D. DIEPHOLZ, doing business as DIEPHOLZ TRUCKING, 3453 Western Avenue, Mattoon, Ill. 61938. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs* (except in bulk), from the plantsites and facilities of the Kraftco Corporation and its Division, Kraft Foods, at or near Champaign, Ill., to points in Montana, North Dakota, and South Dakota, under contract with Kraftco Corporation, and Kraft Foods Division of Kraftco Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 136689 (Sub-No. 2), filed October 29, 1973. Applicant: SLAUGHTER TRANSPORTATION CORPORATION, 1806 Holland Avenue, Houston, Tex. 77029. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty plastic bottles* in containers from the plantsite of Sewell Plastics, Inc., at or near Reserve, La., to the plantsite of The Clorox Company, in Houston, Tex., under continuing contract with The Clorox Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 138138 (Sub-No. 2), filed October 29, 1973. Applicant: NATHAN INMAN, doing business as NATE'S TRUCKING, Room 15, 200 West Main Street, Turlock, Calif. 95380. Applicant's representative: J. Wilmar Jensen, 1514 H Street, Modesto, Calif. 95354. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-fabricated disassembled homes*, from Manteca, Calif., to points in Nevada, under contract with Lear Siegler, Inc./Cuckler Division Life Style Homes.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif., otherwise anywhere in California.

No. MC 138612 (Sub-No. 1), filed August 8, 1973. Applicant: E. B. HILL EXCAVATORS LIMITED, 431 Robie Street, Truro, Nova Scotia, Canada. Applicant's representative: E. B. Hill (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Ashland, Maine, to points on the International Boundary line between the United States and Canada located at or near Houlton, Maine.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 138304 (Sub-No. 5), filed October 29, 1973. Applicant: NATIONAL PACKERS EXPRESS, INC., Suite 330, 29 S. LaSalle St., Chicago, Ill. 60603. Applicant's representative: Craig B. Sherman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty bomb casings—aerial, iron or steel*, from Garden City, N.Y., to Receiving Officer, Naval Ammunition Depot, McAlester, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., New York, N.Y., or Washington, D.C.

No. MC 138328 (Sub-No. 4), filed October 15, 1973. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32nd Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: D. L. Ehrlich (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from points in Louisiana and Texas, to points in Idaho, Oregon and Washington.

NOTE.—Applicant holds contract carrier authority in MC-133233 Sub-No. 1 and other subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Twin Falls, Idaho.

No. MC 138375 (Sub-No. 7), filed October 25, 1973. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite and facilities of Keystone Steel & Wire Division, Keystone Consolidated Industries, Inc., at or near Peoria, Ill., to points in Louisiana, Texas, New Mexico, Arizona, California, Washington, and Oregon, under contract with Keystone Steel & Wire Division of Keystone Consolidated Industries, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 138432 (Sub-No. 2), filed October 25, 1973. Applicant: GARLAND GEHRKE, Route 1, Lincoln, Ill. 62656. 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: *Malt beverages*, from St. Louis, Mo., to points in 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 Chicago, Ill.

No. MC 138438 (Sub-No. 4), filed October 15, 1973. Applicant: DONALD M. BOWMAN, JR., Route 3, Box 26, Hagerstown, Md. 21740. Applicant's representative: Charles E. Creager, Post Office Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, conduit, couplings, fittings, and accessories* necessary for the installation thereof, in vehicles equipped with mechanical unloading devices (except commodities in bulk), from the plantsite and storage facilities of Certain-teed Products Corporation, Williamsport, Md., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia; and (2) *vinyl siding and accessories* necessary for the installation thereof, from the plantsite and storage facilities of Certain-teed Products Corporation at Williamsport, Md., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

NOTE.—Applicant holds contract carrier authority in MC-117613 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138439 (Sub-No. 1), filed October 29, 1973. Applicant: V & J REFRIGERATED SERVICE, INC., 18121 88th Street West, Edmonds, Wash. 98020. Applicant's representative: George R. La Bissoniere, 130 Andover Park East, Suite 101, Seattle, Wash. 98188. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine and alcoholic beverages*, between points in California, on the one hand, and, on the other, points in King, Pierce, and Snohomish Counties, Wash., under a continuing contract

or contracts with J. W. Brown & Associates and Odom Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 138548 (Sub-No. 3), filed October 25, 1973. Applicant: INDIAN-OAKS TRANSPORTATION CO., a Corporation, 10346 S. Indianapolis Blvd., Chicago, Ill. 60617. Applicant's representative: James R. Madler, 327 S. La Salle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Iron and steel articles* (except commodities described in *Mercer Extension—Oil Field Commodities* 74 M.C.C. 459 and 543 (1946), and (b) *aluminum and aluminum articles* from Bradley, Ill., to points in North Dakota, South Dakota, Minnesota, and Kansas, and (2) *aluminum and aluminum articles*, from Bradley, Ill., to points in Indiana, Iowa, Missouri, Wisconsin, Nebraska, and the lower peninsula of Michigan.

NOTE.—Applicant states that the requested authority can be tacked with pending application, Sub 2, at Bradley, Ill., to provide a through service from points in Porter County, Ind., to points in North Dakota, South Dakota, and Kansas, and at points in Minnesota to serve points in Porter County, Ind.

No. MC 138875 (Sub-No. 9) (CLARIFICATION), filed August 28, 1973, published in the FR issue of November 29, 1973, and republished as corrected this issue. 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 VI 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. The purpose of this republication is to correctly identify the Appendix number of the commodity description. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, or Portland, Oreg.

No. MC 138896 (Sub-No. 4), filed October 24, 1973. Applicant: AJAX TRANSFER COMPANY, a Corporation, 550 East Fifth Street South, South St. Paul, Minn. 55075. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses* (except hides and commodities in bulk in tank vehicles) as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Minneapolis and St. Paul, Minn., and their commercial zones, to points in Gogebic, Houghton, Ontonagon, Marquette, and Baraga Counties, Mich., and points in Adams, Ashland, Barron, Bayfield, Brown, Buffalo, Burnett, Chippewa, Clark, Columbia, Crawford, Dane, Dodge, Douglas, Dunn, Eau Claire, Fond du Lac, Forest, Grant, Iron, Jackson, Juneau, La Crosse, Langlad, Lincoln, Marathon, Marquette, Monroe, Oneida, Outagamie, Pepin, Pierce, Polk, Portage, Price, Richland, Rusk, St. Croix, Sauk, Sawyer, Shawano, Taylor, Trempealeau, Vernon, Vilas, Washburn, Waupaca, Waushara, Winnebago, and Wood Counties, Wis.

NOTE.—Applicant holds contract carrier authority in MC 119391 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 138907 (Sub-No. 1) (AMENDMENT), filed July 25, 1973, published in the FR issue of September 20, 1973, and republished as amended this issue. Applicant: MORIS WEBSTER AND RODNEY WEBSTER, doing business as WEBSTER BROTHERS, St. Vincent, Minn. 56755. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, from points in Minnesota, to points on the International Boundary line between the United States and Canada in Minnesota, under contract with L. V. Patterson Ltd.

NOTE.—The purpose of this republication is to indicate applicant's territorial description as described above. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 139010 (Sub-No. 1), filed October 9, 1973. Applicant: ARIZONA ENTERPRISES, INC., 1918 W. Grant Street, Phoenix, Ariz. 85009. Applicant's representative: Michael W. McLaughlin (same address as applicant). 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 of Motor Carrier Certificates*, 61 M.C.C. 209, between points in Arizona, New Mexico, California, Nevada, Texas, Utah, Colorado, Oklahoma, Arkansas, Kansas, Missouri, Washington, Oregon, Idaho, and Wyoming, under contract with Shake Distributors, Phoenix, Ariz., and Roofing Wholesale Co., Inc., Phoenix, Ariz.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 139059 (Sub-No. 2), filed October 15, 1973. Applicant: EAST COAST TRANSPORTATION CO., INC., 3765 NW. 71 Street, Miami, Fla. 33147. Applicant's representative: Bernard C. Pestcoe, 19 West Flagler Street, Miami, Fla. 33130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, Classes A and B explosives, commodities requiring special equipment and household goods as defined in *Practices of Motor Common Carriers of Household Goods* 17 M.C.C. 467), between points in Dade, Broward, Palm Beach, and Monroe Counties, Fla., on traffic moving in interstate or foreign commerce.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 139095 (Sub-No. 2), filed October 25, 1973. Applicant: DIUGUID TRANSPORT SERVICE, INC., 900 North 16th Street, Herrin, Ill. 62948. Applicant's representative: Elmer Jenkins, 123 East Main Street, Benton, Ill. 62812. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline and distillates*, from Henderson, Ky., to Marion, Ill., under contract with Bill Edwards, doing business as Edwards Oil Company, Marion, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 139117 (Sub-No. 1), filed October 24, 1973. Applicant: STANLEY AMSDEN, doing business as STANLEY AMSDEN TRUCKING, General Delivery, Centerville, Mo. 63633. Applicant's representative: Stanley Amsden (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Dent and Reynolds Counties, Mo., to points in Illinois, Indiana, Ohio, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis or Springfield, Mo.

No. MC 139125 (Sub-No. 2), filed October 15, 1973. Applicant: CLAUDE E. WHEELER, doing business as GRAIN TRANSPORT, Box 82, Ordway, Colo. 81063. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beet pulp pellets, alfalfa pellets, alfalfa wafers, alfalfa cubes, and manufactured dry livestock feed*, between points in Colorado on and east of Interstate Highway 25, points in Kansas and Oklahoma on and west of Interstate Highway 35, points in Texas on and north of Interstate Highway 40, and points in Nebraska, under a continuing contract, or contracts, with Foxley & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pueblo or Denver, Colo.

No. MC 139197 (Sub-No. 2), filed October 29, 1973. Applicant: MADISON TRANSPORTATION, INC., Vaughn Drive, P.O. Box 421, Madison, Ind. 47250. Applicant's representative: Robert W. Loser, II, 1009 Chamber of Commerce

Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Leather fiberboard, scrap leather*, and *materials* used or useful in the manufacture of leather fiberboard (except commodities in bulk), between Madison, Ind., on the one hand, and, on the other, points in Illinois, Kentucky, Massachusetts, Michigan, Missouri, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin under a continuing contract or contracts with Robus Products Corporation of Madison, Ind.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 139207 (AMENDMENT), filed October 9, 1973, published in the FR issue of November 29, 1973, and republished as amended, this issue. 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 Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, under contract with ASG Industries, Inc. of Kingsport, Tenn.

NOTE.—The purpose of this republication is to add Alabama as a destination point. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 139208 filed October 23, 1973. Applicant: PORT TERMINAL TRANSPORATATION, INC., P.O. Box 2217, Mohawk & Tyler Streets, Port Newark, N.J. 07114. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having prior or subsequent movement by motor common carriers in bulk, between the facilities of X-Rail Systems, Inc., located at or near Boston, Mass., Newark, N.J., Baltimore, Md., Pittsburgh, Pa., on the one hand, and, on the other, points in New Jersey, Connecticut, Massachusetts, New Hampshire, Vermont, Rhode Island, Maine, New York, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 139209 filed October 23, 1973. Applicant: ARCHIE E. HUCKABEE, INC., P.O. Box 1098, 940 E. 66th Street, Lubbock, Tex. 79412. Applicant's representative: John C. Sims, 1608 Broadway, Lubbock, Tex. 79401. 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 Amarillo, Tex., to points in Arkansas, Alabama, Mississippi, Tennessee, Louisiana, and Georgia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex.

No. MC 139212 filed October 23, 1973. Applicant: ERB TRANSPORT, LIMITED, 290 Hamilton Road, New Hamburg, Ontario, Canada. Applicant's representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products, cheese, and butter*, between ports of entry on the International Boundary line between the United States and Canada at Fort Erie and Niagara Falls, N.Y., on the one hand, and, on the other, points in Niagara, Erie, Chautauque, Orleans, Monroe, Genesee, Wyoming, Wayne, Cayuga, Onondaga, Seneca, Yates, and Livington Counties, N.Y.; Erie, New Castle, Pittsburgh, and Aliquippa, Pa.; and Youngstown, Akron, and Warren, Ohio, restricted to traffic moving in foreign commerce originating in or destined to points in Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 139215 (Sub-No. 1), filed October 31, 1973. Applicant: AMERICAN CARRIERS, INC., 7860 "F" Street, Omaha, Nebr. Applicant's representative: Arlyn L. Westergren, 530 Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. 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 (except hides and commodities in bulk in tank vehicles), from the plantsite and storage facilities utilized by Swift Fresh Meats Company at Grand Island, Nebr., to points in Florida, Georgia, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 139237 filed October 18, 1973. Applicant: ABBS TRANSFER COMPANY, a Corporation, South Highway 79, Rapid City, S. Dak. 57701. Applicant's representative: Robert F. LaFleur, 607½ Mt. Rushmore Rd., Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in that part of South Dakota west of the Missouri River, restricted to the transportation of shipments having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating and decontainerization of such shipments.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Rapid City or Pierre, S. Dak.

No. MC 139251 filed November 1, 1973. Applicant: COYLE ENTERPRISES, INC., 2360 East Elvira Road, Tucson, Ariz. 85706. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except articles of unusual value, class A and B explosives, commodities in bulk, and those requiring special equipment) between the Tucson International Airport, Tucson, Ariz., and Nogales, Ariz., restricted to traffic having a prior or subsequent movement by air.

NOTE.—Applicant holds contract carrier authority in MC 128809, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Tucson, Ariz., or Nogales, Ariz.

No. MC 139254 filed October 29, 1973. Applicant: BROOKS TRANSPORTATION, INC., 30650 Carter Street, Solon, Ohio 44139. Applicant's representative: Richard A. Zellner, 800 National City, East 6th Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clothing and wearing apparel and all components* used in the manufacture thereof and (2) *materials, supplies, equipment, machinery and machinery parts and accessories* used in the manufacture, distribution, packing, warehousing, and sale of the commodities set forth in (1) above, (except commodities in bulk in tank vehicles), between points in the United States (except Alaska, Hawaii, Maine, Montana, North Dakota, South Dakota, Vermont, and Wyoming) under a continuing contract or contracts with Bobbie Brooks, Incorporated, and its subsidiaries and affiliates.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 139255 filed October 26, 1973. Applicant: EAST PENN TRUCKING COMPANY, a Corporation, R. D. #1, Lehighton (Carbon County), Pa. 18235. Applicant's representative: S. Berne Smith, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Minerals and mineral mixtures* (except in bulk in tank or hopper type equipment), between the Borough of Bowmanstown and East Penn Township (Carbon County), Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii) under a continuing contract or contracts with Prince Manufacturing Company of Bowmanstown, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 139256 filed October 29, 1973. Applicant: FRANK C. FLEEGER, doing business as FLEEGER TRUCKING, 5341 Waveland Avenue, Chicago, Ill. 60641. Applicant's representative: Edward G. Finnegan, 134 N. LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Photographic products, film, chemicals, paper, electric and electronic parts, and supplies and metal cabinets*, from Chicago, Ill., to points in Illinois, Iowa, North Dakota, South Dakota, Nebraska, Missouri, Kansas, Minnesota, Wisconsin, Indiana, Michigan, Kentucky, and Ohio, under contract with Agfa-Gevaert, Inc., located at Lincolnwood, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139257 filed October 25, 1973. Applicant: FLOCK BROS., INC., Coulter Avenue, South Greensburg, Pa. 15601. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel*, between the plant site of Moore Metal Manufacturing Company, South Greensburg, Pa., on the one hand, and, on the other, points in New York, New Jersey, Maryland, West Virginia, Ohio, Indiana, and Michigan, restricted to a transportation service under a continuing contract with Moore Metal Manufacturing Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 139260 filed October 25, 1973. Applicant: REHAGEN TRUCK LINE, INC., Westphalia, Mo. 65085. Applicant's representative: B. W. LaTourette, Jr., 611 Olive St., Suite 1850, St. Louis, Mo. 63101. 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), between Westphalia and Jefferson City, Mo., serving all intermediate points: From Westphalia, Mo., over U.S. Highway 63 to junction U.S. Highway 50; thence over U.S. Highway 63/U.S. Highway 50 to Jefferson City, Mo., and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis or Jefferson, Mo.

No. MC 139261 filed October 18, 1973. Applicant: BUCKEYE EXPRESS, INC., Willis Day Industrial Park, Perrysburg, Ohio 43551. Applicant's representative: John J. Keller, 145 W. Wisconsin Ave., Neenah, Wis. 54956. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery, and food business houses, institutions, catalogue show room stores, and home center stores; and in connection therewith, *equipment, materials and supplies* used in the manufacture, distribution, and conduct of such business, between Perrysburg, Ohio, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with International Automated Machines, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio.

No. MC 139258 filed October 25, 1973. Applicant: GERALD R. HORNBUCKLE, doing business as G. R. HORNBUCKLE, R. R. 3, Morrisonville, Ill. 62546. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer ingredients*, in bulk, between points in Illinois, Indiana, Iowa, Kentucky, Missouri, and Ohio, under continuing contract with Swift Chemical Company and Kaiser Agricultural Chemicals, a Division of Kaiser Aluminum and Chemical Sales, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.; St. Louis, Mo.; or Springfield, Ill.

No. MC 139277 filed November 8, 1973. Applicant: AL E. HALL, doing business as AL E. HALL TRUCKING, P.O. Box 25, Gridley, Ill. 61744. Applicant's representative: Patrick H. Smyth, 327 South LaSalle Street, Suite 1000, Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal roofing and siding, fabricated metal products*, and *parts, attachments*, and *accessories*, from Gridley, Ill., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, West Virginia, and Wisconsin; and (2) *materials, supplies, and equipment* for the commodities described in (1) above, from points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, West Virginia, and Wisconsin, to Gridley, Ill., under contract in (1) and (2) with Fabral Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 188), filed October 23, 1973. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: L. C. Major, Suite 301 Tavern Square, 421 King Street, Alexandria, Va. 22314. 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 sightseeing and pleasure tours, beginning and ending at points in Florida (except points in Calhoun, DeSoto, Gulf, Hardee, Liberty, and Wakulla Counties, Fla.), and points in Appling, Bacon, Barrow, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Brantley, Bryan, Bulloch, Butts, Camden, Candler, Carroll, Catoosa, Charlton, Chatham, Chattooga, Clarke, Clay, Clayton, Cobb, Coffee, Cook, Coweta, Crisp, Dade, DeKalb, Dodge, Dooly, Douglas, Effingham, Elbert, Emanuel, Floyd, Franklin, Fulton, Glynn, Gordon, Gwinnett, Habersham, Hall, Haralson, Harris, Hart, Henry, Houston, Irwin, Jeff Davis, Jefferson, Johnson, Lamar, Laurens, Liberty, Long, Lowndes, McIntosh, Madison, Meriwether, Monroe, Muscogee, Oconee, Pike, Pulaski, Quitman, Richmond, Spalding, Stephens, Talbott, Telfair, Tift, Toombs, Troup, Turner, Twiggs, Walker, Ware, Wayne, Whitfield, and Wilcox Counties, Ga., and extending to points in the United States, including Alaska but excluding Hawaii; and (2) *passengers and their baggage*, in one-way and round trip charter operations, beginning and ending at points in Broward, Charlotte, Collier, Flagler, Hillsborough, Lee, Manatee, Orange, Osceola, Pinellas (except points north of Florida Highway 688), Polk Sarasota, Seminole, and Volusia Counties, Fla., and extending to points in the United States, including Alaska but excluding 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.; Atlanta, Ga.; and Jacksonville, St. Petersburg, and Miami, Fla.

No. MC 2060 (Sub-No. 10), filed October 26, 1973. Applicant: PINE HILL-KINGSTON BUS CORPORATION, 12 Pine Grove Avenue, Kingston, N.Y. 12401. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th Street, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, Between Oneonta, N.Y., and New York, N.Y.: From Oneonta over New York Highway 28 to Mount Tremper, N.Y., thence over New York Highway 212 to Woodstock, N.Y., thence over New York Highway 375 to junction New York Highway 28, thence over New York Highway 28 to Kingston, N.Y. (also from Oneonta over New York Highway 28 via Mount Tremper to Kingston, N.Y.), thence over New York Highway 9W to Newburgh, N.Y., thence over New York Highway 32 to junction New York Highway 17, thence over New York Highway 17 via Harriman, N.Y., to the New York-New Jersey State Boundary line (also from Kingston over New York State Thruway to Suffern, N.Y., thence over New York Highway 17 to the New York-New Jersey State Boundary line), thence over New Jersey Highway 17 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction depressed highway leading to the Lincoln Tunnel, thence over depressed highway and via Lincoln Tunnel to New York, N.Y., and return over the same route, serving those

intermediate points between Oneonta and a point 1 mile west of the westerly city line of Kingston, N.Y., and those points in New Jersey.

NOTE.—Common control was approved in MC-F-9039. Applicant presently holds authority sought within the scope of this application, restricted to serving only those intermediate points between Oneonta, N.Y., and a point 1 mile west of the westerly city line of Kingston, N.Y. The purpose of this application is to permit the servicing of those intermediate points located in New Jersey as well. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 29890 (Sub-No. 39) (PARTIAL CORRECTION), filed September 11, 1973, published in the FR issue of November 15, 1973, and republished in part as corrected this issue. Applicant: ROCKLAND COACHES, INC., 126 N. Washington Avenue, Bergenfield, N.J. 07621. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage in the same vehicle with passengers*, (2) Serving the Park-Ride lot at the Vince Lombardi Service Center on the New Jersey Turnpike in Ridgefield, N.J., via access roads to and from the Turnpike, as an intermediate point in connection with carrier's regular-route authority between Clarkstown (Rockland County), N.Y., and New York, N.Y., which is restricted against service at intermediate points along the New Jersey Turnpike; and (7) Between Oradell and Paramus, N.J.: From junction Oradell Avenue and Forest Avenue at the Oradell-Paramus boundary line, over Oradell Avenue to junction Pascack Road in Paramus, and return over the same route, serving all intermediate points.

NOTE.—The purpose of his partial republication is to clarify the requests for authority in (2) and (7) above. The rest of the notice remains as previously published. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 138981 (Sub-No. 2), filed October 15, 1973. Applicant: ANDREW F. REYMER, an individual, doing business as LANCASTER LIMOUSINE SERVICE, 228 East Main Street, Mount Joy, Pa. 17552. Applicant's representative: William A. Chesnutt, 1225 19th Street NW., 500 Jefferson Building, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations limited to the transportation of not more than 17 passengers in any one vehicle, not including the driver thereof, between points in Lancaster County, Pa., on the one hand, and, on the other, Washington National and Dulles International Airports, at or near Washington, D.C.; Friendship International Airport, at or near Baltimore, Md.; Newark Airport, at or near Newark, N.J.; John F. Kennedy International and LaGuardia Airports, at or near New York, N.Y.; and Port Authority docks at New York, N.Y., Baltimore, Md., and Norfolk, Va., restricted to the transportation of persons having prior or subsequent transportation by air 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 Lancaster, Pa., or Harrisburg, Pa.

No. MC 139210 filed September 24, 1973. Applicant: WESLEE ENTERPRISES INC., doing business as ALASKA-YUKON MOTORCOACHES, 1440 Washington Building, 1325 Fourth Avenue, Seattle, Wash. 98101. Applicant's representative: Paul C. Gibbs (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* in the same vehicle with passengers, in special and charter operations; (1) Between Fairbanks, Alaska and Valdez, Alaska: From Fairbanks over Alaska Highway 2 to junction Alaska Highway 4, thence over Alaska Highway 4 to Valdez, and return over the same route; (2) Between Anchorage, Alaska, and Valdez, Alaska: From Anchorage over Alaska Highway 1 to junction Alaska Highway 4, thence over Alaska Highway 4 to Valdez, and return over the same route; (3) Between Anchorage, Alaska, and the International Boundary line between the United States and Canada at the Yukon Territory: From Anchorage over Alaska Highway 1 to junction Alaska Highway 2, thence over Alaska Highway 2 to the International Boundary line between the United States and Canada at the Yukon Territory, and return over the same route; (4) Between the International Boundary line between the United States and Canada at British Columbia and Haines, Alaska: From British Columbia, over Alaska Highway 7 to Haines, also serving Porcupine, and return over the same route; and (5) Between Haines, Alaska, and Skagway, Alaska: From Haines over unnumbered highway to Skagway, and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Anchorage or Fairbanks, Alaska.

No. MC 139259, filed October 26, 1973. Applicant: EUGENE A. LA BONTE, Box 40, Tecumseh Road, Stoney Point, Ontario, Canada. Applicant's representative: Robert A. Sullivan, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* consisting of groups belonging to service clubs, social clubs, church organizations, and groups of pupils for educational trips, and *their baggage and express* in the same vehicle with passengers, in charter operations, between the International Boundary between the United States and Canada at the St. Clair and Detroit Rivers and points in Branch, Hillsdale, Lenawee, Monroe, Calhoun, Jackson, Washtenaw, Wayne, Eaton, Ingham, Livingston, Oakland, Macomb, St. Clair, Ionia, Clinton, Shiawassee, Genesee, Lapeer, Gratiot, Saginaw, Tuscola, Sanilac, Midland, Bay, Arenac, and Huron Counties, Mich., restricted to charter operations originating at the Town of Tilbury; the Police Village of Comber, in the Township of Tilbury West; or the Police Village of Stoney Point, in the Township of Tilbury North, Ontario, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-26315 Filed 12-12-73;8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

COOLING WATER INTAKE STRUCTURES

Proposal Regarding Minimizing Adverse Environmental Impact

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Parts 401, 402]

COOLING WATER INTAKE STRUCTURES

Proposal Regarding Minimizing Adverse Environmental Impact

Notice is hereby given of proposal of the regulations set forth below concerning determinations required to insure that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact. The regulations are intended to implement section 316(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1326; Pub. L. 92-500; 86 Stat. 816 et seq.) (the Act).

Section 316(b) of the Act requires that "any standard established pursuant to section 301 or section 306 of this Act and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact." The Environmental Protection Agency (EPA) will be publishing a series of regulations establishing effluent limitations guidelines for existing sources and standards of performance for new sources pursuant to sections 301, 304(b), and 306 of the Act. These regulations will be set forth under Parts 401 et seq. of Title 40 CFR.

The regulations set forth below in tentative form provide for an amendment to 40 CFR Part 401 (General Provisions concerning effluent limitations guidelines and standards of performance) and the establishment of a new Part 402, 40 CFR. The General Provisions set forth in Part 401 were published in proposed form on August 22, 1973 (38 FR 22606, 22608). The regulations below amend Part 401 as proposed to add section 316(b) to the catalogue of applicable legal authorities set forth under 40 CFR 401.12. In addition, new § 401.14 below provides that the location, design, construction, and capacity of cooling water intake structures for any point source for which a standard is established pursuant to section 301 or 306 shall reflect the best technology available for minimizing adverse environmental impact in accordance with the provisions of 40 CFR Part 402.

New Part 402 as proposed is intended to provide a framework for the case-by-case determination of the best technology available for minimizing adverse environmental impact resulting from the location, design, construction and operation of cooling water intake structures. The provisions of Part 402 do not set forth mandatory design and operational requirements since the factors to be considered would lead to highly site-specific determinations of the best technology available for minimizing adverse environmental impact. However, when considering cooling water intake requirements in connection with application for NPDES permits pursuant to section 402 of the Act, the factors set forth in Part 402 must be examined in order to establish requirements for minimizing adverse environmental impact. The regulations of Part 402 are therefore intended to serve as an outline of the factors to be considered, and the data required, in order to arrive at an environmentally sound decision concerning cooling water intake structure, location, design, construction, and operation.

The Part 402 regulations were developed in the course of studies undertaken in support of effluent limitations guidelines and standards of performance for the steam electric power generating industry. Water withdrawal for cooling by all industrial point sources now amounts to approximately 70 trillion gallons per year. Steam electric powerplants withdraw approximately 80 percent of this, or 60 trillion gallons per year, which is roughly 15 percent of the total flow of waters in U.S. rivers and streams. The intake flow for a typical steam electric powerplant is 40 billion gallons per year.

The intake flow for typical petroleum refineries, primary metals manufacturing plants, chemical manufacturing plants, and pulp and paper mills are about one-tenth the intake flow of typical steam electric powerplants. Flows from large rubber, wood, food, stone, clay and glass products manufactures are typically about one-hundredth the flow of powerplants. Cooling water intake flows for textile mills and leather manufacturers are typically about one-thousandth the flow of powerplants. However, the maximum cooling water volumes for specific establishments will be dependent on factors such as products, processes employed, size of plant, degree of recirculation employed in the cooling water system, etc.

Adverse environmental impacts that could occur from cooling water intakes relate to the net damage or destruction of benthos, plankton and necton organisms by external interaction with the intake structure and by internal interaction with the industrial cooling system. Important aspects of the intake which relate to adverse environmental impacts are the intake volume, the number and types of organisms which interact externally with the intake or which interact internally with the industrial cooling system, the configuration and operational characteristics of the intake and plant cooling system, the thermal characteristics of the cooling system, and the chemicals added to the cooling system for biological control.

(a) *Applicable technology.* The range of technologies corresponding to the control of the number and types of organisms which interact externally with the intake is comprised of two factors—the choice of the location of the intake relative to the location of the organisms, and the full array of process modifications including the use of recirculating cooling water systems employing offstream means to transfer process heat directly to the atmosphere and to minimize or in some cases eliminate the use of cooling water. The technology for controlling the number and types of organisms which interact internally with the cooling system is compromised of one factor in addition to location and flow volume controls as cited above for intake interactions, i.e., the degree to which the configuration and operation of the intake means prevents the entry of these organisms into the cooling system. The technology for preventing the entry of these organisms while minimizing damage due to external interactions with the organisms is diverse, including a multiplicity of physical and behavior barriers and covering various fish bypass and removal systems.

Devices which cause damage due to internal interactions with process cooling systems relate to the design and operation of these systems with respect to mechanical, thermal, and chemical characteristics. For example, the presence of a cooling tower in a nonrecirculating cooling system could affect the amount of organism damage due to the pumping, temperature changes, and possible chemical additives employed with the tower.

A document entitled "Development Document for Proposed Best Technology Available for Minimizing Adverse Environmental Impact of Cooling Water Intake Structures" further details the analysis undertaken in support of the regulations being proposed below. The draft contractor's report on the steam electric power industry circulated for comments in early July, 1973, contained the cooling water intake structures technology considered in the EPA document cited above.

A copy of the "Development Document" is available for inspection at the EPA Information Center, Room 227, West Tower, Waterside Mall, 4th & M Street, SW., Washington, D.C., at all EPA regional offices, and at State water pollution offices. Copies of the document are being sent to persons or institutions affected by the proposed regulations, or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). In this regard, all persons who have requested the Development Documents for "Steam Electric Power Plants," "Iron and Steel Manufacturing" or "Ferralloy Manufacturing" will also receive a copy of the "Cooling Water Intake Structures" Development Document. An additional limited number of copies of the report are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Phillip B. Wisman.

(b) *Costs.* The Development Document contains information concerning the performance and costs of various technologies for minimizing environmental damage from cooling water intake structures for steam electric power plants. The analysis indicates that in general the costs associated with the choice of intake location or application of various intake devices to minimize damage due to internal interactions will

have a small economic impact on steam electric power plants.

The Agency expects the same measures necessary to minimize adverse environmental impacts from steam electric power plant cooling water intakes will be applicable to other industries utilizing cooling water in their manufacturing processes. Since the steam electric power industry utilizes the greatest volume of cooling water, the total cost which will result from applying the best technology available for cooling water intake structures will clearly be greatest in that industry. Although the Agency possesses some data with respect to the cost of the application of the cooling water intake requirements to other industries, the Agency recognizes that the Development Document for cooling water intakes was prepared with specific reference to the steam electric power industry. Therefore, the Agency requests comments, and if possible additional data, concerning the cost and economic impact of the application of the measures listed in the Development Document to industries other than the steam electric power industry. These comments should be directed toward the costs and impacts of biological studies required for assessing environmental damages as well as the costs and impacts of remedial measures. Comments which provide such additional information as to costs should include a detailed explanation of the methodology used to derive the cost estimates. Additional issues about which the Agency seeks specific comments are: The question of whether, and how, a distinction should be drawn between existing and new cooling water intake structures and the question of whether, and how, a distinction should be drawn between large and small volume cooling water intake structures.

(c) *Summary of public participation.* Prior to this publication, the agencies and groups listed below were consulted with respect to the development of the regulations below. (Members of this group were also consulted with respect to the effluent limitations guidelines and standards of performance for the steam electric power industry). A draft of the development document containing the cooling water intake structures information was sent to all participants and comments were solicited on that report.

(1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State Pollution Control Agencies; (3) the Edison Electric Institute; (4) American Public Power Association; (5) Atomic Industrial Forum, Inc.; (6) Tennessee Valley Public Power Association; (7) The American Society of Mechanical Engineers; (8) Hudson River Sloop Restoration, Inc.; (9) The Conservation Foundation; (10) Environmental Defense Fund, Inc.; (11) Natural Resources Defense Council, Inc.; (12) Business and Professional People for the Public Interest; (13) The American Society of Civil Engineers; (14) Water Pollution Control Federation; (15) National Wildlife Federation; (16) National Association of Electric Companies; (17) National Rural Electric Cooperative Association; (18) New England Interstate Water Pollution Control Commission; (19) Ohio River Valley Sanitation Commission; (20) Government of Guam; (21) Trust Territory of the Pacific Islands; (22) Puerto Rico; (23) Delaware River Basin Commission; (24) U.S. Department of Commerce; (25) U.S. Department of the Interior; (26) U.S. Water Resources Council; (27) U.S. Department of Treasury; (28) U.S. Atomic Energy Commission; (29) U.S. Department of Defense; (30) U.S. Department of Agriculture; (31) Tennessee Valley Authority; and (32) U.S. Department of Housing and Urban Development.

The following organizations responded with comments relative to the cooling water intake structures information: Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); Honorable Mike McCormack; U.S. Department of the Treasury; Atomic Industrial Forum, Inc.; Delaware River Basin Commission; Edison Electric Institute; U.S. Atomic Energy Commission; U.S. Water Resources Council; Southern Electric Generating Company; Consumers Power Company; American Electric Power Service Corporation; Virginia Electric and Power Company; Duke Power Company; Commonwealth Edison; Southern Services, Inc.; Public Service Electric and Gas Company; Tennessee Valley Authority; Los Angeles Department of Water and Power; Bechtel Power Corporation; New York Power Pool; U.S. Department of Agriculture; Gulf Power Company; Mississippi Power Company; Consolidated Edison Company of New York, Inc.; Georgia Power Company; American Public Power Association; National Advisory Committee on Oceans and Atmosphere; Tennessee Valley Public Power Association; Detroit Edison; Southwestern Electric Power Company; City Public Service Board of San Antonio; U.S. Department of Defense; U.S. Department of Commerce; Florida Power and Light Company; Federal Power Commission; Natural Resources Defense Council, Inc.; Hudson River Fishermen's Association; Tampa Electric Company; State of Illinois Environmental Protection Agency; State of Maryland Department of Natural Resources; State of Michigan Department of Natural Resources; State of Ohio Environmental Protection Agency; State of North Carolina Department of Natural and Economic Resources; State of Texas Water Quality Board.

The primary issues raised in the development of the proposed regulations and the treatment of these issues herein are as follows. Public comments on all these suggestions are solicited.

1. Some commenters suggested the consideration of type and design of intakes on a case-by-case basis due to the high degree of site specificity involved. While this view is warranted with respect to the outcome, a certain degree of national uniformity can be prescribed relative to the factors that must be considered. Section 402.12 below is intended to fulfill this need.

2. Some commenters suggested that the evaluation of existing intake structures be concerned with their environmentally related performance rather than their location, configuration, and operation. While environmentally related performance would provide a measure of the effect desired, it must be related to control technology in order to be assured that adverse environmental impacts are minimized in any particular case.

3. Some commenters feel that location is by far the most important aspect of intake technology related to environmental impact. Furthermore, they feel that no large intake structure should be located in an estuarine water body. This would mean that all powerplants on estuaries would be required to employ closed-cycle cooling systems. While location is no doubt the most important factor involved, and estuarine sites in general would have a high potential for adverse environmental impact, no data is available to support evaluations leading to specific intake structure requirements other than on a case-by-case basis.

4. Some commenters feel that the biological data gathered to support consideration of factors related to cooling water intake structures should be obtained by the Environmental Protection Agency or under contract with independent research organizations. The qualifications of the investigator and the data obtained should stand on the merits of each case.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing an effluent limitation guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304(b), 306 and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before January 14, 1974 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 F.R. 21202).

Dated: December 7, 1973.

JOHN QUARLES,
Acting Administrator.

Part 401 is proposed to be amended as follows:

PART 401—GENERAL PROVISIONS

Sec.
401.14 Cooling water intake structures.

§ 401.12 Law authorizing effluent limitations guidelines, standards of performance and pretreatment standards for new sources.

* * * * *

(i) Section 316(b) of the Act provides that any standard established pursuant to section 301 or section 306 of the Act and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact.

§ 401.14 Cooling water intake structures.

The location, design, construction and capacity of cooling water intake structures of any point source for which a standard is established pursuant to section 301 or 306 of the Act shall reflect the best technology available for minimizing adverse environmental impact, in accordance with the provisions of Part 402 of this chapter.

PART 402—BEST TECHNOLOGY AVAILABLE FOR MINIMIZING ADVERSE ENVIRONMENTAL IMPACT OF COOLING WATER INTAKE STRUCTURES

Part 402 is proposed to read as follows:

Sec.
402.10 Applicability.
402.11 Specialized definitions.
402.12 Best technology available for cooling water intake structures.

§ 402.10 Applicability.

The provisions of this part are applicable to cooling water intake structures for point sources for which effluent limitations guidelines are established pursuant to section 301 or standards of performance are established pursuant to section 306 of the Act.

§ 402.11 Specialized definitions.

For the purpose of this part:

(a) The term "cooling water intake structure" shall mean the total structure used to direct water from a water body into the point source subject to the provisions of this part whenever the intended use of a major fraction of the water so directed is to absorb waste heat rejected from the process or processes employed or from auxiliary operations on the premises, including air conditioning.

(b) The term "existing cooling water intake structure" shall mean any cooling water intake structure, the construction of which was commenced before the date of publication of these proposed regulations.

(c) The term "new cooling water intake structure" shall mean any cooling water intake structure, the construction of which has been commenced on or after the date of publication of these proposed regulations.

(d) The term "Development Document" shall mean the document entitled "Development Document for Proposed Best Technology Available for Minimizing Adverse Environmental Impact of Cooling Water Intake Structures", and published by the U.S. Environmental Protection Agency.

§ 402.12 Best technology available for cooling water intake structures.

(a) The applicable factors set forth in the Development Document shall be considered to determine that the best available technology for minimizing the adverse environmental impact is reflected in an existing cooling water intake structure of a point source subject to standards established under sections 301 and 304(b) of the act.

(b) The factors set forth in the Development Document shall be used to determine that the location, design, construction and capacity of a cooling water intake structure of a point source subject to standards established under the provisions of section 306 and that the location, design, construction and capacity of a new cooling water intake structure of a point source subject to the standards established under the provisions of sections 301 and 304(b) of the Act reflect the best technology available for minimizing the adverse environmental impact.

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THURSDAY, DECEMBER 13, 1973
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PART III

FEDERAL ENERGY OFFICE

PROPOSED MANDATORY FUEL ALLOCATION REGULATIONS

■

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

Commodity Control List and Monitoring System

FEDERAL ENERGY OFFICE

[10 CFR Ch. II]

MANDATORY PETROLEUM ALLOCATION REGULATIONS

Notice of Proposed Rulemaking

In order to accommodate new energy regulations being issued by the Federal Energy Office, the heading of Title 10 of the Code of Federal Regulations is changed to read: Title 10—Energy. In addition, a new Chapter II, Federal Energy Office is added, reading as set forth below.

This notice of proposed rulemaking sets forth a program for the allocation of crude oil, residual fuel oil and all refined petroleum products. This regulation is a mandatory regulation which becomes effective on December 27, 1973 after consideration of comments from the public.

The Emergency Petroleum Allocation Act of 1973 (Pub. L. 93–159) signed into law on November 27, 1973, grants to the President of the United States, and directs him to exercise, specific temporary authority to alleviate supply shortages of crude oil, residual fuel oil and all refined petroleum products produced in, imported into or refined in the United States. That authority is to be exercised in a manner which minimizes any adverse impact of supply shortages and dislocations on the domestic economy and the American people. The Emergency Petroleum Allocation Act further authorizes the President to delegate such authority as he is granted to whichever Federal or State officers, departments or agencies he deems appropriate. Pursuant to this grant of authority, Executive Order 11748 (38 FR 33575, Dec. 6, 1973) was issued on December 4, 1973. That Executive Order delegated the Presidential authority under the Act, as well as the Presidential authority under the Economic Stabilization Act of 1970, as amended, to the Administrator, Federal Energy Office.

Shortages of crude oil, residual fuel oil, and refined petroleum products caused by inadequate domestic production, environmental constraints, and the unavailability of imports sufficient to satisfy domestic demand, now exist or are imminent. Such shortages have created or may create severe economic dislocations and hardships, including increased unemployment, closing of factories and businesses, reduction of crop plantings and harvesting, and curtailment of vital public services, including the transportation of food and other essential goods. Such hardships and dislocations jeopardize the normal flow of commerce and constitute a national energy shortage which could threaten the public health, safety, and welfare and therefore requires prompt remedial action by the Executive Branch of the Federal Government.

The mandatory petroleum products allocation program provided for in this proposed regulation is such action. As set forth in the regulatory provisions, this proposed allocation scheme provides, to the extent practicable and necessary to carry out the purposes of the Emergency Petroleum Allocation Act, for:

(A) Protection of public health, safety and welfare (including maintenance of residential heating, such as individual homes, apartments, and similar occupied dwelling units), and the national defense;

(B) Maintenance of all public services (including facilities and services provided by municipally, cooperatively, or investor owned utilities or by any State or local government or authority, and including transportation facilities and services which serve the public at large);

(C) Maintenance of agricultural operations, including farming, ranching, dairy, and fishing activities, and services directly related thereto;

(D) Preservation of an economically sound and competitive petroleum industry; including such priority needs as are required to restore and foster competition in the producing, refining, distribution, marketing and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, small refiners, nonbranded independent marketers, and branded independent marketers;

(E) The allocation of suitable types, grades, and quality of crude oil to refineries in the United States to permit such refineries to operate at full capacity;

(F) Equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all refiners, nonbranded independent marketers, branded independent marketers, and among all users;

(G) Allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of exploration for, and production or extraction of fuels, and for required transportation related thereto;

(H) Economic efficiency; and

(I) Minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms.

In addition, the regulation prescribes—

(A) A dollar-for-dollar passthrough of net increases in the cost of crude oil, residual fuel oil, and refined petroleum products to all marketers or distributors at the retail level; and

(B) The use of the same date in the computation of markup, margin, and posted price for all marketers or distributors of crude oil, residual fuel oil, and refined petroleum products at all levels of marketing and distribution.

The development of this proposed program was based upon forecasts of shortages in petroleum products expected during the first quarter of 1974. On that basis, this proposed allocation program provides for overall equitable redistribution of such supplies to mitigate adverse economic consequences of the shortages.

Petroleum has been a major source of energy in the United States. While in many situations other fuels can substitute for petroleum, in the immediate future the supply of such fuels is limited. Thus, the shortage of petroleum, heightened by the Arab oil embargo, has developed into a general shortage of energy. For this reason, the program set forth in this regulation takes into consideration the desirability and likelihood of substitution of coal, natural gas or electricity for petroleum. While such substitution appears to be generally desirable, no mandatory requirements to accomplish such a goal are provided herein.

It is intended that the allocations and methods of pricing set forth in this regulation will encourage energy conservation and increasingly efficient use of the energy that continues to be used, as well as incentives for increasing the supply of energy available to the United States.

In order to minimize undesirable economic impacts, priority status in the allocations proposed herein has been given to uses essential to the public and welfare, and national defense over certain general consumer uses. Examples include:

1. Each home, all industries, and all commercial and governmental buildings are expected to conserve energy used for space heating and cooling. Each of these classes is expected to control heating in the winter and air conditioning in the summer to maintain the temperature levels assigned to class.

2. Operators of private transportation are expected to conserve petroleum by reducing vehicle operations, carpooling, using mass transportation, using more energy efficient vehicles when possible, etc.

3. The Department of Defense shall receive 100 percent of its current requirements essential for mission performance as reviewed and approved in advance by the Administrator, Federal Energy Office.

The proposed allocation program assumes that petroleum supplies will fall short of unconstrained demand at current prices over a period of years. Allocation as proposed in this program is viewed as a temporary expedient to insure equity, and prevent economic excesses during a period of transition to a more stable long-term solution. Attempts have been made to design the allocation and pricing mechanisms permitting relatively free market conditions in the future and looking toward eventual abandonment of most or all of the allocaton mechanisms.

Periodically, an official appointed by the President (or his delegate) will publish petroleum forecasts. These will include estimates of the amounts of petroleum and petroleum derivatives expected to be available to the United States in the succeeding time period. They will also contain "target" mixes of products to be refined from the available crude oil based on the expected energy consumption patterns for the period. Allocation parameters (such as percentages) and prices for the period will be based on these target figures.

There is currently in effect a voluntary program applicable to gasoline, residual fuel oil and crude oil. In addition, there

are presently effective a mandatory propane allocation program and a mandatory middle distillate fuel allocation program covering kerosene, jet fuel, home heating oil, range oil, stove oil, diesel oil and gas oil. These programs shall remain in effect until December 27, 1973, at which time the proposed regulation published herein shall become effective and supersede all existing allocation programs for these fuels.

Subpart C of the proposed program, applicable to crude oil and refiners, specifies a mandatory program for the allocation of crude oil to refiners and a mandatory refinery yield control program to provide a refined products mix that will conform as nearly as possible to the demands of the various allocation systems proposed herein.

The crude oil allocation program operates to allocate both domestic and imported crude oil to refiners on a pro-rata basis. Each quarter the estimated supply is divided by the total refinery capacity to determine the supply/capacity ratio which will be announced by the Federal Energy Office. Refiners whose supplies exceed the ratio will be required to offer their excess supplies for sale. Refiners whose supplies are below the ratio are eligible to buy available stocks until they reach the proper supply/capacity ratio. Sales and purchases will be made in accordance with usual business practices within the industry.

The refinery yield control program requires each refiner to produce a total amount of gasoline during a period not greater than a specified fraction of the amount of gasoline produced during the base period. The fraction is to be 95 percent initially and may be revised quarterly by the Federal Energy Office. Refiners are urged to maximize the production of distillates, residual fuel oils and petrochemical stocks in their resulting products mix.

Subpart D provides for a mandatory allocation program for propane, butane, and propane-butane mixes. It is intended that this program will (1) meet the needs, within certain specified volume limitations, of priority customers of propane, butane, and propane-butane mixes, (2) allocate equitably to nonpriority customers, and (3) impose constraints upon shipments of propane from merchant storage facilities.

Priority customers will be allocated up to 100 percent of current requirements or a maximum percentage or volume of the quantities purchased during the period October 3, 1972 through April 30, 1973, or purchased during calendar year 1972, depending on the priority use. Nonpriority customers will be allocated an equitable share of the propane remaining after the priority needs are met. The distribution rules will insure that all priority needs are met before allocations are made to nonpriority customers, and that all certified needs shall be met before any purchaser receives supplies in excess of his certified need.

Subpart E sets forth the allocation scheme for gasoline excluding aviation fuel. The following users are to be allocated 100 percent of current requirements: Emergency services, fuel production, public passenger transportation, and agriculture.

Business users, including nonprofit and government users, are allocated 100 percent of their 1972 use. All other users are allocated not more than 90 percent of their 1972 use.

Subpart F sets forth the allocation program for middle distillate fuels on the basis of two categories of users. In Category I, users for purposes of fuel production and public passenger transportation are allocated 100 percent of current requirements subject to certain ceiling limitations. Users for space heating purposes are allocated 100 percent of current requirements consistent with a mandatory reduction in ambient indoor temperatures. Vital community services and medical, dental and nursing services are allocated 110 percent of their 1972 use.

In Category II, users for the following purposes are allocated 110 percent of their 1972 use: Industrial and manufacturing, food production and processing and cargo, freight, and mail hauling. All other users are allocated 100 percent of their 1972 use.

Subpart G prescribes the allocation scheme for aviation fuels. Except for emergency operations and mercy missions which are to be allocated 100 percent to 150 percent of the 1972 volumes, there are three categories of aviation uses. Among civil air carriers domestic carriers are to be allocated 95 percent of their 1972 use until January 7, 1974, and 85 percent thereafter. Small regional airlines are to be allocated 95 percent of their 1972 use until January 7, 1974 and 90 percent thereafter. International carriers are allocated 100 percent of 1972 use before January 7, 1974 and 85 percent thereafter.

In general aviation, commercial and industrial users are allocated 90 percent of their 1972 use, business and executive users 80 percent and personal pleasure and instructional users are allocated 70 percent of their 1972 use. Non-military Federal agencies and the States are allocated 85 percent of their 1972 use.

Subpart H prescribes the allocation scheme for residual fuel oil. Users for purposes of energy production, food production, essential community services, marine shipping and heating for health services will receive 100 percent of current needs.

Heating users will be allocated residual fuel oil on the basis of a schedule of mandatory reductions in ambient inside temperature.

The electric utility industry will be allocated residual fuel oil on the basis of a computation to be made by the Federal Energy Office by which utilities using residual fuel oil will receive a reduced supply of fuel so that each utility within each PAD or PAD grouping will receive an equal electricity cutback to the extent possible.

Industrial users and all other users will receive their current requirements up to 100 percent of 1973 use.

Subpart I sets forth the allocation scheme for other products not provided for elsewhere in the regulation, such as lubricants and petrochemical feedstocks and other products not mentioned by name.

For lubricants and other products, except petrochemical feedstocks, no priorities are specified and for allocations normal business practices apply. There will be pro-rata reductions if demands exceed supply.

For petrochemical feedstocks allocations are based on up to 120 percent of 1972 base use. Any excess supplies over this amount are first allocated to current purchasers on a pro-rata basis and supplies over that amount may be sold at the supplier's discretion.

Part 201 of the regulation proposed herein, relates to the price regulations. With respect to economic units and transactions subject to this Part, the maxium price which a seller may charge and a buyer may pay is the price permitted pursuant to the provisions set forth in Part 150 of Title 6 of the Code of Federal Regulations.

Part 203 of the proposed regulation relates to administrative procedures. This Part sets forth an equitable system of procedures to govern the allocation program, including provisions for complaints and violations, requests, penalties and enforcement and appeals and review.

Because of the emergency nature of the Mandatory Petroleum Products Allocation Program, and for other good cause appearing, it is hereby determined that publication of this Chapter in accordance with normal rulemaking procedure is impracticable and that good cause exists for making these regulations effective in less than 30 days. Notwithstanding the abbreviated rulemaking procedure, however, comments and views regarding the proposed chapter may be filed to be received not later than 5 p.m., e.s.t., December 20, 1973.

Additional comments on the various parts and subparts of this proposed regulation should be directed separtely as follows:

Box 10: Preamble, general provisions, general definitions—Subparts A & B.
Box 11: Crude oil and refinery capacity—Subpart C.
Box 12: Propane and butane—Subpart D.
Box 13: Motor Gasoline—Subpart E.
Box 14: Middle Distillates—Subpart F.
Box 15: Aviation Fuels—Subpart G.
Box 16: Residual Fuel Oil—Subpart H.
Box 17: Other Petroleum Products—Subpart I.
Box 18: Subparts J-M.
Box 20: Price Regulations—Part 201.
Box 30: Procedural Regulations—Part 202.

Direct comments to:

William E. Simon, Administrator
(c/o the appropriate box as above)
Federal Energy Office
1016 16th Street, NW.
Washington, DC 20036

(Economic Stabilization Act of 1970 as amended by the Economic Stabilization Act

Amendments of 1973, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575.)

Effective date. In consideration of the foregoing, this chapter will become effective as a final regulation on December 27, 1973.

Issued in Washington, D.C. on December 11, 1973.

JOHN C. SAWHILL,
Deputy Administrator,
Federal Energy Office.

Part

200 Mandatory Petroleum Products Allocation Regulations
201 Mandatory Petroleum Product Allocation Price Regulations
202 Administrative Procedural Regulations

PART 200—MANDATORY PETROLEUM PRODUCTS ALLOCATION REGULATIONS

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AUTHORITY: Economic Stabilization Act of 1970, as amended by the Economic Stabilization Act Amendments of 1973, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat., Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575.

PART 200—MANDATORY PETROLEUM PRODUCTS ALLOCATION REGULATIONS

Subpart A—General Provisions

§ 200.1 Scope.

The provisions in this subpart apply to this chapter with respect to the domestic allocation through normal distribution systems of crude oil, residual fuel oil, and refined petroleum products as herein defined produced in or imported into the United States.

§ 200.2 Exclusions.

The regulations in this chapter do not apply to:

(a) The first sale of crude oil produced in the United States from any lease whose average daily production of crude oil for the preceding calendar year does not exceed ten barrels per well when operating at the maximum rate of production and in accord with recognized conservation practices;

(b) Paraffin wax, as herein defined: Wax removed from petroleum distillates and residues by chilling, dewaxing, and de-oiling. When separating from solutions it is a colorless, more or less translucent, crystalline mass, slightly greasy to touch, and consisting of a mixture of solid hydrocarbons in which the paraffin series predominates. Included are all marketable wax whether crude scale or refined, in three grades as follows:

(1) *Microcrystalline.* Wax extracted from certain petroleum residues and having a finer and less apparent crystalline structure than paraffin wax, and having the following physical characteristics:

(i) Penetration at 77° F. (D-1321)—60 maximum.

(ii) Viscosity at 210° F.S.U.S. (D-88)—60 minimum (10.22 CS/150 maximum (31.8 CS).

(iii) Oil content (D-721)—5 percent maximum.

(2) *Crystalline, Fully Refined.* A paraffin wax having the following physical characteristics:

(i) Viscosity at 210° F.S.U.S. (D-88)—59.9 maximum (10.18 CS).

(ii) Oil Content (D-721)—0.5 percent maximum.

(iii) Other—+20 Color, Saybolt, Min.

(3) *Crystalline, Other.* A paraffin wax having the following physical characteristics:

(i) Viscosity at 210° F.S.U.S. (D-88)—59.9 maximum (10.18 CS).

(c) PETROLEUM COKE, as herein defined: A solid residue; the final product of the condensation process in cracking. Consisting mainly of highly polycyclic aromatic hydrocarbons very poor in hydrogen, including petroleum coke which when calcinated yields almost pure carbon or artificial graphite suitable for production of carbon or graphite electrodes, structural graphite, motor brushes, dry cells, etc. This definition includes both forms listed below:

(1) *Marketable.* Those grades of coke produced in delayed or fluid cokers which may be recovered as relatively pure carbon. This "green" coke may be further purified by calcining or may be sold in the "green" state.

(2) *Catalyst.* In many catalytic operations (i.e., catalytic cracking) carbon is deposited on the catalyst, deactivating the catalyst. The catalyst is reactivated by burning off the carbon, using it as a fuel in the refinery process. This carbon or coke is not recoverable in a concentrated form. For statistical purposes, the amount of catalyst coke may be estimated by using an average weight percent (1.5%–8.5%) of charging stock.

(d) Asphalt, as herein defined: A dark brown to black cementitious material in which the predominating constituents are bitumens, which occur in nature or are obtained in petroleum processing. Consistency can vary from a liquid to a solid. Essentially, it is totally soluble in carbon disulfide and prepared as the residue from the distillation of an asphaltic crude oil or as the insoluble portion of an asphaltic crude oil or as the insoluble portion of an extraction process utilizing propane or other suitable solvent. The definition includes crude asphalt as well as finished products such as: cements, fluxes, the asphalt content of emulsions (exclusive of water), and petroleum distallates blended with asphalt to make cutback

asphalts. Included within this definition are the following forms of asphalt:

(1) *Asphalt—Emulsified.* A fluid asphalt product composed of asphalt and water compounded and processed with emulsification agents to produce a stable suspension of minute globules of asphalt in water, or alternatively, a suspension of minute globules of water in a liquid asphalt. Emulsified asphalts may be either the anionic or cationic types.

(2) *Asphalt—Cement.* A solid or semisolid asphalt which has not been modified by the addition of a low or intermediate boiling range solvent, emulsification, or by the addition of inorganic fillers, and has been especially prepared as to quality and consistency for direct use in the manufacture of bituminous pavements, or in manufacture of roofing materials or other industrial products. It can be fluxed or unfluxed.

(3) *Asphalt—Flux.* A high boiling hydrocarbon liquid or liquid asphalt used to reduce the consistency or viscosity of hard asphalt to the point required for use. More commonly used to designate soft asphalts for the roofing industry.

(4) *Asphalt—Cutback.* Asphalt products produced by blending asphalt with solvents such as naphtha, kerosene, No. 2 Fuel Oil, diesel oil or other volatile solvents. Upon exposure to the atmospheres the volatile product evaporates leaving the asphalt.

(e) Road oil (slow curing oil), as herein defined: Any heavy petroleum oil, including residual asphaltic oils, used as a dust palliative and surface treatment of roads and highways. It is generally produced in six grades from 0, the most liquid, to 5, the most viscous.

(f) Refinery gas, as herein defined: A form of gas normally produced in the refining of crude oil which is predominately used for refinery fuel. If these refinery gases are further refined or separated into component products, these products are subject to allocation under Subpart I of this part unless specifically excluded therein.

§ 200.3 Exceptions.

When necessary to accomplish the purposes of the Act, exceptions to these regulations may be ordered by Federal Energy Office (hereinafter "FEO") upon appropriate findings made pursuant to request submitted as required under the provisions of Subpart B of Part 202 of this chapter.

§ 200.4 Exemptions.

Pursuant to the provisions of Section 4(g)(2) of the Act and in accordance with the provisions thereof, upon a finding that:

(a) Application of these regulations to crude oil, residual oil or a refined petroleum is not necessary to carry out this Act;

(b) That there is no shortage of such oil or product; and

(c) Exempting such oil or product from the regulations of this Chapter will not have an adverse impact on the supply of any other oil or refined petroleum product subject to these regulations, the FEO may prescribe an amendment to these regulations exempting such oil or product from these regulations for a period of not more than ninety (90) days. *Provided, however,* That any such amendment shall be subject to the approval of the Congress under the requirements provided in the Act.

§ 200.5 Termination.

The regulations in this chapter and subsequent amendments thereto shall remain in effect until midnight, February 28, 1975: *Provided, that,* Such termination shall not prejudice any action, civil or criminal, not finally determined on that date, nor any action or proceeding based upon any act committed prior to midnight, February 28, 1975.

§ 200.6 Preemption.

Except to the extent provided in this part, or specifically provided elsewhere in this chapter, the regulations in this chapter preempt any other regulatory scheme or statutory provisions applicable to the allocation of the products subject to these regulations, whether Federal or State, to the extent that any such scheme or provision is inconsistent with any provision of these regulations.

§ 200.7 Force majeure.

The regulations in this chapter with respect to the allocation of the products subject to this chapter, to the extent required to accomplish the purposes of the Act, supersede the provisions of any private agreement, understanding or contractual arrangement to the extent that any such arrangement is inconsistent with the provisions of this chapter, or the purposes of the Act. It shall be a defense to any legal proceeding brought for breach of any such private agreement, understanding or contractual arrangement that such breach resulted solely from compliance with any provision of this chapter.

§ 200.8 Violations and compliance.

Any practice which circumvents or results in the circumvention of the requirements of any provision of the regulations of this chapter or any order issued pursuant thereto is a violation of the regulations of this chapter.

§ 200.9 Sanctions.

Sanctions for the violation of the provisions of this Chapter or any order issued pursuant thereto are set forth in §§ 202.21 and 202.22 of this chapter.

§ 200.10 Injunctions and other relief.

Provisions for injunctions and other relief are set forth in §§ 202.23 and 202.24 of this chapter.

§ 200.12 Administrative actions.

Upon a finding that any figures or data used under the regulations of this chapter in the calculation of allocation of any product subject to these regulations is incorrect or otherwise inaccurate, the Federal Energy Office may take appropriate action to adjust any such figures or data and any allocations based thereon to a level otherwise permitted under this chapter.

§ 200.13 Adjustments to the allocation program.

To meet imbalances that may occur in the supplies of any product subject to the regulations of this chapter, the Federal Energy Office may order the transfer of amounts of any such product from one region or area to another. Further, the FEO may allocate any such supplies of such products among suppliers in order to remedy supply imbalances. To the extent practicable, such transfers or allocations will be accomplished using existing transportation systems for such products.

§ 200.14 Normal business practices.

Suppliers will deal with purchasers according to normal business practices. Nothing in this program shall be construed to require suppliers to sell to purchasers who do not arrange proper credit or payments for products. However, no supplier may require or impose discriminatively more stringent credit terms or payment schedules on purchasers than the normal business practice of the supplier, nor may any supplier modify any other normal business practice so as to result in circumvention of any provision of this chapter.

§ 200.15 Relationship with other Government programs.

(a) Except as specifically provided in Subpart J of this part, or elsewhere in the provisions of this subpart, no provision of this chapter is intended to conflict with any rule or regulation of the Mandatory Oil Import Program, the Clean Air Act, or the Federal Antitrust Laws.

(b) The Federal Energy Office will assist the States in establishing their program for assignment of state reserves and in alleviating exceptional hardship cases.

§ 200.16 Delegation to state Governors.

(a) *State offices.* Pursuant to section 5(b) of the Emergency Petroleum Allocation Act of 1973, the Governor or chief executive of each State is hereby authorized to create a State Office of Petroleum Allocation within his jurisdiction. Each State Office will assume responsibilities specified in the provisions of this Chapter or in orders issued pursuant to the Emergency Petroleum Act of 1973.

(b) *Local boards.* The Governor or chief executive of each State is hereby authorized to create a local Petroleum Allocation Board for each county, metropolitan area, or other geographic or political unit within his jurisdiction. *Provided, however,* That no area of any State shall be served by more than one board. A sufficient number of boards shall be established in each State to ensure their geographic accessibility and responsiveness to appropriate requests and petitions.

§ 200.17 Ratification of prior directives, orders and actions.

Unless modified by any provisions of this chapter, any directive, order or action in effect pursuant to section 203 (a) (3) of the Economic Stabilization Act of 1970, as amended will remain in effect:

(a) Until its expiration by its own terms; or

(b) Until its revocation or amendment by any directive or order or superseding regulation issued under the provisions of this chapter; or

(c) Until the expiration of the Act, whichever of these shall first occur.

§ 200.18 Separability.

If any provision of the regulations of this chapter, or the applicability thereof, is held invalid, the remainder of the provisions of this chapter shall not be affected thereby.

§ 200.19 Pricing regulations.

The pricing provisions applicable to this chapter are provided in Part 201 of this chapter.

§ 200.20 Procedural regulations.

The procedural provisions applicable to this chapter are provided in Part 202 of this chapter.

§ 200.21 Petitions by governors.

The Governor of any State may petition the Federal Energy Office to alter priorities or the allocation rules for crude oil, residual fuel oil, or any refined petroleum product, or both, within that State or for all States.

§ 200.22 Department of Defense allocations.

Allocation of crude oil, residual fuel oil, or any refined petroleum product to the Department of Defense will be in the amount of 100% of current requirements except for space heating and housekeeping requirements. However, all such requirements shall be submitted to the Administrator of the Federal Energy Office on a quarterly basis and may take effect only following his approval thereof.

Subpart B—Definitions

§ 200.23 Scope.

The sections of this subpart define terms used repeatedly throughout this chapter. These definitions apply to all portions of this chapter except as provided in this section. A term of general application defined in this subpart is occasionally used in a different sense in a particular portion of this chapter. In such a case, the term is specifically redefined in the section or subpart in which it is used differently, and the scope of the redefinition is stated therein. Terms whose use is limited to a specific section or subpart are defined in that section or subpart.

§ 200.24 General definitions.

"The Acts" are the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159) and section 2 of the Economic Stabilization Act of 1973 (Pub. L. 93-28).

"Adjusted non-priority base period volume" means the amount which is assigned by the Federal Energy Office to a wholesale purchaser or by the Local Board to other purchasers for non-priority uses, in lieu of the actual non-priority base period purchases or usage of the purchaser, and which a supplier must use as a base for calculating non-priority allocations.

"Adjusted priority base period volume" means the amount which is assigned by the Office of Petroleum Allocation to a wholesale purchaser or by the Local Board to other purchasers for priority uses, in lieu of the actual priority base period purchases or usage of the purchaser and which a supplier must use as a base for calculating priority allocation.

"Adjustment" means a change in a person's authorized supply volume. Such adjustments shall be supplied by the petitioner's authorized supplier during the designated period. Such adjustments shall be made only upon written authorization pursuant to Subpart B of Part 202 of this chapter. An adjustment may either increase the person's supply volume, regardless of that person's allocation level as determined in this Part 200, or result in a redistribution of volumes supplied during the designated period. All adjustments are subject to proportional reduction due to an allocation fraction or other proportional deduction as set forth in this Part 200.

"Adverse action" means an action by the Federal Allocation Officer, the Regional Administrator, the Administrator of F.E.O., or authorized State official, denying in whole or in part a requested interpretation, ruling or other action on the merits which is contrary to the position asserted by the person seeking the interpretation, ruling or action, excluding a notice of violation.

"Agricultural production" means the commercial farming, dairy, livestock and fishing activities and services directly related to the planting, cultivation, harvesting, processing and distribution of fibre, tobacco, and food intended for human consumption and animal feed.

"Allocated substance" means crude oil, residual fuel oil, or any refined petroleum product subject to allocation pursuant to this regulation.

"Allocation fraction" means a fraction calculated as described in this regulation, which each supplier will use to apportion his non-priority allocable supply among all his purchasers based on their non-priority base period volumes.

"Allocation level" means the proportion of a purchaser's certified need that his supplier is authorized by this regulation to deliver to him if sufficient amounts are available. The allocation level varies with the class of purchaser or the end-use to be made of the allocated substance.

"Allocation requirement" means the product of a purchaser's priority need non-priority need, priority heating need or non-priority heating need, multiplied by the applicable allocation level.

"Assigned customer" is any user of middle distillate who is assigned a supplier by the Federal Energy Office and whom the supplier must supply for the duration of this program unless otherwise directed.

"Assignment" means an action taken by the Administrator, Federal Energy Office, or an authorized State official, designating that an authorized wholesale customer or purchaser or end-user, be supplied at an allocation level determined by the Federal Energy Office or authorized State official, by a specified supplier.

"Aviation gasoline" means petroleum based fuels designed for use in aircraft internal combustion engines and complying with MIL-G-5572 specification (ASTM Specification D-910-70).

"Base period" means the corresponding month in a twelve month span designated in Subpart C, D, E, F, G, H, or I of this part.

"Certification of need" is the act of providing a supplier with base period allocation volumes or current requirements data upon Federal Energy Office forms or otherwise pursuant to this regulation.

"Complaint" means an allegation, supported by relevant facts, of a violation of the regulations.

"Crude oil" means a mixture of hydrocarbons that exist in the liquid state in natural underground reservoirs and remain liquid at atmospheric pressure after passing through surface separating facilities.

"Degree-day formula" means any one of the various systems in use by retailers to provide end-users with automatic delivery service.

"Emergency services" are law enforcement, fire fighting, and emergency medical services.

"End-user" is any ultimate consumer of residual fuel oil or refined petroleum products.

"Energy production" means the exploration, drilling, mining, refining, processing, production and distribution of coal, natural gas, geothermal energy, petroleum or petroleum products, nuclear energy, and electrical energy by hydroelectric means. For the purposes of all subparts except Subparts F and H of this part, the term energy production includes the production and distribution of electrical energy by any means.

"Importer" means any firm, corporation, cooperative, governmental unit or other person that imports any allocated substance into this country.

"Independent marketer" for purposes of this regulation means either a branded independent marketer or a non-branded independent marketer.

(a) The term "branded independent marketer" means a person who is engaged in the marketing or distributing of refined petroleum products pursuant to—

(1) An agreement or contract with a refiner (or a person who controls, is controlled by, or is under common control with such refiner) to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner (or any such person), or

(2) An agreement or contract under which any such person engaged in the marketing or distributing of refined petroleum products is granted authority to occupy premises owned, leased, or in any way controlled by a refiner (or person who controls, is controlled by, or is under common control with such refiner),

but who is not affiliated with, controlled by, or under common control with any refiner (other than by means of a supply contract, or an agreement or contract described in paragraph (a) (1) or (2)) of this definition, and who does not control such refiner.

(b) The term "nonbranded independent marketer" means a person who is engaged in the marketing or distributing of refined petroleum products, but who (1) is not a refiner, (2) is not a person who controls, is controlled by, is under common control with, or is affiliated with a refiner (other than by means of a supply contract), and (3) is not a branded independent marketer.

"Independent refiner means a refiner who (a) obtained, directly or indirectly, in the calendar quarter which ended immediately prior to November 27, 1973, more than 70 per centum of his refinery input of domestic crude oil (or 70 per centum of his refinery input of domestic and imported crude oil) from producers who do not control, are not controlled by, and are not under common control with, such refiner, and (b) marketed or distributed in such quarter and continues to market or distribute a substantial volume of gasoline refined by him through branded independent marketers or nonbranded independent marketers.

"Local Board" means a public body made up of individuals appointed by the governor or chief executive of a State to consider requests for relief based on exceptional hardship.

"Local governmental unit" means any county, city, or other political subdivision of a State, and any special purpose district.

"LPG" means propane and butane, but not ethane.

"Medical and nursing buildings" are buildings that house medical, dental and nursing practices including the use of clinics, hospitals, nursing homes and other facilities (including those for the elderly) listed in Appendix I of 6 CFR 300.18 and 300.19.

"Middle distillates" means any derivatives of petroleum used for burning, including kerosene, kerosene-base jet fuel, home heating fuel, range oil, stove oil and diesel fuel, which have a fifty percent boiling point in the ASTM D86 standard distillation test falling between 371° and 700° F.

"Motor gasoline" means a mixture of volatile hydrocarbons, suitable for operation of an internal combustion engine, whose major components are hydrocarbons with boiling points ranging from 140° to 390° F. and whose source is through distillation of petroleum and cracking, polymerization, and other chemical reactions by which the naturally occurring petroleum hydrocarbons are converted to those that have superior fuel properties.

"Non-priority allocable supply" means the difference between the total allocable supply of the allocated substance of the supplier and the sum of the allocation requirements for priority uses and, in the case of middle distillates, for heating uses of his purchasers.

"Non-priority allocation requirement" for a supplier of end-users is the product of the aggregate non-priority needs of all his end-use purchasers for each non-priority class of use multiplied by the applicable allocation level for that use classification. The non-priority allocation requirement for suppliers selling for resale is the aggregate non-priority allocation requirements for his purchasers. Suppliers selling for both end-use and resale should combine these two figures to determine their priority allocation requirement.

"Non-priority base period volume" of a purchaser means non-priority purchases or, in the case of middle distillates, usage of the allocated substance, during the corresponding month of the base period.

"Non-priority base period volume of a supplier" means the sum of the non-priority base period volumes and the adjusted non-priority base period volumes of his purchasers for each month.

"Non-priority heating allocation requirement" for a supplier of end-users is the product of the aggregate non-priority heating needs of all his end-use purchasers for each priority class of use multiplied by the applicable allocation level for that use classification. The non-priority heating allocation requirement for suppliers selling for resale is the aggregate non-priority heating allocation requirements of his purchasers. Suppliers selling for both end-use and resale should combine these two figures to determine their non-priority heating allocation requirement.

"Non-priority heating need" of an end-user is that portion of his non-priority base period volume of an allocated substance used for space heating purposes, modified by a usage factor or otherwise in accordance with this regulation.

"Non-priority need" means the non-priority base period volume or adjusted non-priority base period volume of an end-user.

"Notice of violation" means a written statement issued to a person by the Federal Allocation Officer or the Regional Administrator setting forth one or more charges of alleged violations of the Program.

"Priority allocation" means the quantity of the substance being allocated which a supplier must distribute to all of his purchasers for their priority need as provided elsewhere in these regulations.

"Priority allocation requirement" for a supplier of end-users is the product of the aggregate priority needs of all his end-user purchasers for each priority class of use multiplied by the applicable allocation level for that use classification. The priority allocation requirement for a supplier selling for resale is the aggregate priority allocation requirements of his purchasers. Suppliers selling for both end-use and resale should combine these two figures to determine their priority allocation requirement.

"Priority base period volume" of a purchaser means the priority purchases or, in the case of middle distillates, usage of the allocated substance, during the corresponding month of the base period.

"Priority base period volume of a supplier" means the sum of the priority base period volumes and the adjusted priority base period volumes of his purchasers for each month.

"Priority heating allocation requirement" for a supplier of end-users is the product of the aggregate priority heating needs of all of his end-use purchasers for each priority class of use multiplied by the applicable allocation level for that use classification. The priority heating allocation requirement for suppliers selling for resale is the aggregate priority heating allocation requirements of his purchasers. Suppliers selling for both end-use and resale should combine these two figures to determine their priority heating allocation requirement.

"Priority heating need" of an end-user is that portion of his priority base period volume or (in cases where the relevant allocation level is in terms of current requirements) current requirements of an allocated substance used for space heating purposes, modified by a usage factor or otherwise in accordance with this regulation.

"Priority need" means the priority base period volume, adjusted priority base period volume, or (where the relevant allocation level is in terms of current requirements) current requirements of an end-user.

"Public health, safety, and welfare" are those qualities of life preserved and protected by hospitals and law enforcement, fire fighting, and emergency medical services, both public and private. In addition, public health is protected by the maintenance of residential heating in individual homes, apartments, and similar occupied dwelling units. Public health is also protected by the provision of sanitation services.

"Public services" are

(a) All services provided by all levels of government, including local governmental units;

(b) Mail delivery;

(c) Transportation services, as defined in this subpart; and

(d) Facilities and services provided by municipally, cooperatively, or investor owned utilities.

"Refined petroleum product" means gasoline, kerosene, distillates (including Number 2 fuel oil), LPG, refined lubricating oils, or diesel fuel.

"Regional Administrator" means, for the purpose of this regulation, the Director of a Regional Office of the FEO. The Regional Administrators shall be located in Boston, Massachusetts; New York, New York; Philadelphia, Pennsylvania; Atlanta, Georgia; Chicago, Illinois; Dallas, Texas; Kansas City, Missouri; Denver, Colorado; San Francisco, California; and Seattle, Washington.

"Regional office" means regional office of the Federal Energy Office.

"Residual fuel oil" means those fuel oils commonly known as Nos. 4, 5, and 6 fuel oils, Bunker C and all other fuel oils which have a fifty percent boiling point over 700° F. in the AFTM D86 standard distillation test.

"Sanctions" means the penalties as described in Subpart F, of part 202 of this chapter.

"School" means an educational institution up through the secondary level that maintains a regular facility and curriculum and has a regularly organized body of students in attendance at the place where its educational activities are regularly carried on. The term school, as used in this regulation, does not include institutions of higher learning.

"Small refiner" means a refiner whose total refinery capacity (including the refinery capacity of any person who controls, is controlled by, or is under common control with such refiner) does not exceed 175,000 barrels per day.

"State" means each of the 50 States, the District of Columbia, Puerto Rico, possessions and territories within the Custom Territory of the United States.

"State office" means the office designated by the governor or chief executive of each State, pursuant to this regulation, to handle requests for assistance from the State reserve.

"State Reserve" is that amount of those products subject to the State Reserve under this Part 200 which a supplier intends to distribute within that State. The State reserve represents a call on future supplies and will not be taken from current supplies except when deemed essential by the State office to meet temporary exceptional hardship. When the State reserve is depleted due to calls on present supplies, suppliers affected may deduct the depleted portion from their supplies available for distribution during the succeeding month as long as such deduction is distributed proportionately over all of that supplier's customers. The State office will make withdrawals from the State reserve on a monthly basis, but may authorize withdrawals from the State reserve for up to 60 days.

"Supplier" means any refiner, importer, marketer, jobber, distributor, terminal operator, firm, corporation (including any broker), cooperative, Federal, State or local governmental unit or other person who supplies any allocated substance either to end-users or for resale. A supplier may also be a wholesale purchaser.

"Total allocable supply" means the total supply of each allocated substance of a supplier. This includes supplies produced and/or received during the allocation month, plus a portion of inventory pro rated so as to assure a fairly constant allocation fraction for non-priority uses throughout the period of peak use.

"Transportation services" are

(a) Surface, including water and rail, facilities and services for carrying passengers whether public or privately owned, which serve the general public; and

(b) Transportation of pupils to school in a school bus.

"Utility" means a facility subject to regulation by a Federal or State commission, that generates electricity, by any means, and sells it to the public.

"Wholesale customer or purchaser" means any firm, corporation, cooperative, Federal, State, or local governmental unit, or other person that purchases allocated substances in bulk (tankwagon or larger volume per delivery) or in annual volumes of at least 84,000 gallons for each allocated substance considered. A wholesale purchaser may also be a supplier.

Subpart C—Crude Oil

§ 200.25 Scope of coverage.

(a) This subpart provides for the mandatory allocation of all crude oil produced in or imported into the United States and a program of refinery yield control.

(b) However, stripper wells not operating at the maximum feasible rate of production and in accord with recognized conservation are not excluded from the coverage of this subpart.

(c) This subpart applies to all producers, refiners, and others who purchase crude oil from producers directly or indirectly for resale or transfer to refineries. However, only refiners are required to report to the FEO and to take certain actions based on directives by the FEO. For purposes of this program, crude oil includes lease condensate. All persons able to increase the amount of imported crude oil, through competition or control, are especially encouraged to do so.

§ 200.26 Definitions.

(a) Refineries are those industrial plants, regardless of capacity, operating on feedstocks of crude petroleum and producing finished products in any sector of the petroleum fuels or petrochemical industry.

(b) Refiners are those persons, companies, or other corporate entities that own, operate or control the operations of one or more refineries.

(c) Refining capacity is defined as the greater of that capacity reported to the Bureau of Mines prior to December 1, 1973, or actual crude oil runs (on a calendar day basis) as reported to the Bureau of Mines for January through November, 1973. In the event a refiner has received a starter allocation under section 25 of the Oil Import Regulations for a refining expansion since reporting refining capacity to the Bureau of Mines, the refiner may elect to report his new capacity to the Bureau of Mines as the previously reported capacity plus the refinery expansion for which a starter allocation was awarded.

(d) For purposes of this section the term crude oil will include lease condensate.

§ 200.27 Allocation.

(a) All refiners will be treated equitably under this program.

§ 200.28 Distribution system.

(a) Refiners who are required to sell crude oil must offer this crude oil, directly or through exchange, to refiners who are eligible to purchase crude oil under this program. The crude oil offered must be suitable for processing in and practical for delivery to plants of purchasing refiner.

(b) The type of crude oil purchased or sold, the location of each sale, and the terms and conditions of sale shall be agreed upon by individual companies conducting the transactions consistent with normal business practice, subject to provisions of these regulations and to the applicable laws in effect at the time of the transaction.

(c) In the event of supply disruptions that substantially affect the program, or any refiner, the FEO may terminate or reduce the sales volumes of any agreements made as required by this program, publish new lists or partially new lists, and issue additional instructions for sales to bring the program back into reasonable balance.

(d) Refiners who are eligible to purchase crude oil under this program and who desire to purchase crude oil but are unable to negotiate a contract for crude oil within the time period allotted may request that the FEO compel a refiner, required to sell crude oil, to sell an acceptable type of crude oil to the deficit refiner. Upon such request, the FEO may direct a refiner who has not sold its required volume to sell crude to the deficit refiner. Should the deficit refiner then decline to purchase the crude oil specified by the FEO, any of that refiner's rights to purchase that volume of crude oil based on the allocation program are forfeited during the quarter, provided that all other terms of the allocation program have been met by the seller.

(e) Refiners required to sell crude oil under the provisions of this program who have not negotiated contracts for the sale of the required volumes to refiners allowed to purchase crude oil, within 30 days of issuance of legal notification shall notify the FEO and may be directed by the FEO to sell certain volumes of a particular crude oil to specified customers to comply with the program.

(f) Any refiner who has not negotiated a contract to sell or purchase the required

amount of crude oil within 30 days, and an eligible purchaser has requested assistance of FEO, and who are directed to buy or sell crude oil to comply with this program by the FEO, shall each pay to the FEO an administrative fee of 25 cents per barrel of crude oil directed to be sold or purchased. This administrative fee cannot be passed on to a refiner's customers through a product price increase.

(g) Exchanges of crude oil may be utilized to comply with the purchase and sell provisions of this program, provided they are on a barrel for barrel basis. Normal quality exchange differentials are allowed.

§ 200.29 Method of allocation.

(a) One program is established for all of the U.S. For purposes of this subpart, Puerto Rico and the Virgin Islands are included in PAD Districts I–IV and Guam is included in PAD District V.

(b) Notwithstanding any provision to the contrary contained herein, upon written notice given to the then purchaser of crude at least 30 days prior to the commencement of any allocation quarter that this program is in effect, a producer may sell all or any portion of his crude oil to another purchaser for that allocation quarter. New crude petroleum and released crude as defined in 6 CFR 150.-354 shall be priced in accordance with that regulation.

(c) Based upon acceptable estimates of total supplies of crude oil to become available during a given quarterly period in relationship to total refinery capacity, refiner supply/capacity ratio will be calculated and announced by FEO.

(1) Refiners whose estimate of crude supplies to become available during the quarter would result in a supply/capacity ratio exceeding FEO's prescribed ratio are required to offer for sale and sell crude oil supplies to eligible purchasers in amounts sufficient to reduce the aggregate supply/capacity ratio for its refineries to the respective FEO ratio.

(2) An eligible purchaser listing, consisting of those refiners whose refinery operations are so deficient in crude oil supplies to become available that their supply/capacity ratio is more than 0.02 below the FEO ratio, will be published in the form of a legal notification together with a listing of those required to sell.

(d) The price at which crude oil shall be offered for sale as required by this program in Districts I–IV or District V during any particular month that this subpart is in effect shall be the weighted average price of all crude oil delivered to the seller's plants in Districts I–IV, or District V (calculated as two separate values), during a particular month, plus a 6 percent handling fee, plus any transportation adjustment specified in paragraph (f) of this section, plus a gravity adjustment as specified in paragraph (g) of this section. Each refiner required to sell oil under this program shall maintain records, which shall be made available to the FEO upon request, listing the volumes and delivered prices of all crude oils delivered to its refineries during each month. Two separate weighted average costs shall be calculated, one for crude oils delivered to refineries in Districts I–IV and one for crude oils delivered to refineries in District V.

(e) For the purpose of calculating the weighted average delivered price, the delivered cost of each domestic crude oil shall be the purchase price of the crude oil, at the point of purchase, plus any gathering or trucking allowances, pipeline tariffs, water transportation costs, terminalling costs and exchange differentials paid to deliver the crude oil to the seller's refineries. For imported crude oil, the delivered price shall be the contract purchase price, if purchased from a separate company, or the price at which the foreign crude oil is transferred to the U.S. corporation for income tax purposes at the point of purchase, if purchased from a foreign subsidiary, plus any pipeline tariffs, water transportation costs, terminalling costs, exchange differentials, import fees, insurance, duty, and taxes paid to deliver crude oil to the seller's refineries. All costs are as defined by the COLC (if defined) to calculate raw material cost passthroughs.

(f) Actual additional transportation expenses incurred to move the offered crude oil to the purchaser's refinery shall be paid by the purchaser. Actual transportation expenses saved as a result of moving the offered crude oil directly to the purchaser's refinery shall be deducted from the selling price.

(g) Each refiner required to sell crude oil will also calculate a weighted average gravity (°API) for all crude oil estimated to be delivered to refineries in Districts I–IV and District V. The price of crude oil offered for sale will be the weighted average price plus or minus 2¢ per barrel per °API that the actual crude oil being offered for sale is above or below the weighted average °API in District I–IV and 5¢/Bbl. that the actual crude oil being offered for sale is above or below the weighted average °API gravity in District V.

§ 200.30 Procedures and timing requirements.

(a) *Initial report.* At a date specified by the Administrator, FEO, each refiner will provide the FEO with a report showing the following.

(1) Estimated runs of all various types of crude oil for the refiner during the period from January 1, 1974, through April 30, 1974.

(2) The capacity of each of its refineries as reported to the Bureau of Mines prior to December 1, 1973, or alternatives as previously mentioned.

(3) The estimated amount of crude oil to be delivered to other refiners plants for processing for its own account under a processing agreement.

(b) *Subsequent reports.* Within fifteen (15) days following the end of a calendar quarter, each refiner will provide the FEO with a report showing the following:

(1) Estimated runs of all various types of crude oil for the refiner during the current quarter.

(2) Actual runs of all various types of crude oil for the refiner during the preceding quarter.

(3) Any changes in refining capacity since the previous report. In order for reported capacity expansions to be eligible for use in determining crude oil allocations, it will be necessary that the refinery expansions qualify for allocation under Section 25 of the Oil Import Regulations.

(4) The estimated amount of crude oil to be delivered to other refiners plants during the quarter for processing for the account of the reporting refiner under a processing agreement.

(5) The actual amount of crude oil delivered to other refiners for processing for the account of the reporting refiner during the preceding quarter.

(c) (1) The report shall identify each domestic and foreign crude oil by stream or name and give the average daily volume delivered or estimated to be delivered to each refiner. All reports shall be certified for correctness by an officer of the company. Supporting documents may be required by the FEO as it deems necessary.

(2) The projected volume of imported crude oil reported shall be that which the company anticipates importing from January 1, 1974, through April 30, 1974, and succeeding three month periods.

(d) Following receipt of the above report, the FEO will publish a legal notification showing required sales volumes and purchase opportunities for each refiner in Districts I–V and will constitute instructions to the refiners to sell the required volumes of crude oil or inform them of their opportunities to purchase additional supplies. The commencement date for making sales as required under this program will be the date the lists are published. Any agreements for the sale or purchase of crude oil after that date shall be retroactive to such date.

(e) Within 30 days of the date the lists are published, each refiner shall make a report to the FEO showing purchases and sales made to comply with the program.

(f) For succeeding quarters, the FEO will recalculate the fraction of available supplies and republish the list showing required sales volumes and purchase opportunities. The volumes on the sales and purchase list will be modified by the difference between the estimated available volume of crude oil during the preceding quarter and the actual volumes of crude oil delivered to refiners during the preceding quarter. Refiners are urged to maintain the same buy/sell relationships, where possible, during succeeding quarters.

(g) Each transaction made to comply with this program shall be reported to the FEO. This report will indicate the selling and purchasing refiner, the estimated weighted average crude oil cost of the selling refiner for the first month of the sales contract modified by any allowed transportation cost adjustments, and the identity and volumes of the crude oil sold.

(h) All exchanges of foreign oil for domestic crude oil in effect at the initiation of this regulation shall remain in effect as long as the foreign crude oil being delivered for exchange continues to be available. In the event that supplies of foreign crude oil being exchanged become unavailable through circumstances not under the control of the person, firm, or corporation that is supplying the foreign crude oil, and other replacement crude oils cannot be secured, then the exchange agreement may be terminated, upon 7 days notice, provided that a full report is sent to the FEO and that the FEO is notified by telegram at the time of the notice.

(i) It shall be each refiner's responsibility to report to the FEO any changes in available supply subject to allocation. Such reports may be filed at any time. Periodic reports listing available supply and changes in supply, including new supply, shall also be filed quarterly within 15 days after the end of each quarter.

(j) In the event that a refiner's estimated supply has been reduced during the allocation period through circumstances not within his control, the refiner shall properly document the circumstances to the FEO which will then investigate and attempt to resolve the shortfall equitable as provided in paragraph (c) of this section.

§ 200.31 Crude oil sales periods.

(a) The first crude oil sale period shall be for the four month period January 1, 1974, through April 30, 1974. Subsequent crude oil sales shall be for three month periods beginning May 1, 1974.

(b) Within fifteen (15) days following the end of the first quarter (March 31, 1974), refiners will report their estimated performance for the current quarter and actual performance for the preceeding quarter. The FEO will perform necessary calculations and issue necessary buy and sell instructions by the time the previous sales made to comply with this program are concluded. Thus, the program should work such that the three month sales periods lag the three month performance periods by one month.

§ 200.32 Mandatory refinery yield control program.

(a) *Intent of program.* It is the intent of the refinery yield program to meet the essential requirements of the aviation fuels, distillate, residual fuels and petrochemical feedstocks allocation programs by reducing the total supply of gasoline and encouraging refiners to maximize production of these essential products. It is assumed that the requirements for these essential products will be reduced to absolutely essential levels through various conservation programs. Gasoline production is to be curtailed to an assigned fraction of production during the base period. The assigned fraction of base period production will be adjusted quarterly as required and is initially to be 95 percent of base period production of all gasoline stocks. Since gasoline supplies will be significantly reduced, it will be necessary for all users to curtail severely gasoline consumption during the period of this emergency allocation program. Refiners are urged to maximize production of distillates, residual fuel oil and petrochemical feedstocks. Production increases for these products should be made at those refineries where increased volumes can be distributed to areas of the country experiencing shortages, consistent with process capability.

(b) *Coverage of program.* This program applies to all petroleum refiners and all refineries located in the United States. The mandatory provisions of the program will apply to the production of gasoline and petroleum fractions used in blending in all cases where the final finished product is gasoline.

(c) *Basis of product control—gasoline.* Each refiner can produce a total amount of gasoline from crude oil at all refineries during a period equal to the amount of gasoline produced during the corresponding period of 1972 multiplied by a gasoline production fraction. For purposes of initial calculations the gasoline production fraction is 0.95. However, this fraction will be adjusted by the FEO on a quarterly basis as circumstances warrant. Each refiner will sell or distribute gasoline to all its customers in accordance with the gasoline allocation program.

(d) *Reporting.* Refiners shall report to the FEO on each refinery for each calendar month the input of petroleum and output product flows, also of crude petroleum and refinery products. Such reports shall be forwarded to FEO no later than five working days after the last day of the month for which the report is made.

(e) *Exceptions.* The intent of this program is maximization of petroleum products in critical short supply. Any application for an exception to allocations applicable to refiners because of refinery equipment limitations, quality of crude feedstocks available, or for any reasons, would be granted only if FEO determines that information submitted by the refiner and other information such as the results of on-site inspections conclusively supports such application.

Subpart D—Propane and Butane

§ 200.33 Scope of coverage.

(a) This subpart applies to the mandatory allocation of propane, butane, and propane-butane mixes.

(b) Ethane is specifically excluded from the provisions of this subpart.

§ 200.34 Definitions.

(a) "Propane" is, for the purposes of this regulation, a hydrocarbon whose chemical composition is predominantly C_3H_8. Similarly, "butane" is predominantly C_4H_{10}. All propane-butane mixes are included in this definition, including those deliberately produced by any means and containing other materials, where the intent is to contravene the intent and purpose of these regulations, or where the mixture is commercially accepted as propane or butane or can be used satisfactorily as either one. Otherwise, raw mixed streams of natural gas liquids, or liquefied refinery gases with their homologues are excluded. Also excluded are butane and propane streams produced in a refinery and intended for gasoline blending or used as feedstock to produce gasoline blending components in the refinery. Propane, butane, or other included forms and mixtures subsequently produced from such raw, mixed streams are included. The propane in the ethane-propane mixes will be included in the calculation of any propane priority volumes. Unless clearly excluded, the use of the word propane in these regulations is intended to include butanes, as well as other forms and mixtures. The use of the word propane will always include butane-propane and other mixes intended to augment propane supply to priority and non-priority uses.

(b) "Priority customers" are (1) those end-use customers consuming propane on or before the effective date of these regulations; (2) those who will become such as a result of substantial legal obligation existing on that date other than a contract or other commitment to buy propane; or, (3) those who will become such as a result of "normal turn-over;" to the extent they consume propane for any of the following uses where no feasible alternate fuel is available. The order of listing of the following priority customers in no way indicates any priority as between those customers.

(b-1) "Priority customer uses" are:

(1) "Residential use"—Direct usage in a residential dwelling or place of worship for space heating, refrigeration, cooking, water heating, and other residential uses.

(2) "Industrial vehicles or equipment" (such as forklift and other equipment) used primarily in enclosed facilities where alternative vehicles or equipment cannot be utilized because of gaseous emissions.

(3) "Commercial use"—Direct usage by those customers engaged primarily in the sale of goods or services and for uses other than those involving manufacturing and electrical generation. The use of propane up to an consumption of 35,000 gallons per year per location will be met. Requirements in excess of this amount may be satisfied in whole or in part under § 200.36(d) if the end-use customer is eligible for a non-priority allocation.

(4) "Peak shaving"—The use of propane for peak shaving (the use of propane-air mixtures to supplement normal supplies of pipeline gas for distribution by gas utilities during period of high demands) is limited to volumes of propane and butane equivalent to those amounts contracted for, or purchased for delivery during, the heating season extending from September 1, 1972 through April 30, 1973, regardless of whether those volumes were used during such heating season. Propane shall not be used for peak shaving as long as the gas utility continues service to interruptible nonpriority (other than for process fuel, plant protection fuel, or raw materials

use) industrial customers or any customer who can use alternate fuels other than natural gas.

(5) "Marketing of Bottled Gas"—The sale of propane in cylinders with a capacity of one hundred pounds or less, provided that the cylinders are not manifolded at time of sale. No restrictions apply if the sale is at a retail or wholesale level. Included are sales by dispensing stations selling less than 15,000 gallons per year.

(6) "Industrial"—Industrial users include customers primarily engaged in a process which creates or changes raw or unfinished materials into another form or product. The industrial use of propane as a priority will be limited to those uses where no substitute for propane is available. The term "where no substitute for propane is available" is further defined as uses such as process fuel, plant protection fuel, or in plants which depend solely on propane as the fuel. Industrial users which use propane as a standby fuel for purposes other than process fuel or plant protection may use a priority volume up to that volume consumed in a like period of October 2, 1972 to April 30, 1973 on approximately a monthly ratable basis. Any standby volume fuel requirements greater than what is herein set out may be obtained under § 200.37(a).

(7) "Petrochemical use"—The chemical conversion of propane by existing petrochemical plants for the manufacture of petrochemicals or their precursors.

(8) "Gasoline blending and processing use"—The use of butanes from sources other than internal production in the refinery where produced, as herein excluded under paragraph (a) of this section as a component blend and processing into components which are blended into gasoline.

(c) "Normal turnover"—As residential and other small end-use customers move or otherwise cease to require delivery of propane, the storage tanks used are generally reclaimed by the resellers who own the tanks; it is intended that resellers reuse these tanks by taking on new, similar customers. Replacement of obsolescent or unsafe tanks by new or reconditioned tanks appropriately sized for the same service is permitted. A new owner of a residence or a new operator of another smaller end-use customer's facility from which the tanks were removed, should have precedence over entirely new persons in receiving service.

(d) "Merchant storage" means those storage facilities which store propane for the owners of such storage facilities and/or for others.

(e) "Reseller"—is any person, firm, corporation, or subdivision thereof to the extent that it carries on the trade or business of purchasing propane and reselling it without substantially changing its form, other than that marketing activity which qualifies as a priority use under § 200.34(b)(3)(v).

(f) "Supplier"—is any person, corporation, or subdivision thereof to the extent that it produces propane in a natural gas processing plant, refinery, fractionating plant, or elsewhere, or who imports propane for sale, transfer, or exchange to another supplier or to a reseller. "Supplier" shall include those products of natural gas who have their gas processed for their account by others and retain title to their liquids produced.

(g) "Base period" is the calendar year 1973.

§ 200.35 Allocation.

The certified need is that quantity which is certified under § 200.37 and which serves as the basis for allocation to each customer within the limitations prescribed herein.

(a) *Residential.* 95 percent of current requirements and adjusted for degree days or other means for weather adjustment.

(b) *Agricultural production.* 100 percent of current requirements.

(c)(i) *Transportation services.* 100 percent of current requirements.

(ii) *Other transportation.* 90 percent of previous year's equivalent month of base period and limited to those vehicles presently using propane.

(d) *Medical and nursing buildings.* 100 percent of current requirements.

(e) *Industrial vehicles or equipment.* 90 percent of current requirements.

(f) *Emergency services, sanitation and telecommunication.* 100 percent of base period.

(g) *Energy production.* 100 percent of current requirements.

(h) *Commercial use.* The use by those as set out in the definition section.

(i) *Peak shaving.* The use of propane as set out in § 200.34(b–1)(4).

(j) *Marketing of Bottled Gas.* The sale as set out in § 200.34(b–1)(5).

(k) *Schools.* 90 percent of base period.

(l) *Industrial.* 90 percent of base period.

(m) *Petrochemicals.* 90 percent of base period.

§ 200.36 Method of allocation.

(a) Normal inventory management practices will be used by suppliers.

(b) Sales by suppliers: Suppliers who produce for, or otherwise supply propane to, other suppliers will deliver to those suppliers the same proportion of their total propane available for sale, transfer, or internal use as a raw material feedstock as they delivered from each separate producing location in the period September 1, 1972 through November 30, 1973. The requirements of paragraph (a) of this section will be met before those of § 200.37 (c) and (d).

(c) Priority allocation: (1) All propane resellers must first provide propane for the priority requirements of their priority customers to whom they sold, or with whom they had a contract to sell, propane at any time subsequent to August 31, 1973, and of priority customers, assigned under paragraph (a) of this section before making sales to non-priority customers. No priority customer may receive product from more than one reseller without advising each of the resellers as to the identity of all others and the share each will have.

(2) Suppliers or other resellers must provide to those resellers, to whom they sold or transferred propane in the period September 1, 1972 through November 30, 1973, the propane that those resellers need to meet the requirements of their priority customers. In those instances where a reseller was supplied by more than one supplier, or other reseller, his needs for his priority customers shall be supplied to him in the same proportion as those sources sold to him in the period September 1, 1972 through November 30, 1973. Any reseller who has not purchased propane from any supplier subsequent to August 31, 1973, will be supplied propane by that supplier from whom the reseller last purchased propane.

(3) No reseller may refuse to supply a priority customer whose requirements correspond to the normal commercial practices of the reseller. However, no reseller may be required to serve a customer whose method, location, or terms of delivery differ significantly from the reseller's established business practices.

(4) Each reseller to priority customers shall certify to his supplier or reseller his best estimate of the requirements for priority customers, and that to the best of his knowledge each customer's alleged priority use is in fact a priority use.

(i) No supplier shall be required to supply to resellers (or resellers to supply to priority customer) all of the estimated quantity, if actual consumption by priority customers is less than estimated. Similarly, no supplier shall refuse to supply to resellers (or resellers to priority customers) more than the estimated quantity if needed, subject to the limitations of § 200.37(b)(2).

(ii) Such certifications shall be in the hands of suppliers 7 working days prior to the end of each month, and shall give reasonable estimates of the reseller's priority customers' needs through April 30, 1974.

(5) All propane received by resellers under priority certification shall be sold only to priority customers, or to other resellers for ultimate sale to priority customers.

(d) Non-priority allocation: (1) Each month suppliers will redetermine their total supplies of propane available for sale, transfer, or internal use as a raw material feedstock for the period October 3, 1973 through April 30, 1974. From this amount they will subtract the projected requirements of their and their resellers' current priority customers. The difference is the suppliers' net available supply. Total supplies will include inventories, expected imports, purchases, production, and any sales redirected under § 200.37(a).

(2) Resellers shall certify to their suppliers or other resellers no later than 15 days from the date this allocation program becomes effective the amount of propane sold to non-priority customers during the period October 3, 1972 through April 30, 1973. In those instances where a reseller was supplier by more than one

supplier or reseller in that period he shall apportion his purchases among them in the same ratio as he bought from them in that same period.

(3) The supplier will estimate a national allocation fraction for non-priority supply as follows: Divide the net available supply by the sum of the suppliers' sales to non-priority customers, internal raw material uses, and non-priority sales to resellers as certified above, all during the period October 3, 1972 through April 30, 1973. This allocation fraction and supporting data will be updated monthly and certified by all suppliers and shall be sent to the Administrator postmarked not later than two (2) days prior to the end of each month.

(4) The quantity of propane which must be offered for sale to any particular reseller for sale to his non-priority customers or which may be used as a raw material by a supplier during the period October 3, 1973 through April 30, 1974, is the volume of such sale or internal use during the period October 3, 1972 through April 30, 1973, multiplied by the supplier's national allocation fraction. Deliveries of such material each month by suppliers to resellers shall be approximately proportional to sales during the same month a year earlier but shall not interfere with deliveries by suppliers to resellers for the latters' priority customers.

§ 200.37 Distribution system.

(a) Priority customers or resellers who are unable to find a source of supply may be assigned to a source by the Administrator. Assignments made by the Administrator will be made as equitably as possible considering normal regional supply patterns, normal distribution networks and the available supply of the supplier or reseller as ascertained by the allocation fraction.

(b)(1) Suppliers who expect to have insufficient supplies throughout the period October 3, 1973 to April 30, 1974 to meet the priority needs of their resellers' end-use customers will immediately advise the Administrator of their deficit position, and efforts to correct it. The Administrator may assign the supplier to another source of supply.

(2) In the event that a supplier's or a reseller's immediate supplies may be insufficient to meet such needs of priority customers, the supplier/reseller shall supply all resellers or priority customers on a pro rata basis until requirements can be met.

(3) Any supplier/reseller who cannot meet such needs, regionally or nationally, will report immediately, and at the end of each subsequent month, the percentage of priority needs expected to be satisfied.

(c) All owners of storage facilities (or operators thereof) with a capacity in excess of 500,000 gallons who store propane shall report to the Administrator within 10 days of the effective date of this regulation the total volume, locations and ownership of propane held by each such account, including that owned by the storage owner or operator or affiliated companies and that held in transit. This same information shall be reported as of the end of each month postmarked five (5) working days after the close of that month.

(d)(1) Operators of merchant storage facilities shall release to non-priority customers for shipment after October 3, 1973, only that quantity of propane which when combined with direct imports, other withdrawals under paragraph (d)(4) of this section and deliveries to those customers under § 200.36 (d) yields a certified volume which is not more than that consumed during the period October 3, 1972 through April 30, 1973. Amounts of such consumption in the base period, of current imports, and withdrawals shall be reported to the Administrator and to the operators of the propane storage facilities within ten (10) days of the effective date of these regulations. Monthly, thereafter reports will be postmarked within 5 working days of the close of each month.

(2) Non-priority customers who own volumes of propane in merchant storage facilities may, and are encouraged to, secure release of such volumes by sale to suppliers or resellers with allocation fraction of less than one.

(3) Non-priority customers who own volumes of propane in merchant storage facilities as of October 3, 1973, in excess of those volumes consumed during the period October 3, 1972 through April 30, 1973, are not entitled to an allocation under this program other than described in paragraph (d)(1) of this section, until such excess volumes have been exhausted by authorized withdrawal.

(4) Operators of such storage facilities may request the Administrator to determine the priority or non-priority status of owners of propane in storage.

(e) Operators of such storage facilities shall not release for shipment to gas utilities after October 3, 1973, any quantity of propane which, taken together with receipts by that utility by purchase or contract after September 1, 1973, any quantity of propane which is designated as priority use for that utility under the provisions of "Peak Shaving".

(f) No restrictions other than reporting to the Administrator are imposed on the release of propane for shipment (1) to priority customers, (2) to resellers for sale to priority customers, (3) to resellers for sale to non-priority customers only if such resellers report as required in paragraph (g) of this section, (4) to suppliers, or (5) to hardship cases certified by the Administrator. In the event propane embargoed for release from storage is purchased by suppliers or resellers, the volume purchased must be included in the suppliers' or resellers' total available propane supply.

(g) It is recognized that many suppliers have distribution systems consisting of two or more sub-systems or regions which are essentially independent of one other. Such suppliers may separately calculate allocation fractions for each subsystems or regions which are essentially independent of one other. Such suppliers may separately calculate allocation fractions for each sub-system or region. If the Administrator is satisfied that the intent of using separate regions is not to contravene the intent of the regulations and that any supplier in so doing has made every effort to satisfy fully priority needs within each region and to minimize differences between the allocation fractions of each region, the Administrator will permit such a supplier to use such regional allocation fractions in satisfying that part of the requirements of § 200.36(d)(4). It is possible and acceptable for a company to be a reseller or supplier in one region while it performs as a supplier and/or reseller in another.

(h) Similarly, the inclusion of n-butane, iso-butane, mixed butanes and related mixtures will create the need for additional supplier reports. Because of the somewhat less complex marketing and distribution systems of these products, it is possible and desirable that supplier reports showing the calculation of allocation fractions may include one or more of these products.

(i)(1) In the event a supplier's net available propane supply is of sufficient magnitude that the allocation fraction exceeds 1.0, the supplier shall make allocations based on an allocation fraction of 1.0 and will separately report by certified mail to the Administrator the volume of surplus propane expected to be available in any month, 2 days prior to the end of the preceding month. Unless advised to the contrary by the Administrator within 10 days of making the Administrator's report, such surplus propane may be sold or used at its owner's discretion.

(2) It is the intent of this section that such surpluses be sold to other suppliers with lesser allocation fractions. The Administrator will assign only such sales as can be made equitably and with full recognition of regional, distributional, and other logistical limitations.

(j)(1) Resellers shall sell to other resellers or to non-priority customers or use as a raw material their net available supply which shall be determined in general accordance with the provisions of § 200.36(d) (1) or (4). Resellers with several sources of supply or with inventories in merchant storage or who engage in frequent exchanges or otherwise have more complex distribution systems shall report monthly in the same fashion as required of suppliers.

(2) Any end-use customer (or subdivision of any person, firm or corporation which acts as such) which imports propane for its own use is not subject to the provisions of § 200.37(e). However, where such imports lead to use of storage facilities other than the customer's own, the provisions of § 200.37(d) will apply.

Subpart E—Motor Gasoline

§ 200.38 Scope of coverage.

(a) This subpart applies to the mandatory allocation of all motor gasoline produced in or imported into the United States.

(b) Aviation gasoline is specifically excluded from the coverage of this subpart. Aviation gasoline is covered by Subpart G of this part.

§ 200.39 Definitions.

For the purposes of this subpart the following definitions apply:

(a) "Bulk purchaser" means any end-user who is a corporation, partnership, sole proprietorship, or business or trade association who purchases motor gasoline from a supplier for storage in a tank container substantially under the control of the bulk purchaser.

(b) "Retail sales outlet" means a purchaser who obtains motor gasoline from a supplier and sells it to the public at retail; any retailer who also sells to bulk purchasers is covered under this subpart.

(c) The "base period" for motor gasoline is calendar year 1972.

(d) "Business" means commercial, industrial, non-profit, and governmental uses not covered by other definitions.

(e) "Supplier" means any provider of motor gasoline except a "retail sales outlet".

(f) "State Reserve" means that portion of each wholesale purchaser's monthly nonpriority supply of gasoline which may be redirected by the Federal Energy Office (or State office, if one has been created by the State) to alleviate hardship or adverse economic impact.

§ 200.40 Allocation.

The allocation level for each wholesale purchaser is as appears below:

(a) 100 percent of current requirements for the following uses:

(1) Emergency services

(2) Agricultural production

(3) Transportation services

(4) Energy production

(b) 100 percent of base period use for other businesses.

(c) The residuum of each wholesale purchaser's non-priority allocable supply becomes the allocable supply for all other uses. Until the uses specified in paragraphs (a) and (b) of this section have been supplied to 100 percent of current requirements, no more than 90 percent of base period use shall be allocated to other uses.

§ 200.41 Distribution system.

(a) Each supplier (including firms which have undergone a change in ownership) is required to provide supplies of motor gasoline to those purchasers (including firms which have undergone a change in ownership) he has supplied since January 1, 1973.

(b) Each wholesale purchaser who was not in business during the entire year of the base period, or who has had substantial expansion in fuel requirements since the base period, may apply to the Federal Energy Office and be assigned an adjusted non-priority base period supply volume and an adjusted priority base period supply volume.

(c) Variance from base period experience in fuel delivery locations (e.g., construction company requirements) should be accommodated where agreement can be reached between the relevant supplier and wholesale purchaser. To the extent necessitated solely by this subpart, suppliers may exchange allocable supplies in kind, to avoid impractical distribution problems. However, no supplier may reduce allocations, otherwise available to his other purchasers, as a result of such exchanges.

(d) Each supplier will adjust his total allocable supply to reflect the differences between the previous month's estimated supplies and actual supplies.

(e) The State Reserve for motor gasoline will be in the amount of 3 percent.

§ 200.42 Method of allocation.

(a) *Priority allocations.* (1) Each wholesale purchaser must inform his supplier on a monthly basis of his allocation level for motor gasoline for priority end-uses. A supplier may require submission of data from his purchasers on volumes required for priority uses. Such reports must be certified by the purchaser for accuracy of volumes and that such quantities will not be sold for nonpriority uses. Wholesale purchasers will adjust their future requests for priority allocations to reflect their previous month's underage or overage and actual usage for priority purposes. Where the wholesale purchaser's supply requirements were supplied by more than one supplier since January 1, 1973, current requests for priority allocations should be made based on the percentage of priority requirements for that product that each supplier furnished during that time.

(2) To the extent required by these regulations, wholesale purchasers priority allocation levels will be met before a supplier allocates for nonpriority uses. If sufficient volumes are not available to satisfy all of his wholesale purchasers' priority requirements (i.e., the total allocable supply is less than the sum of all priority requirements of a supplier's purchasers), the supplier will first meet all the priority needs for uses described in § 200.40(a). The remaining allocable supply will be distributed among the remaining priority users [those described in § 200.40(b)] proportional to their priority base period supply volume. If a supplier is unable to fully meet all priority uses for motor gasoline, he can request his State office or the Federal Energy Office for assignment of additional supplies to meet his shortfall for priority needs.

(b) *Non-priority allocations.* (1) Each supplier will subtract from his total allocable supply the sum of his priority allocations. This difference, the non-priority allocable supply, will be distributed equitably among his purchasers for non-priority uses (see § 200.40(c)).

(2) Each supplier will allocate motor gasoline for non-priority use among his wholesale purchasers by multiplying each purchaser's non-priority monthly base period volume (or his adjusted non-priority base period volume) by the supplier's monthly allocation fraction. The supplier's monthly allocation fraction shall be equal to his adjusted non-priority allocable supply for that month divided by the sum of the monthly non-priority base period volumes (or adjusted non-priority base period volumes, where applicable) of all his wholesale purchasers.

§ 200.43 Reporting requirements and responsibilities.

(a) *Reporting requirements.* (1) The general reporting requirements contained in this regulation shall apply to this subpart.

(b) *Responsibilities.* (1) The Administrator, FEO, shall publish quarterly the figures indicating the national allocable supply of motor gasoline.

(2) The Administrator, FEO, or his designate shall assign a supplier to those suppliers, bulk users, and retail sales outlets who are unable to obtain the amount of motor gasoline to which they are entitled under the provisions of this program.

(3) The Administrator, FEO, or his designate may redirect present or anticipated local or regional surpluses so as to alleviate shortages elsewhere.

(4) The Administrator, FEO, or his designate must ratify the decision by any supplier to terminate permanently his relationship with any purchaser, including bulk users and retail sales outlets. This in no way obviates other normal business practices.

Subpart F—Middle Distillates

§ 200.44 Scope

(a) The regulations of this subpart apply to the allocation of middle distillate fuels produced in or imported into the United States.

(b) It is the purpose and intent of this Subpart to: (1) Meet the needs of Category I users of middle distillates, including space-heating needs consistent with the required reduction in temperature; (2) allocate equitably to wholesale purchasers for Category II uses quantities available after Category I needs have been met; (3) provide a set-aside for exceptional hardships of users of middle distillate and for instances of serious economic impact affecting the welfare of the State or significant segments of its population; and (4) insure that no American suffers lifethreatening cold, permanent disability, or death because he or she could not obtain sufficient fuel on a priority allocation or emergency basis. Changes in allocation to account for priorities are accomplished by a one-time adjustment to base-period volumes.

§ 200.45 Definitions.

"Middle distillate fuels" means any derivatives of petroleum used for burning, including kerosene, home heating oil, range oil, stove oil, and diesel fuel, which have a fifty percent boiling point in the ASTM D-86 standard distillation test falling between 371° and 700° F. Products specifically excluded from this definition are kerosene and naphtha-base jet fuel, heavy fuel oils and such as defined in VV-F-815C or ASTM D-396,

grades No. 4, 5, and 6, intermediate fuel oils which are blends containing No. 6 oil, and all specialty items such as solvents, lubricants, waxes, and process oils.

"Category I uses"—means those activities which consume middle distillate fuels for any of the following uses where use of a more abundant fuel is not possible:

(1) Energy production, other than for space heating purposes.

(2) Transportation services, but excluding tour, recreation, or excursion services where other scheduled public transportation is available.

(3) Emergency services, telecommunications and sanitation, but excluding electrical power generation, for other than heating purposes.

(4) Medical and nursing buildings including space heating to that extent required for the health of the patients.

(5) Residential, commercial, educational, and other space-heating will be governed by special provisions.

"Category II uses"—means those activities which consume middle distillate fuels for any of the following uses where use of a more abundant fuel is not possible:

(1) Agricultural production.

(2) Industrial or manufacturing uses; other than for space-heating purposes.

(3) Cargo, freight, and mail transportation, but excluding air freight, which will be covered in other directives.

(4) All other uses.

"Certified need"—means, with respect to space heating, the quantity of fuel required to maintain the ambient indoor temperature of a unit at the reduced level required by the program, based on actual degree-days.

"Base period"—means the equivalent month of 1972.

"Set-aside"—means three percent of the total allocable supplies of primary middle distillate supplies, unless otherwise directed by the Federal Energy Office.

"Category I allocable supplies"—means that portion of total supplies available for meeting Category I requirements each month, after removal of the required set-aside quantity.

"Category I base period volume" of a purchaser means the Category I purchases of each middle distillate product during the corresponding month of the base period.

"Adjusted Category I base period volume" means the amount which is assigned by the Federal Energy Office to a wholesale purchaser of greater than 84,000 gallons annual volume or by the State office to other wholesale or end-use purchasers for Category I uses in lieu of the actual Category I base period sales of the purchasers, and which a supplier must use as a base for calculating Category I allocations.

"Total supply"—means the total monthly supply of each middle distillate product of a supplier covered by this program. Normal inventory management procedures will be used when determining supply.

"Category II base period volume" of a purchaser means Category II purchases of each middle distillate product during the corresponding month of the base period. Category II base period volume of a supplier means the sum of the Category II base period volumes and the adjusted Category II base period volumes of his purchasers for each month.

"Adjusted Category II base period volume"—means the amount which is assigned by the Federal Energy Office to a wholesale purchaser of greater than 84,000 gallons annual volume or by the State office to other wholesale or end-use purchasers for Category II uses, in lieu of the actual Category II base period sales of the purchaser and which a supplier must use as a base for calculating Category II allocations.

"Category I allocation requirement"—means, for a Category I user, the product of his Category I base period volume or adjusted Category I base period volume and the specified percentage for that Category I use, or the current requirement. For a supplier, the Category I allocation requirement is the sum of all Category I allocation requirements of all the Category I users he supplies.

"Category I allocation fraction"—means the multiplier used when Category I allocable supplies are less than Category I requirements for any month. This fraction is determined by dividing the Category I allocable supplies by the sum of the Category I allocation requirements of the Category I users.

"Category I allocation volume"—means the quantity of middle distillate fuels provided for a Category I use when a Category I allocation fraction must be used. It is determined by multiplying the Category I allocation fraction and the Category I allocation requirement of each Category I use.

"Category II allocable supplies"—means the quantity of middle distillate fuels remaining for allocation after all Category I allocation requirements of a supplier have been met.

"Category II allocation fraction"—means the multiplier used when Category II allocable supplies are less than the sum of the Category II allocation requirements. This is determined by dividing the Category II allocable supplies by the sum of the Category II allocation requirements of the Category II users.

"Licensed purchase" is a purchase from a wholesale customer or purchaser authorized from a State set-aside.

"Primary middle distillate supplies" are the portion of a refiner's distillate supplies produced or imported by that refiner, or the imported portion of any other importer's distillate supply. Normal inventory management practices will be used when determining primary distillate supply.

"Category II allocation requirements"—means, for a Category II user, the product of his Category II base period volume or adjusted Category II base period volume and the specified percentage for that Category II use. For a supplier, the Category II allocation requirement is the sum of all the Category II allocation requirements of all the Category II users he supplies.

§ 200.46 Allocation.

(a) The following activities are considered, for the purpose of this Subpart, Category I uses for middle distillate fuels, and accordingly, are to receive allocations as specified:

(1) *Energy production.* 100 percent of current requirements, not to exceed 200 percent of Category I base period volume.

(2) *Transportation services.* 100 percent of current requirements, not to exceed 150 percent of Category I base period volume.

(3) *Space-heating.* 100 percent of current requirements consistent with the required reduction in temperature set forth herein.

(4) *Emergency services, telecommunications, and sanitation.* 100 percent of base period volume.

(5) *Medical and nursing buildings.* 100 percent of base period volume.

(b) The following activities are considered, for the purpose of this subpart, Category II uses for middle distillate fuels, and accordingly are to receive allocations as specified:

(1) *Agricultural production.* 110 percent of base period volume.

(2) *Industrial and manufacturing.* 110 percent of base period volume.

(3) *Cargo, freight, and mail hauling.* 110 percent of base period volume.

(4) *Other uses.* 100 percent of base period volume.

(c) Allocations of middle distillate fuels for space-heating uses will be based on the following schedule of mandatory reduction in ambient inside temperature:

(1) *Residential and school space heating.* 6° reduction (or equivalent).

(2) *Commercial space heating.* 10° reduction (or equivalent).

(3) *Government space heating.* 10° reduction (or equivalent).

(4) *Other space heating.* 10° reduction (or equivalent).

Each user must reduce his ambient indoor temperature by the appropriate amount, or take other actions which will result in a fuel saving equivalent to the fuel savings that would be achieved by the specified reduction. This schedule is subject to adjustment by the FEO.

§ 200.47 Distribution system.

(a) It is intended that allocations will be made by suppliers consistent with normal regional patterns through customary distribution networks.

(b) For the duration of the program, each supplier (including firms which have undergone a change in ownership) is required to provide supplies of middle distillate fuels to those purchasers (including firms which have undergone a change in ownership) he was supplying, and those he was obliged to supply as of November 1, 1973, unless otherwise assigned by the Federal Energy Office.

(c) Any wholesale or end-use purchaser who did not have a supplier during 1972, or who was not in business during the entire year of 1972, or who has had substantial expansion in fuel requirements since 1972, may apply to be assigned a supplier, a category classification, and an adjusted Category I or Category II base period volume. Wholesale purchasers of greater than 84,000 gallons annual volume should apply to the Regional Office, and other wholesale and end-use purchasers to their State offices. However, prior to applying, all such purchasers are expected to explore all reasonable supplier possibilities, and such suppliers are encouraged to accept such purchasers. Any purchaser with an adjusted Category I or Category II base period volume assigned a supplier on November 1, 1973 or later must be accepted by the supplier for the duration of the program or until otherwise directed by the State office or the Federal Energy Office.

(d) To provide for seasonal fluctuations, e.g., agriculture and construction, suppliers and purchasers should agree among themselves either to borrow on future allocations or defer current allocations within the level of the total allocations for the year, as long as such arrangements do not result in an involuntary reduction in allocations to other purchasers. Similarly, suppliers may borrow or exchange products among themselves.

(e) Arrangements for delivery of allocated quantities will be made as mutually agreed between the supplier and the purchaser.

(f) Each refiner-supplier and importer-supplier will set aside 3 percent (or such quantity as may be directed by the Federal Energy Office) of his primary distillate supplies each month. The Federal Energy Office will determine each state's share of the projected monthly set-aside and will advise the State office of the quantity of set-aside which may be used to alleviate end-user hardships or adverse economic impact. The State office, or its local boards, will assign supplies from its portion of this set-aside. The Federal Energy Office will administer any remainder of the set-aside in reserve for national or regional contingency purposes. States which deplete their authorized set-aside quantities may apply to the Federal Energy Office for supplemental quantities.

(g) A supplier may require submission of certified data from his purchasers on volumes required for Category I use based on current requirements. The purchaser will certify that required volumes are accurate and that such quantities will not be diverted to other uses. Where the purchaser's Category I requirements were supplied by more than one supplier in the corresponding month of 1972, current requests for Category I allocations should be made based on the percentage of Category I requirements for that product that each supplier furnished during the base period.

§ 200.48 Method for allocation.

(a) Category I users will be allocated 100 percent of current requirements (adjusted for space-heating) or a specified percentage of the quantities which they purchased in 1972, depending on the use. Category II users will be allocated an equitable share of the fuel remaining after the Category I needs are met. The distribution rules will insure that all Category I needs are met before allocations are made to Category II users.

(b) Suppliers will make deliveries to all space-heating users on the basis of certified need. Certified need for space-heating uses is the calculated quantity of fuel needed to maintain the inside temperature of a building at the reduced temperature required in § 200.46. This calculation of certified need will be done using historical usage factors for each building heated. Where suppliers do not have a historical usage factor for a building, this factor will be calculated based on gallons of fuel consumed and actual degree days exposure in the comparable period of 1973. Historical usage factors will be associated with units and not with purchasers. The usage factor of record for a unit on November 1, 1973, will be used for that unit regardless of changes in occupants or ownership. If this results in undue hardship, the owners or occupants may apply to the State office, or its local board, to obtain relief. For new buildings, the usage factor will be determined based on gallons of fuel consumed and actual degree days exposure during the latest 30-day period of normal heating usage before the effective date of this regulation. If no such period exists, a usage factor for that unit will be established by an initial period of normal space-heating operations, subject to review by the State office.

(c) Each space-heating user will be entitled to an initial fillup at his first delivery after the regulations are effective if sufficient supplies are available. At the next delivery, if more than the calculated quantity would be required to fill the tank, the supplier will provide only the calculated quantity, and will present a warning notice to the purchaser. The warning notice will indicate that the user faces the danger of running out of fuel if he does not reduce his ambient indoor temperature by the required amount or take equivalent actions to conserve fuel. For each subsequent delivery, the supplier will continue to deliver only the calculated certified need, regardless of the quantity required to fill the tank, unless directed by the State office, or its local board.

(d) If the supplier of Category I uses does not have sufficient supplies of middle distillate fuels available to meet Category I allocation requirements, then a Category I allocation fraction will be applied to these allocation requirements. This fraction will be used as a multiplier against each Category I allocation requirement to determine the Category I allocation volume. When a Category I allocation fraction must be used, the supplier will petition the Regional Office for assignment of additional supplies to meet his shortfall for Category I uses.

(e) If a supplier is able to meet all of his Category I allocation requirements at the specified level, he will then distribute equitably to all of his non-priority users the remaining quantity, called the Category II allocable supply, using a Category II allocation fraction. In all cases, Category II users will be allocated supply based on their Category II base period volumes or adjusted Category II base period volumes.

(f) No Category II user may be allocated more supply than he received during the base period, before all Category I users receive full allocations at 100 percent of current requirements or certified need for space-heating. Upon restoring Category I uses to 100 percent of current requirement, any additional supplies will be offered for sale to Category II users with first right of refusal on a pro-rata basis up to 100 percent of current requirements. The excess and unsold remainder may be sold on the open market.

(g) Participating State governments will determine use of set-asides made available to States to alleviate exceptional hardships of users or adverse economic impact. The amount may not exceed the quantity set aside for that State by the Federal Energy Office.

(h) Any wholesale or end-use purchaser may apply to the designated State office or local board to obtain supplies to alleviate exceptional hardships. A Federal Energy Office form or a similar State form may be used for this purpose. Use of the State set-aside is primarily intended to remedy temporary hardships.

(i) The State office or local board may authorize a licensed purchase from the State set-aside to alleviate exceptional hardship or for other exceptional reasons. Licensed purchases from a State set-aside in a given month shall not exceed the volume of that month's State set-aside. If, in any month, the States do not authorize use of any or all of the State set-aside for such needs, the remaining volume should be included in the following month's allocable supplies.

(j) Actions recommended by State officials may not restrict or in any way interfere with the distribution in interstate commerce of middle distillate fuels. The decisions of a State shall extend only to the State set-aside, and may not be implemented if they would result in discrimination against non-residents in favor of residents for any middle distillate fuels.

(k) Each State shall designate a State official who may direct quantities of middle distillate fuels to alleviate end-user hardships within the State. The Federal Government shall designate a Federal official in eac state to monitor the State decisions and issue such orders as he considers necessary and appropriate to

assist in carrying out the objectives of this program.

(l) Each State may establish a system of State and local boards to process requests for relief from the State set-aside, and to recommend and make adjustments in base period volumes. The State system, whether centralized or localized, shall have sufficient decision-making authority to be responsive in a timely manner to problems of health and safety, and other urgent problems. The Federal Energy Administration shall periodically review State and local board rulings, and may issue and revise guidelines accordingly, as needed to carry out the intent of the program.

(m) Any applicant to State or local boards for an exception or adjustment other than for space-heating uses must show evidence of having implemented an energy conservation program.

(n) Each user of middle distillates for space heating will be supplied by the supplier of record on November 1, 1973, or by the supplier assigned subsequent to November 1, 1973, for the building to be heated. Users without a supplier or who change suppliers for whatever reason and who are unable to obtain a commitment from a supplier may apply to the State office, or its local boards, for assistance. The State office, or the local board, will validate the need and the State office will assign a supplier.

§ 200.49 Adjustments.

(a) The Federal Energy Office may reassign wholesale purchasers, require a transfer of wholesale purchasers among suppliers, or make such other adjustments as may be necessary to achieve a more equitable balance of assigned sales among suppliers.

(b) In the implementation of this regulation, the Federal Energy Office may specify quality characteristics, such as sulfur content, of fuel supplies when practicable.

(c) Suppliers may make arrangements to supply purchasers to whom they have an allocation responsibility through other suppliers providing that price and other non-price contract provisions are comparable and that the same quantity is supplied.

(d) If the Chief Executive of any state finds the Federal priority system not to be in the best overall interests of the state, he may submit to the Administrator, Federal Energy Office, a proposed proposed priority system for review and approval. When approved by the Administrator, Federal Energy Office, this state system will take the place of the Category I and Category II allocation system found in this subpart.

§ 200.50 Responsibilities and reporting requirements.

(a) The Federal Energy Office may upon request assign suppliers, Category I and II classifications, and adjusted Category I or II base period volumes to those wholesale purchasers who did not have a supplier during 1972, or who were not in business during the entire year of 1972, or who have had substantial expansion in fuel requirements since 1972.

(b) The Federal Energy Office may reassign purchasers to suppliers and vice versa as required.

(c) The Federal Energy Office shall advise the State offices monthly, five days prior to the beginning of the month, as to the quantity of set-aside which may be used to alleviate user hardships or adverse economic impact.

(d) The Federal Energy Office may upon request grant states supplemental quantities of middle distillates for use as State set-asides over and above initial authorized set-asides.

(e) The Federal Energy Office may assign additional supplies to petitioning suppliers who anticipate a shortfall for Category I uses.

(f) Prior to January 15, 1974, each purchaser of middle distillate fuels, excluding home heating end-use purchasers and those who purchase from retail diesel outlets (truckstops, etc.), should notify his supplier(s) of his base period purchases for each middle distillate fuel for each month with separate figures for each Category I use and for Category II uses. Until the purchaser submits such data to his supplier(s), the supplier(s) will assume that his records of sales for 1972 are correct and that, for purposes of allocation, all the purchases of said purchaser are for Category II use at base period volumes. If the supplier questions the volume of purchases reported by the purchaser for Category I or Category II uses, the supplier shall request the Regional Office to investigate such cases for wholesale purchasers of 84,000 gallons or more annual volume, and the State office for other wholesale and end-use purchasers, and adjustments in volumes will be made as directed. As Category I and II base period purchase reports are received, suppliers will allocate middle distillate fuels in accordance with this regulation for those purchasers who have so reported. For those purchasers who have not reported, middle distillate fuels will be allocated in accordance with the Mandatory Allocation Program for Middle Distillate Fuels that was effective as of November 1, 1973 (EPO Reg. 1, 32A CFR Ch. XIII, 38 FR 28660, as amended). Beginning with the allocation month of April 1974, all allocations will be made in accordance with this regulation. Those purchasers who have not notified their suppliers of Category I and Category II base period purchases by April 1 will be excluded from the program.

(g) Each refiner-supplier or importer-supplier selling middle distillate fuels will be required to submit a report on projected monthly allocations and the previous month's actual allocations to: (1) Each State office for purchasers located with that state; (2) each FEO Regional Office for purchasers located within that region; and (3) to the Federal Energy Office for all allocations. Additionally, each supplier will indicate his 3 percent set-aside removed from his primary distillate supply prior to making allocations This report will also indicate the Category I or Category II allocation fraction, as appropriate. Reports are due ten days prior to the beginning of the allocation month.

(h) This subpart shall become effective on December 27, 1973, except for American Samoa, where it will become effective January 18, 1974, and Alaska, where it will become effective January 23, 1974.

Subpart G—Aviation Fuels

§ 200.51 Scope of coverage.

(a) This subpart applies to the mandatory allocation of aviation fuels produced in or imported into the United States.

(b) Bonded aviation fuel is specifically excluded from the coverage of this subpart.

§ 200.52 Definitions.

(a) "Civil Air Carrier" means (1) Domestic Air Carriers—those air carriers holding a certificate of public convenience and necessity, providing for interstate and overseas air transportation, issued pursuant to section 401 of the Federal Aviation Act of 1958, as amended, and intrastate air carriers holding a state operating certificate, and (2) International Air Carriers—those air carriers holding a certificate of public convenience and necessity, providing for foreign air transportation, issued pursuant to section 401 of the Federal Aviation Act of 1958, and foreign air carriers holding permits issued pursuant to section 402 of the Federal Aviation Act of 1958, but excluding those with permits which restrict their operations to the use of aircraft not exceeding 12,500 pounds gross take-off weight.

(b) "General Aviation" means (1) Commercial/Industrial Flying—aerial application in agriculture which consist of those activities that involve the discharge of materials from aircraft in flight and a miscellaneous collection of minor activities that do not require the distribution of any materials; any use of aircraft for specialized work allied with industrial activity excluding transportation and aerial application. Examples are pipeline patrol; survey; advertising; photography; aircraft manufacturer's testing, training and ferrying; and helicopter hoist); and any use of aircraft by the holder of an Air Taxi Operating Certificate which is authorized by that certificate including operations by scheduled commuter airlines and non-scheduled air taxi operators; (2) Business/Executive Flying—any use of aircraft not for compensation or hire by an individual for the purpose of transportation required by a business in which he is engaged and any use of an aircraft by a corporation, company or other organization for the purpose of transporting its employees and/or property not for compensation or hire and employing professional pilots for the operation of the aircraft; and (3) Personal Pleasure/Instructional Flying—any use of aircraft for personal purposes not associated with

a business or profession and not for hire and any aircraft for the purpose of formal instruction with the flight instructor aboard or with the maneuvers on the particular flight specified by the flight instructor.

(c) "Public Aviation" means any aircraft used exclusively in the service of the government and the political subdivisions thereof including the government of any state, territory, or possession of the United States or the District of Columbia; for example: FAA aircraft, state and city police and forest firefighting aircraft, etc.

(d) "Aviation Gasoline" means those petroleum based fuels designed for use in aircraft internal combustion engines and complying with MIL-G-5572 specification (ASTM Specification D-910-70).

(e) "Aviation Turbine Fuel" means all refined petroleum fuel designed to operate aircraft turbine engines. The basic specifications is ASTM D-1655 which covers both type A (kerosene base) and type B (naphtha base).

(f) "Aviation Fuels" means aviation gasoline and aviation turbine fuel.

(g) "Bonded Aviation Fuels" means those aviation fuels produced outside the territorial limits of the United States and held under continuous United States customs custody in accordance with Treasury Department Regulations.

(h) The base period for aviation fuels is calendar 1972.

§ 200.53 Allocation.

(a) *Civil air carriers.* Allocations will be made to the end users.

(1) Domestic Air Carriers—to receive ninety-five percent of their base period fuel consumption until January 7, 1974 on which date it is reduced to eighty-five percent except that for those domestic air carriers that operate trunk lines or local routes not in competition on the routes with other air carriers and not in a favorable position to arrange capacity agreements, rescheduling, or load increases, or other fuel conservation measures, are to receive ninety percent of their base period fuel consumption.

(2) International Air Carriers—to receive one-hundred percent of their base period fuel consumption until January 7, 1974 on which date it is reduced to eighty-five percent. This applies to non-bonded fuel only.

(b) *General aviation.* Allocations will be made by the supplier (wholesaler) to the supplier (retailer); individual users will establish their requirements with the suppliers (retailers) based upon the corresponding month's usage in 1972.

(1) Aircraft for Commercial/Industrial flying—to receive ninety percent of their base period fuel consumption.

(2) Aircraft for Business/Executive flying—to receive eighty percent of their base period fuel consumption.

(3) Aircraft for Personal Pleasures and Instructional Flying—to receive seventy percent of their base period fuel consumption.

(c) *Public aviation.* Allocations will be made to end users at the highest level, i.e. Federal Agencies and States for further allocation within their administrative or political subdivisions.

(1) Non-Military Federal Agencies—to receive eighty-five percent of their base period fuel consumption subject to the provision of paragraph (d) of this section.

(2) States—to receive eighty-five percent of their base period fuel consumption subject to the provisions of paragraph (d) of this section.

(d) *Exceptions.* Emergency Operations and Mercy Missions—Public aircraft dedicated to emergency operations and mercy missions will have one hundred percent of their current requirements but not to exceed one hundred and fifty percent of their average monthly usage in 1972.

§ 200.54 Distribution system.

Aviation fuels will be distributed over normal distribution channels.

§ 200.55 Method of allocation.

(a) Aviation fuel will be allocated in accordance with the categories delineated in § 200.53.

(b) Aviation fuel for international flights will be allocated on a non-discriminatory basis. Such policy will be subject to modification on an individual basis if required for reciprocity.

(c) Those international air carriers which traditionally utilize bonded fuels are encouraged to obtain bonded fuels to meet their needs. The suppliers of bonded fuel are encouraged to distribute these products equitably to all international carriers.

(d) When allocations are below the requirements of civil air carriers without rescheduling, such rescheduling shall be coordinated with the Civil Aviation Board prior to implementation.

(e) Rescheduling by airlines may result in temporary imbalances of fuel at various airports. Relaxations in the anti-trust laws implied under section 4b(3) of the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159) provide the opportunity for suppliers to make free exchanges among themselves within the intent of the law and these regulations.

(f) Within each allocation, highest priorities will be assigned to those aircraft engaged in operations involving public health, safety, and welfare.

(g) Reserves should be maintained by all users for emergencies and other unforeseeable events. Discretionary authority is provided the Administrator, FEO, in the event of major emergencies and disasters when so declared.

(h) Civil Air Patrol assigned to mercy missions will be provided aviation fuel by the Department of Defense.

§ 200.56 Responsibilities and reporting requirements.

(a) Hardships, inequities, and new-user requirements will be met through the reclama procedures established in the State, Regional, and National Administrative Machinery.

(b) In order to provide for orderly planning fuel allocations will be monthly three months in advance.

(c) Appeals procedure: Notwithstanding any provision to the contrary found in Part 202 of this chapter:

(1) Petition by civil air carriers, Federal agencies and States will be made directly to the Administrator, Federal Energy Office.

(2) Individual end-use purchasers and retailers in general aviation may petition the State.

(d) Report requirements:

(1) Civil air carriers and public aviation:

(i) Prior to the initial date, each end-use purchaser must notify the Federal Energy Office of his base period purchases of aviation fuel consumed each corresponding month of 1972.

(ii) By the 5th of each month commencing on a date specified by the Administrator, Federal Energy Office, each end-use purchaser will report to the Federal Energy Office his total aviation fuel consumption for the previous month.

(2) General aviation will comply with the general reporting requirements provided in Subpart K of this part.

(3) All suppliers who import aviation fuel directly will report to the Federal Energy Office by the 25th of each month their aggregate certified needs by category of use for the coming month and the extent to which they plan to cover these needs with supplies received directly from importation.

Subpart H—Residual Fuel Oil

§ 200.57 Scope of coverage.

(a) This subpart applies to the mandatory allocation of residual fuel oil produced in or imported into the United States.

(b) Bonded residual fuel oil is specifically excluded from the coverage of this subpart.

§ 200.58 Definitions.

(a) "Federal Residual Oil Pool" is the quantity of residual fuel oil available to suppliers in excess of their customers' allocations, which is to be reported to the Administrator FEO for directed sale.

(b) "Required reduction in electricity generation" is the percentage reduction in electricity generation that is required by the shortfall of residual fuel oil.

(c) "Residual fuel oil" means the fuel oils commonly known as: (1) #4, #5 and #6 fuel oils, (2) Bunker C, (3) Navy Special Fuel Oil, (4) crude oil when burned directly as a fuel, (5) all fuel oils which have a fifty percent boiling point over 700°F in the ASTM D86 standard distillation test. Lubricating oils, asphalt, coke, waxes and all other products not used as fuel are specifically excluded from coverage under this subpart.

(d) "Total energy requirements for electric utilities" is the energy input expressed in BTU's consistent with the projected Federal Power Commission kilowatt hour requirement.

(e) "Total residual fuel oil requirement for electric utilities" is the amount of residual fuel oil projected by the Federal Power Commission to be required to

meet the total energy requirements.

(f) "Total residual fuel oil supply for electric utilities" is the amount of residual fuel oil expressed in barrels/day that is projected by the Administrator, FEO to be available for consumption by utilities.

(g) The base period for residual oil is the calendar 1973.

§ 200.59 Allocation.

(a) The following users of residual fuel oil shall be allocated 100 percent of their current requirements for these purposes:

(1) Non-space heating uses

(i) Energy production

(ii) Agricultural production

(iii) Emergency services and transportation services

(iv) Non-military, marine shipping, foreign and domestic, except cruise ships carrying passengers for recreational purposes. Sales to vessels involved in the foreign trade of the United States will be made on a nondiscriminatory basis in regard to flag of registration or cargoes carried. Such policy will be subject to modification by the FEO on a case-by-case basis if required to encourage reciprocal nondiscriminatory allocation of bunker fuels in foreign ports to vessels engaged primarily in the foreign trade of the United States.

(2) Space heating uses:

(i) Medical and nursing buildings.

(b) (1) To determine the fuel oil reduction from current requirements for any utility, multiply the percentage reduction (as determined by FEO, by that utility's total energy requirements, and express the product in barrels/day (translated from BTU's using 6,175,000 BTU/barrel). In order to determine the amount of residual fuel oil to be allocated to that utility, subtract the above product from the utility's total residual fuel oil requirement.

(2) In determining the total residual fuel oil requirement for an electric utility, the FEO may consider:

(i) The fact that certain electric generating plants which now burn residual fuel oil have been identified by the FEO as candidates for conversion to coal, and the maximum possible extent to which such plants could be utilized after conversion.

(ii) The extent to which any electric generating plants which presently burn coal may be utilized more fully than they presently are.

(iii) In considering these factors, the FEO may consider the extent to which it is possible for electric utilities to obtain necessary supplies of coal.

(iv) The allocation to each utility is illustrated by the following formula:

$$\text{Allocation} = \frac{x-(y)(z)}{6{,}175{,}000\ \text{BTU/BBL}}$$

Where:

x=Total barrels of residual fuel oil requirement for that utility (as determined by the Feedral Power Commission).

y=Required fractional reduction in electricity generation (as determined by the Federal Energy Office in conjunction with Federal Power Commission).

z=The energy input for that utility, expressed in BTU's consistent with the Federal Power Commission kilowatt hour requirement.

(c) Except as provided elsewhere, all end-user allocations of residual fuel oil used for space heating will be based upon the following schedule of adjustments in ambient indoor temperatures:

(1) Residential Heating—6°F reduction from 1972–73 heating season.

(2) All Other Heating—10°F reduction from 1972–73 heating season.

(3) If conditions warrant, the FEO may reduce the allocation quantities available for heating use.

(d) Industrial users and all other users of residual fuel oil not covered elsewhere shall be allocated their current requirements up to 100 percent of their base period supply.

§ 200.60 Distribution system.

(a) All suppliers of residual oil shall continue to supply all their November 1973 customers, within the limitations imposed by this regulation. Suppliers are encouraged to accept new customers whenever possible and may be directed to do so by the Federal Energy Office. In case anyone is denied service, as required by the regulation, by his regular supplier he may petition the FEO to be assigned a supplier, as may anyone not having a regular supplier. Customers who did not have a usage record or who had exceptional variations during the base period may petition the FEO for assignment of a base period usage on which allotments may be calculated.

(b) The FEO may order the sale of residual fuel oil by suppliers to other suppliers or end-users in order to alleviate imbalance or extreme hardships or when necessary to achieve the specific requirements set forth in the regulation; and may order the transfer of residual fuel oil from one region to another to the extent possible with existing transportation facilities.

(c) The FEO may reassign purchasers, require a transfer of some purchasers among suppliers, or make other adjustments as may be necessary to achieve a more equitable balance of assigned sales among suppliers. The FEO shall make such adjustments sparingly and may seek the advice of designated state offices and of the affected companies concerning how to make such adjustments with minimum effect upon commerce and competition.

(d) In the implementation of this program, the FEO may specify quality characteristics, such as sulfur content, of fuel supplies when practicable.

(e) Suppliers may make arrangements to supply purchasers to whom they have an allocation responsibility through other suppliers in accordance with normal business practice.

(f) The end-user recipient of an allocation under these regulations may transfer all or part of its allotment to any category of user or users. However, subsequent allocations to this recipient may be reduced by the FEO.

§ 200.61 Method of allocation.

(a) *Electric utilities.* The FEO will estimate total supply (domestic plus imports) for residual fuel. Allocations for all classes of users except electrical utilities will be estimated. The remainder of supply will be used to calculate the utility allocation. In order to assure that each utility using residual fuel oil will absorb an equal percentage cutback of power generation within PAD's or PAD groupings, and in view of the fact that some utilities have a greater dependence upon residual fuel oil than others, allocations to utilities will be made in the following manner: Each utility will be allocated an amount of residual fuel oil such that it will have to reduce its electric generation only by the same percentage as other utilities in its PAD or the PAD grouping. Based on information provided by the FPC, the FEO will compute and publish the residual fuel oil shortfall for the subsequent three months, to be revised monthly, considering PAD's 1, 2, and 3 together and PAD's 4 and 5 separately. Based on the computed shortfall the FEO will compute the required percentage reduction in electricity generation to achieve a balance in supply and demand of residual fuel oil. FEO, in conjunction with FPC, may apportion residual fuel oil among electric utilities from the Federal Residual Oil Pool by directing sales to a utility such that, depending on energy transfer capacity, each electric utility will have to reduce its electric generation only by the same percentage as other utilities in regional groupings as defined by the FPC. Because of fuel distribution or other problems, utilities may by mutual agreement of the respective utilities and the FPC apportion their respective allocated fuel volumes among themselves to generate power in the most efficient manner: *Provided*, That each utility receives its proper portion of the generated power through the electrical grid network.

(b) *Heating.* Suppliers to end-users will calculate the monthly allotment of their customers for heating using the most recent usage factors for each building heated. Where suppliers do not have historical usage factors for a building, these usage factors will be calculated based on gallons of fuel consumed and actual degree days exposure in the comparable period of last year. Suppliers to end-users will calculate the monthly allotment for each heating user by applying his usage factor to actual degree days less an adjustment for the required reduction in inside temperature. This adjustment to actual degree days will compensate for the required reduction in temperatures. End-users whose method of operation or procurement precludes computation of the heating allotment by the supplier may, with the concurrence of the supplier, make the computation themselves and provide the supplier with written assurance that calculations have

been made in accordance with this regulation. Copies of such assurance shall be forwarded to the Local Board and the FEO Regional Office. Suppliers' usage factors will be associated with units (e.g., an apartment house) and not with users. The most recent usage factor record for a unit will be used for that unit throughout the duration of this program regardless of changes in occupants or ownership. When this results in undue hardships, the end-user may apply to the Local Board for adjustment. For new buildings, the usage factor will be determined based on gallons of fuel consumed and actual degree days exposure during the latest period of normal heating usage before the issuance of this program. If no such period exists, a usage factor for that unit will be established by an initial period of normal heating operations, subject to review by the Local Board.

(c) Each supplier will allocate available supplies (domestic plus imported) of residual fuel oil according to § 200.58 up to the quantities specified for the various uses.

(d) If the supplier's total available supplies are greater than the total demand of all customers as defined, the excess will become a part of the Federal Residual Oil Pool, to be sold by direction of the FEO. Each supplier who makes a contribution to the Federal Residual Oil Pool will report to the FEO the volume, product specification and location of such contribution. A portion of the Pool, to be determined by the FEO, will be reserved for directed sale to the electric utility industry, with the balance being available for directed sale to hardship cases, upon appeal and investigation, if warranted. Each redirected sale will be allowed at a price equal to the price the supplier is allowed for his normal sales, plus normal reseller margin.

(e) In the event that there are insufficient supplies to meet the needs of the allocation supply categories as set forth in this regulation, all categories of users will receive pro rata reduction of their monthly allotment except such essential services as shall be designated by the FEO to receive no reduction of their present allocations. Such reduction may be made by the supplier when he is unable to meet the needs of all his customers.

§ 200.62 Responsibilities and reporting.

(a) *Responsibilities.* (1) The FEO will project the amount of residual fuel oil to be made available for consumption by utilities.

(2) The FPC will project the amount of residual fuel oil required to meet each utility's total energy requirements.

(3) The FEO will compute and publish the residual fuel oil shortfall for the subsequent three-month period, revised monthly, considering PAD's, 1, 2, and 3 together, and PAD 4 and PAD 5 separately. Based on the computed shortfall the FEO will compute and publish the required percentage reduction in electricity generation to achieve a balance in supply and demand of residual fuel oil.

(b) *Reporting requirements.* (1) Prior to a date specified by the Administrator, FEO, each end-user, except those enumerated in § 200.59 (a) and (b), shall notify his domestic supplier(s) of his total purchase of residual fuel oil during each month of 1973 as well as the purpose(s) for which it was used as outlined in this regulation, unless their supplier(s) indicates that he already has this information.

(2) Prior to a date specified by the Administrator, FEO, each end-user enumerated in § 200.59 (a) and (b) shall notify his domestic supplier(s) of his initial allocation as calculated in accordance with § 200.59 unless his supplier agrees to make this calculation for him. Notification for each subsequent month shall be provided to the supplier(s) on the 15th of the preceding month.

(3) Suppliers will report monthly to the FEO the quantity of the various grades of residual fuel oil on hand at the beginning and ending of the month, sales and receipts during the month (with imports broken out separately), and anticipated receipts and sales for each of the following two months (with imports broken out separately). The report will be submitted to the FEO by the 5th workday of the month following the month being reported.

(c) *Record retention requirement.* All supplier(s) of end-users and end-users themselves shall retain appropriate records of information used in the determination of their monthly allotments pursuant to these regulations.

Subpart I—Other Products

§ 200.63 Scope of coverage.

(a) This subpart applies to the mandatory allocation of petroleum products produced in or imported into the United States not excluded in Subpart A, Part 1 and not included in Subparts C through H of this part.

(b) Specific petroleum products are expressly excluded from mandatory allocation as set forth in Subpart A of this part.

(c) For petrochemical feedstocks used in petrochemical processing facilities, such a wide variety of subsequent products result that it was felt that present supply patterns should be maintained. However, if industry supply patterns result in inequitable distribution of shortages, the Federal Energy Office may institute controls to balance those shortages of these products.

§ 200.64 Definitions.

For the purposes of this subpart the following definitions apply:

(a) "Lubricants"—Includes all grades of lubricating oils for industrial, commercial and automotive use, and lubricating grease which are a solid to semifluid product consisting of a dispersion of a thickening agent in a liquid lubricant. This product includes all lubricants reported to the Bureau of Mines, United States Department of Interior as such, with the exception of a product controlled under the above subparts.

(b) "Petrochemical Feedstocks"—Petrochemical Feedstocks include all refinery streams which can be sold to or directed to operations for chemical conversion for petrochemicals or their precursors. This definition includes, but is not limited to, Naphtha, Benzene, Toluene, Butylene, Butadiene, Naphthalene, Propylene, and Xylene. This definition excludes Butane, Propane, and Butane-propane mixes as defined and regulated under Subpart D of this part, or excluded under Subpart A of this part.

(c) "Other Remaining Products"—Includes all refined petroleum products with the exception of those excluded under Subpart A of this part, defined and regulated under Subparts B through H of this part, "Lubricants" and "Petrochemical Feedstocks" as defined above. This definition includes, but is not limited to special naphthas and some solvent products.

(d) "Petrochemical Processor"—A corporation or other business entity which uses a "Petrochemical Feedstock" for chemical conversion purposes or other nonfuel use. This processor will include the producer of "Petrochemical Feedstocks" who is capable of directing those feedstocks to its own subsequent operational facilities; as well as a user who must purchase some or all of their basic Petrochemical Feedstocks because of a lack of facilities to directly produce in whole or in part the required feedstock inputs.

(e) The base period for other petroleum products is the corresponding month of 1972.

§ 200.65 Allocation.

Allocation level of other products is 100 percent of current requirements except for limitations imposed in this subpart.

§ 200.66 Distribution system.

(a) *Lubricants.* Normal business practices shall apply in lubricant distribution except that those purchasers having difficulty in securing necessary supplies of lubricants for their essential needs shall petition their State boards for assignment to a new supplier in order to fulfill these purchaser's essential requirements.

(b) *Petrochemical feedstocks.* Suppliers of petrochemical feedstocks must supply their customers of record during September 1973, in the volume specified in this subpart. For the purposes of this section refiners may be both suppliers and petrochemical processors of petrochemical feedstocks.

(c) *Other remaining products.* Normal business practices shall apply in "other remaining product" distribution except that those purchasers having difficulty in securing necessary supplies of "other remaining products" for their essential needs shall petition their State boards for assignment to a new supplier in order to fulfill these purchaser's essential requirements.

§ 200.67 Method of allocation.

(a) *Lubricants.* (1) Each supplier (including firms which have undergone a change in ownership) shall continue to provide lubricants under normal business practices.

(2) In the event that there are insufficient supplies of lubricants to meet the needs of all purchasers, suppliers are required to provide an equal allocation fraction of their customers certified requirements.

(b) *Petrochemical feedstocks.* (1) Each petrochemical processor will certify to his supplier the petrochemical feedstocks necessary to meet his supply requirements for the succeeding month no later than ten (10) days prior to that month. Suppliers must then furnish 100 percent of the allocation level or a pro rata share thereof, to that petrochemical processor during the specified month. This amount is subject to paragraph (b)(2) of this section.

(2) A petrochemical processor's allocation level is current requirements, but where current requirements for use, and not resale, of petrochemical feedstocks exceed 120 percent of the amount transferred or purchased during the corresponding month of 1972 validation by the Regional Office of the FEA is required. Suppliers are obligated to provide petrochemical feedstocks only to the extent of allocation levels unless surplus quantities then exist in which case paragraph (b)(6) of this section shall apply.

(3) If a petrochemical processor-purchaser was a customer of record during September 1973, of more than one supplier, he shall divide his actual supply requirements for each month among those suppliers in the same proportion as he was supplied by them during September 1973.

(4) The method, location, and terms of delivery which existed between the supplier and petrochemical processor shall be the same as prevailed during September 1973, unless otherwise agreed upon by the parties.

(5) Each month suppliers will redetermine their adjusted supplies available for sale, transfer, or internal use. After comparing its adjusted available supply with its total certified supply requirements to petrochemical processors, including amounts assigned the supplier, suppliers will determine their allocation fraction for that month. Such allocation fraction will be multiplied by the petrochemical processor's allocation level to determine the amount of petrochemical feedstocks allocated to that petrochemical processor.

(6) If a supplier has more than adequate supplies to meet the allocation levels of his customers, under this subpart he will distribute the surplus in the following manner:

(i) He will first offer, based on allocation levels, petrochemical feedstocks to his petrochemical processors of record on September 1973, who were not supplied their current requirements due to the restrictions found in paragraph (b)(2) of this section, on a pro rata basis.

(ii) Any remaining supply may be sold at the discretion of the supplier, except that no sales or internal use of petrochemical feedstocks for fuel purposes may be transacted until all current requirements of petrochemical processors have been met.

(c) *Other remaining products.* (1) Each supplier (including firms which have undergone a change in ownership) shall continue to provide the "other remaining" under normal business practices.

(2) In the event that there are insufficient supplies of other remaining products to meet the needs of all purchasers, suppliers are required to provide an equal allocation fraction of their customers requirements.

§ 200.68 Responsibilities.

(a) The extent of shortages of all "other remaining products" and lubricants will be determined by the FEO, and the FEO will have the option to amend the allocation basis to institute a more equitable distribution of lubricants, and "other remaining products" including but not limited to retention of a current need basis for those essential services as shall be designated by the FEO.

(b) Where current requirements for use, and not resale, of petrochemical feedstocks exceed 120 percent of the amount transferred or purchased during the corresponding month of 1972, validation by the regional office of the FEO is required.

(c) The FEO will assign supplies and allocation levels to those supplies, purchasers, and petrochemical processors who were not customers of record during 1973, whose suppliers are no longer capable of supplying them, or who are otherwise authorized under this subpart.

Subpart J—Antitrust Applicability

§ 200.69 Effect on antitrust laws.

(a) *Scope and purpose.* The purpose of this subpart is to set forth the relationship between the requirements of the Mandatory Petroleum Products Allocation Program and the antitrust laws of the United States as herein defined.

(b) *General.* Notwithstanding any provision to the contrary elsewhere in this part, except as specifically provided in this subpart, the provisions of the regulations of this subpart neither provide immunity from civil or criminal liability under the antitrust laws to any person subject to the provisions of this chapter, nor create a defense to any action under the antitrust laws.

(c) *Applicable antitrust laws.* For the purposes of this subpart, "antitrust laws" includes:

(1) The Sherman Antitrust Act (15 U.S.C. 1 et seq., July 2, 1890, as amended);

(2) The Clayton Act (15 U.S.C. 12 et seq., October 15, 1914, as amended);

(3) The Federal Trade Commission Act (15 U.S.C. 41 et seq.);

(4) The Wilson Act (Tariff) (15 U.S.C. 8 and 9, August 27, 1894, as amended); and

(5) The Robinson-Patman Price Discrimination Act (15 U.S.C. 13, 13a, 13b and 21a, June 19, 1936, as amended).

(d) *Certain actions.* By order of the FEO, whenever it becomes necessary in order to comply with the provisions of these regulations, that owners, directors, officers, agents, employees, or representatives of two or more persons engaged in the business of producing, refining, marketing, or distributing of any product subject to the requirements of these regulations must meet, confer, or communicate in such fashion and to such ends that might otherwise be construed to constitute a violation of the antitrust laws, such activities may be permitted: *Provided,* The criteria of paragraph (e) of this section are met.

(e) *Criteria for meeting.* Persons permitted by order to so meet, confer, or otherwise communicate shall:

(1) Obtain from FEO an order which will specify and limit the subject matter to be discussed, and the objectives of such meeting, conference or other communication;

(2) Meet only in the presence of a representative of the Antitrust Division of the Department of Justice;

(3) Take a verbatim transcript of such meeting, conference, or other communication; and

(4) Submit such verbatim transcript and any agreement resulting from such meeting, conference, or other communication to the Attorney General and to the Federal Trade Commission.

(f) *Defense; antitrust.* Compliance with the provisions of paragraph (e) of this section shall make available to the affected parties a defense to any action brought under the antitrust laws arising from any meeting, conference, or communication, or agreement arising therefrom. *Provided,* That such meeting, conference, or other communication was held and any resulting agreement was made solely for the purpose of complying with the provisions of the regulations of this chapter.

(g) *Defenses; antitrust and breach of contract.* Compliance with the provisions of the regulations of this chapter shall make available a defense to any action brought under the antitrust laws or for breach of contract in any Federal or State court arising out of delay or failure to provide, sell, or offer for sale or exchange any product subject to these regulations: *Provided,* That such defense shall be available only if such delay or failure was caused solely by compliance with the provisions of the regulations of this chapter.

Subpart K—Reporting and Recordkeeping Requirements

§ 200.70 General.

(a) *Upward reporting.* (1) Every supplier who sells an allocated substance to an end-user (in the case of gasoline, those who sell to retail outlets or bulk

purchasers) must certify to his own supplier, with respect to each allocated substance to be supplied by his own supplier, his requirement for each use classification as required in Subparts C through I of this part, for each month of the coming year. This certification must be made by dates to be specified by the Administrator, Federal Energy Office.

(2) Every supplier who sells an allocated substance for resale (in the case of gasoline excluding those who sell to retail outlets or bulk purchasers) must certify to his own supplier, with respect to each allocated substance to be supplied by his own supplier, his requirement for each use classification as required in Subparts C through I of this part, for each month of the coming year. This certification must be made by dates to be specified by the Administrator, Federal Energy Office.

(3) It is the responsibility of each supplier to obtain the necessary information from his purchasers in time to prepare and forward a timely certificate and to permit his supplier to do the same. Reports are to be made in gallons.

(4) A copy of every certificate required by paragraphs (a) (1) and (2) of this section shall be kept on record by both the supplier preparing and the supplier receiving such certificate. These certificates must be made available for inspection by Federal Energy Office representatives upon a proper request.

(b) *Downward reporting.* (1) Every refiner and importer who is a supplier of any allocated substance will report monthly to the Federal Energy Office the following information for each allocated substance he supplies (reports are to be made by calendar month in gallons):

(i) His inventory at the end of the preceding month, and his inventory on the 15th day of the current month,

(ii) Deliveries received by him during the preceding month, and those received by the 15th day of the current month,

(iii) Accretion during the preceding month of his inventory through means other than deliveries, and such accretion during the first 15 days of the current month,

(iv) Total deliveries made by him from inventories in each State during the preceding month, by category, and the same information for the first 15 days of the current month,

(v) Reduction during the preceding month of his inventory through means other than deliveries, and the same information for the first 15 days of the current month,

(vi) Total deliveries made by him in each State during the preceding month by category, and the same information for the first 15 days of the current month.

(vii) His anticipated total available supply for distribution in each State during the following month, by category,

(viii) The anticipated total allocation requirements for the following month for purchasers he will supply within each State, by category and

(ix) His anticipated excess or shortfall i.e., item

(x) Minus item (I).

(2) Reports required by paragraph (b) (1) of this section must be received by the Federal Energy Office not later than ten days prior to the end of the month.

(c) *Compliance.* Failure to make any certification, report, or copy submission required by this Subpart is a violation of this regulation and subjects the person charged with making the certification, report, or copy submission to penalties described in § 202.21 or §202.22 of Subpart F of this chapter. Knowingly making false, incomplete, or erroneous statements in any certification, report or copy submission required by this subpart is also a violation of this regulation and subjects the preparer and anyone else supplying false, incomplete, or erroneous information to the preparer, directly or indirectly, to the same penalties.

Subpart L—Allocations, Market Share and Market Entry

§ 200.71 Market share and market entry considerations.

(a) *General.* To the extent practicable and consistent with the purposes of The Acts, allocations of crude oil, residual fuel oil or any refined petroleum product subject to the provisions of this chapter will be accomplished giving due consideration to: (1) National or regional market share of any branded independent marketer, non-branded independent marketer, small refiner and independent refiner; and

(2) Market entry of any branded independent marketer, non-branded independent marketer, small refiner and independent refiner.

(b) *Allocation of decreased supply.* To the extent practicable and to accomplish the purposes of The Acts allocation of any refined petroleum to any branded independent marketer, non-branded independent marketer, small refiner and independent refiner shall be in an amount not less than any amount supplied to such person during the corresponding period of 1972 adjusted to provide a pro rata reduction in the amount or any such product if the aggregate amount of such product produced in and imported into the United States is less than the amounts produced in or imported into the United States in 1972.

(c) *Allocation of increased supply.* To the extent practicable, an equitable adjustment to allocation of any refined petroleum product produced in or imported into the United States will be directed by FEO if the supply of any such product is in excess of the amount imported into or produced in the United States during 1972, and if allocation pursuant to this chapter of such increased supply contributes to a significant increase in any national or regional market share of any non-branded independent marketer, branded independent marketer or other person engaged in the marketing or distributing of refined petroleum products.

(d) *Allocation adjustments to take into consideration market entry.* Such adjustments in the allocation of refined petroleum products and crude oil may be ordered by FEO as may be necessary to take into consideration:

(1) Market entry by branded independent marketers and non-branded independent marketers and expansion or reduction of marketing or distribution facilities of such marketers in the case of any refined petroleum product; and

(2) Market entry by independent refiners and small refiners and expansion or reduction of refinery facilities of such refiners in the case of crude oil. Any such adjustment as may be ordered under this paragraph (d) will be made only upon a finding that to the maximum extent practicable the objectives of The Act are attained thereby.

Subpart M—Delegation of Authority to State Offices and Local Boards

§ 200.72 State and local authority.

(a) *State offices.* Pursuant to section 5(b) of the Emergency Petroleum Allocation Act of 1973, the Governor or chief executive of each State is authorized to create a State Office of Petroleum Allocation within his jurisdiction. Each State Office will assume responsibilities detailed in this regulation or orders issued pursuant to the Acts.

(b) *Local boards.* The Governor or chief executive of each State is authorized to create a Local Petroleum Allocation Board for each county, metropolitan area or similar geographic or political unit within his jurisdiction: *Provided,* That no area of any State shall be served by more than one local board. Each of these boards shall be representative of the area it is to serve. A sufficient number of these boards shall be established in each State to ensure their geographic accessibility and responsiveness to appropriate requests and petitions. Each of the boards will assume responsibilities detailed in this regulation or orders issued pursuant to the Acts.

PART 201—MANDATORY PETROLEUM ALLOCATION PRICE REGULATIONS

Subpart A—General

Sec.
201.1 Scope.
201.2 Applicability.
201.3 Definitions.

Subpart B—Specific Price Regulations

201.4 Price rule.

AUTHORITY: Economic Stabilization Act of 1970 as amended by the Economic Stabilization Act Amendments of 1973, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28; 87 Stat. 27; Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575.

Subpart A—General

§ 201.1 Scope.

This part sets forth the pricing rules applicable to the purchase or sale of covered products.

§ 201.2 Applicability.

This part applies to each economic unit or transaction in the United States to the extent that covered products are involved.

§ 201.3 Definitions.

As used in this part (a) "Covered Products" means products described in the

1972 Standard Industrial Classification Manual, Industry Code 1311, 1321, or 2911 (except natural gas).

"United States" means the several States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

Subpart B—Specific Price Regulations

§ 201.4 Price rule.

With respect to economic units and transactions subject to this part, the maximum price which a seller may charge and a buyer may pay is the price permitted pursuant to the provisions set forth in Part 150 of Title 6 of the Code of Federal Regulations.

PART 202—ADMINISTRATIVE PROCEDURAL REGULATIONS

Subpart A—General

Sec.

202.1 Purpose and scope.
202.2 Definitions.
202.3 Representation.
202.4 Filing of documents.
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Subpart B—Rules Relating to Program Interpretations, Modifications and Adjustments

202.11 Scope and purpose.
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202.17 Request for interpretations, adjustments, assignment, exceptions, exemptions, and modification or rescission of regulations or orders on the national level.
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Subpart C—Complaints by Parties

202.21 Scope and purpose.
202.22 Complaints by parties.
202.23 Violations.
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Subpart D—Procedures for Processing Requests

202.25 Purpose and scope.
202.26 Who may file and where to file.
202.27 Contents, processing and reconsideration.

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202.28 Rulings for publication.

Subpart F—Sanctions, Penalties and Enforcement

202.29 General.
202.30 Sanctions—Criminal fines.
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202.32 Injunctions and other relief.
202.33 Other penalties.
202.34 Ratification of prior orders.

Subpart G—Appeals and Review

202.35 Appeals to the administrator, Federal Energy Office.

Subpart H—Judicial Review

Sec.
202.36 General.

AUTHORITY: Economic Stabilization Act of 1970 as amended by the Economic Stabilization Act Amendments of 1973, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27, Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575.

Subpart A—General

§ 202.1 Purpose and scope.

This part establishes procedures for (a) requests for interpretation of the regulations and orders issued under the Mandatory Petroleum Allocation Program (Program), Chapter XIII of Title 32A, CFR; (b) action on requests for adjustments, assignments, exceptions and exemptions under the program; (c) processing of complaints; (d) modification or rescission of regulations; (e) publication of rulings; (f) enforcement of criminal and civil penalties; and (g) review of administrative decisions.

§ 202.2 Definitions.

The definitions set forth in Parts 200 and 201 of this chapter shall apply to this part.

§ 202.3 Representation.

(a) Unless disqualified under the provisions of paragraph (b) or (c) of this section, persons may participate and be represented in proceedings hereunder as follows:

(1) Attorneys at law who are admitted to practice before the courts of any State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Trust Territory of the Pacific Islands, or the District Court of the Virgin Islands will be permitted to practice without filing an application for such privilege.

(2) An individual who is not otherwise entitled to practice before the Office may practice in connection with a particular matter on his own behalf or on behalf of: (i) A member of his family; (ii) a partnership of which he is a member; (iii) a corporation, business trust, or an association, if such an individual is an officer or full time employee; (iv) a receivership, decedent's estate, or a trust or estate of which he is the receiver, administrator, or other similar fiduciary; (v) a Federal, State, county, district, territorial, or local government or agency thereof, or a government corporation, or a district or advisory board established pursuant to statute; or (vi) an association or class of individuals who have no specific interest that will be directly affected by the disposition of the particular interest, (vii) individuals otherwise not entitled to appear who receive written approval of the head of the Office or his authorized representative.

(b) No individual may practice before the Office if such practice would violate the provisions of 18 U.S.C. 203, 205, or 207.

(c) (1) Disciplinary proceedings may be instituted against anyone who is practicing or has practiced before the Office on grounds that he is practicing without authority under the provisions of this part, or that he has violated any provisions of the laws and regulations governing practice before the Office, or that he has been disbarred or suspended by any court or administrative agency. Individuals practicing before the Office should observe the Canons of Professional Ethics of the American Bar Association and those of the Federal Bar Association, by which the Office will be guided in disciplinary matters.

(2) Whenever in the discretion of the General Counsel the circumstances warrant consideration of the question whether disciplinary action should be taken against an individual who is practicing or has practiced before the Office, the General Counsel shall appoint a hearing officer to consider and dispose of the case. The hearing officer shall give the individual adequate notice of, and an opportunity for a hearing on, the specific charges against him. The hearing shall afford the individual an opportunity to present evidence and cross-examine witnesses. The hearing officer shall render a decision either (i) dismissing the charges, or (ii) reprimanding the individual or suspending or excluding him from practice before the Office.

(3) Within 30 days after receipt of the decision of the hearing officer reprimanding, suspending, or excluding an individual from practice before the Office, an appeal may be filed with the General Counsel, whose decision shall be final.

(d) When an individual who appears in a representative capacity signs a paper in practice before the Office, his signature shall constitute his certificate:

(1) That under the provisions of this part and the law, he is authorized and qualified to represent the particular party in the matter;

(2) That, if he is the partner of a present or former officer or employee, including a special Government employee, the matter in respect of which he intends to practice is not a matter in which such officer or employee of the Government or special Government employee participates or has participated personally and substantially as a Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise and that the matter is not the subject of such partner's official Government responsibility;

(3) That, if he is a former officer or employee, including a special Government employee, the matter in respect of which he intends to practice is not a matter in which he participated personally and substantially as a Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while so employed and, if a period of one year has not passed since the termination of his employment with the Government, that the matter was not under his official responsibility as an officer or employee of the Government; and,

(4) That he has read the paper; that to the best of his knowledge, information, and belief there is good ground to support its contents; that it contains no scandalous or indecent matter; and that it is not interposed for delay.

§ 202.4 Filing of documents.

A document required to be filed with the Federal Energy Office under this chapter is considered filed if it has been received at the designated office. Documents received after regular business hours are deemed filed the next regular business day.

§ 202.5 Computation of time.

Except as otherwise provided by law, in computing any period of time prescribed or allowed by this part for the doing of any act, the day of the act, event, or default on which the designated period of time begins to run shall not be counted.

(a) If the last day of the period falls on a Saturday, Sunday, Federal legal holiday, or other nonbusiness day, the period shall be extended to the next day which is not a Saturday, Sunday, Federal legal holiday, or other nonbusiness day, the period shall be extended to the next day which is not a Saturday, Sunday, Federal legal holiday, or other nonbusiness day.

(b) If the period prescribed or allowed is 7 days or less, an intervening Saturday, Sunday, or Federal legal holiday shall not be counted.

§ 202.6 Service.

(a) All documents required to be served under this part shall be served personally or by registered or certified mail on the person specified in the regulations in this part.

(b) Whenever a person is represented by a duly authorized representative, service on the representative shall constitute service on the person.

(c) Service by registered or certified mail is complete upon mailing.

§ 202.7 Extension of time.

Where an action is required to be taken within a prescribed time, an extension of time will be granted only upon good cause shown and only where the application is made before the expiration of the time prescribed.

§ 202.8 Subpoenas; witness fees.

Any official authorized to conduct investigations, hearings, or proceedings hereunder may issue subpoenas on written application of a party to the proceedings or on his own motion.

(a) A subpoena may require the attendance of witnesses or the production of relevant papers, books, and documents in the possession or under the control of the person served or both.

(b) A subpoena may be served by any person who is not a party and is not less than 18 years of age.

(c) The original subpoena bearing a certificate of service shall be filed with the Administrator, Federal Energy Office or his authorized representative.

(d) A witness subpoenaed by any party shall be paid the same fees and mileage as are paid for like service in the District Courts of the United States. The witness fees and mileage shall be paid by the party at whose instance the subpoena was issued.

(e) In case of refusal to obey a subpoena served upon any person under the provisions of this part, the official issuing the subpoena may request the General Counsel of the Office to seek the aid of the District Court of the United States for any district in which such person is found to compel such person, after notice to appear and give testimony, or to appear and produce documents.

§ 202.9 Public access to information.

(a) This § 202.9, (1) grants authority to the Administrator of the Federal Energy Office (hereinafter the "FEO") to make records available for public inspection in accordance with the provisions of this section; (2) establishes procedures pursuant to the Freedom of Information Act, 81 Stat. 54, 5 U.S.C. 552 for public inspection of identifiable records in the custody and control of the Federal Energy Office except those excluded by applicable statutes; (3) prescribes the time and place of which such records will be available and (4) sets the fees to be paid for copies of such records.

(b) In construing the terms used in this part, words and phrases shall be given the meaning ascribed to them in the Administrative Procedure Act, 5 U.S.C. 551, et seq.

(c)(1) The Administrator is specifically authorized to receive, review, identify, determine the availability of, and approve or disapprove requests for records in the custody and control of the FEO in accordance with the provisions of this § 202.9.

(2) The Administrator, in his discretion, is specifically authorized to divulge or disclose to a complainant, or to an individual with specific knowledge of a complaint, the nature and result of the investigation of said complaint in circumstances where no violation has been found.

(3) The Administrator, is authorized in his discretion to make any record enumerated in paragraph (d) of this section available for inspection when he deems disclosure to be in the public interest and disclosure is not otherwise prohibited by law.

(4) The authority of the Administrator in this § 202.9 of this Subpart A may in the exercise of discretion, be delegated by the Administrator: *Provided*, Such delegation is in writing and is published in the FEDERAL REGISTER, except that the authority under paragraph (k) of this section may not be delegated.

(d) This section does not apply to records which are:

(1) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from disclosure by statute including information which contains or relates to trade secrets or other matters referred to in section 1905 of title 18 of the United States Code.

(4) Interagency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency;

(5) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(6) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency, and except as authorized in paragraph (c)(2) of this section;

(7) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(8) Geological and geophysical information and data, including maps, concerning wells.

(e)(1) The Administrator will designate an official custodian who will have authority to attest or otherwise authenticate copies of records made available under the provisions of this part.

(2) The Administrator and the official custodian may issue such statements, certificates, or other documents as may be required to show that after a diligent search, no record or entry of the tenor specified in a request has been found to exist. (See Rule 44, Federal Rules of Civil Procedure.)

(f)(1) A person who requests a record originating in another agency but currently in the custody of the FEO shall submit his request to the other agency.

(2) Where the originating agency consents, in writing, to make the record available, it will be made available in accordance with the provisions of this part.

(g)(1) Any person may file a request for records.

(2) A request for a record may be filed by mail or in person with the Administrator, or his authorized representative, Federal Energy Office, Washington, D.C.

(3) A request for records must be filed, except on Federal Government holidays, during the normal business hours of FEO, Monday through Friday.

(h)(1) Each request submitted in accordance with this § 202.9 shall be reviewed by the Administrator or his authorized representative to determine whether the record requested is an identifiable record within the meaning of 5 U.S.C. 552(a)(3).

(2) If it is determined that the record is not identifiable, the person filing the request will be so advised and will be given a reasonable opportunity to provide additional information to facilitate identification of the record.

(3) If it is determined that the record is identifiable but should be withheld from inspection in the public interest, the person filing the request will be so advised, in writing of the decision to deny it. The denial shall inform the applicant of:

(i) The specific subparagraph of paragraph (d) of this section relied on for denying the request; and

(ii) The right to request a review of an adverse determination as provided in paragraph (k) of this section.

(i) (1) An identifiable record which has been determined by the Administrator or his authorized representative to be available for inspection, will be made available for examination at a reasonable time and place.

(2) Manual, typewritten or other copies may be made freely by the person filing the request subject to appropriate supervision.

(j) (1) Except as provided in paragraph (j) (2) of this section, there will be no charge for making an identifiable record available under paragraph (i) of this section.

(2) If the Administrator, or his authorized representative determines that a record cannot be made available without significant disruption of normal business activities, he may secure an estimate of the cost of making the record available and require the person filing the request to deposit that amount prior to commencing a search for the record: *Provided, however,* That where the actual cost of making the record available is significantly more or less than the amount deposited, an adjustment in the form of a supplemental payment or refund, as appropriate, will be made.

(3) In determining whether the search for a record will disrupt normal business activities, the Administrator, or his authorized representative, may take into account the cumulative effect upon business activities of all other pending requests for records under this § 202.9, whether made by the same person or by other persons.

(4) An available record, upon advance payment of the fee prescribed in any reproduction fee schedule established by the Administrator or his authorized representative, may be reproduced through any available means; however, the Administrator or his authorized representative, may waive such fees if he determines the reproduction cost to be inconsequential.

(k) (1) Any person aggrieved by any determination made or taken under this § 202.9 may request a review.

(2) An appeal must be filed with the Administrator FEO within 30 days after the determination on action to be reviewed.

(3) An appeal may be filed in any form and a letter or other written statement setting forth the pertinent facts will be considered sufficient for this purpose.

(4) The Administrator may require the person filing the appeal to present additional evidence or information in support of his request for review.

(5) The Administrator will promptly review each appeal and notify the appellant in writing of his decision.

§ 202.10 Order of precedence.

In case of any conflict of inconsistency between the provisions of Chapter XIII, Title 32A, CFR, relating to the Mandatory Petroleum Allocation Program and the provisions of this part, the provisions of this shall be controlling as to procedure.

Subpart B—Rules Relating to Program Interpretations, Modifications and Adjustments

§ 202.11 Scope and purpose.

(a) This subpart establishes procedures to be followed by any applicant who requests an interpretation of the regulations and/or orders issued under the Mandatory Petroleum Allocation Program.

(b) Sections 202.12 through 202.16 specify the procedural steps by which a person may seek an interpretation of the regulations as they apply to his particular case, or an exception or exemption therefrom. Section 202.14 is directed toward those persons who seek a rescission or modification of an order issued pursuant to these regulations.

(c) Sections 202.17 through 202.20 outline the procedures used to seek adjustments and assignments at each level of authority within the Allocation System instituted in Part 200 of this chapter. No attempt has been made to exhaustively define the exact procedures these officers will use to implement this program. Prospective applicants should inquire at the appropriate office for specific instructions concerning their petitions. For this purpose, prospective applicants are referenced to the following locations for information and filing requirements.

(d) The following breakdown by product subparts, is intended to aid applicants in locating the appropriate offices for such inquiries.

SUBPART C—MIDDLE DISTILLATES

(1) Users other than wholesale purchasers (those persons using less than 84,000 gallons per year) may apply to their local boards for appropriate relief.

(2) Wholesale purchasers (using greater than 84,000 gallons per year) may apply:

(a) (a) To their state office for temporary relief from exceptional hardship. Such relief shall be taken from that state's "state reserve."

(b) (b) To their regional office for a permanent adjustment or assignment.

SUBPART D—PROPANE AND BUTANE

(1) Persons who use a small volume of propane for heating use may apply to their state board for relief.

(2) All other users of propane must apply to their Regional office. Adjustments in their supply volume will be made on the basis of exceptional hardship.

SUBPART E—MOTOR GASOLINE

(1) Retail outlets or bulk purchasers may apply:

(a) To the state office in their state for temporary relief from exceptional hardship. Such awards shall be taken from that "state reserve."

(b) To their regional office for a permanent adjustment or assignment.

SUBPART F—RESIDUAL FUEL OIL

(a) Persons who use their residual fuel oil for heating purposes may apply to their local boards.

(b) Those who use residual fuel oil for the production of electrical power should reference inquiries to the National office of the FEO.

(c) All other users of residual fuel oil must apply to their regional offices for relief.

SUBPART G—CRUDE OIL

An office of FEO at the national level will be set up to process applications for crude oil.

SUBPART H—AVIATION FUEL

(a) Those users of aviation fuel who are within the category of general aviation must apply to their respective state offices for relief from that state's "state reserve."

(b) Those users defined as civil and public aviation shall apply to the national office of FEO for relief.

SUBPART I—OTHER FUELS

(1) Petrochemical processors may apply to their regional offices for an adjustment or assignment.

(2) All other users, including users of lubricating oils must apply to their state offices for relief. It is not intended that a state reserve be instituted for these products. The state office may assign a user of these products to a supplier along with a specified supply volume determined on the basis of exceptional hardship.

§ 202.12 Interpretations.

(a) *Instructions to applicants* — (1) *Who may file.* Any person may file a request for an interpretation or a ruling.

(2) *Where to file.* A request for an interpretation or a ruling shall be in writing and filed in the Office of the Regional Administrator for the Region in which the applicant resides or has his principal place of business. Telephonic inquiries shall be deemed neither interpretations nor rulings and shall merely provide general information.

(3) *Contents.* The request for an interpretation should be set forth in simple, concise and direct statements.

(b) *Processing of requests.* The Office of the Regional Administrator issues interpretations on prospective or completed acts or transactions. Such interpretations shall be in writing and no person relying thereon shall be subject to sanctions or penalties by the Administrator, Federal Energy Office notwithstanding that such interpretation shall thereafter be declared by judicial or other competent authority to be invalid.

(c) *Review.* (1) Interpretations are not generally reviewed by the Administrator, Federal Energy Office as they merely inform an applicant of a position previously established or of prospective action. If an applicant believes that an interpretation is in error, he may seek an appeal under Subpart G of this part.

(2) A ruling may be revoked or modified at any time in the course of the administration of this program.

§ 202.13 Requests for modification or rescission of regulations.

(a) *Instructions to applicants*—(1) *Who may file.* Any person seeking a modification or rescission of a regulation shall file a written request.

(2) *Where to file.* Requests for modification or rescission of a regulation shall be directed to the Administrator, Federal Energy Office, Washington, D.C. 20240.

(3) *Contents.* Requests for modification or rescission of a regulation shall clearly designate the regulation sought to be modified or rescinded and the modification sought, and shall include a clear and concise statement of the justification for the modification or rescission with supporting documentation. Failure to supply such information shall subject the request to summary dismissal without prejudice.

(b) *Processing of requests.* The Administrator, Federal Energy Office shall promptly process all requests for modification or rescission of regulations. The Administrator may order a hearing under such rules as he shall promulgate if, in his opinion, such a hearing would be advisable. Upon a determination that the request should be granted or denied, the Administrator shall so notify the applicant in writing, stating the reasons for his decision.

(c) *Reconsideration.* A person aggrieved by a denial of his request for a modification or rescission of the regulations may petition the Administrator within four days for a reconsideration of that denial. Such request should clearly indicate in what manner the original decision was in error and should provide any additional evidence that would justify a reconsideration of the Administrator's decision. The Administrator, after consideration of the petition for reconsideration, may affirm, modify, or reverse the original decision and shall notify the person in writing of his disposition of the petition, stating the reasons for his decision. A decision of the Administrator denying a petition for reconsideration under this Part 202 shall be the final decision of the Department.

§ 202.14 Requests for modification or rescission of an order issues under the program.

(a) *Instructions to applicants*—(1) *Who may file.* Any person seeking a modification or rescission of an order shall file a written request. The procedure set forth in this section does not apply to any person who may seek review of the order complained of under provisions of any other subpart of this part. Similarly, this procedure does not apply to any compliance order issued under this regulation, review of which may be sought pursuant to Subpart G of this part.

(2) *Where to file.* Requests for modification or rescission of an order shall be directed to the Administrator, Federal Energy Office, Washington, D.C. 20240.

(3) *Contents.* Requests for modification or rescission of an order shall clearly designate the order sought to be modified or rescinded and the modification sought, and shall include a clear and concise statement of the justification for the modification or rescission with supporting documentation. Failure to supply such information shall subject the request to a summary dismissal without prejudice.

(b) *Processing of requests.* The Administrator, Federal Energy Office, shall promptly process all requests for modification or rescission of any order. The Administrator may order a hearing under such rules as he shall promulgate if, in his opinion, such a hearing would be advisable. Upon determination that the request should be granted, dismissed, or denied, the Administrator shall so notify the applicant in writing, stating the reasons for his decision.

(c) *Reconsideration.* A person aggrieved by a denial of his request for a modification or rescission of an order may petition the Administrator within four days for reconsideration of that denial. Such request shall clearly indicate in what manner the original decision was in error and should provide any additional evidence that would justify a reconsideration of the Administrator's decision. The Administrator, after consideration of the petition for reconsideration, may affirm, modify, or reverse the original decision and shall notify the petitioner in writing of his disposition of the petition stating the reasons for his decision. A decision of the Administrator denying a petition for reconsideration under this § 202.13 shall be the final decision of the office.

§ 202.15 Requests for exceptions from the program.

(a) *Instructions to applicants*—(1) *Who may file.* Any person seeking an exception shall file a written request.

(2) *Where to file.* Requests for an exception shall be directed to the Regional Administrator for that region. However, in any case in which an exception is sought for operations which encompass more than a single region, the request should be directed to the Administrator, Federal Energy Office, Washington, D.C. 20240.

(3) *Contents.* Requests for exceptions shall clearly indicate the specific regulation or order from which an exception is sought and shall include a clear and concise statement of the justification for such an exception with supporting documentation. Failure to supply such information shall subject the request to summary dismissal without prejudice.

(b) *Processing of requests.* The Regional Administrator, or the Administrator, Federal Energy Office, in cases which involve more than one region, shall promptly process all requests for exceptions. Upon a determination that a request should be granted or denied, the Regional Administrator or the Administrator, as the case may be, shall notify the applicant in writing, stating the reasons for his decision.

(c) *Review and reconsideration.* (1) A person aggrieved by a decision of a Regional Administrator denying his request for an exception may, within four days, seek a review of that decision by the Administrator, Office of Petroleum Allocation, under the procedures set out in Subpart G of this part.

(2) Any person aggrieved by a decision of the Administrator denying his request for an exception may petition the Administrator, Federal Energy Office, within four days for a reconsideration of such denial. Such request should clearly indicate in what manner the original decision was in error and should provide any additional evidence that would justify a reconsideration of the Administrator's decision. The Administrator, after consideration of the petition for reconsideration, may affirm, modify, or reverse the original decision and shall notify the person in writing of his disposition of the petition, stating the reasons for his decision. A decision of the Administrator denying a petition for reconsideration under this § 202.15 shall be the final decision of the Department.

§ 202.16 Request for exemptions from the program.

(a) *Instructions to applicants*—(1) *Who may file.* Any person seeking an exemption from the program shall file a written request.

(2) *Where to file.* Requests for an exemption shall be directed to the Administrator, Federal Energy Office, Washington, D.C. 20240.

(3) *Contents.* Requests for exemption shall clearly indicate the basis upon which an exemption is sought and the justification for such exemption with supporting documentation. Failure to supply such information shall subject the request to summary dismissal without prejudice.

(b) *Processing of requests.* The Administrator, Federal Energy Office, shall promptly process all requests for exemptions from the Program. The Administrator may order a hearing under such rules as he shall promulgate if, in his opinion, such a hearing would be advisable. Upon determination that the request for an exemption should be granted or denied, the Administrator shall so notify the applicant in writing, stating the reasons for his decision.

(c) *Reconsideration.* A person aggrieved by a denial of his request for an exemption may petition the Administrator, Office of Petroleum Allocation, for reconsideration of the denial. Such request shall clearly indicate in what manner the original decision was in error and should provide any additional evidence that would justify a reconsideration of the Administrator's decision. The Administrator, after consideration of the petition for reconsideration, may affirm, modify, or reverse the original decision and shall notify the petitioner in writing of his disposition of the petition, stating the reasons for his decision. A decision of the Administrator denying a petition for reconsideration under this section shall be the final decision of the Department.

§ 202.17 Requests for interpretations, adjustments, assignment, exceptions, exemptions, and modification or rescission of regulations or orders on the national level.

(a) *Interpretations*—(1) *Instructions to applicants.*—(i) *Who may file and where to file.* Any person may file a request for an interpretation or a ruling involving crude oil or aviation fuel. Such request shall be in writing and filed in the National Crude Oil Allocation Office or the National Aviation Fuel Allocation

Office, respectively. Telephonic inquiries shall be deemed neither interpretations nor rulings and shall merely provide general information.

(2) *Contents.* The requests for an interpretation should be set forth in simple, concise and direct statements.

(3) *Processing of requests.* The Director of the appropriate national office issues interpretations on prospective or completed acts or transactions. Such interpretations shall be in writing and no person relying thereon shall be declared by judicial or other competent authority to be valid.

(4) *Review.* If an applicant believes that an interpretation is in error, he may seek review under Subpart G of this part.

(b) *Adjustments*—(1) *Instructions to applicants.* Who may file and where to file. Any refiner or other person purchasing crude oil or any person purchasing aviation fuel for a civil air carrier or for public aviation may apply for an adjustment, as defined herein, to the appropriate national office.

(2) *Contents.* The application may be submitted using Form PAP 17 (10–73). In the event such form is unavailable, the application should set forth clearly and concisely the amount of the adjustment requested and the reasons why such an adjustment is necessary.

(3) *Processing of requests.* The Director of the appropriate national office shall, upon consideration of such application and any other relevant information, make a prompt decision on such application. The decision may grant the relief requested in the application, either wholly or in part, or deny the petition. Petitions may be dismissed, if during a reasonable period of time, the applicant fails to furnish information essential to the determination of his application. Dismissals shall be issued without prejudice to subsequent filings or requests by the applicant. The Director of the appropriate national office shall notify the applicant, in writing, of the disposition of his request. If such a request is denied, he shall state the reasons for the denial.

(4) *Interim relief.* Interim relief may be granted when, in the judgment of the Director of the appropriate national office, insufficient time exists to fully adjudicate an application for an adjustment but it is nevertheless deemed necessary to afford some immediate relief to the applicant. Interim relief shall be limited to a period of sixty days, after which time the Director must adjudicate the applicant's request for adjustment. Appeals from a decision granting interim relief may be filed as would an appeal from a final decision of the Director. Decisions granting interim relief must be complied with during the pendency of any appeal. The filing of an appeal from a decision granting interim relief shall not serve to prevent a final resolution of the original application.

(5) *Review.* Persons adversely affected by a decision on a request for adjustment may seek review pursuant to the procedures set out in Subpart G of this part.

(c) *Assignments.* Instructions to applicants:

(1) Who may file and where to file: Any refiner or any person who needs a supplier for crude oil or any person who needs a supplier for aviation fuel for civil air carrier purposes or for public aviation purposes may apply to the appropriate national office for an assignment of a supplier in accordance with the criteria established under which such application will be considered.

(2) Contents: The application may be submitted using Form OOG–PAP 17(10–73). In the event such form is unavailable, the application should set forth clearly and concisely the reasons why such an assignment is necessary.

(3) Processing of requests: The Director of the appropriate national office shall, upon consideration of such application and any other relevant information, promptly process all requests for assignments. If it is determined that there is insufficient information upon which to base a decision and if upon request the required additional information is not furnished, the application may be dismissed without prejudice. Upon a determination that a request should be granted, the Director of the appropriate national office shall assign the person to a specific supplier. The Director shall then notify, in writing, the person and the assigned supplier of his decision. Upon a determination that a request for an assignment of a supplier should not be granted, the Director shall so notify the person in writing and state the reasons for his decision.

(4) Interim relief may be granted when, in the judgment of the Director of the appropriate national office, insufficient time exists to fully adjudicate an application for an assignment but it is nevertheless deemed necessary to afford some immediate relief to the applicant. Interim relief shall be limited to a period of sixty days after which time the Director must adjudicate the applicant's request for an assignment. Appeals from a decision granting interim relief may be filed as would an appeal from a final decision of the Director. Decisions granting interim relief must be complied with during the pendency of any appeal. The filing of an appeal from a decision granting interim relief shall not serve to prevent a final resolution of the original application.

(5) Review: Persons adversely affected by a decision on a request for an assignment may seek review pursuant to the procedures set out in Subpart G of this part.

(d) *Requests for exceptions from the program.* Instructions to applicants:

(1) *Who may file.* Any person seeking an exception involving crude oil or aviation fuel shall file a written request.

(2) *Where to file.* Requests for an exception shall be directed to the Director of the appropriate National Office.

(3) *Contents.* Requests for exceptions shall clearly indicate the specific regulation or order from which an exception is sought and shall include a clear and concise statement of the justification for such an exception with supporting documentation. Failure to supply such information shall subject the request to summary dismissal without prejudice.

(4) *Processing of requests.* The Director of such National Office shall promptly process all requests for exception. Upon a determination that a request should be granted or denied, the Director shall notify the applicant in writing, stating the reasons for his decision.

(5) *Review.* A person aggrieved by a decision of a National Director denying his request for an exception, may, within four days, seek a review of that decision by the Administrator, Federal Energy Office under the procedures set out in Subpart G of this part.

(e) *Requests for modification or rescission of regulations, or orders issued under the program and requests for exemption from the program.* (1) Requests for modification or rescission of regulations, or requests for modification or rescission of orders issued under the Program or requests for exemption from the Program should be filed pursuant to the procedures set out in §§ 202.13, 202.14 or § 202.16, respectively.

§ 202.18 Adjustments and assignments at the regional level.

(a) *Adjustments at the Regional Level.* (1) Who may file: Wholesale purchasers or customers, or persons other than users listed in § 202.19(a), as those terms are defined in Subparts C, D, E, F and I of Part 200 of this chapter, may apply for an adjustment of their supply volumes to the appropriate Regional Office of the Federal Energy Office.

(2) Where to file: Applications for adjustments should be filed with the Administrator of the appropriate regional office of the Federal Energy Office. Applications based on exceptional hardship pursuant to Subparts D and I of Part 200 of this chapter will be processed as requests for an adjustment.

(3) Contents: Applications for adjustment shall be made on Form PAP–17 (10–73). In addition an applicant should include with his application, where relevant, the following:

(i) Data on applicant's business, detailing the structure of ownership and affiliation during the preceding 12 months.

(ii) Information relating to the anticipated use of the product in applicant's operation.

(iii) An estimate of the anticipated effect which denial of the requested adjustment would have on the applicant's operations.

(iv) A statement of the extent to which the applicant has investigated the possibilities of converting to an alternative fuel or product, and the applicant's conclusion as to the feasibility of making such a conversion.

(4) Processing of applications: The Regional Administrator of the Federal Energy Office will, upon consideration of such application and any other relevant

information, make a prompt decision on such petition. The decision may grant relief requested in the application, either wholly or in part, or deny the petition. Applications may also be dismissed, if, during a reasonable period of time, applicants fail to furnish information essential to the determination of their petition. Dismissals shall be issued without prejudice to subsequent filings or requests by petitioner. The Regional Administrator shall notify the applicant, in writing, of the disposition of his request. If such a request is denied, he shall state the reasons for the denial.

(5) Interim relief may be granted when, in the judgment of the Regional Administrator, insufficient time exists to fully adjudicate an application for an adjustment but it is nevertheless deemed necessary to afford some immediate relief to the applicant. Interim relief shall be limited to a period of sixty days after which time the Regional Office must adjudicate the applicant's request for adjustment. Appeals from a decision granting interim relief may be filed as would an appeal from a final decision of the Regional Administrator. Decisions granting interim relief must be complied with during the pendency of any appeal. The filing of an appeal from a decision granting interim relief shall not serve to prevent a final resolution of the original application.

(6) Review: Persons adversely affected by a decision on an application for an adjustment may seek review from the Administrator, Federal Energy Office, pursuant to the procedures set out in Subpart C of this part.

(b) *Assignments at the regional level*—(1) *Who may file.* Wholesale purchasers or customers, or persons, other than users listed in § 202.19(a), as those defined in Subparts C, D, E, F and I of this part, may apply for an assignment of a supplier to the appropriate Regional Office of the Federal Energy Office.

(2) *Where to file.* Applications for the assignment of a supplier should be filed with the Regional Administrator of the appropriate regional office of the Federal Energy Office.

(3) *Contents.* Application for assignment of a supplier shall be made on Form PAP–17 (10–73). In addition, an applicant should include with his application, where relevant, the following:

(i) Data and other information concerning present and anticipated needs of priority customers.

(ii) A statement to the effect that the applicant had no supplier during the requisite base period, or that the applicant's previous supplier does not have the capacity to supply his needs.

Applicants determined by a Regional Administrator to be qualified to receive an allocation shall be assigned a supplier and a specific supply volume. An assignment of a specific supply volume may increase the applicant's certified need, but the supply volume will be subject to reduction because of the assigned supplier's allocation fraction or by an authorized proportional reduction percentage.

(4) *Processing of requests.* The Regional Administrator shall promptly process all requests for assignment, taking into consideration the application and any other relevant information. If the Regional Administrator determines that there is insufficient information upon which to base a decision and if upon request the required additional information is not furnished, the application may be dismissed without prejudice. Upon a determination that a request should be granted, the Regional Administrator shall assign the wholesale purchaser to a specific supplier. Selection of a supplier should, to as great an extent as possible, result in equitable distribution of the product applied for within a given area. The Regional Administrator shall then notify, in writing, the applicant and state the reasons for his decision.

(5) *Interim relief.* Interim relief may be granted when, in the judgment of the Regional Administrator insufficient time exists to fully adjudicate an application for an assignment but it is nevertheless deemed necessary to afford some immediate relief to the applicant. Interim relief shall be limited to a period of sixty days after which time the Regional Office must adjudicate the applicant's request for adjustment. Appeals from a decision granting interim relief may be filed as would an appeal from a final decision of the Regional Administrator. Decisions granting interim relief must be complied with during the pendency of any appeal. The filing of an appeal from a decision granting interim relief shall not serve to prevent a final resolution of the original application.

(6) *Discrimination.* Suppliers may not discriminate against assigned customers by failing to supply in accordance with an assignment by a Regional Administrator; by charging higher prices; or by imposing terms or conditions on sales upon any single purchaser other than those imposed upon all other purchasers at an equivalent level of trade, except as may be lawful and normal in general practice.

(7) *Review.* Persons adversely affected by a decision on an application for an assignment may seek review from the Administrator, Federal Energy Office, pursuant to the procedures set forth in Subpart G of this part.

§ 202.19 Adjustments and assignments at local board level.

(a) *Definition and composition.* Local boards shall be established made up of individuals appointed by the governor or chief executive of a State to consider requests for adjustment of base period supply volume or for assignment to a supplier of (1) any user of middle distillate who is not a wholesale purchaser as defined in § 200.24 of this chapter, (2) any small volume user of propane; or (3) any user of residual fuel oil for heating purposes as defined in Part 200 of this chapter. Sufficient boards shall be established to ensure reasonable geographic accessibility and responsiveness to appropriate requests and petitions.

(b) *Instructions to applicants.* Any user listed in paragraph (a) of this section shall make application for an adjustment or an assignment at the office of the Local Board which has jurisdiction for the area in which he resides or in which he has his principal place of business. The application for an adjustment or an assignment should be filed on Form PAP 17 (10–13) if available. In addition to such form applicants must provide, in their requests, all the relevant information which is necessary for the disposition of their case.

(c) *Processing of requests.* The Local Board will, upon consideration of such petition and any other relevant information, make a prompt decision on such petition. All requests for adjustment or assignments must be processed within 15 days after the receipt of all required information. The decision may grant the relief requested in the petition, either wholly or in part, or deny the petition. Petitions may also be dismissed, if, during a reasonable period of time petitioners fail to furnish information essential to the determination of their petition. Dismissals shall be issued without prejudice to subsequent filings or requests by petitioner. The Local Board shall notify the applicant, in writing, of the disposition of his request. If such a request is denied, the reasons for the denial shall be stated. If a Local Board fails to act upon a request for an adjustment or assignment within 15 days, the applicant may elect to treat his request as denied and seek a review of the denial pursuant to Subpart G of this part.

(d) *Review.* Persons adversely affected by a decision on a request for adjustment may seek review pursuant to Subpart G of this part.

§ 202.20 Exceptional hardship awards at the State level.

(a) Any authorized user of those products subject to a state reserve may apply to the designated state office to obtain additional supplies to alleviate an exceptional hardship. Such applicants must certify that these products will not be diverted from such uses. Application for such relief shall be made on a state form and should include any relevant information and argument not requested on the form. Use of the state reserve is primarily intended to remedy temporary hardships. Permanent changes in a user's total allocation will be accomplished in accordance with the provisions of §§ 202.17, 202.18 and 202.19 as appropriate.

(b) Authorized State officials may direct that present and future allocations of those products subject to the State Reserve be made in quantities different than prescribed in section 1 to any user to alleviate exceptional hardships. No more than 3 percent of any individual suppliers total (monthly) allocation may be directed to that user during any month.

(c) The state reserve is intended for use by the states in meeting exceptional hardship cases. Any supplies subject to the state reserve not allocated for that

month may be added by the supplier to his inventory available for distribution the succeeding month.

(d) The state reserve may not be accumulated or deferred.

(e) Allocations directed by state officials in meeting exceptional hardship cases may not restrict or in any way interfere with the distribution in interstate commerce of any fuels subject to state reserves. State officials may allocate only those fuels which are subject to state reserves. Allocations may not be implemented if they would result in discrimination against non-residents in favor of residents for those products subject to a state reserve.

(f) Each state shall designate a state official who may allocate quantities of those products subject to a state reserve in order to alleviate exceptional hardships within the state.

(g) Temporary exceptional hardship awards may not be used if such use would result in a duplication of a permanent award granted under §§ 202.17, 202.18 or § 202.19.

Subpart C—Complaints by Parties

§ 202.21 Scope and purpose.

This part establishes procedures to be followed by any person aggrieved by the non-compliance with the regulations of Title 32A, Chapter XIII, or any order issued pursuant thereto. The complaint will be processed through the following channels in order to expedite a final resolution to the problem.

§ 202.22 Complaints by parties.

(a) *Complaint.* Any person aggrieved by the non-compliance with the regulations of Title 32A, Chapter XIII, or any order issued pursuant thereto, may file a complaint. The complaint shall be prepared in six copies, of which one copy shall be retained by the complainant and five copies shall be submitted to the Regional Administrator, Federal Energy Office (hereinafter "Regional Administrator"). The Regional Administrator shall transmit one copy of the complaint by registered or certified mail, return receipt requested, to the party complained of. The complaint shall state in detail the nature of the violation, specifying the product involved, the names, addresses and telephone numbers of all persons and the relevant sections of the Act, regulations or order.

(b) *Answer.* The answer shall respond to each allegation of the complaint and specify any additional relevant products, persons, including names, addresses and telephone numbers and relevant sections of the Act, regulations or order. The answer shall be prepared in six copies, of which one copy shall be retained by the Respondent and five copies shall be submitted to the Regional Administrator who shall transmit one copy of the answer to the complainant. The answer shall be received in the Regional Office within seven (7)days after receipt of the complaint. If the answer is not timely received, the allegations of the complaint may be deemed admitted and appropriate action taken.

§ 202.23 Violations.

(a) Each Regional Administrator has a mission to encourage and achieve the maximum degree of voluntary compliance with the Mandatory Petroleum Allocation Program (hereinafter "Program"), by enforcement of the statutory sanctions applicable to the Program through the investigation of possible violations of such regulations and guidelines, development of information concerning the extent of violations of all Program regulations and guidelines, and measurement of the effectiveness of the investigation process.

(b) Upon determining that a violation exists, the Regional Administrator shall issue an order directing compliance with the provisions of these regulations.

(c) The Regional Administrator may recommend, with respect to alleged violations, the imposition of sanctions available under the Program, and the institution of appropriate action against suppliers and wholesale purchasers.

(d) Recommendations for the imposition of sanctions shall be forwarded to the Administrator of the Federal Energy Office who shall decide whether sanctions will be imposed. Persons aggrieved by the Administrator's imposition of sanctions may appeal the decision imposing sanctions, pursuant to the rules set forth in Subpart G of this part.

(e) A violation discovered by means other than requests for interpretations, rulings, adjustments or assignments, shall be reported to the appropriate Regional Administrator for processing and investigation.

(f) No sanctions shall be implemented until a final decision on appeal, pursuant to Subpart G of this part, has been made, or until the time within which such an appeal may be taken has expired.

§ 202.24 Verified complaint.

Upon receipt of a verified complaint the Regional Administrator, in his discretion, may issue an order directing compliance with the regulations of Title 32A Chapter XIII or any order issued pursuant thereto, upon such terms and conditions, including the posting of security by complainant as the Regional Administrator deems necessary and proper. No order under this section shall be effective for a period in excess of thirty (30) days after receipt by parties named in the complaint; provided, that at the expiration of the order, application to renew or extend the order for a second period not to extend thirty (30) days may be made and processed in the form of a verified complaint; *Provided, further*, That there shall be only one such application for renewal or extension in connection with any verified complaint. Orders issued under this section may be appealed as provided in Subpart G of this part but the issuance of an order hereunder shall not be construed to preclude the filing of an answer under § 202.23.

Subpart D—Procedures for Processing Requests

§ 202.25 Purpose and scope.

The purpose of this subpart is to establish procedures for the processing of requests by persons seeking a modification or recision of any provision of this Chapter relating to the Mandatory Petroleum Allocation Program. The procedures established in this Subpart D are supplementary to the other procedural regulations established in this part. To the extent that other subparts of this part mandate procedures for specific actions, those subparts are the controlling procedures, and persons seeking such action must comply with the procedures of those subparts.

§ 202.26 Who may file and where to file.

Any person who seeks a modification or rescission of any provision of this Chapter, may file a request for such modification or revision in writing. Such written requests shall be directed to the Administrator, Federal Energy Office, Washington, D.C.

§ 202.27 Contents, processing and reconsideration.

(a) *Contents.* Requests for modification or rescission of a provision of this Chapter shall clearly designate the provision sought to be modified or rescinded, and shall clearly state the modification sought. It shall include a clear and concise statement of the justification for the modification or rescission together with supporting documentation. Failure to supply such information, or to furnish it or such further information as may be requested within a reasonable time, shall subject the request to summary denial without prejudice.

(b) *Processing of requests.* The Administrator, Federal Energy Office, shall promptly process all requests for modification or rescission of the provisions. The Administrator may order a hearing under such rules as he may promulgate if, in his opinion, such a hearing would be advisable. Upon a determination that the request should be granted or denied, the Administrator shall so notify the applicant in writing, stating the reasons for his decision, and said notification shall be sent by registered or certified mail, return receipt requested.

(c) *Reconsideration.* A person aggrieved by a denial of his request for a modification or rescission of the provisions may petition the Administrator within 7 days of the date of receipt of such denial for a reconsideration of that denial. Such request should clearly indicate in what manner the original decision was in error and should provide any additional evidence that would justify a reconsideration of such decision. The Administrator, after consideration of the petition, may affirm, modify, or reverse the original decision and shall notify the person in writing of his disposition of the petition, stating the reasons for his decision. A decision by the Administrator denying a petition for reconsideration under section 3 shall be the final decision of the Federal Energy Office.

Subpart E—Published Rulings

§ 202.28 Rulings for publication.

The Administrator, FEO, may in his discretion determine that an interpretative ruling should be published in the FEDERAL REGISTER for the purposes of providing guidance to the Regional Offices, the State Offices, the Local Boards, and the general public. Upon publication such ruling may only be reviewed pursuant to procedures established in Subpart D of this part.

Subpart F—Sanctions, Penalties and Enforcement

§ 202.29 General.

Any person who violates any provision of this chapter or any order issued pursuant thereto shall be subject to penalties and sanctions as provided herein.

§ 202.30 Sanctions—criminal fines.

Any person who willfully violates any provision of this chapter or any order issued pursuant thereto shall be subject to a fine of not more than $5,000.00 for each violation. Criminal violations will be prosecuted by the Department of Justice upon referral by the Administrator or his delegate.

§ 202.31 Sanctions—civil penalties.

Any person who violates any provision of this chapter or any order issued pursuant thereto shall be subject to a civil penalty of not more than $2,500.00 for each violation.

§ 202.32 Injunctions and other relief.

(a) Whenever it appears to the Administrator, or his delegate that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any order or regulation under this chapter, the Administrator, or his delegate, may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin such acts or practices and upon a proper showing a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. The relief sought may include a mandatory injunction commanding any person to comply with any such order or regulation and restitution of money received in violation of any such order or regulation.

(b) Any person suffering legal wrong because of any act or practice arising out of the provisions of this chapter or any order issued pursuant thereto shall be entitled to the relief provided in section 210 of the Economic Stabilization Act of 1970, as amended (12 U.S.C. 1904 (Note).)

§ 202.33 Other penalties.

(a) Willful concealment of material facts, or false, or fictitious or fraudulent statements or representations, or willful use of any false writing or document containing false, fictitious or fraudulent statements pertaining to matters within the scope of the Emergency Petroleum Allocation Act of 1973, shall be subject to the criminal penalties provided by 62 Stat. 749, 18 U.S.C. 1001.

(b) The provisions herein for penalties and sanctions shall be deemed cumulative and not mutually exclusive.

(c) Each day that a violation of any provision of this chapter or any order issued pursuant thereto continues, there shall be deemed to be a separate violation within the meaning of the provisions of this chapter relating to criminal fines and civil penalties.

§ 202.34 Ratification of prior orders.

All orders relating to the allocation of petroleum products issued pursuant to clause (3) of the first sentence of section 203(a) of the Economic Stabilization Act of 1970 and in effect prior to the effective date this regulation shall continue in full force and effect until modified or terminated by action taken pursuant to the authority of the Emergency Petroleum Allocation Act of 1973: *Provided however*, That the force and effect of any such order shall not extend beyond (a) any termination date contained therein or (b) the expiration of a period of 60 days from the effective date of this regulation.

Subpart G—Appeals and Review

§ 202.35 Appeals to the Administrator, Federal Energy Office.

(a) *Who may appeal.* Any person aggrieved by a decision of a state office, or of a Regional Administrator, or of the Assistant Administrator for Operations and Compliance may appeal such decision to the Administrator, Federal Energy Office, Washington, D.C.

(b) *Notice of appeal and briefs.* The appellant shall file a written notice of appeal and all briefs in support thereof with the Administrator, within 20 days of the date of receipt of that decision. The notice shall contain an identification of the action or decision appealed from and a concise but complete statement of the facts and law relied upon and the relief sought.

(c) *Summary reconsideration.* The officer whose decision is being appealed may, within 48 hours of receipt of the notice of appeal, reconsider the decision and summarily reverse the decision, in which case the appeal shall be deemed moot.

(d) *Transmittal of appeal file.* Within 72 hours after receipt of the notice of appeal and brief, the officer whose decision is being appealed shall transmit to the Administrator the entire official file in the matter.

(e) *Effect of appeal.* The deciding officer or the Administrator, as the case may be, may in his discretion stay the effect of the decision being appealed during the pendency of the administrative review process. Absent such stay, the decision below shall be effective as of the date thereof.

(f) *Hearing.* The Administrator may in his discretion order an informal hearing in any appeal if he feels such a hearing might be beneficial to a final determination of the appeal. If the decision being appealed involves the imposition of a sanction, the appellant may request a hearing on any relevant issues of fact. Such request shall be filed with the Administrator within the time in which the notice of appeal must be filed. Failure to file such a request may result in the appeal being submitted on the record.

(g) *Answer.* The officer whose decision is being appealed shall have 15 days from receipt of the notice of appeal within which to file his answer and any other pleadings.

(h) *Decisions on appeals.* The Administrator will review the record and take such action as the circumstances warrant. The Administrator may direct a hearing on the entire matter or specified portions thereof, may decide the appeal forthwith upon the record already made, or may make other disposition of the case. The Administrator may grant an opportunity for oral argument.

(i) *Effect of decision.* The decision of the Administrator shall be final for the Federal Energy Office.

(j) *Delegation of authority.* The Administrator may delegate his authority to consider and decide appeals and to conduct hearings to any official within the Federal Energy Office.

Subpart H—Judicial Review

§ 202.36 General.

A final decision of an appeal taken pursuant to Subpart G of this part shall be subject to judicial review in the manner prescribed by section 211 of the Economic Stabilization Act of 1970 as amended (12 U.S.C. 1904 (Note)).

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Title 15—Commerce and Foreign Trade

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

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev., Export Regs., Amdt.]

PART 377—SHORT SUPPLY CONTROLS

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

Commodity Control List; Statement of Past Participation and Establishment of Monitoring System

In the matter of Revision of Commodity Control List to Require Validated Export Licenses for Petroleum and its Products; Submission of Statement of Past Participation; Monitoring System to be Established.

Purpose and effect. The critical energy shortage now facing the world economy has caused a strong demand for petroleum and petroleum products. In accordance with the program announced by the Federal Energy Office, our limited domestic energy resources are to be allocated among competing domestic users. In order to be successful, such a domestic allocation program must be accompanied by a coordinated program which regulates U.S. exports of the products subject to allocation. Otherwise, foreign demand from other nations suffering from the energy shortage will result in an excessive drain of materials which are already scarce in the United States and have, thereby, a serious inflationary impact on the domestic economy. Conversely, to impose a complete embargo on all further exports of such materials would be contrary to our foreign policy aims while not significantly increasing our domestic supply of energy and such action, particularly in the case of exports involving oil interchanges, could actually have an adverse impact on the total quantity and quality of petroleum available to domestic users. In light of the above considerations and in order to assure continued availability of our limited domestic supplies while preserving historic trade patterns, consultations will be held with representatives of industry and foreign governments to develop a licensing system for exports of petroleum and petroleum products during calendar year 1974.

The Commodity Control List is revised to require a validated license for export of any of the petroleum commodities listed below, effective 12:01 a.m. e.s.t. December 14, 1973, to all foreign destinations, including Canada. Generally, for commodities other than crude oils, licenses may be issued during the balance of 1973 on the basis of applications against accepted orders calling for shipment on or before January 15, 1974. Quantities so licensed may be charged against any allocation which the exporter receives for 1974. In order to be eligible for shares of any quotas established for 1974, exporters must submit statements of past participation by the date indicated below. Exports of crude oils may be licensed during the balance of 1973 to the extent permissible under the provisions of section 28(u) of the Mineral Leasing Act of 1920, as amended by the Alaskan Pipeline Act of November 16, 1973 (Pub. L. 93-15). These provisions generally prohibit exports of domestic produced crude oil transported by pipeline over Federal rights-of-way except to the extent that such exports would not diminish the total quantity or quality of petroleum available to the United States. Licenses granted under the rules announced herein will be valid for a period of thirty days from the date of issuance.

Accordingly, the Export Administration Regulations (15 CFR Part 377) are amended by adding a new § 377.6 and adding new material to Supplement No. 1 to Part 377 to read as follows:

§ 377.6 Petroleum and petroleum products.

(a) *Statement of past participation.* In order to receive shares of the quotas for the petroleum commodities (other than crude oils) listed in Supplement No. 1 to this Part, an exporter must submit a statement of past participation on Form DIB-669P to the Office of Export Administration (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230. The statement to be eligible for consideration must be either—(1) mailed to the above address by special delivery certified mail, bearing a postmark by the U.S. Postal Service which is prior to December 22, 1973, or (2) hand delivered (with a receipt being retained) to the Office of Export Administration Room 1613, Main Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230, no later than December 27, 1973. Such statement shall indicate (separately for each foreign country of destination) the quantities (in the units specified in Schedule No. 1) of each petroleum commodity by Schedule B number, which the exporter exported to each such country during each calendar month of 1971, 1972 and the first six months of 1973. Such statement must be signed by an authorized representative of the exporter. The statement will be treated as confidential information under section 7(c) of the Export Administration Act of 1969, as amended. A separate Form DIB-669P shall be submitted for each of the petroleum commodity Schedule B classifications for which the exporter is seeking a quota share. For purposes of the statement, a party normally shall be considered to have been the exporter with respect to those shipments during the base period for which such party was named as the exporter on the Shipper's Export Declaration (Commerce Form 7525-V) filed in accordance with Part 386 of this Chapter.

(b) *Licenses for 1973 export.* The Office of Export Administration will consider applications for validated licenses during 1973 which are submitted to the Office of Export Administration (Attention: 546) U.S. Department of Commerce, Washington, D.C. 20230, if accompanied by:

(1) A photocopy or certified copy of the contract of sale for export to a foreign buyer calling for shipment on or before January 15, 1974;

(2) A sworn affidavit by the applicant as to the amount previously exported against each such contract, if any; and

(3) In the case of applications to export crude oils, an affidavit, signed by an authorized representative of the exporter, which demonstrates to the satisfaction of the Office of Export Administration that such export will not diminish the total quantity or quality of petroleum available to the United States or that unique hardship grounds exist.

(c) [Reserved]

SUPPLEMENT NO. 1—COMMODITIES SUBJECT TO SHORT SUPPLY QUOTA CONTROLS

PETROLEUM AND PETROLEUM PRODUCTS

Schedule B Number	*Commodity Description*
331.0100..	Crude petroleum.
331.0200..	Petroleum partly refined for further refining.
332.1010..	Aviation gasoline, 100 octane and over.
332.1020..	Aviation gasoline, less than 100 octane.
332.1030..	Gasoline, n.e.c.
332.1050..	Gasoline blending agents, hydrocarbon compounds only, n.e.c.
332.2010..	Kerosene, except kerosene-type jet fuel.
332.2020..	Jet fuel.
332.3000..	Distillate fuel oils.
332.4000..	Residual fuel oils.
341.1025..	Butane.
341.1030..	Propane.
311.1040..	Natural gas liquids, including LPG, n.e.c.

Shipping Tolerance: 10%.

REVISION OF COMMODITY CONTROL LIST TO REQUIRE VALIDATED EXPORT LICENSES FOR PETROLEUM AND ITS PRODUCTS

A. *Revision.* The Commodity Control List is revised effective 12:01 a.m., e.s.t., December 14, 1973, to require a validated license for export of any of the petroleum commodities listed below to all foreign destinations. However, shipments not exceeding the GLV dollar value limit of $250.00 for each Commodity Control List entry may be made under the provisions of General License GLV.

Accordingly, § 399.1 of the Export Administration Regulations is amended to read as follows:

§ 399.1 Commodity control list; incorporation by reference.

U.S. Department of Commerce export control commodity number and commodity description	Unit	Processing No.	Validated License Required for Country Group Shown below
3(7b)B Petroleum, crude or partly refined, including shale oil and topped crudes.	Bbl.	252	QSTVWYZ and Canada.
3(7c)B Gasoline (except jet fuel), including aviation and natural gasoline, and gasoline blending agents, n.e.c.	Bbl.	252	QSTVWYZ and Canada.
3(7d)B Kerosene, except kerosene-type jet fuel	Bbl.	252	QSTVWYZ and Canada.
3(7e)B Jet fuel	Bbl.	252	QSTVWYZ and Canada.
3(7f)B Distillate fuel oils	Bbl.	252	QSTVWYZ and Canada.
3(7g)B Residual fuel oils	Bbl.	252	QSTVWYZ and Canada.
3(7h)B Butane	Bbl.	252	QSTVWYZ and Canada.
3(7i)B Propane	Bbl.	252	QSTVWYZ and Canada.
3(7j)B Natural gas liquids, except liquefied natural gas (L.N.G.), n.e.c., including liquefied petroleum gas (L.P.G.).	Bbl.	252	QSTVWYZ and Canada.

(b) *Saving clause.* Shipment of petroleum and petroleum products removed from general license as a result of the revisions in the Commodity Control List as set forth in A, above, for which loading aboard an exporting vessel had actually commenced as of 12:01 a.m., e.s.t., December 14, 1973, may be exported under the previous general license provisions. Any other shipment not actually exported prior to the time set forth above, will require a validated export license.

(1) Validated licenses for export shipment of crude oils (Schedule B Numbers 331.0100 and 331.0200) will be issued only upon a showing that the export will not affect the total quantity or quality of petroleum available to domestic users, or on special hardship grounds.

(2) Validated licenses against accepted orders calling for export shipment of the listed petroleum commodities (other than crude oils) prior to January 1, 1974, will be issued, upon verification of each application and supporting documentation, for the unfilled balance of each contract.

The first quarter 1974 export quotas for commodities other than crude oils, will be announced shortly in a subsequent document.

SUBMISSION OF STATEMENT OF PAST PARTICIPATION

In order to receive shares of the quotas to be established for export of petroleum commodities (other than crude oils) after December 31, 1973, an exporter must submit a statement on Form DIB–669P to the Office of Export Administration (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230. The statement must be hand delivered to such Office no later than December 27, 1973 or submitted as otherwise provided in § 377.6(a).[1] Such statement shall indicate (separately for each foreign country) the quantities of each separate petroleum commodity (other than crude oils) listed in Schedule No. 1 to Part 377 (as revised below) which the exporter exported to each such country during each calendar month of 1971, 1972 and the first six months of 1973.

The statement must be signed by an authorized representative of the exporter. The statement will be treated as confidential information under section 7(c) of the Export Administration Act of 1969, as amended.

Exporters are cautioned that the Office of Export Administration may compare statements of past participation against Shipper's Export Declarations on file with the U.S. Bureau of the Census for confirmation of exporter identity as well as the data with respect to destinations, export quantities, and the Schedule B classification of past exports. In appropriate cases, audits will be made of exporter records including the firm's copies of Shipper's Export Declarations and other documents.

MONITORING SYSTEM TO BE ESTABLISHED

A monitoring system under which exporters shall be required to report actual exports and unfilled or partially filled orders for export of the following petroleum commodities shall be announced shortly in a subsequent document:

[1] Forms are available from all Department of Commerce District Offices or from the Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230. The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Schedule B Number	*Commodity Description*
331.0100	crude petroleum.
331.0200	petroleum partly refined for further refining.
332.1010	aviation gasoline, 100 octane and over.
332.1020	aviation gasoline, less than 100 octane.
332.1030	gasoline, NEC, including natural gasoline.
332.1040	gasoline blending agents, hydrocarbon compounds only, NEC.
332.2010	kerosene, except kerosene-type jet fuel.
332.2020	jet fuel.
332.3000	distillate fuel oils.
332.4000	residual fuel oils.
332.5005	aviation engine lubricating oil, except jet engine lubricating oil.
332.5010	jet engine lubricating oil.
332.5015	automotive, diesel and marine engine lubrication oil.
332.5020	turbine lubricating oil including marine.
332.5025	automotive gear oils.
332.5030	red and pale oils.
332.5035	bright stock.
332.5040	black oils.
332.5045	steam cylinder oils.
332.5050	lubricating oils, NEC.
332.5055	lubricating greases.
332.6100	petroleum jelly, petrolatum.
332.6210	microcrystalline wax.
332.6220	paraffin wax, crystalline, fully refined
332.6230	paraffin wax, crystalline, except fully refined.
332.9110	naptha, mineral spirits, solvents and other finished light petroleum products, NEC.
332.9120	insulating or transformer oils.
332.9130	quenching and cutting oils.
332.9140	white mineral oils.
332.9150	other non-lubricating and non-fuel petroleum oils, NEC.
332.9220	pitch, from petroleum refining.
332.9300	pitch coke.
332.9410	petroleum coke, calcined.
332.9420	petroleum coke, except calcined.
332.9510	petroleum asphalt.
332.9520	petroleum and shale oil residues, NEC.
332.9610	paving mixtures, bituminous, based on asphalt and petroleum.
332.9620	asphalt and tar coatings, cements, and pitches.
341.1025	butane.
341.1030	propane.
341.1040	natural gas liquids, including LPG, NEC.

Effective date of action. December 12, 1973.

RAUER H. MEYER,
Director, Office of Export Administration.

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