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Rules and Regulations

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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 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—PHASE IV PRICE REGULATIONS

Calculating Freeze Price and Prenotification

The purpose of these amendments is to change substantive provisions in § 150.72 and § 150.151 of the Phase IV price regulations.

The amendment to § 150.72(a) changes the definition of temporary in calculating adjusted freeze price from "for a period of 31 days or less or announced to be in effect for a period of 31 days or less and continued in effect for a longer period because of the provisions of Part 140 of this title" to "for a period of less than 93 days or announced to be in effect for a period of less than 93 days and continued in effect for a longer period because of the provisions of Part 140 of this title." The base level price of an item with respect to a firm's manufacturing and service activities is the higher of the adjusted freeze price as defined in § 150.31 or the base price as defined in § 150.102. In calculating the base price of an item pursuant to § 150.102, a person may exclude temporary special deals and temporary special allowances which remain in effect for 31 days or less. For purposes of calculating base prices pursuant to § 150.102 the 31 day or less period remains unchanged. In calculating the adjusted freeze price of an item pursuant to § 150.72 a person may exclude temporary special sales, deals, or allowances which remain in effect for less than 93 days or were announced to be in effect for less than 93 days and were continued in effect by the provisions of Part 140.

When the Phase IV regulations were first published there was no specific time period set forth in § 150.72. Consequently, many persons looked to the Phase II regulations for guidance in calculating their adjusted freeze prices. The Phase II regulations, 6 CFR 300.405, defined "temporary" as being "intended to be in effect for less than 93 days." Thus, many persons relying on the Phase II regulations calculated their adjusted freeze prices excluding temporary special deals or allowances in effect for less than 93 days. On October 23, 1973, § 150.72 was amended to define "temporary" as being in effect for 31 days or less, unless continued in effect by the price freeze. Because the 31-day period could possibly cause many people, who relied on the Phase II regulations in calculating their adjusted freeze prices and who were earnestly trying to follow the price control regulations, to be in violation of the regulations, the Council has decided to make the Phase IV definition of temporary as used in § 150.72 conform with the Phase II definition.

Pursuant to § 150.151 a price category I firm may not increase the prices it charges for any item above the base level until the firm has filed a notice of proposed price increase pursuant to Subpart H and 30 days have elapsed since the filing of the notice. Prior to this amendment a firm could increase prices only for products manufactured after the 30-day period had elapsed. However, this amendment changes the old rule by allowing firms to increase prices for goods shipped after the 30-day period has elapsed. Thus, once a notice has been filed and the Council without taking any action has permitted the 30-day period to elapse, a firm may increase prices on products shipped after the prenotification period has expired.

There are several reasons for changing § 150.151. First, firms which produce their 12-month inventory in one month and other firms with long inventory turnover times will be able to recover their increasing costs. Accordingly, such firms will not convert to shorter production runs in order to recover their increasing costs. Shorter production runs result in higher costs to the manufacturer, which, in turn, cause higher prices to the consumer. Second, most firms have relatively fast inventory turnover. As of August 1973, the average manufacturing inventory turnover time was 47.4 days. Consequently, the inflationary impact of raising prices on goods in inventory which are shipped after the 30-day period has elapsed is very small. Third, price category I firms which measure costs on an output method will no longer be forced to absorb costs for periods greater than 60 days before they can implement cost justified price increases. A manufacturing firm must incur a cost before it can be used as cost justification for a price increase. Firms may measure their cost increases on either the input or output method. The output method is employed by measuring the average cost incurred throughout the current cost period and comparing it to the average cost during the base cost period. The current cost period is the most recently completed accounting month prior to the date of filing the notice of proposed price increase. Consequently, a firm using the output method must absorb its increased cost during the 30-day period required to compute its average cost in addition to the 30-day period required by § 150.151. Moreover, the incentive for these firms to change their marketing practices, such as exporting goods in inventory or stopping production while the 30-day period elapses, will be removed. Finally, price category I manufacturing firms will be treated on a more equitable basis in relation to price category II and III firms and wholesale and retail firms, which do not have to prenotify price increases.

It should be noted that a firm which changes its historical shipping practices in order to circumvent or gain more favorable treatment pursuant to this change in the regulations will be in violation of § 150.20 *Violations*, of the Economic Stabilization Regulations.

Because the purpose of these amendments is to make substantive changes and to provide immediate guidance and information with respect to the decisions of the Council, the Council finds that publication in accordance with normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days. Interested persons may submit written comments regarding these regulations. Communication should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508.

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

In consideration of the foregoing Part 150 of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective December 14, 1973.

Issued in Washington, D.C. on December 14, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

Section 150.72 is amended in paragraph (a) to read as follows:

§ 150.72 Definitions.

For purposes of this subpart, "Adjusted Freeze Price" of an item means—

(a) the freeze price of that item as defined in § 140.2 of this chapter except that temporary special sales, deals and allowances, in effect during the freeze base period may be excluded in computing the freeze price. For purposes of this section "temporary" means in effect for a period of less than 93 days or announced to be in effect for a period of less than 93 days and continued in effect for a longer period because of the provisions of Part 140 of this title. "Temporary special deal" includes an offer of free goods, a combination sale, increased quantities, an introductory offer, and a

"cents-off" or "price-pack" offer; and "temporary special allowance" includes early shipping, advertising, display buying, and promotional or other similar arrangements.

* * * * *

Section 150.151 is amended in paragraph (a) to read as follows:

§ 150.151 Prenotification.

(a) *General Rule.* Except as provided in paragraph (b) of this section, a price category I firm may not charge a price for any item above the base price or the adjusted freeze price, whichever is higher, with respect to an item it sells as a manufacturer or service organization until the firm has filed, pursuant to this subpart, a notice of proposed price increase with respect to that item or a product line which includes that item with the Council and 30 days have elapsed since the filing of the notice.

The proposed increased price may be charged only for items shipped or services performed after the 30 days have elapsed.

* * * * *

[FR Doc.73-26833 Filed 12-17-73;8:45 am]

[PHASE IV PRICE RULING 1973-22]

ICE MANUFACTURING ACTIVITIES

Phase IV Price Ruling

FACT: Firm A is a price category II firm which derives 70 percent of its revenues from providing public cold storage services. Twenty percent of revenues come from the production of ice, of which half is sold for industrial and commercial chilling purposes and half is made into cubes and is sold in bags for home use. The remaining 10 percent of the firm's revenues are provided by a consolidated subsidiary which produces animal feeds.

ISSUE: Do Firm A's food manufacturing revenues amount to 10 percent, 20 percent, or 30 percent of total revenues?

ANSWER: Only 10 percent. Ice production is not a food manufacturing activity. This means that, pursuant to the de minimis rule in 6 CFR 150.606(b), Firm A may elect to price with respect to all of its activities in accordance with Subpart E (general manufacturing and service activities) since the firm both derives less than 20 percent and less than $50 million of its annual revenues from food manufacturing.

Under the Phase IV food regulations, on item which has reached a processing stage where it is intended for use as or in a product for human or animal ingestion is food. CLC Ruling 1973-20. Clearly, the ice produced by Firm A which is sold for industrial and commercial chilling purposes is not food because it is not intended for use as or in a product for human or animal ingestion.

It is true that ice in cube or similar form is intended for use in drinks which are ingested. However, the purpose of the ice is to chill rather than to provide substance for ingestion and the amount actually ingested is incidental. The largest use of cubed ice is in coolers to chill food, including bottled and canned beverages, where refrigeration is not available such as in camping, picnicking, at buffets, etc. Moreover, of that minor portion of cubed ice which is actually placed in drinks, very little is ingested in the form of melted ice. The greater portion is discarded after use. For these reasons, the production of ice in cube or similar form for home use is not considered a food manufacturing activity.

WILLIAM N. WALKER,
General Counsel.

DECEMBER 14, 1973.

[FR Doc.73-26832 Filed 12-17-73;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Release of Areas Quarantined

These amendments exclude certain portions of Webb, Jim Wells, and Dimmit Counties in Texas from the areas quarantined because of splenetic or tick fever. Therefore, the regulations pertaining to the interstate movement of cattle and certain materials from quarantined areas as contained in 9 CFR Part 72, as amended, will not apply to the excluded areas, but the restrictions in Part 72 pertaining to interstate movement from nonquarantined areas will apply to the excluded areas.

Pursuant to provisions of the Act of March 3, 1905, as amended, the Act of February 2, 1903, as amended, the Act of May 29, 1884, as amended, and the Act of July 2, 1962 (21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f), § 72.5 of Part 72, Title 9, Code of Federal Regulations, as amended, which quarantined certain portions of Texas because of splenetic or tick fever in cattle, a contagious, infectious, and communicable disease, is hereby amended in the following respects:

§ 72.5 [Amended]

1. In § 72.5, approximately ½ through paragraph (c), that portion between 58th and 59th semicolons which presently reads "thence, following U.S. Highway 83 in a southeasterly direction crossing the Dimmit-Webb County line and continuing in a southeasterly direction along U.S. Highway 83 to the southeast corner of the Rettig Ranch, approximately 4 miles;" is amended to read: "Thence, following U.S. Highway 83 in a southeasterly direction to a point where it intersects the east fence of the San Roque pasture of the Harrison Ranch approximately 7 miles from Catarina; thence, following the east fence of the San Roque Pasture in a northwesterly direction to the northeast corner of the San Roque Pasture approximately 3 miles; thence, following the north boundary of the Harrison Ranch to the Dimmit-Webb County line and then crossing the line in a southerly direction along the west side of the Harrison Ranch to the southwest corner of the Harrison Ranch; thence, in an easterly direction along the south side of the Harrison Ranch to Highway 83; thence, proceeding along Highway 83 in a southerly direction to the southeast corner of the Rettig Ranch, approximately 4 miles;"

2. In § 72.5, that portion of paragraph (i) between the second and third semicolons which presently reads "thence, following Farm Road 624 in an easterly, then southeasterly direction to the Jim Wells-Nueces County line;" is amended to read "thence, following Farm Road 624 in an easterly direction to where it intersects Highway 359; thence, following Highway 359 in a southwesterly direction to where it intersects Highway 44; thence, following Highway 44 in an easterly direction to the Jim Wells-Nueces County line;".

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264-1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f; 37 FR 28464, 28477, 38 FR 19141.)

Effective date. The foregoing amendments shall become effective on December 20, 1973.

The amendments relieve certain restrictions no longer deemed necessary to prevent the spread of splenetic or tick fever and should be made effective promptly to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department. Accordingly, under the administrative procedure provisions in (5 U.S.C. 553), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of December 1973.

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

[FR Doc.73-26876 Filed 12-19-73;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[REVISION 1]

PART 101—ADMINISTRATION

Revised Administration Regulations

Due to extensive reorganization within the Small Business Administration, Part 101—Administration revised in its entirety to read as set forth below.

Dated: December 13, 1973.

THOMAS S. KLEPPE,
Administrator.

PART 101—ADMINISTRATION

Sec.
101.1 Purpose, function, general organization.
101.2 Organization and functions of the Central Office—Administrator.
101.2-1 General Counsel.
101.2-2 Associate Administrator for Operations.
101.2-3 Associate Administrator for Finance and Investment.
101.2-4 Associate Administrator for Procurement and Management Assistance.
101.2-5 Assistant Administrator for Administration.
101.2-6 Assistant Administrator for Congressional and Public Affairs.
101.2-7 Assistant Administrator for Planning, Research, and Analysis.
101.2-8 Assistant Administrator for Minority Enterprise.
101.3 Organization and Functions of the field offices.
101.3-1 Listing of field offices.
101.4 SBA forms for publication.
101.5 Seal.
101.6 Litigation.
101.7 Employment of Fee Counsel.

AUTHORITY: The provisions of this Part 101 issued under sections 4 and 5, Pub. L. 85-536, 72 Stat. 384 and 385, (15 U.S.C. 633 and 634), as amended; section 308, Pub. L. 85-699, 72 Stat. 694, (15 U.S.C. 687), as amended; and (5 U.S.C. 552).

§ 101.1 Purpose, function, general organization.

(a) *Purpose.* To aid, counsel, assist, and protect the interests of small business concerns and to help victims of disaster.

(b) *Functions.* (1) Procurement assistance. To insure that a fair proportion of the total Government purchases and contracts or subcontracts for property and services for the Government be placed with small business enterprises by, among other things, certifying as to the competency of small business concerns to perform such contracts, or subletting contracts to small business concerns on which the Agency is prime contractor; to insure that a fair proportion of the total sales of Government property be made to small business enterprises; and to assure that small businesses obtain the benefit of Government sponsored research and development.

(2) Management and technical assistance. To improve the management skills of owners, potential owners, and managers of small business concerns with direct action programs and through established channels of business relations; to provide technical and product assistance to small business concerns; and to inventory productive facilities of small business concerns.

(3) Financial assistance. To make loans to small business concerns and to victims of floods or other catastrophes, including loans to small business concerns suffering economic injury as a result of displacement by Federal construction, inability to process products for human consumption because of undetermined disease, and need to make changes in facilities or methods of operation because of various Federal laws imposing safety and health requirements; to make direct or bank participation loans on the basis of certifications made by the Secretary of Commerce to assist firms, large and small, to adjust to changed economic conditions resulting from increased competition from imported articles; and to make loans to State and local development companies for purpose of assisting small business concerns.

(4) Guaranteeing leases and bonds. To guarantee the payment of rentals under leases entered into by business concerns, and also to guarantee sureties of small businesses against portions of losses resulting from the breach of bid, payment, or performance bonds.

(5) Small business investment companies. To provide venture capital in the form of equity financing and long-term loan funds to small business concerns and provide advisory services to such concerns through small business concerns and provide advisory services to such concerns through small business investment companies; to license small business investment companies, regulate the operations of such companies, and purchase or guarantee the purchase of debentures from small business investment companies to supplement their capital requirements for the financing of small business concerns.

(6) Advocacy of small business interests. To protect the interests of small businesses as they may be adversely affected by activities of other Federal agencies.

(7) Further functional description. The more detailed program functions of the Agency are set forth in other sections of this part and other parts of this chapter.

(c) *General organization.* (1) Management of the Small Business Administration is vested in an Administrator appointed by the President with the advice and consent of the Senate. The Administrator is authorized to appoint two associate administrators under the Small Business Act and one associate administrator under the Small Business Investment Act. The Administrator is authorized to appoint a Deputy Administrator who shall be Acting Administrator of the Administration during the absence or disability of the Administrator or in the event of a vacancy in the Office of the Administrator. The Administrator is authorized, subject to the Civil Service and Classification Laws, to select, employ, appoint, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary to carry out the provisions of the Small Business Act and the Small Business Investment Act.

(2) The headquarters of the Small Business Administration is located at 1441 L Street NW., Washington, DC 20416.

(d) *Applicable law.* (1) Loans made by SBA are authorized and executed pursuant to Federal programs adopted by Congress to achieve national purposes of the U.S. Government.

(2) Instruments evidencing a loan, obligation of security interest in real or personal property payable to or held by the Administration or the Administrator, such as promissory notes, bonds, guaranty agreements, mortgages, deeds of trust, and other evidences of debt or security shall be construed and enforced in accordance with applicable Federal law.

(3) In order to implement and facilitate these Federal loan programs, the application of local procedures, especially for recordation and notification purposes, may be utilized to the fullest extent feasible and practicable. However, the use of local procedures shall not be deemed or construed to be any waiver by SBA of any Federal immunity from any local control, penalty, or liability.

(4) Any person, corporation, or organization that applies for and receives any benefit or assistance from SBA, or that offers any assurance or security upon which SBA relies for the granting of such benefit or assistance, shall not be entitled to claim or assert any local immunity to defeat the obligation such party incurred in obtaining or assuring such Federal benefit or assistance.

§ 101.2 Organization and functions of the Central Office Administrator.

All offices heading §§ 101.2 through 101.2-8 are located in Washington, D.C., and their heads report directly to the Administrator. The Administrator is responsible to the President and Congress for exercising direction, authority, and control over the Small Business Administration. He determines and approves all policies covering the Agency's programs to aid, counsel, assist, and protect the interests of the Nation's small business concerns. He delegates responsibility and authority, except the authority to approve or disapprove (1) pool loans; (2) applied research programs; and (3) defense production pools, as set forth in sections 7(a)(6), 9(d), and 11 of the Small Business Act, to the Deputy Administrator, associate administrators, and other Central Office officials reporting directly to him. He consults with Federal, state, and local agencies in behalf of small business interests in the national economy. He reports to the President and Congress on Agency program accomplishments and problems. He directs the execution of authority delegated to the Administrator by the Secretary of Housing and Urban Development with respect to the performance of SBA's responsibilities under section 312 of the Housing Act of 1964, as amended. He maintains as a responsibility of his office the activities related to equal employment opportunity within SBA, advisory councils, and formal review of size appeals cases. He periodically evaluates the performance, accomplishments, short-range, and long-range planning goals of the Central Office officials reporting directly to him.

(a) *National Advisory Council—Small Business Administration.* The National Advisory Council of the Small Business Administration is composed of representatives from each of the District Advisory Councils and Members-at-Large from each of the Agency regions. These representatives are persons actively engaged in small business or finance, or in services or professions related to small business including the fields of labor, law, accounting, insurance, education, real estate, and the news media. These members particularly qualified by their knowledge of and interest in small business are able to contribute substantially to the Agency and the small business community. All members are selected by the Administrator and serve at his pleasure without compensation. The council meets with and advises the Administrator on the development, execution, and evaluation of present or proposed SBA programs. All functions are purely advisory and all determinations of actions to be taken are made solely by the responsible SBA officials.

(b) *Office of Equal Employment Opportunity and Compliance.* The Director, Office of Equal Employment Opportunity and Compliance (EEOC), serves as a special assistant to the Administrator and as his principal advisor on Agency civil rights policies. The Office of EEOC develops and recommends policies concerning the equal employment opportunity and compliance (EEOC) program and develops plans, operating procedures, and standards to effectively strengthen and improve the Agency's civil rights, equal employment opportunity, and compliance programs and activities. Develops program goals and objectives within the framework of approved policies and reviews and evaluates program effectiveness. Serves as principal liaison with other Federal agencies and non-Federal organizations concerned with civil rights and also serves as the Agency's fair employment officer; civil rights coordinator; and compliance officer. Serves as a member of the Intern Advisory Council and cooperates with other responsible officials in the development of the bank relations program, a cooperative project between minority banks and other banks in strategic areas of concern, to stimulate efforts toward helping to develop opportunities for the disadvantaged. Directs, coordinates, and administers compliance programs and activities executed by Central Office staff and provides advice, assistance, and support to the Associate Administrators in relation to the EEOC program.

§ 101.2–1 General counsel.

Develops plans, procedures, and standards for providing legal services in support of SBA program operations, including execution of loan closing and litigation activities by Agency counsel. Develops and recommends policies governing, the Agency legal functions and activities and develops program goals and objectives within the framework of approved policies. Reviews and evaluates legal program effectiveness and analyzes and interprets legislation, regulations, and orders relating to the operation of the Small Business Administration. Advises the Administrator, Deputy Administrator, Associate and Assistant Administrators and other key officials on the legal aspects of the development and execution of policies and programs. Negotiates with Federal agencies as to the legal aspects of matters pertaining to the responsibilities of SBA and drafts resultant agreements. Develops legal theories incorporated in requests to the Comptroller General or to other Federal agencies for decisions in matters of interest to small business. Provides legal counsel, advice, and assistance to Agency officials in connection with the financial, investment, administrative, technical, procurement and management assistance, and minority enterprise programs, and in the formation of defense production and research and development pools. Within approved policies, gives direct legal advice and assistance to the field offices. Also, determines eligibility of applicants for assistance from SBA and advises with respect to servicing and liquidation of loans. He assists and participates with the Department of Justice in litigation arising from delinquent loans, criminal matters, and other SBA program activities and prosecutes administrative proceedings pursuant to the Small Business Investment Act. He reviews legislative proposals affecting small business and develops recommendations for the Office of Management and Budget and congressional committees; prepares legislative proposals relating to SBA; and develops reports for congressional hearings or the Office of the President. Serves as legal adviser to the Size Appeals Board. He maintains liaison with governmental and other agencies having activities related to the legal and advocacy functions of the Agency.

(a) *Office of Finance.* Develops plans, procedures, and standards for the provision of all legal services and assistance relating to the Agency's financial assistance, economic development, and small business investment company programs; including the closing and disbursing of SBA and HUD loans; closing of EDA approved loans, when authorized, but excluding liquidation and litigative matters. Develops and recommends policies concerning the legal finance program. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness. Provides legal counsel, assistance, services, and support to the Associate Administrator for Operations and the Associate Administrator for Finance and Investment and other Central Office officials in connection with the financial assistance, lease guarantee, and surety bond, economic development, and SBIC programs, exclusive of liquidation and litigative matters. Within approved policies, gives direct legal advice and assistance to the field offices within these program areas. Interprets applicable acts, regulations, and policies from a legal standpoint, including determinations as to eligibility and compliance with statutory and regulatory requirements. Analyzes and comments on proposed legislation, policies, programs, and procedures relating to the financial assistance, economic development, and SBIC programs. Maintains liaison with governmental and other agencies having activities related to the legal functions of this office.

(b) *Office of Interagency Affairs.* Develops policies concerning the SBA advocacy program. Presents and advocates the small business point of view before Federal departments and agencies. Represents SBA at interagency conferences, hearings, and court proceedings involving the Agency's advocacy program. Develops plans, procedures, and standards for the provision of legal advice, assistance, services, and support relating to:

1. Procurement and management assistance; sections 8(a) and 406 contracts and grants.
2. Size standards; size appeals.
3. Small business defense production; research and development pools.
4. Administrative functions, including fiscal, personnel, property management; contracts for the procurement of supplies and services.
5. Ad hoc committee matters; equal employment opportunity; advisory council; planning, research and analysis; congressional and public affairs; minority enterprise; franchising.
6. Implementation of the requirements of the Civil Rights Act of 1964.
7. Employee organization-management program; negotiation of agreements.

Develops program goals and objectives in conformance with approved policy. Reviews and evaluates program effectiveness. Provides legal counsel to small business concerns in their dealings with Federal procurement officials. Interprets applicable acts, regulations, and policies from a legal standpoint, including determinations as to eligibility and compliance with statutory and regulatory requirements. Interprets the Administrative Procedures Act, except with respect to the Small Business Investment Company Act. Provides legal counsel, assistance, services, and support to Central Office officials relating to the above-listed programs. Within approved policies, gives direct legal advice and assistance to the field offices on program matters. Maintains liaison with the Federal Trade Commission and the Antitrust Division of the Department of Justice.

(c) *Office of Litigation.* Develops plans, procedures, and standards for the conduct of litigation activities of the Small Business Administration. Develops and recommends policies concerning the

litigation program. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates litigation program effectiveness. Advises the Administrator and key program officials with respect to all legal action necessary in litigative matters pending in the Agency, and provides legal services, as required. Acts as liaison with the Department of Justice in all civil litigation and criminal matters. Prepares cases for submission to the Department of Justice, with recommendations for litigation or prosecution; obtains and evaluates evidence; assists in the trial of cases whenever necessary or requested; and recommends review or appeal of adverse decisions. Conducts legal research, prepares pleadings, and conducts litigation and other legal proceedings with respect to revocation of SBIC licenses, subpoena enforcement, injunctions and receivers, removal or suspension of directors and officers of licensees, and violations of SBIC regulations. Conducts all administrative hearings required to enforce compliance with the provisions of the SBI Act, policies and regulations, including preparation of necessary pleadings. Advises the Administrator for Operations, and the Associate Administrator for Finance and Investment, and other Central Office officials on problems involving subpoenas served upon SBA employees disclosure of information. Reviews and evaluates matters pertaining to security checks referred by the Security and Investigations Division. Advises and assists the Office of Audits and Investigations in all matters involving possible criminal activities by borrowers and others. Prepares and conducts any Agency disbarment proceedings which may be instituted as the result of improper activity by representatives of borrowers and SBIC's. Conducts final legal review of all Boards of Survey Reports and recommendations on claims under the Federal Tort Claims Act in the denial or allowance of claims in unlimited amounts. Provides advice, assistance, and support to the Associate Administrator for Operations in connection with field litigation activities. Within approved policies, gives direct advice and assistance to field offices on litigation program matters. Serves as member of the Central Office Claims Review Committee.

§ 101.2–2 Associate Administrator for Operations.

Plans, directs, and administers all regional and district office operations, including disaster operations. Serves as the focal point of contact between the Central Office and the regional directors. Receives and evaluates input from the field on aspects of SBA's programs and policies as they affect SBA's performance in the regions and districts, and coordinates with Central Office program and staff personnel to effect such revisions as may be appropriate. Formulates a system of goals, policies and regulations for regional management that reflects and implements the basic objectives and goals of the Agency. Defines lines of authority and responsibility of regional directors and coordinates their efforts for attainment of predetermined objectives. Plans, directs, and administers the Agency's disaster operation program for all disasters. Directs the execution of disaster operations through contingency planning, administration during the disaster, and disaster maintenance. Recommends physical and product disaster declarations to the Administrator. Maintains liaison with other government agencies and individual Congressmen and committee staff members relating to the disaster program. Develops adequate controls over field activities and evaluates and appraises regional management to ascertain whether plans and objectives are being achieved. Serves as a member of the Size Appeals Board.

(a) *Office of Disaster Operations.* Plans, directs, and administers the Agency's disaster operations program for all disasters. Directs the execution of disaster operations through contingency planning and administration during the emergency phase of the disaster, and assures that regional offices, after assuming full responsibility, effectively carry out disaster loan activities. Recommends physical and product disaster declarations to the Associate Administrator for Operations. Analyzes reports of physical disaster damage from field offices and other sources, and recommends disaster declarations. Maintains necessary liaison and coordination with Federal, state, and local governments, as well as with private organizations, enlisting their help, support, and cooperation in providing assistance during times of disaster. Prepares, maintains and disseminates up-to-date handbooks, guides, flow charts, and standard operating procedures to reflect past knowledge and experience, and assure increased efficiency of new disaster offices when opened. Trains key Agency personnel to serve in major disasters. Maintains a cadre of SBA personnel in a constant state of readiness to move to the site of a disaster to establish required disaster offices. Establishes operating disaster offices, and assures their efficient operation until emergency conditions no longer prevail. Provides advice, guidance, and assistance to regional and district offices in connection with all disaster operations.

(b) *Office of Field Operations.* Develops and recommends a system of goals, policies, procedures, and regulations for regional management that reflects and implements the basic objectives and goals of the Agency. Serves as a focal point to receive regional and district program and administrative problems. Determines scope of problem and area of involvement, either field or Central Office, and as principal advisor to the Associate Administrator for Operations recommends or takes appropriate corrective actions. Reviews the priorities, objectives, and program targets established by program staff offices. Recommends the ordering of integrated priorities, consistent with national goals. Designs and recommends the basic structure for the establishment of resource requirements to meet regional goals and objectives, and coordinates the development of management reports to evaluate performance, efficiency, program accomplishment, and quality of program activity. Approves new and revised procedures for program implementation by regional offices. Cooperates in the development of and makes recommendations on new and revised program policies. Assures that regional directors carry out programs in accordance with policies and procedures set by the Administrator or the assistant and associate administrators. Develops adequate controls over field activities, and evaluates and appraises regional management to ascertain whether plans and objectives are being achieved. Reviews and evaluates regional and district office operations, and initiates corrective actions when required. Plans, arranges, and participates in periodic high-level conferences between key Central and field officials on matters involving program or policy issues. Develops and implements a system of periodic onsite reviews of regional and district office operations. This will involve the selection of staff members of appropriate program and staff functions to comprise an Agency team to accomplish a total management analysis of activity, and to take or recommend corrective actions. Coordinates the disaster program effort and resource requirements between Central Office and regional offices and between regional offices as required. Cooperates with regional offices to determine training requirements, and coordinates the implementation of these needs with the Assistant Administrator for Administration.

§ 101.2–3 Associate Administrator for Finance and Investment.

Develops plans, operating procedures, and standards to effectively strengthen and improve the Agency's finance and investment programs designed to meet the existing and potential needs of the small business community. Develops and recommends policies concerning the financial assistance programs, including related activities of liquidation and disposal. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness. Promotes the financial assistance program nationwide, enlisting support and participation by private sector financial and investment institutions, States, counties, and municipalities, to broaden the range of assistance to small business concerns. Plans, directs, and administers the small business investment company program, including licensing, lending, and regulations to effectively strengthen and improve the Agency's programs of venture capital assistance to small businesses. Promotes nationwide the investment program to maximize the direct

involvement of private business and financial institutions in the provision of equity and long-term financing of small business concerns. Provides technical advice, assistance, and support to the Associate Administrator for Operations relating to finance and investment program matters. Directs and administers the Small Business Investment Company examination program. Represents the Administrator in negotiations with other Government agencies whose activities relate to his program area. Serves as a member of the Size Appeals Board.

(a) *Deputy Associate Administrator for Financial Assistance (Office of Financing).* Develops plans, operating procedures, and standards to effectively strengthen and improve the Agency's financing, loan administration, and community development programs to meet the existing and potential needs of the small business community. Develops and recommends policies concerning these programs, including related activities of liquidation and disposal. Participates with or acts for the Associate Administrator for Finance and Investment in negotiations with other Government agencies relating to the financing, loan administration, and community development programs. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness. Promotes the involvement by private sector financial and investment institutions, States, counties, and municipalities in the Agency's financing and community development programs to broaden the range of assistance to small business concerns. Provides technical advice, assistance, and support to the Associate Administrator for Operations relating to his program area. Develops and recommends policies, criteria, guidelines, and standards for financing programs and activities, including the regular business, economic opportunity, displaced business, disaster, consumer protection, coal mine health and safety, occupational health and safety loan programs, and the financial aspects of the Certificate of Competency Program and 8(a) business plans. Serves as a member of the Certificate of Competency Review Committee and the Central Office Claims Review Committee which takes or recommends final action on requests for compromise settlements of obligations due SBA. Approves or declines business and disaster loans, and conducts review of selected disaster loans. In cooperation with the Associate Administrator for Operations, evaluates lending programs and takes corrective action. Makes final visits as necessary. Plans, develops and executes new loan programs. Reviews proposed and new financial legislation. Makes final determinations of loan eligibility on complex cases submitted by regional directors. Maintains liaison with other Federal, state, and local agencies whose activities relate to the financing programs of SBA. Develops goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness. Provides technical advice, assistance, and support to the Associate Administrator for Operations relating to financing program matters. Provides assistance in developing and conducting training programs for field financial personnel.

(b) *Office of Portfolio Management.* Develops and recommends Agencywide policy for the administration of the Agency's portfolio of loans, lease guarantees, the financial aspects of Certificates of Competency and 3(a) contracts, including loan servicing, and loan liquidation and disposal activities. Develops plans, operating procedures, standards, goals, and objectives for (1) the servicing and/or liquidation of these accounts, including nonjudicial foreclosure but exclusive of litigative matters; (2) the liquidation of rehabilitation loans for HUD and Economic Development Administration loans for the Department of Commerce; and (3) the liquidation of Small Business Investment Companies and loans to small business acquired and retained as a result of Small Business Investment Company liquidation. Reviews and evaluates program effectiveness. Maintains liaison, participates, and provides technical advice with and to all other Government agencies and departments within SBA on matters relating to loan administration activities. Serves as chairman, Central Office Claims Review, and as vice-chairman of the Small Business Investment Company Liquidation Determination Board. Provides advice, assistance, and support to the Associate Administrator for Operations relating to Portfolio Management activities.

(c) *Office of Community Development.* Develops and recommends to Associate Administrator for Finance and Investment Agency policy concerning the community development programs of the Small Business Administration, including State and local Development Company programs, Lease Guarantees, and Surety Bond Guarantees. Develops plans, operating procedures, and standards to effectively strengthen and improve the Agency's programs involving community development counseling, the processing of state development company and local development company loans, processing of applications for lease guarantee and surety bond guarantee. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness. Maintains liaison with state and local development companies and other governmental and nongovernmental agencies having programs relating to these activities. Maintains continuing liaison with the insurance industry, and particularly with the surety bond underwriters and associations of agencies or brokers, for the purpose of keeping them informed as to policy and procedures in both the lease guarantee and surety bond guarantee programs. Also works closely with these groups in order to promote the programs in a way to meet the needs of the maximum number of small business concerns. Provides advice, assistance, and support to the Associate Administrator for Finance and Investment relating to the community development programs of SBA, including the making and/or reviewing of legislative recommendations relative to all community development matters.

(d) *Deputy Associate Administrator for Investment (Investment Division).* Plans, directs, coordinates, and administers the Agency's program for licensing Small Business Investment Companies to operate under the provisions of the Small Business Investment Act, as amended. Develops and recommends policies and established procedures governing the investment program. Recommends changes in legislation and regulations governing the program and program activities. Takes final action on all transactions contemplated by the Small Business Investment Act or the SBA regulations. This includes the issuance of licenses to small business investment companies (SBIC's); the purchase of debentures from Small Business Investment Companies and 301(d) licensees refunding and conversion of existing direct loan notes to debentures; the repurchase of subordinated debentures and direct loan notes from the holders. Determines actions required to protect SBA's credit position in connection with such transactions; also, defines courses of action to be followed in cases of noncompliance with the act or regulations. When indicated, requests investigations and appropriate legal action. Takes final action on all requests and applications submitted by licensees for prior SBA approval of transactions requiring such approval under the regulations; i.e., changes in control, changes in capital structure, mergers, dissolutions, and surrenders of licenses; approval of officers, directors, and 10 percent or more stockholders in connection with actions involving change of control. Also determines that surviving company meets the prescribed licensing standards. Provides counseling with respect to an interpretation of established policies and regulations; also provides information relating to licensed Small Business Investment Companies. Develops and implements a system of accounts for the Small Business Investment Companies and approves investment companies' selections of independent public accountants. Promotes and stimulates the involvement of key business enterprises in the investment program. Coordinates with SBA and other Government agency officials in directing these efforts toward those businesses owned, or to be owned, by the socially or economically disadvantaged. Serves as liaison for the Associate Administrator with other organizational segments of SBA, other Government agencies, financial and industrial organizations, trade associations, and similar groups in relation to program activities.

(e) *Office of Investment Management and Evaluation.* Develops and recommends policies and regulations to improve the operations of Small Business Investment Companies for the benefit of small business. Conducts research studies, with emphasis on the growth, stabilization and financing of the Small Business Investment Company industry. Also participates with the Office of the Assistant Ad-

ministrator for Planning, Research, and Analysis in connection with economic studies involving the investment program. Prepares investment program goals and missions and develops the planning, programming and budgeting data reflecting short-range and long-range objectives of the investment program. Develops and establishes procedures and instructions to Small Business Investment Companies for reporting program evaluation data on portfolio small business concerns. Analyzes financial and statistical data furnished on licensees' financial reports, and provides information on the effectiveness of the industry to management. Provides technical information to the program coordinators in the field relative to the formation and licensing of Small Business Investment Companies. Coordinates with other offices of the Agency in the preparation of all technical information and material released to the public on the investment program. Provides Small Business Investment Companies, and other interested groups with new technical information on the industry and publishes the Guide to the Regulations and Policy and Procedural Releases. Serves as technical liaison with the Securities and Exchange Commission on all matters relating to the investment program and the Federal Securities Laws. Corresponds with and provides information to persons or groups having detailed technical regulatory and operating questions concerning Small Business Investment Companies. Participates in the implementation of periodic SBA guaranty fundings for Small Business Investment Companies by providing detailed analysis on the method and timing of funding as related to bond market conditions. Prepares Small Business Investment Company information required for Congressional hearings and other matters relating to Congressional inquiries.

(f) *Office of Small Business Investment Company Operations.* Provides licensing and operational assistance and service to the Small Business Investment Companies. Plans, administers, and coordinates the program for licensing Small Business Investment Companies to operate under the provisions of the Small Business Investment Act of 1958, as amended. Recommends action on proposals and license applications filed under the act and regulations, including the review of security information reports. Implements procedures for the licensing, funding, and regulating of Small Business Investment Companies. Provides counseling with respect to and interpretation of the act and established regulations; answers specific official inquiries and provides information relating to licensed Small Business Investment Companies. Reviews and recommends the action to be taken for the approval of officers, directors, and 10 percent or more stockholders in connection with actions involving change of control of a licensee. Also determines that surviving company meets the prescribed licensing standards. Conducts the analysis of all financial statements, examination and investigation reports covering the operations and practices of the individual Small Business Investment Companies. Evaluates the financial stability, reliability of the companies, and compliance with the act and regulations. Recommends to the Deputy Associate Administrator actions to assure compliance. Recommends the levels of reserves for losses in connection with outstanding loans and debentures of operating licensees. Recommends appropriate action on all requests and applications submitted by Small Business Investment Companies for prior SBA approval of transactions requiring such approval under the regulations. As required, provides testimony as an expert witness in administrative proceedings or court proceedings involving Small Business Investment Companies.

(g) *Office of 301(d) Operations.* Provides licensing and operational assistance and service to section 301(d) licensees. Plans, administers, and coordinates the program for licensing to operate under the provisions of the Small Business Investment Act of 1958, as amended. Recommends action on proposals and license applications filed under the act and regulations, including the review of security information reports. Implements procedures for the licensing, funding, and regulating of section 301(d) licensees. Provides counseling with respect to and interpretation of the act and established regulations; answers specific official inquiries and provides information relating to licensed section 301(d) licensees. Reviews and recommends the action to be taken for the approval of officers, directors, and 10 percent or more stockholders in connection with actions involving changes of control of a licensee. Also, determines that surviving company meets the prescribed licensing standards. Conducts the analysis of all financial statements, examination and investigation reports covering the operations and practices of the individual section 301(d) licensees. Evaluates the financial stability, reliability of the companies, and compliance with the act and regulations. Recommends to the Deputy Associate Administrator actions to assure compliance. Recommends the levels of reserves for losses in connection with outstanding loans and debentures of operating licensees. Recommends appropriate action on all requests and applications submitted by section 301(d) licensees for prior SBA approval of transactions requiring such approval under the regulations. As required, provides testimony as an expert witness in administrative proceedings or court proceedings involving section 301(d) licensees.

(h) Office of Small Business Investment Company Examinations. Plans, directs, and executes Agencywide examination and review programs relating to Small Business Investment Companies licensed under the Small Business Investment Act. Develops and recommends policies and establishes standards and procedures governing the examinations and review program, and develops program goals and objectives within the framework of approved policies. Schedules and maintains control over all examinations conducted on a nationwide basis. Reviews reports of examinations for compliance with the established standards. In cooperation with the Small Business Investment Company and Operations Divisions, determines the actual or potential violations of the act and regulations resulting from the onsite examinations as a basis for regulatory action. Develops and reports facts and evidence to support corrective actions to be taken, administrative proceedings, or recommendations for legal action.

(i) *Office of Program Development.* Assists the Associate Administrator for Finance and Investment in all outreach activity in connection with the promotion and development of Agency financial assistance and investment activity. Coordinates the efforts of the financial institutions, community liaisons, and Small Business Investment Company promotional functions. Directs the promotion and development nationwide of Agency policy governing participation by private sector financial and investment institutions in the SBA programs of financial assistance and investment. Maintains continuing liaison and personal contact with top representatives of banking, insurance, institutional investor, and other financial institutions and associations to promote their participation in guaranty and participation financial assistance programs of the Agency, to include the development of a secondary market in the SBA guaranteed portions of SBA loans. Represents the Associate Administrator for Finance and Investment at meetings or conventions of banking, insurance, investment, or other groups constituting sources of direct or indirect funding or financial participation in loans for small business. Coordinates conference activities in connection with community development workshops, lease guarantee, and surety bond seminars. Works with field offices in preparation of agenda, conference notes, and related material. Plans and recommends education and training programs to encourage community leadership. Works with participating colleges and other educational institutions in developing new techniques and advances concepts in community planning. Develops methods which can be used by community planning groups to take maximum advantage of human and natural resources as a means of stimulating rural economies and curtailing outmigration. Maintains liaison with USDA, Departments of Commerce, Housing and Urban Development, Interior, and other Government agencies. Serves as Agency representative on the Interagency Economic Adjustment Committee, CSTE Task Force, Model City WIC Review, and other capacities as designated. Counsels with interested groups or individuals concerning the possible formation and licensing of Small Business Investment Companies and to promote the growth and development of the programs. Serves as liaison

with other Government agencies, financial and industrial organizations, trade associations, and similar groups to keep such organizations informed of the investment programs. Coordinates with the Office of Public Information in the preparation of all promotional material released to the public on the investment program and preparation of the Small Business Investment Company Digest. Develops, fosters, and stimulates interest and participation nationwide in SBA programs involving the banking-investment industry and state and local governments. Promotes with state, county, and municipal officials plans for the use of public sources of funds in SBA loan programs. In cooperation with financing and legal staff, works with public officials to establish enabling policies and legislation. Negotiates basic agreements with financial institutions at the national level. Develops plans and operating procedures to effectively strengthen and support the efforts of field bank relations officers and other field financing personnel participating in this program to meet the expanding needs of the small business community. Coordinates activities in which field bank relations officers may be helpful in developing sources of funds for community development projects. Supervises preparation of Bank Newsletter. Prepares articles and speeches for the Associate Administrator for Finance and Investment. Conducts followup with private sector financial community officials in generating direct and indirect sources of funding for SBA financial assistance programs. Serves as secretary and processes applications to the Lending Institution Certification Committee, which determines the eligibility of nonbank lending institutions. Reviews publications and other materials revealing current trends in economic development, and disseminates excerpted material to Central Office program personnel. Participates as a member of a working group for implementation of the interagency program under which SBA is charged with the advocacy of small business before other Government Agencies.

(j) *Office of Portfolio Review.* Plans, directs, and executes a system of program assistance, through a continuing review of the Agency's financial assistance (FA) functions, to provide quality control and uniformity in the application of Financial Assistance policies and the procedures for policy implementation. Develops procedures for detailed loan analysis to determine the quality of credit judgments exercised by field offices under their delegation of authority, and establishes standards to control quality in the performance of the loan analysis. Makes an indepth analysis of selected Financial Assistance loans, particularly those which reflect a high porportion of Agency investment or risk, i.e., very large loans, past due and delinquent loans, deferments, loans purchased or in liquidation, and charged off accounts. Pinpoints deficiencies in policy application, Financial Assistance procedures, credit or eligibility criteria, and standards. Where appropriate, causes immediate corrective action to be taken by the appropriate regional or district director concerning specific deviations from stated Agency policy. Submits a report of findings and recommendations to the Associate Administrator for Finance and Investment for transmittal to the appropriate regional or district director for corrective action indicated, and to Office of Financial Assistance program directors for use in improvement of the Financial Assistance program. At the direction of the Associate Administrator for Finance and Investment, performs specific reviews of particular problems in a Financial Assistance function, as requested by the program director. The results of these special reviews will be used by Central Office program personnel to establish new or modified policies and procedures, to isolate and correct communication problems, or to identify areas requiring further extensive analysis. Participates with the Associate Administrator for Finance and Investment in periodic conferences with the Associate Administrator for Operations, as appropriate. When not actively engaged in field or field related assignments, assists Financial Assistance program directors in performance of their normal program work.

§ 101.2–4 Associate Administrator for Procurement and Management Assistance.

Develops plans, operating procedures and standards to effectively strengthen and improve the Agency's procurement and management assistance programs to meet the existing and potential needs of the small business community. Develops and recommends policies concerning the procurement and management assistance programs. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness. Promotes nationwide the Agency's program to increase the participation and support of industrial concerns, professional and trade associations, local governments, and community groups in developing entrepreneurship opportunities for disadvantaged groups, including minorities, in manufacturing, construction, and service related industries. Administers the Contract Management Consulting (406) program. Provides technical advice, assistance, and support to the Associate Administrator for Operations relating to procurement and management assistance matters. Represents the Administrator in negotiations with other Federal agencies whose activities relate to his program area. Serves as a member of the Size Appeals Board.

(a) *Government Liaison Staff.* Represents the Small Business Administration with the Department of Defense and civilian agencies within the Executive Branch on procurement and management assistance matters. Recommends and participates in the development and preparation of interagency agreements and related policies and regulations applicable to small business procurement programs. Participates with these agencies in the development, modification, or changes in policies, procedures, and directives to assure overall consistency with SBA policies and procedures. Develops and coordinates with the Department of Defense, General Services Administration, and other Government agencies programs, policies, goals, regulations, and procedures to ensure that a fair portion of the total Government contracts, including research and development and stockpile surpluses, is placed with small business concerns (such as the prime contracting and set-aside programs). Provides for and coordinates SBA participation at procurement conferences sponsored by other Federal agencies or on behalf of congressional or local sponsors. On receipt at headquarters level of specific complaints by small business, arranges and participates in hearings with policy officials of cognizant Federal agencies to present the position of the complainants and seek amendatory action. Evaluates overall small business procurement programs of Federal agencies (departmental level) and makes recommendations designed to increase awards to small business concerns and facilitate their participation in related procurement. Advises Associate Administrator for Operations and other SBA Central Office officials with respect to positions to be taken by SBA in dealings with Government procurement agencies.

(b) *Office of Procurement Assistance.* Develops and recommends policies concerning the procurement assistance and technical assistance programs. Develops plans, operating procedures, and standards to effectively strengthen and improve the Agency's prime contract services, industrial support services, subcontracting assistance, technical assistance, and research and development assistance programs to meet the needs of the small business community. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness. Represents SBA at the staff level of the Secretary or Administrator of the Department of Defense and other Federal agencies regarding matters involving procurement assistance activities pertaining to specific technical matters. Recommends and participates in the development and preparation of interagency agreements and related policies and regulations. Develops and coordinates, in conjunction with the Assistant Administrator for Planning, Research, and Analysis, procedures for making economic studies to be utilized in strengthening the SBA procurement assistance programs. Provides technical advice, assistance, and support to Associate Administrator for Operations relating to procurement assistance programs.

(c) *Office of Management Assistance.* Develops and recommends policies concerning the management assistance and foreign trade programs. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness. Develops plans, operating procedures, and standards to effectively strengthen and improve the Agency's education, man-

agement counseling, and management contracts programs to meet existing and potential needs of the small business community. Develops plans, operating procedures, standards, goals, and objectives for providing management assistance through volunteer or contract activity, including marketing analyses, feasibility and/or engineering studies to applicant-borrowers. Certificates of Competency, and 8(a) recipients. Develops and recommends policies concerning Agency use of volunteer management assistance groups, such as SCORE (Service Corps of Retired Executives) and ACE (Active Corps of Executives) and maintains active liaison on behalf of SBA with such groups. Develops and recommends policies and procedures for the administration and use of management consultant contracts entered into under Section 406 of the Economic Opportunity Act of 1969, as amended. Administers the Service Corps of Retired Executives, Active Corps of Executives, and other volunteer program activities on an Agencywide basis, with accent on recruitment and expansion of these programs in connection with borrower-related management assistance. Coordinates with ACTION in areas of mutual interest with respect to Service Corps of Retired Executives and Active Corps of Executives volunteer support activity. Develops and recommends policies and procedures which emphasize the effectiveness of management assistance to borrowers. Develops and recommends policies and procedures for the administration of the Small Business Institute Program. Develops and implements policies to carry out the Agency's Foreign Trade program. Provides technical advice, assistance, guidance, and support to the Associate Administrator for Operations and other Central Office officials with respect to the management assistance program. Maintains liaison with other SBA organizational components and other Federal agencies on matters relating to the management assistance program.

(d) *Office of Business Development.* Develops and recommends policies and procedures for utilization of the Agency's authority under Section 8(a) of the Small Business Act. Develops plans, operating procedures, goals and standards for execution of an effective and efficient program to implement section 8(a) of the Small Business Act. Evaluates the Agency's efforts in meeting 8(a) program objectives. Promotes the Agency's program to encourage the involvement of industrial concerns, professional and trade associations, State and local governments, and community groups in supporting and providing assistance to small business firms being developed pursuant to section 8(a) of the Small Business Act, and to enlist their direct participation in providing technical, management, financial and procurement support to the individual entrepreneur. Maintains effective liaison and coordination with other SBA organizational components and other Federal agencies in the development of plans, policies, and procedures for providing assistance to section 8(a)-supported firms under SBA and other agencies' programs. Provides advice, counsel, assistance, and support to other Agency organizations with respect to the activities of the Office of Business Development. Provides technical advice, assistance, guidance, and support to the Associate Administrator for Operations relating to the business development program.

§ 101.2–5 Assistant Administrator for Administration.

Develops plans, systems, procedures, and standards for effective implementation of budget and finance, personnel, and management systems programs, including emergency preparedness activities. Administers the Agency's audit, investigatory, security, examinations and review, internal and external audits, management studies, and personnel management program review activities Agencywide. Coordinates and maintains control over all formal and informal interagency committees, councils, task forces, or other coordinating groups in which SBA participates. Develops goals and objectives for Agency administrative and management activities. Reviews and evaluates their effectiveness. Represents the Administrator in negotiations with other goverment agencies on matters relating to office programs and activities.

(a) *Office of Audits and Investigations.* Develops plans, systems, procedures, and standards for effective implementation of internal audits, external audits, security and investigations. Directs, coordinates, and administers the investigatory, security, and audit activities Agencywide. Develops and recommends policies concerning these programs and activities, and develops program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness. Represents the Administrator in negotiations with the FBI and General Accounting Office and other agencies on matters relating to division programs and activities. Provides for the development of adequate controls over the administration of these programs as carried out by the Central and regional offices. Submits to appropriate officials, reports and recommendations covering deficiencies disclosed by audits, inspections and investigations. Analyzes reports of corrective action taken on reported deficiencies. Recommends to the Administrator any matters which require further action by the officials concerned or by the Administrator.

(b) *Office of personnel.* Develops and recommends policies concerning the personnel programs and related activities. Develops plans, procedures, and standards to effectively strengthen and improve the Agency's personnel program, including position classification, recruitment, selection, placement, promotion, separation, pay and wage administration, labor-management relations, performance evaluation and incentives, grievances and appeals, conduct and discipline, training and career development, personnel records management, employee services, and safety. Plans, directs, coordinates, and executes Agencywide personnel management program reviews. Provides technical advice, assistance, and support to the Associate Administrator for Operations and other Central Office officials relating to the personnel program. Reviews and processes all field personnel actions requiring Central Office approval. Maintains liaison with the Civil Service Commission in matters relating to the development, interpretation, and application of personnel regulations and procedures. Develops, plans, and establishes standards to provide for effective analysis and improvement of the Agency organization. Maintains an organizational plan which describes the structure and functions of the organizational units and the location and geographical responsibilities of the field offices, etc. Directs the conduct of organizational studies as requested by the Administrator or other top management officials of SBA, or on a continuing basis as necessitated by changes in staffing requirements and/or shifts in program emphasis or direction. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness. Coordinates and administers the Central Office fund drives.

(c) *Office of Budget and Finance.* Develops plans, operating procedures, and standards to effectively strengthen and improve all budget, accounting, and fiscal activities of the Agency. Develops and recommends policies concerning the budget and finance programs. Directs the development and administration of systems for the accountability of all funds, property, and other assets for which the Agency is responsible. Directs the establishment and implementation of procedure and control systems involving the collection, deposit, and disbursement of funds, including the preparation of financial information and data, and certain statistical data covering the operational programs of the Agency. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness. Represents the Administrator in negotiations with the Office of Management and Budget, congressional appropriation committees, General Accounting Office, Treasury Department, and other agencies on budgetary, accounting, and fiscal matters. Participates with the Office of Management Services in the development of systems for the accountability of all funds, property, and other assets for which SBA is responsible, including the collection, deposit, and disbursement of funds for the Agency.

(d) *Office of Management Services.* Develops plans, policies, and procedures for the effective operation of the Office of Management Services and the subordinate Reports Management Division, Administrative Services Division, Data Management Division, and Systems Division. Develops all Small Business Administration accounting systems. Designs, prescribes, and installs all SBA account-

ing systems, including the development of systems procedures. Conducts surveys and systems analysis of current and new programs and recommends adoption and use of advanced technological methods. Develops, modifies, and assists the Accounting Operations Division to install all systems of accounting. Analyzes Agency manual systems to determine the need for automation. Develops computer systems to provide increased cost/benefit return in satisfying management information needs. Conducts feasibility studies to determine the practicability of automating new systems or changing existing automated systems. Develops instructions to computer programmers for new systems and documentation in computer language acceptable to the computer. Develops test data and systems verification to determine adequacy of computer programs. Prepares operation instructions for the successful automation of the new computer systems. Develops work measurement and manpower reporting systems for the Agency through techniques developed by the Industrial Engineers on the staff. Directs the conduct of Agencywide procedural and manpower utilization surveys and studies. Develops systems for Agencywide manpower requirements. Conducts reviews to identify operating problems, management effectiveness, and manpower management. Recommends policies and procedures to correct deficiencies identified in reviews, thereby improving utilization of manpower in all program areas. Develops and recommends policies concerning these programs and activities under the Office of Management Services, and develops goals and objectives. Reviews and evaluates effectiveness of all assigned activities. Provides for the development of adequate controls over the administration of these programs as carried out by the Central and regional offices. Represents the Administrator in negotiations with the General Services Administration and Office of Management and Budget, and other agencies on matters relating to Office of Management Services programs and activities.

§ 101.2–6 Assistant Administrator for Congressional and Public Affairs.

Develops and recommends plans, procedures, and standards to effectively strengthen and improve the public affairs, public information, congressional relations, and advisory councils programs of the Small Business Administration. Develops and recommends policies concerning the congressional and public affairs programs. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness. Provides advice, assistance, and support to the Administrator, the Associate Administrator for Operations, and other Central Office officials relating to the congressional and public affairs programs, and the administration of the advisory councils programs. Develops and prepares statements, briefings, and speeches for the Administrator and other key SBA officials. Develops and coordinates an orientation program for visitors to the Central Office. Develops Agency guidelines for making information and/or records available for public use in conformance with the Freedom of Information Act; and acts as coordinator for the Agency regarding the cost and availability of information and/or records requested by the public.

(a) *Office of Advisory Councils.* Develops and recommends policies concerning the advisory councils program. Develops plans and procedures for the establishment and operation of the National, District, and Community Advisory Councils. Processes the appointment of persons recommended to serve on the advisory councils. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness. Provides advice, assistance, and support to the Associate Administrator for Operations in relation to the field advisory councils program. Plans, organizes, and participates in the annual meeting of the National Advisory Council for the Small Business Administration. Participates in meetings of the district advisory councils. In cooperation with the Associate Administrator for Operations, reviews and coordinates agendas of meetings and proposed resolutions of the councils, and notifies the council chairmen of the Agency's position on the resolution received. Reviews and consolidates resolutions adopted by the district advisory councils for presentation to and consideration at the annual meeting of the National Advisory Council. Plans, organizes, and participates in the several meetings of the National Small Business Investment Company Advisory Council. Prepares the summaries of these meetings. Processes reimbursement of travel claims for all members of the National Advisory Council and the National Small Business Investment Company Advisory Council. Publishes a monthly newsletter, covering the activities of the National and District Councils and the National Small Business Investment Company Council. Keeps Central Office officials informed of the activities of the councils as they relate to their functional areas of responsibility.

(b) *Office of Congressional Relations.* Serves as liaison with Members of Congress, congressional committees, commissions, organizations, and agencies in relation to program matters. Processes and coordinates with concerned SBA offices regarding oral inquiries and responses to Members of Congress or congressional committees and the Executive Office of the President. Obtains, assembles, prepares, and coordinates information and data requested by Members of Congress or Congressional committees on the SBA programs, exclusive of material for presentation by the Administrator before congressional committees and statements of Agency position on legislative proposals. Keeps the Administrator and key officials of the Agency informed of the activities of congressional committees as they relate to the programs and activities of SBA. Interprets for Members of Congress the Agency's policies, programs, practices, and objectives. Works with other Federal agencies on matters of mutual interest.

(c) *Office of Public Affairs.* Develops plans, procedures, and standards to effectively strengthen and improve the public affairs program. Coordinates field office implementation of these plans through the Associate Administrator for Operations and Investment. Develops and recommends policies concerning the public affairs programs. Develops program goals and objectives in conformance with approved policies. Reviews and evaluates program effectiveness. Prepares statements, briefings, and speeches for the Administrator and other key SBA officials. Plans, organizes, and conducts Administrator's news conferences with representatives of newspapers, wire services, trade and business publications, and radio and television networks. Provides advice, assistance, and support to the Associate Administrator for Operations relating to field public information and public relations activities, including the provision of public informational material to advance the programs and policies of the Agency. Plans, develops, and operates an orientation program for visitors to the Central Office.

(d) *Office of Public Information.* Disseminates to news media, radio and television stations information as to the work of the Agency to keep the public fully informed as to the activities, plans, policies, and regulations that affect individuals and the small business community. Establishes and maintains liaison with high-level, national representatives of newspapers, wire service, business press, trade associations, chambers of commerce and similar groups. Promotes their involvement in informing the public as to Agency policies, programs, and objectives. Prepares and issues news releases, statements, pamphlets, and other informational materials for public dissemination. Provides material for insertion in publications of other Government agencies. Responsible for finad design and editing of Agency general publications (except Management Aids). Edits reports, statements, studies, or other informational materials as requested from operating offices. Plans and directs the development of SBA program and informational films, other than management training films. Distributes these films through the PMA film library nationwide to further the understanding of SBA's policies, programs, and objecactivities in conjunction with presentation of SBA programs for news stories, tives. Plans and directs photographic articles, pamphlets, and conferences. Responsible for artwork in all publications (except Management Aids) and exhibits. Prepares public statements and special reports, as required. Coordinates SBA participation in public meetings. Plans, organizes, and directs preparation of the Agency's Annual Report to the President and the Congress. Develops Agency guidelines for making information and/or records available for public use in con-

formance with the Freedom of Information Act; and acts as coordinator for the Agency regarding the cost and availability of information and/or records requested by the public.

§101.2–7 Assistant Administrator for Planning, Research and Analysis.

Conducts economic planning studies and evaluations of the economic environment and relates to the needs and problems of the small business community. Conducts economic, cost benefit, program analysis and special studies of Agency activities to provide the Administrator and program managers with alternative courses of action on the decision making process. Assists in establishing a comprehensive and integrated information system for planning and program evaluation purposes and coordinates revisions to the system. Is responsible for the formulation of alternative courses of action under various program approaches to be recommended for decision by SBA's management board. Directs the development of and recommends new and changed size standards for all SBA programs. Is responsible for the determination and interpretation of the SBA size standards. Develops policies, plans, systems, and procedures to effectively strengthen and improve the planning and program evaluation functions of the Agency. As the principal planning officer of the Agency develops and directs the preparation of Agency program memorandums as required by the Office of Management and Budget and coordinates with program offices in the developing and maintaining of the SBA FIVE-YEAR PLAN. Provides in-house research capability and identifies and formulates economic and industry research projects to be pursued under contract, and monitors such contracts approved by the Administrator. Conducts studies, in cooperation with program offices, involving across-the-board investigations of SBA programs to measure their effectiveness in terms of costs, benefits, and other considerations. Serves as the central analytical staff to review and evaluate, in conjunction with appropriate program offices, major program evaluation studies submitted to the Administrator. Initiates, with Administrator approval, and participates in inter-agency studies dealing with the critical aspects of the economy and public policy affecting small business. Initiates studies and develops procedures to provide a historical and current statistical description of the small business sector to provide, in a timely manner, data for policy and program formulation. Is the economic advisor of the Agency, reviews and comments to the Administrator upon all proposed legislation affecting the Agency or other Federal agency programs having an impact on small business. Serves as a member of the Size Appeals Board.

(a) *Office of Program Planning and Evaluation.* Develops plans and procedures for implementing the Agencywide planning and program evaluation systems. Conducts, in cooperation with affected office(s), studies which involve across-the-board investigations of SBA programs to measure their effectiveness in terms of costs, benefits, and other considerations. Assists in establishing a comprehensive planning and program evaluation system and coordinates revisions to the system to meet the changing needs of management. These evaluations are necessary to support major decisions relative to initiating new programs, reorienting existing programs or renewing the authorizations of a particularly important program. Develops and maintains systems and procedures for the Agency's integrated program planning and evaluation system. Reviews the Agency's objectives and determinations of the effectiveness of the Agency's total output in accomplishing these objectives. The purpose of program evaluation is to evaluate the impact of the Agency's programs on beneficiaries and upon the economy. Recommends Agency policy issues and major program issues and assists in carrying out studies to analyze such issues. Assists in the development of the SBA Five-Year Plan and maintains it on a current basis. Prepares Agency long-range program objectives and priorities, coordinating with Program Managers and Regional Directors. Proposes annual Agency missions and objectives statement. Prepares the Agency Five-Year Plan for transmittal to OMB.

(b) *Office of General Economic Analysis and Research.* Conducts analyses of economic trends with emphasis on current and future opportunities, problems, and needs of small business. Provides timely economic analyses focused on special problem areas relevant to small business, requested by the Program Managers and the Administrator. Conducts studies on major problems affecting the competitive position of small business and formulates policy positions on these questions. Conducts and monitors contract research relating to matters materially affecting the competitive strength of small business, and of the effect on small business of Federal laws, programs, and regulations. Analyzes business indicators and develops methods of estimating small business shares of economic activity, by sector and geographical area. Provides analyses on proposed legislation affecting all SBA programs and other Federal agency programs having an impact on the competitive position of small business. Conducts economic analyses and policy recommendations relating to finance and taxation, monetary and fiscal policy, and other issues of major importance to the small business sector. Prepares the in-house publication, SBA Economic Review, which is designed to give Agency distribution to studies, articles, statistics, and other timely information of interest to the SBA Central and field offices and to others interested in the small business sector. Initiates studies and develops procedures to provide an historical and current statistical description of procurement data for policy and program formulation. Develops data to support Agency participation with Office of Economic Adjustment, Department of Defense, in SBA districts where major contract cancellations occur.

(c) *Office of Industry Studies and Size Standards.* Conducts economic and other statistical analyses to promote the small business development of specified industries or geographic areas, and to provide timely industry data requested by the Program Managers for policy purposes. Conducts industry studies with the objective of determining Agency policy in responding to proposed legislation and Congressional inquiries on matters dealing with the competitive position of small business. Works with other Federal statistical gathering agencies to develop industry data on a timely basis that can be used for Agency planning, decision making and advocacy purposes. Conducts industry studies and develops size definitions for the major SBA assistance programs—financial assistance, procurement and management assistance, and investment programs. Recommends and promulgates size standards including establishment of procedures in connection with the size standards program. Processes inquiries received from various companies, members of Congress, and other outside sources requesting interpretations or other information on the Small Business Administration size standards or regulations in concert with the General Counsel's office. Conducts industry hearings on size matters, which are attended by representatives of the program areas concerned and a representative from the General Counsel's office. Provides advice and assistance to the Associate Administrator for Operations on size matters referred by the field.

§ 101.2–8 Assistant Administrator for Minority Enterprise.

Develops plans, policies, operating procedures, and standards to effectively strengthen and improve the Agency's minority enterprise program, including the provision of centralized services in the disadvantaged areas. Develops program goals and objectives within the framework of approved policies. Reviews and evaluates program effectiveness. Provides direction and emphasis in the coordination of all Agency programs to achieve the objectives of the minority enterprise effort. Chairs the ad hoc ME advisory group established for this coordinative purpose. Evaluates the performance of the field offices to insure compliance with Minority Enterprise program policies and procedures. Represents the Administrator at interagency meetings convened by the Secretary of Commerce for the purpose of coordinating programs and activities that affect or contribute to the growth of minority business enterprise. Serves in this capacity, in cooperation with Associate Administrator for Procurement and Management Assistance, at other interagency meetings, and in negotiations with Federal agencies whose activities relate to the Minority Enterprise and business development programs. Provides information and assistance and otherwise participates with the Secretary of Commerce, when requested, in the develop-

ment of national program objectives for minority business enterprise. Confers with top representatives of industry, trade associations, local governments, and community action groups to enlist their substantial participation and involvement in the SBA Minority Enterprise program. Promotes their cooperation in the development of minority enterprises and entrepreneurships in the disadvantaged areas. Negotiates basic agreements with industries for establishment of local outlets and franchises and for the provision of management and technical assistance and other types of support. Coordinates with and invites participation by the Associate Administrator for Procurement and Management Assistance in meetings and conferences that include representatives of manufacturing and construction industries. Works with the Associate Administrator for Procurement and Management Assistance in the development of policies and procedures governing the combined Minority Enterprise/Procurement and Management Assistance effort to involve minorities in the manufacturing, construction, and related service industries.

(a) *Office of Program Planning and Control.* Coordinates Agency approach to Minority Enterprise. Fosters use of innovative and imaginative concepts to assure that resources allocated to Minority Enterprise are working effectively and efficiently. Evaluates effect of current programs on Minority Enterprise and recommends changes if appropriate. Assists in setting Minority Enterprise goals. Keeps the Performance Management System working, and makes appropriate recommendations based on PMS analysis. Prepares, clears, and monitors training programs for new MER's and refresher training for existing MER's. Conducts, as appropriate, experimental projects in collaboration with program offices to test innovative programs. Works with the Associate Administrators for Finance and Investment and Procurement and Management Assistance, and Assistant Administrator for Planning, Research, and Analysis in the Central Office to insure that they consider Minority Enterprise views in their program areas. Establishes and maintains a free flow of information in both directions.

(b) *Office of Government and Industry Relations.* Seeks and stimulates private sector support for Minority Enterprise through Fortune's 500, banks, trade associations, and other private entities interested in minority business development. Works closely with OMBE, HUD, FAA, DOT, HEW, DOD, and other Federal agencies that have programs relating to and/or affecting ME. Plans and develops special impact projects, such as shopping centers, Local Development Companies, airport opportunities, construction projects, etc., that would promote and develop minority participation, management, and ownership. Continues to expand and improve the Minority Vendors Program in order to insure maximum private sector corporate support and the fullest possible benefit to minority enterprises. Works with the Office of Public Information to insure maximum coverage of ME success stories and program announcements, etc.

(c) *Office of Program Assistance.* Monitors performance of Minority Enterprise Representatives and field offices to identify problem areas and areas deserving special recognition. Provides guidance and orientation to Minority Enterprise Representatives and other field personnel involved in minority business development. Assists in problem solving, and keeps field offices and Minority Enterprise Representatives appraised of development in Minority Enterprise program areas. Reviews declines and problem cases to determine merits of case and see that all possible avenues of assistance have been explored. When necessary, acts as advocate for minority firms within and outside Agency. Explores all possible avenues of Assistance to minority businesses, and makes field offices aware of new approaches to overcome business problems in specific cases. Monitors SBA's 406 Grantees and Call Contractors to insure the most effective and efficient use of 406 funds for minority businesses. Replies to all Congressional, White House and other inquiries relating to individual case matters. Guides and assists minority and other organizations interested in minority business development. Participates in relevant conferences, workshops, seminars, meetings, training programs, etc. Works with Offices of Budget and Finance, Personnel, Equal Employment Opportunity and Compliance, and Field Operations on matters of mutual concern.

§ 101.3 Organization and Functions of the Field Offices

(a) *Regional office.* An SBA office, headed by a regional director, it is the principal field office of the Agency, responsible and responsive to the Central Office. The city locations and geographical boundaries of each of the 10 regional offices were designated by the President in a statement on May 2, 1969. Such office exercises full authority and supervisory responsibility for: (1) The execution of all field activities within the region; (2) supervision of all district offices within the region.

(b) *District office.* An SBA office headed by a district director, located in a city designated by the Administrator within a defined, limited, and contiguous geographical area within the region. Such office is responsible and responsive to the regional office for the region in which it is located. Except for restrictions based on delegations of authority, the district office has full authority and supervisory responsibility for: (1) The execution of all field activities within the district boundaries; (2) supervision of all branch offices and post-of-duty stations located within the district boundaries; and (3) providing subordinate branch offices and post-of-duty stations with the technical capability necessary to execute assigned programs.

(c) *Branch office.* An SBA office headed by a branch manager, located in a city designated by the Administrator within a defined, limited, contiguous geographic area within a district. Such office is directly responsible and responsive to the district office within whose boundaries it is located. It executes one or more elements of the business or disaster loan programs and has limited authority for program execution.

(d) *Post-of-duty station.* An SBA office headed by an officer-in-charge, located in a city designated by the Administrator within a district. Such office is directly responsible and responsive to the district office within whose boundaries it is located. It performs tasks required to promote and support the business and disaster loan programs and procurement and management assistance activities. It has no authority for program execution.

§ 101.3–1 Listing of Field Offices.

(a) *Region I.* Regional Office, 150 Causeway Street, Boston, MA 02114. Having jurisdiction over the following district offices and post-of-duty station:

(1) 150 Causeway Street, Boston, MA 02114. Serving Massachusetts.

(2) 326 Appleton Street, Holyoke, MA 01040. Serving counties of Berkshire, Franklin, Hampden, and Hampshire.

(3) 40 Western Avenue, Augusta, ME 04330. Serving Maine.

(4) 55 Pleasant Street, Concord, NH 03301. Serving New Hampshire.

(5) 450 Main Street, Hartford, CT 06103. Serving Connecticut.

(6) 87 State Street, Montpelier, VT 05602. Serving Vermont.

(7) 57 Eddy Street, Providence, RI 02903. Serving Rhode Island.

(b) *Region II.* Regional Office, 26 Federal Plaza, New York, NY 10007. Having jurisdiction over the following district and branch offices and post-of-duty stations:

(1) 26 Federal Plaza, New York, NY 10007. Serving the New York counties of Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, and Westchester.

(2) 970 Broad Street, Newark, NJ 07102. Serving New Jersey.

(3) Hunter Plaza, Fayette and Salina Streets, Syracuse, NY 13202. Serving the New York counties of Allegany, Albany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Cortland, Erie, Essex, Franklin, Fulton, Genesee, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Otsego, Rensselaer, Saratoga, Schnectady, Schoharie, Schuyler, Seneca, St. Lawrence, Steuben, Tioga, Tompkins, Warren, Washington, Wayne, Wyoming, and Yates.

(4) 111 West Huron Street, Buffalo, NY 14202. Serving the New York counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, and Wyoming.

(5) 1051 South Maine Street, Elmira, NY 14904. Serving the New York Counties of Broome, Chemung, Schuyler, Steuben, Tioga, and Tompkins.

(6) 99 Washington Avenue, Albany, NY 12210. Serving the New York counties of Albany, Rennselaer, Saratoga, Schenectady, Schoharie, Warren, and Washington.

(7) 55 St. Paul Street, Rochester, NY 14604. Serving the New York counties of Livingston, Monroe, Ontario, Seneca, Wayne, and Yates.

(8) 255 Ponce de Leon Avenue, Hato Rey, PR 00919. Serving the Commonwealth of Puerto Rico and the U.S. Virgin Islands.

(c) *Region III.* Regional Offices, 1 Decker Square, East Lobby, Bala Cynwyd, PA 19004. Having jurisdiction over the following district and branch offices:

(1) 1 Decker Square, East Lobby, Bala Cynwyd, PA 19004. Serving the Pennsylvania counties of Adams, Berks, Bradford, Bucks, Carbon, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York.

(2) Miller Furniture Building, 7–11 Market Square, Harrisburg, PA 17108. Serving the Pennsylvania counties of Adams, Clinton, Cumberland, Dauphin, Juniata, Lancaster, Lebanon, Lycoming, Mifflin, Montour, Northumberland, Potter, Snyder Union, Tioga, and York.

(3) 34 South Main Street, Wilkes-Barre, PA 18703. Serving the Pennsylvania counties of Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, and Wyoming.

(4) 844 King Street, Wilmington, Dela. 19801. Serving Delaware.

(5) 7800 York Road, Towson, MD 21204. Serving Maryland except the counties of Montgomery and Prince Georges.

(6) 109 North Third Street, Clarksburg, WV 26301. Serving West Virginia.

(7) Charleston National Bank, Charleston, WV 25301. Serving the West Virginia counties of Boone, Braxton, Cabell, Calhoun, Clay, Fayette, Gilmer, Greenbrier, Jackson, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Roane, Summers, Wayne, Webster, Wirt, and Wyoming.

(8) 1000 Liberty Avenue, Pittsburgh, PA 15222. Serving the Pennsylvania counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntington, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland.

(9) 400 North Eighth Street, Richmond, VA 23240. Serving Virginia except the counties of Arlington, Fairfax, and Loudoun.

(10) 1030 Fifteenth Street, NW., Washington, DC 20416. Serving the District of Columbia and the Maryland counties of and Loudoun.

(d) *Region IV.* Regional Office, 1401 Peachtree Street, NE., Atlanta, GA 30309. Having jurisdiction over the following district and branch offices and post-of-duty stations.

(1) 1401 Peachtree Street, NE., Atlanta, GA 30309. Serving Georgia.

(2) 908 South 20th Street, Birmingham, AL 35205. Serving Alabama.

(3) 222 South Church Street, Charlotte, NC 28202. Serving North Carolina.

(4) 1801 Assembly Street, Columbia, SC 29201. Serving South Carolina.

(5) Petroleum Building, Suite 690, Pascagoula and Amite Streets, Jackson, Miss. 39205. Serving Mississippi.

(6) 2500 14th Street, Gulfport, MS 39501. Serving the Mississippi counties of Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Marion, Pearl River, Perry, and Stone.

(7) 400 West Bay Street, Jacksonville, FL 32202. Serving the Florida counties of Alachua, Baker, Bay, Bradford, Calhoun, Citrus, Clay, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hernando, Holmes, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Marion, Nassau, Okaloosa, Orange, Putnam, Santa Rosa, St. Johns, Seminole, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington.

(8) 600 Federal Place, Louisville, KY 40202. Serving Kentucky.

(9) 51 Southwest First Avenue, Miami, FL 33130. Serving the Florida counties of Brevard, Broward, Charlotte, Collier, Dade, De Soto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Monroe, Okeechobee, Osceola, Palm Beach, Pasco, Pinellas, Polk, St. Lucie, Sarasota, and Florida.

(10) 500 Zack Street, Tampa, FL 33602. Serving the Florida counties of Hillsborough, Pinellas, Polk, and Pasco. (Circuit rider to Manatee and Hendry.)

(11) 500 Union Street, Nashville, TN 37219. Serving Tennessee.

(12) 502 Gay Street, Knoxville, TN 37902. Serving the Tennessee counties of Anderson, Bledsoe, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Cumberland, Fentress, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, McMinn, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sevier, Sullivan, Unicoi, Union, and Washington.

(13) 167 North Main Street, Memphis, TN 38103. Serving the Tennessee counties of Fayette, Hardeman, Haywood, Lauderdale, Shelby, and Tipton.

(e) *Region V.* Regional Office, 219 South Dearborn Street, Chicago, IL 60604. Having jurisdiction over the following district and branch offices and post-of-duty stations:

(1) 219 South Dearborn Street, Chicago, IL 60604, Serving Illinois.

(2) 502 East Monroe Street, Springfield, IL 62701. Serving the Illinois counties of Adams, Alexander, Bond, Brown, Calhoun, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, De Witt, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Fulton, Gallatin, Greene, Hamilton, Hancock, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Logan, McDonough, Macon, Massac, Menard, Montgomery, Morgan, Moultrie, Perry, Piatt, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Union, Vermilion, Wabash, Washington, Wayne, White, and Williamson.

(3) 1240 East Ninth Street, Cleveland, OH 44199. Serving the Ohio counties of Ashtabula, Carroll, Columbiana, Cuyahoga, Erie, Geauga, Harrison, Huron, Jefferson, Lake, Lorain, Lucas, Mahoning, Medina, Ottawa, Portage, Sandusky, Stark, Summit, Trumbull, Tuscarawas, Wayne, and Wood.

(4) 34 North High Street, Columbus, OH 43215. Serving the Ohio counties of Adams, Allen, Ashland, Athens, Auglaize, Belmont, Brown, Butler, Champaign, Clark, Clermont, Clinton, Coshocton, Crawford, Drake, Defiance, Delaware, Fairfield, Fayette, Franklin, Fulton, Gallia, Greene, Guernsey, Hamilton, Hancock, Hardin, Henry, Highland, Hocking, Holmes, Jackson, Knox, Lawrence, Licking, Logan, Madison, Marion, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Paulding, Perry, Pickaway, Pike, Preble, Putnam, Richland, Ross, Scioto, Seneca, Shelby, Union, Van Wert, Vinton, Warren, Washington, Williams, and Wyandot.

(5) 550 Main Street, Cincinnati, OH 45202. Serving the Ohio counties of Adams, Brown, Butler, Clermont, Clinton, Hamilton, Highland, Montgomery, Preble, and Warren.

(6) 1249 Washington Boulevard, Detroit, MI 48226. Serving Michigan.

(7) 201 McClellan Street, Marquette, MI 49855. Serving the Upper Peninsula of Michigan.

(8) 36 South Pennsylvania Street, Indianapolis, IN 46204. Serving Indiana.

(9) 122 West Washington Avenue, Madison, WI 53703. Serving the Wisconsin counties of Adams, Ashland, Barron, Bayfield, Brown, Buffalo, Burnett, Calumet, Chippewa, Clark, Columbia, Crawford, Dane, Dodge, Door, Douglas, Dunn, Eau Claire, Florence, Fond du Lac, Forest, Grant, Green, Green Lake, Iowa, Iron, Jackson, Jefferson, Juneau, Kenosha, Kewaunee, La Crosse, Lafayette, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Marquette, Menominee, Milwaukee, Monroe, Oconto, Oneida, Outagamie, Ozaukee, Pepin, Pierce, Polk, Portage, Price, Racine, Richland, Rock, Rusk, St. Croix, Sauk, Sawyer, Shawano, Sheboygan, Taylor, Trempealeau, Vernon, Vilas, Walworth, Washburn, Washington, Waukesha, Waushara, Winnebago, and Wood.

(10) 735 West Wisconsin Avenue, Milwaukee, WI 53223. Serving the Wisconsin counties of Dodge, Fond du Lac, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Walworth, Washington, and Waukesha.

(11) 510 South Barstow Street, Eau Claire, WI 54701. Serving the Wisconsin counties of Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Douglas,

Dunn, Eau Claire, Florence, Forest, Iron, Lincoln, Oneida, Pepin, Pierce, Polk, Price, Rusk, Sawyer, St. Croix, Taylor, Trempealeau, Vilas, and Washburn.

(12) 12 South Sixth Street, Minneapolis, MN 55402. Serving Minnesota.

(f) *Region VI.* Regional Office, 1100 Commerce Street, Dallas, TX 75202. Having jurisdiction over the following district and branch offices and post-of-duty station.

(1) 1100 Commerce Street, Dallas TX 75202. Serving the Texas counties of Anderson, Archer, Baylor, Bell, Bosque, Brown, Callahan, Clay, Coleman, Collin, Comanche, Cooke, Coryell, Dallas, Delta, Denton, Eastland, Ellis, Erath, Falls, Fannin, Freestone, Grayson, Hamilton, Hendrickson, Hill, Hood, Hopkins, Hunt, Jack, Johnson, Kaufman, Lamar, Limestone, Mclennan, Mills, Montague, Navarro, Palo Pinto, Parker, Rains, Rockwall, Shackleford, Somervell, Stephens, Tarant, Throckmorton, Van Zandt, Wichita, Wilbarger, Wise, and Young.

(2) 5000 Marble Avenue NE., Albuquerque, NM 87110. Serving New Mexico.

(3) 1015 El Paso Road, Las Cruces, NM 88001. Serving the New Mexico counties of Catron, Don Ana, Grant, Hidalgo, Luna, Otero, and Sierra.

(4) 808 Travis Street, Houston, TX 77002. Serving the Texas counties of Angelina, Austin, Brazorio, Barzos, Burlson, Chambers, Colorado, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jasper, Jefferson, Leon, Liberty, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Trinity, Tyler, Waller, Walker, Washington, and Wharton.

(5) 600 West Capitol Avenue, Little Rock, AR 72201. Serving Arkansas except Columbia, Lafayette, and Miller counties.

(6) 1205 Texas Avenue, Lubbock, TX 79408. Serving the Texas counties of Andrews, Armstrong, Bailey, Bordon, Briscoe, Carson, Catro, Childress, Cochran, Coke, Collingsworth, Cottle, Crane, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Ector, Fisher, Floyd, Foard, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskel, Hemphill, Hockley, Howard, Hutchinson, Jones, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, Martin, Midland, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Potter, Randall, Reagan, Roberts, Runnels, Scurry, Sherman, Sterling, Stonewall, Swisher, Taylor, Terry, Upton, Ward, Wheeler, Winkler, and Yoakum.

(7) 219 East Jackson Street, Lower Rio Grande Valley, TX 78550. Serving the Texas counties of Aransas, Brooks, Cameron, Duval, Hildalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, Nueces, San Patricio, Starr, Willacy, and Zapata.

(8) 3105 Leopard Street, Corpus Christie, TX 78408. Serving the Texas counties of Aransas, Brooks, Kleberg, Nueces, and San Patricio.

(9) 505 East Travis Street, Marshall, TX 75670. Serving the Arkansas counties of Columbia, Lafayette, and Miller; the Texas counties of Bowie, Camp, Cass, Cherokee, Franklin, Gregg, Harrison, Marion, Morris, Nacogdoches, Panola, Red River, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, and Wood; and the Louisiana parishes of Bienville, Bossier, Caddo, Claiborne, De Soto, Red River, and Webster.

(10) 1001 Howard Avenue, New Orleans, LA 70113. Serving Louisiana, except Bienville, Bossier, Caddo, Claiborne, De Soto, Red River, and Webster Parishes.

(11) 30 North Hudson Street, Oklahoma City, OK 73102. Serving Oklahoma.

(12) 301 Broadway, San Antonio, TX 78205. Serving the Texas counties of Atascosa, Bandera, Bastrop, Bee, Bexar, Blanco, Brewster, Burnet, Caldwell, Calhoun, Comal, Concho, Crockett, Culberson, De Witt, Dimmit, Edwards, El Paso, Fayette, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hudspeth, Irion, Jackson, Jeff Davis, Karnes, Kendall, Kerr, Kimble, Kinney, Lampasas, La Salle, Lavaca, Lee, Live Oak, Llano, Loving, Mason, Maverick, McCulloch, McMullen, Medina, Menard, Pecos, Presidio, Real, Reeves, Refugio, San Saba, Schleicher, Sutton, Terrell, Tom Green, Travis, Uvalde, Val Verde, Victoria, Webb Williamson, Wilson, and Zavala.

(13) 109 North Oregon Street, El Paso, TX 79901. Serving the Texas counties of Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, and Terrell.

(g) *Region VII.* Regional Office, 911 Walnut Street, Kansas City, MO 64106. Having jurisdiction over the following district offices.

(1) 911 Walnut Street, Kanas City, MO 64106. Serving the Kansas counties of Allen, Anderson, Atchison, Bourbon, Brown, Cherokee, Coffey, Crawford, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Labette, Leavenworth, Linn, Marshall, Miami, Montgomery, Nemeha, Neosho, Osage, Pottawatomie, Shawnee, Wilson, Woodson, and Wyandotte; and the Missouri counties of Adair, Andrew, Atchison, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Camden, Carroll, Cass, Cedar, Chariton, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, De Kalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Howell, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Linn, Livingston, Macon, McDonald, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Ozark, Pettis, Platte, Polk, Pulaski, Putnam, Randolph, Ray, St. Clair, Saline, Schuyler, Stone, Sullivan, Taney, Texas, Vernon, Webster, Worth, and Wright.

(2) 210 Walnut Street, Des Moines, IA 50309. Serving Iowa.

(3) 215 North 17th Street, Omaha, NE 68102. Serving Nebraska.

(4) 210 North 12th Street, St. Louis, MO 63101. Serving the Missouri counties of Audrain, Bollinger, Butler, Callaway, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Knox, Lewis, Lincoln, Madison, Maries, Marion, Mississippi, Monroe, Montgomery, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Ralls, Renolds, Ripley, St. Charles, St. Francois, Ste. Genevieve, St. Louis, St. Louis City, Scotland, Scott, Shannon, Shelby, Stoddard, Warren, Washington, and Wayne.

(5) 120 South Market Street, Wichita, KS 67202. Serving the Kansas counties of Barber, Barton, Butler, Chase, Chautauqua, Cheyenne, Clark, Clay, Cloud, Comanche, Cowley, Decatur, Dickonson, Edwards, Elk, Ellis, Ellsworth, Finney, Ford, Geary, Gove, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Harvey, Haskell, Hodgeman, Jewell, Kearney, Kingman, Kiowa, Lane, Lincoln, Logan, Lyon, McPherson, Marion, Meade, Mitchell, Morris, Morton, Ness, Norton, Osborne, Ottawa, Pawnee, Phillips, Pratt, Rawlins, Reno, Republic, Rice, Riley, Rooks, Rush, Russell, Saline, Scott, Sedgwick, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Trego, Wabaunsee, Wallace, Washington, and Wichita.

(h) *Region VIII.* Regional Office, 721 19th Street, Denver, CO 80202. Having jurisdiction over the following district offices:

(1) 721 19th Street, Denver, CO 80202. Serving Colorado.

(2) 100 East B Street, Casper, WY 82601. Serving Wyoming.

(3) 653 Second Avenue North, Fargo ND 58102. Serving North Dakota.

(4) Power Block Building, Corner Main and Sixth Avenue, Helena, Montana 59601. Serving Montana.

(5) 125 South State Street, Salt Lake City, UT 84138. Serving Utah.

(6) National Bank Building, Eighth and Main Avenue, Sioux Falls, SD 57102. Serving South Dakota.

(7) Donaldson Building, 627 St. Joe Street, Rapid City, SD 57701. Serving the South Dakota counties of Butte, Custer, Fall River, Lawrence, Meads, Pennington, and Shannon.

(i) *Region IX.* Regional Office, 450 Golden Gate Avenue, San Francisco, CA 94102. Having jurisdiction over the following district and branch offices and post-of-duty stations:

(1) 450 Golden Gate Avenue, San Francisco, CA 94102. Serving California except the counties of Imperial, Inyo, Kern (E. Pt.), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, San Luis Obispo, and Ventura.

(2) 1130 O Street, Fresno, CA 93721. Serving the California counties of Fresno, Kern (W. Pt.), Kings, Madera, Merced, and Tulare.

(3) 1149 Bethel Street, Honolulu, HI 96813. Serving Hawaii and American Samoa.

(4) Ada Plaza Center Building, Agana, Guam 96910. Serving Guam and the Trust Territory of the Pacific Islands.

(5) 849 South Broadway, Los Angeles, CA 90014. Serving the California counties of Kern (E. Pt.), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo, and Ventura.

(6) 300 Las Vegas Boulevard South, Las Vegas, NV 89101. Serving Nevada and the California county of Inyo.

(7) 112 North Central Avenue, Phoenix, AZ 85004. Serving Arizona.

(8) 110 West C Street, San Diego, CA 92101. Serving the California counties of Imperial and San Diego.

(j) *Region X.* Regional Office, 710 Second Avenue, Seattle, WA 98104. Having jurisdiction over the following district and branch offices.

(1) 710 Second Avenue, Seattle, WA 98104. Serving the Washington counties of Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima.

(2) 1016 West Sixth Avenue, Anchorage, AK 99501. Serving the Alaska election districts of Ketchikan-Prince of Wales, Wrangell-Petersburg, Sitka, Juneau, Yakutat, Cordova-Valdez, Palmer, Anchorage, Seward, Kenai, Kodiak, Aleutian Islands, Bristol Bay, Bethel, Nome, and Wade Hampton.

(3) 503 Third Avenue, Fairbanks, AK 99701. Serving the Alaska election districts of Barrow-Kobuk, Fairbanks-Yukon, and Yukon-Kuskokwim.

(4) 216 North Eighth Street, Boise, ID 83701. Serving Idaho, except the counties of Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone; and the Oregon counties of Baker, Grant, Harney, Malheur, Union, and Wallowa.

(5) 921 Southwest Washington Street, Portland, OR 97205. Serving Oregon except the counties of Baker, Grant, Harney, Malheur, Union, and Wallowa; and the Washington counties of Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum.

(6) Court House Building, Room 651, Spokane, WA 99210. Serving the Washington counties of Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman; and the Idaho counties of Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone.

§ 101.4 SBA Forms for Public Use.

SBA forms used by the public when applying for or obtaining SBA assistance or when providing services for SBA are available in all field offices. See § 101.3-1.

§ 101.5 Seal.

The Administrator and the Assistance Administrator for Administration, and each Regional and District Director, and Branch Manager are authorized to certify and authenticate as true, originals and copies of any books, records, papers, or other documents on file within the Small Business Administration; to certify and authenticate as true, originals, and copies of extracts from such material; to certify the nonexistence of records on file; and to cause the Seal of the Small Business Administration to be affixed to all such certifications for all purposes, including the purposes authorized by 28 USC 1733. This authority applies to any books, records, papers, or other documents on file within their respective jurisdictions.

§ 101.6 Litigation.

Service of process in any suit instituted against SBA may be accomplished in accordance with the provisions of Rule 4 of the Federal Rules of Civil Procedure or in accordance with the provisions of section 2410 of Title 28, United States Code. All litigation instituted by or against SBA will be prosecuted or defended by the Attorney General through the United States Attorney for the Federal District in which the matter arises.

§ 101.7 Employments of fee counsel.

(a) *Business loans.* SBA employs attorneys on a full-time basis in most of its field offices and these employees usually perform all the legal services requested on behalf of SBA in the making of business loans. The loan applicant or borrower usually employs his own attorney to represent his interests, and this attorney is selected and paid by the applicant or borrower, except that the reasonableness of the fee is reviewed by SBA. On occasions, such as where the volume of activity has not been sufficient to require a full-time employee, or the area is too remote to economically use the services of a full-time employee, SBA has hired fee counsel to represent it in business loans.

(b) *Disaster loans.* In disaster loans, as defined in Part 123 of this chapter, SBA may contract for the services of fee counsel because the disaster presents an emergency and a volume of activity that cannot be promptly and economically serviced by the available full-time or temporary employees.

(c) *Compensation.* All work performed at the request of, and for, SBA is performed in compliance with its regulations and instructions, and is compensated for at an hourly rate determined by SBA and established in the contract between SBA and the fee counsel. The contract may be terminated upon written notice by either party.

(d) *Duties.* The fee counsel acts under the general supervision of the General Counsel through field counsel, and takes such action as is legally requisite and necessary for the making of loans under the provisions of the Small Business Act. In the event that fee counsel acts contrary to, or fails to act in accordance with SBA's Regulations and instructions, the loan may be reassigned either to another fee counsel or to a full-time employee. In the performance of functions as an attorney for SBA the highest standards of professional conduct are requisite and proper. All matters of confidence proper to the attorney-client relationship are respected by fee counsel.

[FR Doc.73-26818 Filed 12-19-73;8:45 am]

Title 30—Mineral Resources

CHAPTER I—BUREAU OF MINES, DEPARTMENT OF INTERIOR

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 75—MANDATORY SAFETY STANDARDS, UNDERGROUND COAL MINES

Fire Drills

Correction

In FR Doc. 73-25592, appearing on page 33397, for the issue of Tuesday, December 4, 1973, fourth paragraph, eighth line, the word "not" should be inserted after the word "was".

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[PUBLIC LAND ORDER 5402]

[New Mexico 17381]

NEW MEXICO

Transfer of Jurisdiction Over Oil and Gas Deposits Dyess Air Force Base

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

1. The jurisdiction over all mineral deposits (including oil and gas and constituents thereof, and all gaseous substances, including helium) owned by the United States in the following described acquired lands comprising a portion of Dyess Air Force Base, Texas, is hereby transferred from the Department of the Air Force to the Department of the Interior:

A tract of land containing 430.24 acres situated in the County of Taylor, State of Texas, embracing lands within the Southern Pacific Railroad Company survey (A-314), J. C. Asking survey (A-1802), J. H. Julian survey (A-1307), and the John McSherry survey (A-206), and being part of Tracts A-105, A-106, and all of Tract A-110, and being more particularly described as follows:

From the southwest corner of the Southern Pacific Railroad Company Survey A-314 northwest along said Southern Pacific Railroad Company survey line approximately 2,500 feet to the point of beginning:

Thence N. 80°48' E., 1803.3 feet to a point; thence S. 09°20' E., 5400.0 feet to a point; thence S. 80°53' W., 5033.15 feet to a point in the west boundary line for Dyess Air Force Base:

Thence north along said west boundary line for said Dyess Air Force Base, north 1200 feet to a point; thence N. 05°11' E., 348.8 feet to a point; thence N. 27°42' E., 351.8 feet to a point; thence N. 38°20' E., 436.3 feet to a point; thence N. 44°58' E., 663.9 feet to a point; thence N. 15°27' E., 468.0 feet to a point; thence N. 13°30' W., 250.0 feet to a point; thence N. 74°20' E., 1336.1 feet to a point; thence N. 01°39' E., 662.4 feet to a point; thence N. 09°53' W., 1432 feet to a point; thence N. 81°20' E., 255.6 feet to the point of beginning.

The area described aggregates 430.24 acres in Taylor County.

2. The Geological Survey has reported that the lands described in paragraph 1 of this order are subject to drainage of their deposits of oil and gas by wells on adjacent lands in private ownership. The Secretary of the Interior may take such action as may be necessary to protect the United States from loss on account of drainage or threatened drainage of oil and gas and their constituents, and any gaseous substances (including helium) from such lands.

3. The jurisdiction of the Department of the Interior over such lands shall be limited only by the primary jurisdiction of the Department of the Air Force over the lands for military purposes.

4. The jurisdiction of the Department of the Interior over such mineral deposits shall continue until revocation of this order, and no action which may be taken by the Department of the Air Force to relinquish jurisdiction over the described lands for military purposes or to transfer such jurisdiction out of the Department of the Air Force shall affect in any way the jurisdiction of the Department of the Interior over the mineral deposits.

5. Prior to execution of any lease or authorization of development by the Department of the Interior, the Department of the Air Force shall have the opportunity to recommend further reservations and restrictions that may be included in the proposed lease or leases, and insure that there is no interference with the primary use of the land for missions of the Department of the Air Force.

JACK O. HORTON,
Assistant Secretary of the Interior.

DECEMBER 13, 1973.

[FR Doc.73-26880 Filed 12-19-73;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 33—SPORT FISHING

Certain Wildlife Refuges in California

The following special regulations are issued and are effective on Tuesday, January 1, 1974.

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

GENERAL CONDITIONS: Fishing shall be in accordance with applicable State regulations. Portions of refuges which are open to fishing are designated by signs and/or delineated on maps. The maps are available at the respective refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 3737, Portland, Oregon 97208.

Colusa National Wildlife Refuge—(Headquarters: Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988.)

Special Conditions: (1) the taking of frogs is permitted except that the refuge is closed to sport fishing and the taking of frogs during the migratory waterfowl hunting season.

(2) The use of boats without motors is permitted for fishing and the taking of frogs.

Delevan National Wildlife Refuge—(Headquarters: Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988.)

Special Conditions: (1) The taking of frogs is permitted except that the refuge is closed to sport fishing and the taking of frogs during the migratory waterfowl hunting season.

(2) The use of boats without motors is permitted for fishing and the taking of frogs.

Modoc National Wildlife Refuge—(Headquarters: Sheldon-Hart Mountain-Modoc National Wildlife Refuges, P.O. Box 111, Lakeview, OR 97630.)

Special Conditions: (1) Fishing will be permitted only in designated areas during the migratory waterfowl hunting season.

(2) The taking of frogs on refuge lands requires a special permit obtainable at refuge headquarters, Alturas, California.

Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988.

Special Conditions: (1) The taking of frogs is permitted except that the refuge is closed to sport fishing and the taking of frogs during the migratory waterfowl hunting season.

(2) The use of boats without motors is permitted for fishing and the taking of frogs.

Salton Sea National Wildlife Refuge, P.O. Box 247, Calipatria, CA 92233.

Special Condition: (1) Fishing is permitted in that portion of the refuge which is inundated by the Salton Sea.

San Luis National Wildlife Refuge, P.O. Box 2176, Los Banos, CA 93635.

Special Conditions: (1) Fishing permitted from sunrise to one hour after sunset.

(2) The refuge is closed to sport fishing during the migratory waterfowl hunting season.

(3) Use of boats is prohibited.

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

DONALD J. HANKLA,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 13, 1973.

[FR Doc.73-26884 Filed 12-19-73;8:45 am]

PART 33—SPORT FISHING

Certain Wildlife Refuges in Idaho

The following special regulations are issued and are effective on Tuesday, January 1, 1974.

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

GENERAL CONDITIONS: Fishing shall be in accordance with applicable State regulations except for special conditions listed.

All areas open to fishing are designated by signs and delineated on maps available at the respective refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 3737, Portland, OR 97208.

Bear Lake National Wildlife Refuge, P.O. Box 837, Soda Springs, Idaho 83276.

Special Condition: The use of boats on the refuge is not permitted except during the migratory waterfowl hunting season.

Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, ID 83651.

Sport fishing is permitted on the entire refuge year-round except as stipulated under Special Conditions.

Special Conditions: (1) Fishing is not permitted on the public hunting area during the migratory waterfowl hunting season.

(2) Boats with motors may be used during daylight hours only (interpreted here to be one hour before sunrise to one hour after sunset) from April 15 through September 30, 1974.

(3) Shoreline fishing is prohibited on the islands of the Snake River sector from February 1 to May 31.

Kootenai National Wildlife Refuge, Star Route #1, Box 160, Bonners Ferry, ID 83805.

Sport fishing is permitted on portions of Kootenai River, Deep Creek and Myrtle Creek within the refuge.

Minidoka National Wildlife Refuge, Route 4, Rupert, ID 83350.

Sport fishing is permitted on the entire refuge year-round except as stipulated under Special Conditions.

Special Conditions: (1) Shoreline fishing shall be permitted on the entire refuge year around.

(2) Boat fishing is permitted on the main reservoir from Minidoka Dam to the west-end of Bird Island April 1 through September 30, 1974, and from Smith Springs to the east end of the refuge October 1 through June 30, 1974, during daylight hours only.

(3) Boat crossing lanes at Smith and Gifford Springs open year around.

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

DONALD J. HANKLA,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 13, 1973.

[FR Doc.73-26887 Filed 12-19-73;8:45 am]

PART 33—SPORT FISHING

Certain Wildlife Refuges in Nevada

The following special regulations are issued and are effective on Tuesday, January 1, 1974.

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

General conditions: Fishing shall be in accordance with applicable State regulations. Portions of refuges which are open to fishing are designated by signs and/or delineated on maps. The maps are available at the respective refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 3737, Portland, OR 97208.

Charles Sheldon Antelope Range—(Headquarters: P.O. Box 111, Lakeview, OR 97630.)

Ruby Lake National Wildlife Refuge, Ruby Valley, NV 89833.

Stillwater National Wildlife Refuge, P.O. Box 592, Fallon, NV 89406.

Special Condition: Refuge closed to fishing during the migratory waterfowl hunting season.

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

DONALD J. HANKLA,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 13, 1973.

[FR Doc.73-26886 Filed 12-19-73;8:45 am]

PART 33—SPORT FISHING

Certain Wildlife Refuges in Oregon

The following special regulations are issued and are effective on Tuesday, January 1, 1974.

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

General conditions: Fishing shall be in accordance with applicable State regulations and special conditions listed. Portions of refuges which are open to fishing are designated by signs and/or delineated on maps. The maps are available at the respective refuge headquarters and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 3737, Portland, Oregon 97208.

Ankeny National Wildlife Refuge—(Headquarters: William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, OR 97330.)

Special Conditions: (1) The use of boats is not permitted.

(2) During the open season, fishing shall be permitted each day from one hour before sunrise to one hour after sunset. Use of artificial lights will not be permitted.

(3) The use of archery equipment is not permitted.

Cold Springs National Wildlife Refuge—(Headquarters: Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, OR 97882.)

Special Conditions: (1) The refuge is closed to sport fishing during the migratory waterfowl hunting season.

(2) Boats without motors may be used for purpose of fishing.

Hart Mountain National Antelope Refuge—(Headquarters: Sheldon-Hart Mountain National Antelope Refuges, P.O. Box 111, Lakeview, OR 97630.)

Klamath Forest National Wildlife Refuge—(Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, CA 96134.)

Special Condition: (1) Use of boats is not permitted.

Malheur National Wildlife Refuge—P.O. Box 113, Burns, OR 97720.

Special Conditions: (1) Refuge waters, with the exception of Krumbo Reservoir, are closed to the use of boats for fishing purposes.

(2) The use of motors on boats is not permitted on Krumbo Reservoir.

McKay Creek National Wildlife Refuge—(Headquarters: Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, OR 97882.)

Special Condition: (1) The refuge is closed to sport fishing during the migratory waterfowl hunting season.

Upper Klamath National Wildlife Refuge—(Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulelake, CA 96134.)

Special Condition: (1) Speed boats shall not exceed ten miles per hour in any stream, creek, or canal, and that portion of Pelican Bay west of a line beginning at a point on the north shore of Pelican Bay one-fourth mile east of Crystal Creek and extending due south to opposite shore of the lake.

William L. Finley National Wildlife Refuge—Route 2, Box 208, Corvallis, OR 97330.

Special Conditions: (1) Use of boats is not permitted.

(2) During the open season, fishing shall be permitted each day from one hour before sunrise to one hour after sunset. Use of artificial lights will not be permitted.

(3) The use of archery equipment is not permitted.

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

DONALD J. HANKLA,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 13, 1973.

[FR Doc.73-26883 Filed 12-19-73;8:45 am]

PART 33—SPORT FISHING

Certain National Wildlife Refuges In Washington

The following special regulations are issued and are effective on Tuesday, January 1, 1974.

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

General conditions: Fishing shall be in accordance with applicable State regulations. Portions of the refuge which are open to fishing are designated by signs and/or delineated on maps. The maps are available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 3737, Portland, OR 97208.

McNary National Wildlife Refuge, P.O. Box 19, Burbank, WA 99323.

Special Conditions: (1) The refuge is closed to sport fishing during the migratory waterfowl hunting season.

(2) The use of boats or floating devices of any description is prohibited.

Columbia National Wildlife Refuge, P.O. Drawer F, Othello, WA 99344.

Special Conditions: (1) Mallard Lake, Migraine Lake, and Scabrock Lake are open April 21 through August 15, 1974.

(2) The use of boats and outboard motors is prohibited on lakes so posted.

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

DONALD J. HANKLA,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 13, 1973.

[FR Doc.73-26885 Filed 12-19-73;8:45 am]

Title 7—Agriculture

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

[Navel Orange Reg. 304]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period December 21–27, 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.

§ 907.604 Navel Orange Regulation 304.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges continued active during the past week, as buying for the Holidays remained unexpectedly strong.

Prices f.o.b. averaged $3.70 a carton on a reported sales volume of 1,107 carlots last week, compared with an average f.o.b. price $3.66 per carton and sales of 810 carlots a week earlier.

Track and rolling supplies at 716 cars were up 104 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 rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation 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 regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 18, 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 21, 1973, through December 27, 1973, are hereby fixed as follows:

(i) District 1: 558,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 42,000 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 19, 1973.

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

[FR Doc.73-27009 Filed 12-19-73;11:29 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 34]

PART 73—EMERGENCY DAYLIGHT SAVING TIME

Procedures and Criteria for Implementation

The Emergency Daylight Saving Time Energy Conservation Act of 1973 (December 15, 1973, Pub. L. 93–182) ("the Act") advances the standard time by one hour in all eight standard time zones of the United States continuously from 2:00 a.m. Sunday, January 6, 1974, to 2:00 a.m. Sunday, April 27, 1975, and provides that the time as so advanced shall be standard time. The purpose of the regulations which appear below is to set forth procedures and criteria for implementation of the Act.

Two classes of States are permitted to exempt themselves from advanced time: (1) Any State which is entirely within one time zone and not contiguous to any other State (Hawaii, Puerto Rico, and the Virgin Islands); and (2) any State with parts thereof in more than one time zone (Alaska, Florida, Idaho, Indiana, Kansas, Kentucky, Michigan, Nebraska, North Dakota, Oregon, South Dakota, Tennessee, and Texas). (Section 3(a)). If a State elects to exempt itself, the exemption must apply to the entire area of the State lying within one time zone, and the effect of the exemption must be to put the entire State on uniform time (i.e. the exemption can only apply to that part of the State in the more easterly zone) (see H. Rep. No. 93–709 at 5). While this limitation could not be literally applied to Alaska, which is in four time zones, any exemption for that State would have to take account of this intent of Congress.

Section 3(c) of the Act provides that any law in effect on October 27, 1973, exempting a State from advanced time under section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. § 260a(a)) shall remain in effect as the exercise by the State of the exemption permitted by section 3(a) of the Act unless the State by law provides that such exemption shall not apply during the effective period of the Act. Thus, the effect of section 3(c) of the Act is to continue exemptions enacted by Indiana, Hawaii, Puerto Rico and the Virgin Islands, unless the legislature passes a law providing that the exemption shall not apply. (The State of Arizona has also enacted an exemption pursuant to section 3(a) of the Uniform Time Act which was in effect October 27, 1973; however, that exemption does not remain in effect and Arizona may not otherwise exempt itself because, although it lies entirely within one time zone, it is contiguous to another State and therefore does not satisfy the statutory requirements for exemption.)

States permitted exemptions by section 3(a) may exempt themselves from advanced time anytime during the period

the Act is in effect. The exemption must, however, be complete; a State may not elect to exempt itself from advanced time during winter months but observe advanced time during summer months.

Section 3(b) of the Act permits the President to grant a State an exemption from the advanced time established by section 3(a) of the Act or a request for realignment of the existing limits of time zones, if the State, by proclamation of its Governor, makes a finding prior to Sunday, January 6, 1974—the effective date of the Act—that such exemption or realignment is necessary to avoid undue hardship or to conserve fuel in such State or part thereof. ("[The President's] decision should be based on the appropriateness of all aspects of any exemption, including convenience of commerce, possible energy savings, or undue hardship to large segments of the population, as well as the possible impact on the success of and cooperation with the national energy conservation program." S. Rept. No. 93-504 at 3.)

By Executive Order 11751, issued December 15, 1973, the President has designated and empowered the Secretary of Transportation to exercise the authority vested in him by section 3(b) to grant the exemptions or realignments.

The last regular Federal workday before the effective date of the Act is Friday, January 4, 1974. Therefore, proclamations should be received by the Department of Transportation not later than 5:30 p.m. eastern standard time on that date.

Section 2 of the Executive Order establishes the following criteria to guide the Secretary in the exercise of the authority delegated by the Order:

1. The policy of the United States, as expressed in section 2 of the Uniform Time Act of 1966 (15 U.S.C. 260), to promote the adoption and observance of uniform time within the standard time zones of the United States. This means that an exemption will not ordinarily be granted to an area if the effect would be to put it on a time different from all contiguous areas.

2. *The convenience of commerce.* This is the primary standard in section 4 of the Uniform Time Act of 1966 (15 U.S.C. 261) guiding the Secretary's decisions whether to modify time zone limits under that section. This means that the problems of carriers engaged in interstate and foreign commerce and of the broadcast media will be given considerable weight in determining whether an exemption or realignment will be granted.

3. *Possible energy savings.* The rationale behind the Act is that year-round advanced time will conserve energy. Since any exemption or realignment may interfere with the testing of this rationale, a Governor claiming that an exemption or realignment will conserve fuel must produce evidence substantiating the effect on fuel use in the subject area and in related power-consumption areas.

4. *Undue hardship to large segments of the population.* Included within this criterion are considerations of the commerce and industry in the area covered by the proclamation, weather conditions, problems of school children that cannot be dealt with adequately by State and local authorities, motor vehicle traffic patterns and densities, commercial and energy relationships with surrounding areas, and location on the western edges of a time zone which has a severe westward extension. For a showing of "undue" hardship, the effects must substantially exceed those consequences presumably recognized by the Congress as necessarily incident to advanced time during winter months.

5. *Possible impact on the success of and cooperation with the national energy conservation program.* Many of the measures being taken or planned as part of the national energy conservation program are directed, among other things, to the reduction and shift of peak energy demands, increased use of mass transportation and car pools, increased load factors in commercial aviation, and conversion of heating and power plants to alternative fuels. Any exemption or realignment inconsistent with, or counterproductive to the success of, any of these measures will be denied unless specific evidence is presented that an overriding reason exists for granting the exemption or realignment.

In deciding whether to grant an exemption or realignment the Secretary may, by virtue of section 3 of the Executive Order, seek information and advice from any appropriate Federal agency.

Any exemption enacted pursuant to section 3(a) and any exemption or realignment granted pursuant to section 3(b) expires contemporaneously with the expiration of the Act at 2:00 a.m. Sunday, April 27, 1975, at which time only those exemptions enacted pursuant to section 3(a) of the Uniform Time Act of 1966, as amended, and time zone limits as they existed on October 27, 1973, will be effective.

In addition to the foregoing, the Act contains other significant provisions:

1. Section 5 suspends for the duration of the Act the authority of the Secretary under section 4 of the Uniform Time Act of 1966 (15 U.S.C. 261) to modify the limits of time zones. During the effective period of the Act, time zone limits may be realigned only in accordance with section 3(b) of the Act and only for the duration of the Act.

2. Section 3(d) makes applicable to the Act the preemption provision in section 3(b) of the Uniform Time Act of 1966 (15 U.S.C. 260a(b)), superseding all laws of States and their political subdivisions insofar as they are inconsistent with the six months of advanced time established by section 3(a) of the Uniform Time Act. Thus, during the effective period of the Act, all laws of States and their political subdivisions are superseded to the extent they are inconsistent with the Act.

3. The authority of the Secretary under section 3(c) of the Uniform Time Act of 1966 (15 U.S.C. 260a(c)) to seek enforcement in the appropriate United States District Courts of the advanced time provision of the Uniform Time Act of 1966, as amended, is made applicable to the Act by section 3(d) of the Act.

4. The Secretary, with the cooperation of all appropriate Federal agencies, is required to study the full range of effects of the year-round advanced time established by the Act and to submit two reports to Congress thereon. In order to limit the number of variables affecting the operation of the Act and improve the reliability of the study, an exemption or realignment granted by the Secretary may not be revoked or modified during the effective period of the Act except with the prior written approval of the Secretary.

Because of the emergency nature of the Act and the short period of time between its enactment December 15, 1973, and its taking effect January 6, 1974, I find that notice and public procedure on these regulations is contrary to the public interest and that good cause exists for making them effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Title 49 of the Code of Federal Regulations is amended by adding thereto a new Part 73, to read as follows:

Subpart A—General

Sec.
73.1 Purpose.
73.3 Definitions.
73.5 State exemption for State in two time zones.
73.7 Grant of exemption or realignment by the Secretary.
73.9 Reduction in number of time zones.
73.11 Restrictions on exemptions and realignments.
73.13 Expiration of exemptions and realignments.

Subpart B—Procedures and Criteria

73.21 Submission of proclamation of a Governor.
73.23 Decision of the Secretary.
73.25 Criteria.

AUTHORITY: Pub. L. 93-182, December 15, 1973; Executive Order 11751, December 15, 1973; 5 U.S.C. 552(a)(1).

Subpart A—General

§ 73.1 Purpose.

This part sets forth the procedures and criteria for implementation of the Emergency Daylight Saving Time Energy Conservation Act of 1973 (December 15, 1973, Pub. L. 93-182) ("the Act").

§ 73.3 Definitions.

As used in this part—

"Governor of a State" and "Governor" include the Commissioner of the District of Columbia, the Governor of the Commonwealth of Puerto Rico, and the Governor of the Virgin Islands.

"Secretary" means the Secretary of Transportation.

"State" includes the District of Columbia, the Commonwealth of Puerto Rico, and any possession of the United States.

§ 73.5 State exemption for State in two time zones.

An exemption enacted pursuant to section 3(a) of the Act by a State with parts thereof in two time zones may apply only

to all that part of the State which is in the more easterly time zone.

§ 73.7 Grant of exemption or realignment by the Secretary.

(a) A request for exemption or realignment pursuant to section 3(b) of the Act may be granted in whole or in part.

(b) An exemption will not ordinarily be granted pursuant to section 3(b) of the Act to an area if the effect would be to put that area on a time different from the time observed in all contiguous areas.

§ 73.9 Reduction in number of time zones.

No realignment of time zone limits will be granted pursuant to section 3(b) of the Act if the effect of such realignment would be to reduce the number of time zones in the United States.

§ 73.11 Restrictions on exemptions and realignments.

(a) An area exempted from the observance of advanced time or affected by a realignment pursuant to section 3(b) of the Act shall observe continuously from 2:00 a.m. Sunday, January 6, 1974, to 2:00 a.m. Sunday, April 27, 1975, the standard time applicable January 5, 1974, to the standard time zone in which the area is located. Exemptions or realignments may be revoked or modified only with the approval of the Secretary.

(b) A State may not exercise the exemption authority contained in section 3(a) of the Act in a manner which would frustrate the intent of the Act that either advanced time or non-advanced time will be observed on a year-round basis by each State.

§ 73.13 Expiration of exemptions and realignments.

Exemptions enacted pursuant to section 3(a) of the Act, and exemptions from advanced time or realignments of time zone limits granted pursuant to section 3(b) of the Act, expire contemporaneously with the expiration of the Act at 2:00 a.m. Sunday, April 27, 1975. At that time, only those exemptions enacted pursuant to section 3(a) of the Uniform Time Act of 1966, as amended, and alignments of time zone limits as they existed October 27, 1973, will be effective.

Subpart B—Procedures and Criteria

§ 73.21 Submission of proclamation of a Governor.

(a) A certified copy of a proclamation issued by the Governor of a State pursuant to section 3(b) of the Act must be forwarded to the Docket Clerk, Office of the General Counsel, TGC, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, and should be mailed in time to be received by 5:30 p.m. eastern standard time Friday, January 4, 1974.

(b) For proclamations transmitted by telecopier, the telephone number is Area Code 202, 426-4193. A certified copy of a proclamation transmitted in this manner shall be forwarded to the Docket Clerk in accordance with paragraph (a) of this section immediately upon completion of transmission.

(c) A proclamation must include, or be accompanied by, a statement of the claims of undue hardship or fuel conservation on which the proclamation is based, and supporting facts. Additional information may be requested by the Secretary and the proclamation should be accompanied by the name, title, address, and telephone number of the official of the State to be contacted by the Secretary for that purpose.

§ 73.23 Decision of the Secretary.

Proclamations received in accordance with § 73.21 of this part will be acted upon as expeditiously as practicable. The decision of the Secretary will be communicated to the Governor by telegram and confirmed by letter.

§ 73.25 Criteria.

Consistent with the legislative history of section 3(b) of the Act, the Secretary's decision will be based on consideration of the appropriateness of all aspects of the exemption or realignment. This will involve, necessarily, a consideration and balancing of the objectives sought to be achieved by the Act, including:

(1) The policy of the United States, as expressed in section 2 of the Uniform Time Act of 1966 (15 U.S.C. 260), to promote the adoption and observance of uniform time within the standard time zones of the United States.

(2) The convenience of commerce.

(3) Possible energy savings.

(4) Undue hardship to large segments of the population.

(5) Possible impact on the success of and cooperation with the national energy conservation program.

Effective date: This Part is effective December 20, 1973.

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

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.73-27018 Filed 12-19-73;12:49 pm]

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 TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 21, 36]

[Docket No. 13243; Notice No. 73-26]

PROPELLER DRIVEN SMALL AIRPLANES

Noise Standards

Correction

In FR Doc. 73-21616, appearing at page 28016 in the issue for Wednesday, October 10, 1973, in Appendix F, Part C, Section F36.201, paragraph (c), change the formula for "V_y" to read as follows:

V_y=Certificated climb speed corresponding to certificated best rate of climb, both being given in the same units.

CIVIL AERONAUTICS BOARD

[14 CFR Part 244]

[Docket No. 26198; EDR 258]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR AIR FREIGHT FORWARDERS; FILING OF REPORTS BY FOREIGN AIR FREIGHT FORWARDERS AND COOPERATIVE SHIPPERS ASSOCIATIONS

Notice of Proposed Rule Making

DECEMBER 6, 1973.

Notice is hereby given that the Civil Aeronautics Board proposes to amend Part 244 of the Economic Regulations (14 CFR Part 244) to establish a Uniform System of Accounts and Reports for air freight forwarders, international air freight forwarders and the air express operations of REA Express, Inc., and establish certain statistical reporting instructions for foreign air freight forwarders. The principal features of the proposed amendments are set forth in the proposed rule. The amendments are proposed under the authority of sections 204(a), 407 and 416(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766 (as amended by 83 Stat. 103) and 771 (49 U.S.C. 1324, 3177 and 1386).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before February 11, 1974, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

The economics of the air freight forwarding industry have changed dramatically during the past 12 years. The industry has grown by virtually every standard of measurement. In 1961, there were 78 air freight forwarders authorized by the Civil Aeronautics Board. By the close of calendar year 1972, there were 262. In 1972, industry air freight forwarding revenues exceeded 650 million dollars as compared to 66 million dollars reported by the 78 forwarders operating in 1961. In 1972, the weight of air freight shipments handled by this segment of the air transport industry exceeded 800,000 tons as compared with 110,000 tons reported in 1961.

The present regulations require the use of standard forms for reporting financial and statistical data, but the data reported are not founded upon prescribed uniform accounting practices or uniformly applied reporting standards. In the absence of uniform accounting practices, the larger forwarders have undertaken the development of sophisticated accounting systems which vary considerably from forwarder to forwarder. At the same time, smaller forwarders have been without financial and statistical guidance. As a consequence of this lack of comparability, the Board has been hampered in its analysis of forwarder financial and statistical data. Moreover, the processing of tariff filings has often been hampered by the absence of economic data required for the evaluation of forwarder rates in terms of costs and profits.

The Board believes that in the interests of more effective regulation, the establishment of comparability between air freight forwarders in their accounting for similar services is needed and that this will best be achieved by the establishment of a uniform system of accounts and reports.

In the development of this rulemaking, the Board, consistent with its other regulations of this magnitude, has balanced the benefits of the broadest possible applicability against the burden to be imposed. It is obvious that the most significant burden is the imposition of the uniform system of accounts, as distinguished from the system of reports. It is just as obvious that to impose the proposed system of accounts on all forwarders would be impractical. Therefore, we propose to require only those forwarders whose gross air freight forwarding revenues exceed one million dollars during a calendar year to establish and maintain the prescribed uniform system of accounts. All forwarders whose gross air freight forwarding revenues exceed one million dollars for the calendar year ended December 31, 1973, or any calendar year after December 31, 1973, will be required to have their books of account converted to the prescribed system by January 1, 1975, or the opening of business twelve months after the close of the calendar year in which gross air freight forwarding revenues exceeded one million dollars, as applicable. Reporting shall begin during the first calendar quarter of the year in which the system of accounts becomes operational. This will permit all forwarders which adopt the system a twelve-month "lead period." Once the system has been adopted, it shall continue to be in effect as long as the forwarder has authorization to conduct air freight forwarding operations.

Forwarders to which the system of accounts is not applicable will be required to file a quarterly balance sheet, income statement and operating statistics schedule together with other schedules similar to those they now file. This will not impose an onerous reporting burden upon the small forwarders. With the exception of the filing frequency, it is essentially the same reporting imposed by the presently existing regulations.

The Board does not currently receive from foreign air freight forwarders information sufficient to measure their operational impact on the U.S. international air freight forwarders. Accordingly, the Board is proposing to establish a special section of Part 244 for foreign air freight forwarders holding a permit issued by the Civil Aeronautics Board under the authority granted in section 402(b) of the Federal Aviation Act of 1958, as amended.

The Board will not require any foreign air freight forwarder to abandon its own system of accounts in favor of the one now proposed for domestic forwarders and U.S. international forwarders. Nor will it require any additional financial reporting beyond that described in their permits. However, we shall require foreign air freight forwarders holding 402 permits to file the following statistical schedules: an Origin Station Report for air freight outbound from the United States, a Destination Station Report for air freight inbound to the United States

from foreign points, and a City-Pair Traffic Flow Report. The Board will periodically prepare a city-pair listing for this report. At least one of the city-pairs will be a domestic point and the listing will be changed from time to time as the Board's information needs require.

At present, REA Express, Inc., does not routinely submit any recurring reports to the Board with respect to its air express operations. The question of the future status of REA as an indirect air carrier is currently pending.[1] However that case may be resolved, REA's air transportation operations should not be exempted from the recurrent reporting requirements or the uniform system of accounts which we are proposing herein. The air freight services provided by forwarders and the services provided by REA are intimately related, the operations of each having an effect on the operations of the other, so that both should be subject to the same reporting and requirements, if we are to regulate air cargo rates effectively.[2] Accordingly, the proposed rule would subject REA to the uniform system of accounts.

Generally speaking, the proposed uniform system of accounts and reports will require that all balance sheet items and profit or loss items be accounted for within a fixed pattern of specific accounts. The system will contain a glossary of accounting and forwarding terms, a detailed description of the accounts and instructions for filing reports. The accounting system will require the accrual method of accounting. Further, it permits the deferral of Federal income taxes without prescribing a specific method of accounting for investment tax credits. Forwarders who wish to retain their present methods of allocating profit or loss items between domestic and international operations, will be required to file a procedural statement with the Director, Bureau of Accounts and Statistics. However, in no event will a forwarder be permitted to retain a method of allocation which distorts comparability or results in an inaccurate portrayal of operating results or financial condition.

In regard to the reporting changes, the presently existing balance sheet and income statement have been revised into more informative formats. Under the proposed reporting system, these primary financial statements will be accompanied by supporting schedules which are designed to meet specific informational needs regarding the financial condition and operational efficiency of the forwarder. These supporting financial schedules will require information regarding substantive matters which materially influence interpretations of the balance sheet and income statement, the status of receivables and payables, accounts with associated companies and investment in property and equipment together with detailed expense data.

Two supporting schedules entitled "Notes to Balance Sheet" and "Notes to Income Statement" will require disclosure of substantive matters which materially influence the interpretation of financial condition or operating results which are not clearly identified in the body of the balance sheet or the income statement. These substantive matters include all items normally disclosed in notes to financial statements as contained in annual reports to stockholders. The primary function of these schedules is to supplement information contained in the schedules to which they relate.

In addition, the Board is proposing to include an "Aging of Accounts Receivable and Accounts Payable." The importance of a forwarder's handling of receivables and payables cannot be underestimated since its very existence depends on the efficacy of its collection procedures and timely payment of amounts owed for air transportation. Therefore, the aging schedule will include trade receivables and air transportation accounts payable. Even though shipper receivables and air transportation payables are the most important current assets and liabilities of a forwarder, their aging, to the exclusion of other receivables and payables, may not prove conclusively that the forwarded is making its other collections and payments on a timely basis. In order to preclude the possibility of a forwarder making timely payments for one group of payables at the expense of other creditors and thereby giving no indication of an inability to pay others on a timely basis, the schedule will require aging of other payables as well. In regard to collections, the Board is concerned that receivables from associated companies might not be collected on a timely basis. While it has no experience from which to state that it is a problem in the forwarding industry, it has considered that it could easily become a problem. Therefore, the Board has determined that receivables from associated companies should be included on this schedule as well as shipper receivables.

Since the financial viability of a forwarder, or any company for that matter, may be dependent upon its relationship with an associated company or companies, the Board has included a schedule entitled "Accounts with Associated Companies," which indicates combined current and long-term receivable balances and combined current and long-term liability balances for each associated company. The schedule will be applicable regardless of whether the forwarder owns the interest in the associated company or the associated company owns an interest in the forwarder. However, the report will not require disclosure of receivables from or payables due any company which owns less than 20 percent of the forwarder's voting capital stock. Consistent with generally accepted accounting principles, a forwarder will be required to account for any investment in an associated company under the equity method if the forwarder owns 20 percent or more of that company's voting capital stock. Consistent with the foregoing, forwarders will be required to report their investment in such companies at cost, together with equity in undistributed earnings, in addition to the aggregate payables and receivables.

In order to evaluate the nature of increasing forwarder investment in property and equipment, the Board has included a schedule of property and equipment to be filed on an annual basis. Finally, the Board will also require disclosure of certain cost data as indicated in the proposed rule to be reported on a schedule designed to supplement the income statement.

Presently existing schedules T-1, "Operating Statistics," T-2, "Station Data," and T-3, "Traffic Flow Data," have been revised. The newly proposed schedule T-1, which will also be entitled "Operating Statistics," will require reporting of the number of consolidations, their aggregate weight and the cost of transportation purchased by class of air carrier. It will also include information on other transportation services such as shipments as IATA agent.

Under the proposed rule, station data will be received on two separate schedules, T-2a, "Origin Station Report," and T-2b, "Destination Station Report." Schedule T-2a will show the number of shipments received from customers and their aggregate weight. It will also show the weight of traffic received from other stations for onforwarding and the number of consolidations and the weight of outbound traffic tendered to airlines. Schedule T-2b will show the number and weight of shipments received for delivery to customers. On these schedules, forwarders need only report their top 20 domestic stations or their top 10 international stations depending upon whether the forwarder is reporting domestic or international traffic. This will eliminate the need for forwarders to report all origin stations individually, as currently required. At the same time, it will provide the Board with essential information on leading origin and destination stations. This will enable the Board to determine if newly authorized forwarders are developing new markets or merely flooding existing heavily serviced markets. Further, it clearly distinguishes between originating traffic and the amount of onforwarded traffic at leading stations.

Proposed schedules T-3a, "City-Pair Traffic Flow Report-Domestic," and T-3b, "City-Pair Traffic Flow-International," will provide information regarding the number of shipments and their aggregate weight traveling in both directions between given pairs of points. The pairs of points will be specified by the Board and will be changed as needs require. Thirty pairs of points will be specified for the domestic report and ten pairs of points will be specified for international reports. This will significantly broaden the Board's traffic flow data base. Currently, each forwarder reports only its top 10 pairs of domestic

[1] *Express Service Investigation*, Docket 22388.

[2] The Express Company, Inc., an international air freight forwarder and a subsidiary of REA Holding Corporation does file reports pursuant to Part 244 and would be subject to the proposed system as would any other forwarder.

and international points. This has hampered the Board in its effort to evaluate traffic flow because traffic in important markets may not be reported by all forwarders serving those markets. The proposed schedule overcomes this obstacle by requiring reporting for the specified pairs of points, regardless of the amount of traffic handled by the reporting forwarder. Thus the Board will have complete recurrent information from all forwarders for which such information is needed for regulatory purposes.

Presently existing statistical schedules T-4, "Originating Air Station Data," T-5, "Supplemental Operating Statistics," and T-6, "Analysis of Traffic by Weight Breaks," will be retained as they have particular application to long-haul motor carriers, railroad carriers and their affiliates.

The corporate and securities schedules, as presently existing, have been revised so as to combine on one schedule a listing of stockholders and a listing of corporate officers and directors, together with certain other corporate data. The portion of the presently existing schedule G-2 dealing with investments in associated companies will be excluded from the corporate reporting and instead will be included with the financial reporting as discussed earlier. The statement of insurance coverage will remain in the proposed system with only minor revision.

Public policy requires that information, in order to serve the purpose for which it is collected and compiled, must be made available to users as soon as practicable after the date or period to which it relates. In this regard, the Office of Management and Budget, in Circular A-91 (revised) dated April 26, 1972, states that the shortest possible interval should exist between the date or period to which data refer and the date when compilation is completed, and that prompt public release of the figures should be made after compilation. Therefore, the Board is prescribing a list of due dates for filing of reports which will be enforced.

In that Circular, OMB also states that prompt release of official statistics on a regular schedule is of vital importance to the proper management of both private and public affairs. The Board concurs and is therefore proposing that certain financial and statistical reports be filed on a quarterly basis. The present state of the industry is such that it deserves more timely attention. Moreover, the Board believes that a uniform system of accounts and reports will be of benefit to all forwarders and that the proposed improvements to Part 244 of the Economic Regulations, including the requirement for quarterly reporting of some schedules, is long overdue.

Accordingly, it is proposed to delete Part 244 of the Economic Regulations in its present form and substitute the following:

PART 244—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR AIR FREIGHT FORWARDERS, INTERNATIONAL AIR FREIGHT FORWARDERS, AIR EXPRESS COMPANIES, AND FILING OF REPORTS BY FOREIGN AIR FREIGHT FORWARDERS AND COOPERATIVE SHIPPERS ASSOCIATIONS

Sec.

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Section 01—Authority Under Which Accounting and Reporting Rules and Regulations Are Prescribed and Administered.

This Uniform System of Accounts and Reports for Air Freight Forwarders, REA and International Air Freight Forwarders is issued, prescribed and administered under the following provisions of the Federal Aviation Act of 1958, as amended (72 Stat. 731, 49 U.S.C. 1301):

GENERAL POWERS

Sec. 204. (a) The Board is empowered to perform such acts, to conduct such investigations, to issue and amend such orders, and to make and amend such general or special rules, regulations, and procedure, pursuant to and consistent with the provisions of this Act, as it shall deem necessary to carry out the provisions of, and to exercise and perform its powers and duties under this Act.

FILING OF REPORTS

Sec. 407. (a) The Board is empowered to require annual, monthly, periodical, and special reports from any air carrier; to prescribe the manner and form in which such reports shall be made; and to require from any carrier specific answers to all questions upon which the Board may deem information to be necessary. Such reports shall be under oath whenever the Board so requires. The Board may also require any air carrier to file with it a true copy of each or any contract, agreement, understanding, or arrangement, between such air carrier and any other carrier or person, in relation to any traffic affected by the provisions of this Act.

DISCLOSURE OF STOCK OWNERSHIP

Sec. 407. (b) Each air carrier shall submit annually, and at such other times as the Board shall require, a list showing the names of each of its stockholders or members holding more than 5 per centum of the entire capital stock or capital, as the case may be, of such air carrier, together with the name of any person for whose account, if other than the holder, such stock is held; and a report setting forth a description of the shares of stock, or other interest, held by such air carrier, or for its account, in persons other than itself. Any person owning, beneficially or as trustee, more than 5 per centum of any class of the capital stock or capital, as the case may be, of an air carrier shall submit annually, and at such other times as the Board may require, a description of the shares of stock or other interest owned by such person, and the amount thereof.

FORM OF ACCOUNTS

Sec. 407. (d) The Board shall prescribe the forms of any and all accounts, records, and memoranda to be kept by air carriers, including the accounts, records, and memoranda of the move-

ment of traffic, as well as of the receipts and expenditures of money, and the length of time such accounts, records, and memoranda shall be preserved; and it shall be unlawful for air carriers to keep any accounts, records, or memoranda other than those prescribed or approved by the Board: Provided, That any air carrier may keep additional accounts, records, or memoranda if they do not impair the integrity of the accounts, records, or memoranda prescribed or approved by the Board and do not constitute an undue financial burden on such air carrier.

INSPECTION OF ACCOUNTS AND PROPERTY

Sec. 407. (e) The Board shall at all times have access to all lands, buildings, and equipment of any carrier and to all accounts, records, and memoranda, including all documents, papers, and correspondence, now or hereafter existing, and kept or required to be kept by air carriers; and it may employ special agents or auditors, who shall have authority under the orders of the Board to inspect and examine any and all such lands, buildings, equipment, accounts, records, and memoranda. The provisions of this section shall apply, to the extent found by the Board to be reasonably necessary for the administration of this Act, to persons having control over any air carrier, or affiliated with any air carrier within the meaning of section 5(8) of the Interstate Commerce Act, as amended.

CLASSIFICATION

Sec. 416. (a) The Board may from time to time establish such just and reasonable classifications or groups of air carriers for the purposes of this title as the nature of the services performed by such air carriers shall require; and such just and reasonable rules and regulations, pursuant to and consistent with the provisions of this title, to be observed by each such class or group, as the Board finds necessary in the public interest.

FAILURE TO FILE REPORTS; FALSIFICATION OF RECORDS

Sec. 902. (e) Any air carrier, or any officer, agent, employee, or representative thereof, who shall, knowingly and willfully, fail or refuse to make a report to the Board or Administrator as required by this Act, or to keep or preserve accounts, records, and memoranda in the form and manner prescribed or approved by the Board or Administrator, or shall, knowingly and willfully, falsify, mutilate, or alter any such report, account, record, or memorandum, or shall knowingly and willfully file any false report, account, record, or memorandum, shall be deemed guilty of a misdemeanor and, upon conviction thereof, be subject for each offense to a fine of not less than $100 and not more than $5,000.

REFUSAL TO TESTIFY

Sec. 902. (g) Any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce books, papers, or documents, if in his power to do so, in obedience to the subpoena or lawful requirement of the Board or Administrator, shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than $100 no more than $5,000, or imprisonment for not more than one year, or both.

FILING OF COMPLAINTS AUTHORIZED

Sec. 1002. (a) Any person may file with the Administrator or the Board, as to matters within their respective jurisdictions, a complaint in writing with respect to anything done or omitted to be done by any person in contravention of any provisions of this Act, or of any requirement established pursuant thereto. If the person complained against shall not satisfy the complaint and there shall appear to be any reasonable ground for investigating the complaint, it shall be the duty of the Administrator or the Board to investigate the matters complained of. Whenever the Administrator or the Board is of the opinion that any complaint does not state facts which warrant an investigation or action, such complaint may be dismissed without hearing. In the case of complaints against a member of the Armed Forces of the United States acting in the performance of his official duties, the Administrator or the Board, as the case may be, shall refer the complaint to the Secretary of the department concerned for action. The Secretary shall, within ninety days after receiving such a complaint, inform the Administrator or the Board of his disposition of the complaint, including a report as to any corrective or disciplinary actions taken.

INVESTIGATIONS ON INITIATIVE OF ADMINISTRATOR OR BOARD

Sec. 1002. (b) The Administrator or Board, with respect to matters within their respective jurisdictions, is empowered at any time to institute an investigation, on their own initiative, in any case and as to any matter or thing within their respective jurisdictions, concerning which complaint is authorized to be made to or before the Administrator or Board by any provision of this Act, or concerning which any question may arise under any of the provisions of this Act, or relating to the enforcement of any of the provisions of this Act. The Administrator or the Board shall have the same power to proceed with any investigation instituted on their own motion as though it had been appealed to by complaint.

ENTRY OF ORDERS FOR COMPLIANCE WITH ACT

Sec. 1002. (c) If the Administrator or the Board finds, after notice and hearing, in any investigation instituted upon complaint or upon their own initiative, with respect to matters within their jurisdiction, that any person has failed to comply with any provision of this Act or any requirement established pursuant thereto, the Administrator or the Board shall issue an appropriate order to compel such person to comply therewith.

Section 01—Definitions for the Purposes of This System of Accounts and Reports

Account, clearing. An account used for the temporary accumulation of costs that are redistributed to the appropriate accounts.

Act. The Federal Aviation Act of 1958, as amended.

Affiliated company. A company in which the accounting forwarder owns 20 percent or more of the outstanding issued capital stock or, a company which owns 20 percent or more of the outstanding issued capital stock of the forwarder.

Airbill. The non-negotiable shipping document used by domestic air carriers as evidence of an air freight shipment. The document contains shipping instructions, commodity description and transportation charges applicable to the freight shipped.

Air cargo. Manufactured goods or commodities shipped by air. This cargo includes air freight, air mail and air express services.

Air carrier, direct. Any air carrier directly engaged in the operation of aircraft pursuant to a certificate of public convenience and necessity issued under section 401 of the Federal Aviation Act of 1958 or under authority conferred by any applicable regulation or order of the Civil Aeronautics Board.

Air carrier, indirect. Any citizen of the United States which engages indirectly in air transportation (as defined in section 101(10) of the Act), of property and which does not engage directly in the operation of aircraft in air transportation.

Air freight. Manufactured goods or commodities shipped by air and transported by a direct air carrier under tariffs filed with the Board. Air freight does not include air mail or air express.

Air freight forwarder. Any indirect air carrier which (1) in the ordinary and usual course of its undertaking, assembles and consolidates or provides for assembling and consolidating property for shipment by air, or performs or provides for the performance of break-bulk and distributing operations with respect to consolidated shipments, and is responsible for the transportation of property from the point of receipt to the point of destination and utilizes for the whole or any part of such transportation, the services of a direct air carrier or (2) engages in air transportation pursuant to any Board Order authorizing air express services under a contract with a direct air carrier.

Allocate. To assign an item or group of items of investment to an object, activity, process, or operation, in accordance with cost responsibilities, benefits received, or other measure of apportionment.

Allocation, bases of. The bases of distribution whereby revenues, expenses and/or costs are equitable apportioned among revenues, expense and other accounts.

Amortization. The gradual extinguishment of an amount in an account by the distribution of such amount over a fixed period, over the life of the asset or li-

ability to which it applies or over the period during which it is anticipated the benefit will be realized.

Assembly service. The assembly of shipments from a number of shippers and the transportation of such shipments as one shipment to one receiver.

Asset, contingent. An asset the existence, value or ownership of which depend upon the occurrence or non-occurrence of a specific event or upon the performance or non-performance of a specified act.

Associated company. A company in which the accounting forwarder holds a percentage of the outstanding proprietary interest or a company which holds at least 5 percent of the outstanding proprietary interest in the accounting forwarder.

Blocked space. A program under which direct air carriers offer lower rates to volume shippers in return for the shipment of a predetermined minimum of freight between the same two cities for a specified period of time.

Board. The Civil Aeronautics Board.

Charges advanced. A service under which incidental charges such as customs fees and duties, warehousing costs and other charges are paid by the forwarder.

Collect-on-delivery (COD). A service under which the purchase price of goods are collected from the receiver at the destination and subsequently transmitted by the carrier to the shipper.

Compensation (of personnel). Remuneration to air carrier employees for personal services. Includes salaries, wages, overtime pay, cost-of-living differentials, bonuses, etc., as distinguished from per diem allowances or reimbursement for expenses (i.e., travel) incurred by personnel for the benefit of the forwarder.

Consignee. A person named as the receiver of a shipment.

Consignor. A person designating the receiver of a shipment. A shipper.

Consolidation. A number of shipments travelling from one airport to another under one airline airbill or other documents serving the same purpose.

Containerization. The practice of using a box-like device in which a number of items may be transported as a single unit.

Continental United States. The 48 contiguous states and the District of Columbia.

Cooperative shippers association. A bona fide association of shippers, operating as an indirect air carrier on a nonprofit basis, which: (1) Undertakes to ship property for the account of such association or its members, by air, in the name of either the association or the members, in order to secure the benefits of volume rates or improved services for the benefits of its members and (2) utilizes for the whole or any part of such transportation the services of a direct air carrier.

Cost. The amount of cash (or its equivalent) actually paid for property, materials and supplies, and services, including the amount paid to put the property or materials and supplies in readiness for use.

Cost, book. The amount at which an asset is recorded in an account without the deduction of amounts in related reserves or other accounts.

Cost, depreciated. The cost of property and equipment less the related reserves for depreciation.

Debt, expense on. Expenses incurred by or for the forwarder in connection with the issuance and sale of evidences of debt (exclusive of the sale of reacquired securities), such as fees for drafting mortgages and trust deeds; fees and taxes for issuing or recording evidences of debt; cost of engraving and printing bonds, certificates of indebtedness, and other commercial paper, etc.

Deferred service. A program under which lower rates are offered because of the increased flexibility arising from the deferral of delivery for a specified number of days.

Depreciation. The loss in service value, not restored by current maintenance, incurred in the course of service from causes known to be in current operation, against which the forwarder is not protected by insurance, and the effect of which can be forecast with reasonable accuracy. The causes of depreciation include wear and tear, decay, action of the elements, inadequacy, obsolescence, changes in the art, changes in demand, and requirements of public authorities.

Dimensional rule. A practice applicable to low density shipments under which transport charges are based on cubic dimensions rather than weight.

Discount (of securities issued or assumed by the forwarder). The excess of (1) the par or stated value of securities over (2) the then current money value of the consideration received from their sale less the amount included for dividend or interest accrued.

Distribution service. The distribution of one shipment from one shipper to a number of receivers.

Entity, domestic. A segregation established for accounting and reporting purposes which reflects the results of operations within and between the continental United States, Alaska, and Hawaii, and any territories or possessions of the United States.

Entity, international. A segregation established for accounting and reporting purposes which reflects the results of operations between: (1) Domestic and foreign points and (2) between foreign points.

Equipment. Tangible property other than land, structures, and improvements.

Expense, capital stock. Expenses incurred by or for the air carrier in connection with the initial issuance and sale of capital stock (exclusive of the sale of reacquired capital stock), such as fees and commissions paid to promoters, underwriters, brokers, and salesmen; fees for legal services; cost of soliciting subscriptions for capital stock; including fees, commissions, and advertising; fees and taxes for issuance of capital stock and listing on exchanges; and the cost of preparing, engraving, printing, issuing, and distributing prospectuses and stock certificates.

Foreign air freight forwarder. Any person, not a citizen of the United States holding a permit issued by the Civil Aeronautics Board under the authority granted in section 402(b) of the Federal Aviation Act of 1958, as amended, authorizing it to engage in indirect air transportation of property only.

General commodity rate. Rates applicable on all commodities except those for which specific rates have been filed.

Group basis (in depreciation accounting). A plan under which (1) depreciation is based upon the application of a single depreciation rate to the total cost of all property included in a given depreciable property and equipment account or class, despite differences in service lives of individual items of property and equipment, (2) the full original cost, less any salvage value realized of an item of depreciable property or equipment retired is charged to the accumulated depreciation account regardless of the age of the item, and (3) no gain or loss is recognized on the retirement of individual items of property and equipment.

Improvement. An addition or alteration to land, a building, or a unit of equipment that results in a better piece of property, in the sense of greater durability or increased productivity or efficiency.

Insurance-self. The assumption by a forwarder of a risk of loss or liability arising from an accident or other contingent event.

IATA sales agent. A sales agent appointed by the International Air Transport Association to solicit and process international air freight for shippers. Commissions are paid for these services by airlines.

In bond. This term indicates a procedure under which air freight parcels travel intact and customs clearance is postponed until it reaches a point for custom clearance rather than clearing at gateway cities.

International airwaybill. The nonnegotiable, uniform shipping document used in international air freight transportation.

Intermodal authority. Authority which enables forwarders to transport a shipment under more than one form of transportation, i.e., rail, air truck, etc.

Item, extraordinary. A material gain or loss which is not expected to recur frequently such as: The sale or abandonment of fixed assets, the sale of an investment not acquired for resale, the write-off of intangibles which have lost their value because of unusual events, the condemnation of property or the major devaluation of a foreign currency.

Long-haul motor carrier. A motor carrier holding operating rights issued by the Interstate Commerce Commission to haul general commodities between any pair of points which are over 500 air miles apart.

Pickup and delivery service. A service for surface transportation of shipments from the shipper's door to the forwarder's originating terminal and from the forwarder's destination terminal to the receiver's door.

Pickup and delivery expense. Expenses incurred in the surface transportation of freight from the shipper's door to the forwarder's terminal and from the forwarder's terminal to the receiver's door and between the forwarder's terminal and the airline's terminal and vice versa.

Premium (as applied to securities issued or assumed by the forwarder). The excess of (1) the then current money value of the consideration received from their sale less the amount included therein for dividends or interest accrued, over (2) their par or stated value.

Railroad carrier. A common carrier by railroad subject to Part I of the Interstate Commerce Act.

Residual value. The predetermined portion of the cost of a unit of property or equipment excluded from depreciation. It shall represent a fair and reasonable estimate of recoverable value at the end of the service life over which the property or equipment is depreciated.

Retirement. The permanent withdrawal of assets from services of the corporate entity through sale, abandonment, demolition or other disposal.

Service life. The period between the date of installation of property or equipment and its date of retirement.

Shipment. One or more pieces of freight delivered by one shipper to a forwarder for transport from one location to another.

Tariff published. A publication containing rates applicable to the transportation of cargo and rules relating to or affecting such rates or transportation filed with the Civil Aeronautics Board.

Unit basis (in depreciation accounting). A plan under which depreciation expense is accrued on the basis of book cost of the individual item of property, in relation to the service life and salvage value of the particular item.

Section 1—Introduction To System of Accounts and Reports

Sec. 1–1 Applicability.

(a) Each air freight forwarder shall keep its books of accounts, records, and other memoranda in accordance with this system of accounts and reports if, during the calendar year ended December 31, 1973, or in any calendar year after December 31, 1973, its gross air freight forwarding revenues exceed one million dollars.

(b) Any air freight forwarder whose air freight forwarding revenues did not exceed one million dollars during the calendar year ended December 31, 1973, and do not exceed this limitation for any calendar year after December 31, 1973, shall not be subject to the system of accounts prescribed herein, but will be subject to the report requirements specified in section 8–1 (General).

(c) Each foreign air freight forwarder will be subject only to the report requirements specified in section 9.

(d) Each cooperative shippers association will be subject only to the reporting requirements specified in section 10.

Sec. 1–2 Waivers from this system of accounts and reports.

A waiver from any provision of this system of accounts or reports may be made by the Civil Aeronautics Board upon its own initiative or upon submission of written request therefor from any air freight forwarder provided that such waiver is in the public interest and each request for waiver demonstrates that: existing peculiarities or unusual circumstances warrant a departure from a prescribed procedure or technique; a specifically defined alternative procedure or technique will result in a substantially equivalent or more accurate portrayal of operating results or financial condition, consistent with the principles embodied in the provisions of this system of accounts and reports; and the application of such alternative procedure or procedures will maintain or improve uniformity in accounting for similar services among air freight forwarders.

Sec. 1–3 General description of system of accounts and reports.

(a) This system of accounts and reports is designed to prescribe a minimum number of balance sheets and profit and loss accounts so as to accurately and uniformly reflect the financial and statistical results of operations and permit comparisons of these results between forwarders.

(b) Under the system of accounts prescribed, balance sheet elements and profit and loss elements are to be accounted for in a fixed pattern of specific accounts which are classified in one or more account groups that are descriptive of the general nature of the specific accounts contained therein. Both balance sheet and profit and loss accounts and account groupings are designed in general to embrace all activities and provide for the separation of elements identifiable exclusively with other than air transport activities.

(c) In order to afford as much flexibility and freedom as possible in establishing general ledger and subsidiary accounts to meet individual needs, a minimum number of accounts have been prescribed. However, balance sheet and profit and loss subaccounts established at the option of the forwarder to meet individual needs shall be readily discernable as subaccounts and identifiable with the accounts, prescribed by this system, to which they relate.

Sec. 1–4 Records.

(a) All books, records and memoranda shall be housed so as to afford protection from loss of all types and shall not be destroyed or otherwise disposed of, except in conformance with Part 249 of the Economic Regulations of the Civil Aeronautics Board. The books and records referred to herein include not only accounting records in a limited technical sense, but all other records such as organization tables and charts, internal accounting manuals, minute books, contracts, cost distribution work sheets, correspondence, etc.

(b) All books, records, and memoranda shall be preserved and filed in such a manner as to permit the audit and examination thereof by representatives of the Civil Aeronautics Board.

Sec. 1–5 Associated companies and accounting entities.

(a) Separate records shall be maintained for each associated company.

(b) Accounting entities, as further described in §§ 244.2–1 and 244.2–2 of this part, shall be established for reporting purposes, so as to uniformly segregate and maintain distinction between domestic operations and interational operations.

Sec. 1–6 Interpretation of accounts.

To the end that uniform accounting may be maintained within the prescribed system, questions involving matters of significance which are not clearly provided for should be submitted to the Director, Bureau of Accounts and Statistics, for explanation, interpretation or resolution.

Sec. 1–7 Address for reports and correspondence.

Reports, statements and correspondence submitted to the Civil Aeronautics Board in accordance with or related to instructions and requirements contained herein shall be addressed to the Director, Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C. 20428.

Sec. 1–8 Conversion to this system of accounts and reports.

(a) The provisions of this system of accounts and reports shall be effective as of January 1, 1975.

(b) All air freight forwarders whose gross air freight forwarding revenues exceeded one million dollars during the calendar year ended December 31, 1973, shall restate all balance sheet account balances as of the opening of business January 1, 1975, to conform with the provisions of this system of accounts.

(c) All air freight forwarders whose gross air freight forwarding revenues exceed one million dollars during any calendar year after December 31, 1973, shall restate all balance sheet account balances as of the opening of business twelve months after the close of the calendar year in which gross air freight forwarding revenues exceeded one million dollars, to conform to this system of accounts.

(d) Once this system of accounts and reports has been adopted by an air freight forwarder it shall not be abandoned in favor of any other system as long as the forwarder is authorized by the Civil Aeronautics Board to conduct air freight forwarding operations.

Section 2—General Accounting Policies

Sec. 2–1 Bases of allocation of revenues and expenses between entities.

(a) For the purposes of this system of accounts and reports, revenues and

expenses shall be assigned to or apportioned between one of two reporting entities. They are as follows: (1) Domestic and (2) international. The domestic entity shall include operations within and between the continental United States, Alaska, and Hawaii, and any territories or possessions of the United States. The international entity shall include operations between a domestic point and a foreign point and between two foreign points.

(b) Revenues and expenses shall be assigned to or apportioned between entities on bases which will recognize services provided in the operations of each entity. Expenses of the following account groups shall be allocated between entities on the following bases:

Account group	*Bases of allocation*
Operating Revenues	Type of Shipment—International or Domestic.
Air Transportation Purchased	Direct.
Pickup and Delivery	Number of Shipments.
Station Cargo Handling	Percent of Pounds.
Sales and Advertising	Percent of Pounds.
General and Administrative	Percent of Revenues.

(c) Forwarders who wish to retain or establish methods of assigning or apportioning revenues and expenses between entities which differ from those set forth above shall file with the Director, Bureau of Accounts and Statistics a clear and complete statement of such procedures for approval. In no event will a forwarder be permitted to retain or establish procedures which detract from the comparability of accounting for similar services beween air freight forwarders, or which distort the accurate portrayal of operating results or financial condition.

Sec. 2–2 Bases of allocation of expenses between account groups.

Expense items which contribute to more than one account group shall be assigned to the account group to which it predominantly relates.

Sec. 2–3 Accounting year.

The accounting year of each reporting forwarder shall be the calendar year unless otherwise approved by the Director, Bureau of Accounts and Statistics.

Sec. 2–4 Identification of expenses by location.

For the purposes of this uniform system of accounts and reports, reporting forwarders shall maintain expense records in such a manner as will allow identification by location of expenses classified in the Pickup and Delivery Account Group, the Station Cargo Handling Account Group and the Sales and Advertising Account Group. Such information will be supplied to the Board upon request.

Sec. 2–5 Federal income taxes.

(a) For the purposes of this uniform system of accounts and reports, income taxes may be deferred for all material timing differences between income recognized for book purposes and income recognized for tax purposes.

(b) The tax effects of loss carry-backs shall be recognized in the loss periods and tax benefits of loss carry-forwards shall not be recognized until realized. In cases where the tax benefits of loss carry-forwards are not realized until subsequent periods, the tax benefits shall be reported as extraordinary items in the year of realization.

(c) Investment tax credits realized may be deferred and amortized over the useful life of the property to which related (Deferred Method) or they may be treated as reduction of income tax expense in the year they are actually realized.

Section 3—Chart of Balance Sheet Accounts

Account Group and Specific Account	*Account Number*
Current Assets Account Group:	
Cash	1000
Temporary Cash Investments	1010
Accounts Receivable-Trade	1020
Accounts Receivable-Associated Companies	1030
Notes and Accounts Receivable-Other	1040
Allowance for Uncollectible Accounts	1050
Materials and Supplies	1060
Short-term Prepayments	1070
Other Current Assets	1080
Investments and Special Funds Account Group:	
Investments in Affiliated Companies	1100
Investments in Other Associated Companies	1110
Other Investments and Noncurrent Receivables	1120
Special Funds	1130
Property and Equipment Account Group:	
Motor Vehicles and Trailers	[1] 1200
Buildings and Other Improvements	[1] 1210
Terminal and Platform Equipment	[1] 1220
Furniture, Fixtures and Office Equipment	[1] 1230
Other Property and Equipment	[1] 1240
Accumulated Depreciation-Motor Vehicles and Trailers	[2] 1250
Accumulated Depreciation-Buildings and Other Improvements	[2] 1260
Accumulated Depreciation-Terminal and Platform Equipment	[2] 1270
Accumulated Depreciation-Furniture, Fixtures and Office Equipment	[2] 1280
Accumulated Depreciation-Other Property and Equipment	[2] 1290
Leasehold Improvements	1300
Accumulated Amortization	1310
Land	1320
Construction Work in Progress	1330
Intangible Assets Account Group [3]	1400
Deferred Charges Account Group [3]	1450
Current Liability Account Group:	
Current Notes Payable	1500
Accounts Payable-General	1510
Accounts Payable-Associated Companies	1520
Air Transportation-Accounts Payable	1530
Other Transportation-Accounts Payable	1540
Collections-as Agent	1550
Accrued Personnel Compensation	1560
Accrued Federal Income Taxes	1570
Other Accrued Taxes	1580
Dividends Payable	1590
Noncurrent Liability Account Group:	
Long-term Debt	1600
Noncurrent Payables to Associated Companies	1610
Pension Liability	1620
Other Noncurrent Liabilities	1630
Deferred Credits Account Group:	
Deferred Federal Income Taxes	1700
Investment Tax Credit	1710
Reserve for Self-Insurance	1720
Other Deferred Credits	1730
Proprietary Equity Account Group:	
Proprietary or Partnership Capital	1800
Undistributed Profits	1810
Stockholder Equity Account Group:	
Preferred Stock	1900
Common Stock	1910
Capital Stock Subscribed and Unissued	1920
Additional Paid-in Capital	1930
Retained Earnings	1940
Treasury Stock	1950

[1] The total of these accounts are reported as one line item, "Buildings and Equipment," on Schedule B–1—Balance Sheet.

[2] The total of these accounts are reported as one line item, "Accumulated Depreciation-Buildings and Equipment," on Schedule B–1—Balance Sheet.

[3] This account shall, for the purposes of this system, be called an account group even though only one account is prescribed.

Section 4—Balance Sheet

Sec. 4–1 Current assets account group.

(a) Include in this classification all resources which may reasonably be expected to be realized in cash or sold or consumed within one year, except that securities of others, classified in investment and special fund elements at date of acquisition need not be reclassified until their disposition.

(b) Specific accounts:

1000 *Cash.* (a) Record here all general and working funds available on demand as of the date of the balance sheet which are not formally restricted or earmarked for specific objectives.

(b) This account shall be subdivided in such a manner that the balances can be readily segregated as between balances in United States currency and each foreign currency.

1010 *Temporary cash investments.* (a) Record here the cost of securities and other obligations acquired for the purpose of temporarily investing cash, such as investments in short-term United States Government securities, readily marketable securities, short-term drafts, demand loans, time loans, time deposits with banks and trust companies, special funds or securities deposited and held for payment of current obligations and other investments of a temporary nature.

(b) Deposits of more than one year, if not offset by current liabilities, shall be recorded in Account 1120, "Other Investments and Special Funds."

(c) This account shall be subdivided in such a manner that balances can be readily segregated as between balances in United States currency and each foreign currency.

1020 *Accounts receivable—trade.* Record here receivables due from others for

the transportation of freight and other related operations.

1030 *Accounts receivable—associated companies.* (a) Record here gross amounts due from associated companies, including amounts receivable for the transportation of freight and related operations, which are normally settled currently. This account shall also include the current portion of loans and notes due from associated companies.

(b) Balances payable to associated companies shall not be offset against amounts recorded in this account.

1040 *Notes and accounts receivable—other.* (a) Record here notes receivable and accounts receivable from others which are to be settled currently and are not related to the transportation of freight and related operations or due from associated companies.

(b) This account shall include notes and accounts receivable from company employees.

1050 *Allowance for uncollectible accounts.* (a) Record here accruals for estimated losses from uncollectible amounts.

(b) A review shall be made at least annually to determine the reasonableness of the basis for accruals and the adequacy of the balance reserved to meet future demands.

1060 *Materials and supplies.* (a) Record here the cost of parts, materials, supplies and other articles which would ordinarily be recurrently expended and replaced rather than repaired or replaced.

(b) The term "costs" as used herein means purchase price plus sales, use or excise taxes and transportation to the point of delivery, less purchase or trade discounts.

(c) Materials and supplies held in small supply and purchased currently may be charged to appropriate expense accounts when purchased.

(d) Items shall be charged to appropriate expense accounts when issued for use. Any inventory adjustment shall be made through the appropriate expense accounts.

1070 *Short term prepayments.* Record here payments of obligations which, if not paid in advance, would require the expenditure of working capital within one year.

1080 *Other current assets.* Record here current assets not provided for in any other current asset account.

Sec. 4–2 Investments and special funds account group.

(a) Include in this classification, long-term investments in securities of others which are not readily marketable, funds set aside for specific purposes or involving restrictions preventing current use such as contract performance deposits and other securities, receivables, or funds not available for current operations.

(b) Investments in affiliated companies as defined in section 02 shall be recorded at cost plus the equity in undistributed earnings or losses since acquisition. Investments in associated companies in which the forwarder owns 20 percent or less of the voting capital stock will be recorded at cost.

1100 *Investments in affiliated companies.* (a) Record here the cost of investments in subsidiary companies plus the equity in undistributed earnings or losses since acquisition. In the event dividends are declared by such companies, the forwarder shall credit this account for its share in dividends declared and debit accounts receivable associated companies.

(b) This account shall separately state the cost of such investments at date of acquisition, the equity in undistributed earnings or losses since acquisition, and notes and accounts receivable not due within one year.

(c) This accounting shall not apply to foreign nontransport subsidiary companies set up merely to satisfy local statutory requirements.

1110 *Investments in other associated companies.* Record here the cost of investments in associated companies other than affiliated companies. The cost shall represent the amount paid at the date of acquisition without regard to subsequent changes in the net assets through earnings or losses of such associated companies.

1120 *Other investments and noncurrent receivables.* (a) Record here notes and accounts receivable not due within one year and investments in securities issued by others.

(b) This account shall include investments in and advances to nontransport divisions. It shall not include notes and accounts receivable from associated companies, which shall be recorded as an investment in associated companies.

1130 *Special funds.* Record here special funds not of current nature and restricted as to general availability. The term "special funds" includes but is not limited to: sinking funds, equipment purchase funds, employee benefit funds, funds for uninsured losses, miscellaneous utility deposits, etc.

Sec. 4–3 Property and equipment account group.

(a) All investments of the air freight forwarder in land and units of tangible property and equipment shall be included within this general classification.

(b) Property and equipment shall be accounted for in accordance with the following instructions:

(1) Investment in property and equipment shall be recorded at total cost including all expenditures applicable to acquisition, other costs of a preliminary nature, costs incident to placing in position or conditioning for operations and costs of additions, betterments, improvements and modifications.

(2) The cost of additions, betterments, improvements and modifications shall be charged to the appropriate property and equipment account.

(3) The forwarder shall maintain property and equipment records setting forth the description of major items of property and equipment recorded in the balance sheet accounts. With respect to each major unit or major group of property or equipment recorded in the balance sheet account, the record shall show the date of acquisition the original cost, cost of additions and betterments, rates of depreciation and residual values not subject to depreciation and the date of retirement or other disposition.

(4) If different classes of property and equipment chargeable to more than one property account are purchased for a single sum and cost of each class cannot be definitely ascertained, apportionment shall be based upon the most accurate information available.

(5) The balance sheet classification "accumulated depreciation" shall include the accumulation of all provisions for losses occurring in property and equipment attributable to current lessening in service value due to wear and tear from use and the action of time and the elements, as well as losses occasioned by obsolescence, supercession, discoveries or requirement of public authority.

(6) Depreciation chargeable to operations shall be calculated from the date of acquisition or in the case of constructed assets the date on which a building, structure, or unit of property contributes to operations and shall cease on the date such property is retired by reason of sale, retirement, abandonment, or dismantling, or when the difference between cost and residual value has been charged to expense.

(7) Property for which depreciation shall not be chargeable against operations shall include: (1) Land held in perpetuity and (2) expenditures on uncompleted units of property and equipment durin, construction or manufacture.

(8) Upon disposal by sale, retirement, abandonment, dismantling or otherwise, of depreciable property or equipment, the forwarder shall credit the accounts in which the costs related to the property or equipment are carried with the balances thereof; charge the related depreciation account with the balances applicable to the property disposed of; charge the proceeds of the sale to the appropriate asset accounts; differences resulting from consideration received shall be recorded in the appropriate capital gain or loss accounts.

(9) When owned property and equipment is applied as part payment of the purchase price of new property and equipment, the new property and equipment shall be recorded at its full purchase price provided excessive allowance is not made for assets traded in. The difference between the depreciated cost of assets applied as payment and the amount allowed therefor shall be treated as retirement gain or loss.

1200 *Motor vehicles and trailers.* Record here the cost of trucks, tractors, semitrailers and trailers engaged in transportation services. This account should include radio communication apparatus, refrigeration machinery, hoists, lifts and other like equipment installed on vehicles to improve their efficiency and performance.

1210 *Buildings and other improvements.* Record here the total cost of buildings, structures, and related improvements used in freight forwarder

operations. Total cost includes the cost of the buildings themselves plus the cost of permanent fixtures, heating, lighting, air conditioning, plumbing, elevators, vaults, and other permanent fixtures required to fit the buildings for occupancy.

1220 *Terminal and platform equipment.* Record here the cost of equipment used in loading, unloading, sorting, arranging, moving or other handling of freight shipments and consolidations at terminals and warehouses. This account should include items such as conveyor lines, chutes, automatic sorters, drag lines, forklifts, and platform vehicles of all types.

1230 *Furniture, fixtures and office equipment.* Record here the installed cost of office furniture and fixtures and office machines and equipment wherever located.

1240 *Other property and equipment.* Record here the cost of all types of property and equipment not provided for elsewhere.

1250–1290 *Accumulated depreciation—property and equipment.* (a) Record in accounts 1250 through 1290, inclusive, the accruals for depreciation of property and equipment as provided in section 5–3.

(b) As set forth in section 3, Chart of Balance Sheet Account, separate accounts shall be established for accumulated depreciation to parallel balance sheet accounts established for recording the cost of property and equipment.

1300 *Leasehold improvements.* Record here the total costs to the forwarder incurred in connection with modification, conversion or other improvements to leased property and equipment.

1310 *Accumulated amortization.* Record here the accumulation of all provisions for the amortization of the cost of leasehold improvements over the term of the lease. The cost of leasehold improvements shall not be amortized over a period extending beyond the term of the lease unless there is an option to renew the lease and evidence that the option will be exercised.

1320 *Land.* Record here the initial cost of land purchased by the forwarder including any nondepreciable improvements made subsequent to purchase.

1330 *Construction work in progress.* (a) Record here the direct and indirect costs to the forwarder accumulated as at the balance sheet date in connection with the constructing and readying for installation in operations, property and equipment of all types and classes.

(b) At the option of the forwarder, this account may be used as a clearing account for recording the cost of property and equipment acquisition prior to the distribution thereof to the appropriate property and equipment accounts whether or not conditioning or modification is necessary before placing in service.

Sec. 4–4 (1400) Intangible assets account group.

(a) Record here items which possess economic value but lack physical substance, such as patents, trademarks, and rights and privileges acquired from other forwarders.

(b) For the purpose of this system of accounts and reports, this account will be called an account group because of the differing nature and characteristics of the account which precludes it from classification with other accounts.

Sec. 4–5 (1450) Deferred charges account group.

(a) Include in this classification all debit balances of a general clearing nature including charges held in suspense pending receipt of information necessary for final disposition and prepayments chargeable to operations over a period of years.

(b) Discount on debt securities shall not be recorded in this account but shall be deducted from the face value of the securities.

(c) For the purposes of this system of accounts and reports, this account will be called an account group because of the differing nature and characteristics which precludes it from classification with other accounts.

Sec. 4–6 Current liabilities account group.

Include in this classification all debts or obligations the liquidation or payment of which is reasonably expected to require the use, within one year, of existing resources.

1500 *Current notes payable.* Record here the face value of all notes, drafts, acceptances or other similar evidences of indebtedness payable on demand or within one year to other than associated companies, including the portion of long-term debt payable within one year of the balance sheet date.

1510 *Accounts Payable—General.* Record here all accounts payable within one year of the balance sheet date which is not provided for elsewhere in current liability accounts.

1520 *Accounts payable—associated companies.* (a) Record here amounts payable to associated companies which are normally settled currently. This account also include the current portion of loans and notes due associated companies within one year.

(b) Balances receivable from associated companies shall not be offset against amounts recorded in this account.

1530 *Air transportation—accounts payable.* Record here amounts payable currently to air carriers for the transportation of freight.

1540 *Other transportation—accounts payable.* Record here amounts payable currently to all types of carriers other than air carriers for the transportation of air freight.

1550 *Collections as agent.* Record here amounts collected for the account of others such as sales, transportation taxes, collect-on-delivery shipments and amounts deducted from employee salaries and wages for payments to others.

1560 *Accrued personnel compensation.* Record here amounts accrued for unpaid compensation to personnel, which have been charged to profit and loss or capitalized as compensation for the period in which accrued. This account shall also include forwarder installments for employee stock option plans which have been charged to profit and loss.

1570 *Accrued Federal Income Taxes.* Record here accruals for currently payable Federal income taxes.

1580 *Other accrued taxes.* Record here accruals for taxes, exclusive of Federal income taxes, constituting a charge borne by the forwarders as opposed to those collected as agent for others.

1590 *Dividends payable.* Record here all dividends declared but unpaid on capital stock.

Sec. 4–7 Noncurrent liabilities account group.

(a) This classification shall include all debts or obligations the liquidation or payment of which is not reasonably expected to require the use within one year of existing resources.

(b) Gains or losses on liquidation of bonds, debentures or other debt securities of the forwarder should be classified in the Nonoperating Income and Expense classification. Gains and losses or adjustments to liabilities accrued from expenses incurred in operations shall be entered in the expense accounts initially charged.

1600 *Long-term debt.* Record here the face value or principal amount of debt securities issued or assumed by the forwarder and held by other than associated companies, which has not been retired or cancelled and are not payable within one year. Discounts or premiums shall be added to or deducted from the face value of debt securities issued.

1610 *Noncurrent payable to associated companies.* Record here net amounts due associated companies for notes, loans and advances which are not settled currently. Balances payable to and receivable from different associated companies shall not be offset.

1620 *Pension liability.* Record here the liability of the forwarder under employee pension plans, to which either the employees or the forwarder, or both, contribute, if the plan is administered by the forwarder.

1630 *Other noncurrent liabilities.* Record here noncurrent liabilities not provided for in other noncurrent liability accounts. This account shall include advances from nontransport divisions.

Sec. 4–8 Deferred credits account group.

Include in this classification all credit balances in general clearing accounts including credits held in suspense pending receipt of information necessary for final disposition. Premiums on debt securities issued shall not be recorded in this account but as an addition to the face value of the debt securities issued.

1700 *Deferred Federal income taxes.* (a) Record here deferred income tax credits and debits arising from different treatment for tax and book accounting purposes.

(b) This account shall be debited or credited as appropriate, and the profit and loss income tax account shall be debited or credited with deferred income taxes applicable to differences for which the related income tax effect is deferred. Deferred tax provisions may be, at the option of the forwarder, computed using the "Gross-Change" method or the "Net-Change" method.

(c) Under the "Gross-Change" method, provisions are determined using two separate computations for each similar group of timing differences, one for currently originating differences at current tax rates and the other for the tax effects of reversing differences attributable to prior periods at tax rates effective in those prior periods.

(d) Under the "Net-Change" method, provisions are determined using a single computation for the net cumulative tax effect of currently originating differences and revising differences of prior periods at current tax rates.

(e) Methods employed in computing, provisions must be consistently applied.

(f) In the event that a loss carry-forward arises in a period when net deferred tax credits exist because of prior timing differences, all or part of a loss carry-forward may be recognized as an offset to net deferred tax credits.

1710 *Deferred investment tax credits.* Record here investment tax credits utilized as a reduction of tax liabilities, when the forwarder exercises the option to defer such credits for amortization over the service life of related equipment.

1720 *Reserve for self-insurance.* (a) Record here provisions for uninsured losses. Retained earnings segregated for uninsured losses shall not be recorded in this account.

(b) All losses for which accruals are being made shall be charged to this account.

(c) Each forwarder shall maintain appropriate records for each type and class of losses for which self-insurance reserves are provided.

(d) A redetermination of the adequacy of the reserves and accruals thereto shall be made at least annually and any excess of amounts reserved over the amount required to cover current risks borne by the forwarder shall be credited to insurance expense accounts.

1730 *Other deferred credits.* Record here credits, not provided for elsewhere, the final disposition of which cannot be effected until additional information has been received.

This account shall not include premiums on debt securities issued.

Sec. 4–9 Proprietary equity account group.

This general classification shall include all items which record the interest of sole proprietors or partners in the assets of the forwarder.

1800 *Proprietary or partnership capital.* Record here partner's or proprietor's permanent capital investment and increases or decreases thereto.

1810 *Undistributed profits.* Record here partner's or proprietor's equity in undistributed earnings. This account shall represent the undistributed profits after giving effect to profits or losses and drawings.

Sec. 4–10 Stockholder equity account group.

This general classification shall include all items which record the aggregate interests of holders of the forwarder's stock in the assets of the company.

1900 *Preferred Stock.* Record here in separate subdivisions for each class and series, the par or stated value of preferred capital stock issued or in the case of no par stock without stated value, the full consideration received.

1910 *Common stock.* Record here in separate subdivisions for each class and series, the par or stated value, or the subscription price in the case of no par stock without stated value, the full consideration received.

1920 *Capital Stock subscribed and unissued.* Record here in separate subdivisions for each class and series, the par or stated value, or the subscription price in the case of stock without par or stated value, of legally enforceable subscriptions to the capital stock of the forwarder.

1930 *Additional paid-in capital.* Record here in separate subdivisions for each class and series, the difference between the price of which the capital stock is sold and the par or stated value of such stock; gains or losses arising from the reacquisition and the resale or retirement of each class and series of capital stock; donations; the excess of retained earnings capitalized over par or stated value of capital stock issued; and the adjustments in capital resulting from the reorganization or recapitalization.

1940 *Retained earnings.* Record here the net income or loss from operations of the forwarder and dividends declared on capital stock.

1950 *Treasury Stock.* (a) Record here the cost of capital stock issued by the forwarder and reacquired by it and not retired or cancelled.

(b) Separate records shall be established for each class and series of capital stock held in this account.

Section 5—Chart of Income and Expense Accounts

No.	Specific account	Account group number							
		2	3	4	5	6	7	8	9
010	Transportation revenues		X						
020	Accessional revenues		X						
030	IATA agent revenues		X						
040	Incidental revenues-gross		X						
050	Air transportation purchased			X					
060	Salaries and wages			X	X	X	X		
070	Employee benefits and pensions			X	X	X	X		
080	Payroll taxes			X	X	X	X		
090	Depreciation			X	X	X	X		
100	Insurance expense			X	X	X	X		
110	Uninsured losses			X	X	X	X		
120	Amortization of leasehold improvements			X	X	X	X		
130	Leases and rentals			X	X	X	X		
140	Uncollectible accounts						X		
150	Containers and materials and supplies			X	X	X	X		
160	Pickup and delivery service purchased			X					
170	Fuels, oils, and maintenance service purchased			X	X	X	X		
180	Other purchased services			X	X	X	X		
190	Public utilities expense and communications services			X	X	X	X		
200	Tariffs and schedules						X		
210	Professional fees			X	X	X	X		
220	Promotional publicity and advertising						X		
230	Travel and entertainment			X	X	X	X		
240	Taxes-other than payroll			X	X	X	X		
250	Other expenses			X	X	X	X		
260	Capital gains or losses							X	
270	Income from affiliated companies and dividend income							X	
280	Interest income							X	
290	Interest and debt expense							X	
300	Miscellaneous nonoperating credits							X	
310	Miscellaneous nonoperating debits							X	
320	Provision for federal income taxes								X
330	Provision for deferred federal income taxes								X
340	Investment tax credits deferred and amortized								X
350	Extraordinary items								X

Section 6—Income and Expense Account Groups

Sec. 6–1 Numbering system.

The income and expense account group number shall be the first digit of a four digit number. The second, third and fourth digits shall be the number of the specific account. Income and expense account groups shall be numbered 2 through 9 as follows:

Sec. 6–2 Operating revenues.

This account group shall be composed of revenue accounts which are used to record revenues of a character usually and ordinarily derived from air freight forwarding and air express services, including revenues from accessorial services, revenues as IATA agent, and revenues from services provided incidental to/or in conjunction with air freight forwarding and air express services.

Sec. 6–3 Air transportation purchased.

This account group shall include the cost of air transportation purchased from air carriers for the movement of freight.

Sec. 6–4 Pick-up and delivery.

This account group shall include accounts used to record expenses incurred in the pick-up and delivery operations of the forwarder. It shall include expenses incurred for the surface movement of air freight between the shippers door and the forwarders terminal; between the forwarders terminal and the receivers

door and for the purposes of the system of accounts and reports, the surface movement of freight between the forwarders terminal and the airline's terminal and vice versa. The specific accounts to be included in this account group are set forth in section 5, Chart of Income and Expense Accounts.

Sec. 6–5 Station cargo handling.

This account group shall include accounts used to record the expenses incurred in loading, unloading, sorting, consolidating and loading air freight shipments at forwarder terminals. It shall also include break-bulk operations at forwarder terminals for reconsolidation of shipments and all other cargo handling operations at forwarder terminals. The specific accounts to be included in this account group are set forth in section 5, Chart of Income and Expense Accounts.

Sec. 6–6 Sales and advertising.

This account group shall include accounts used to record expenses incurred in the solicitation of traffic and creating a public preference for the forwarder and its services. The specific accounts to be included in this account group are set forth in section 5, Chart of Income and Expense Accounts.

Sec. 6–7 General and administrative.

This account group shall include accounts used to record expenses of a general corporate nature and in performing activities which benefit all other operating functions, such as general financial accounting activities, representation of law, and other general operational administration. The specific accounts to be included in this account group are set forth in section 5, Chart of Income and Expense Accounts.

Sec. 6–8 Nonoperating income and expense.

This account group shall include accounts used to record income and loss from commercial ventures not inherently related to the performance of air freight forwarding operations. This account group shall also include other revenues and expenses attributable to financing and other activities which are extraneous to and not an integral part of air forwarding operations. The specific accounts to be included in this account group are set forth in section 5, Chart of Income and Expense Accounts.

Sec. 6–9 Income taxes.

This account group shall include accounts used to record provisions for Federal, State, local and foreign taxes which are based upon the net income of the forwarder for the current period. The specific accounts to be included in this account group are set forth in section 5, Chart of Income and Expense Accounts.

Extraordinary Items. (a) This account shall include extraordinary items as defined by section 02 and shall include the tax effect of extraordinary items. It shall be afforded the same treatment in this system of accounts and reports as a separate account group. No specific accounts are prescribed and extraordinary items shall be reported net on Schedule P–1 "Income Statement" with appropriate footnotes on Schedule P–2 "Notes to Income Statement."

Section 7—Specific Income and Expense Accounts

010 *Transportation Revenues.* Record here revenues derived from the forwarding of air freight under the reporting forwarders air bills (or other shipping documents serving the same purpose). This account shall be charged with refunds for overcharge on errors in routing or billing. This account shall also include revenues derived from air express service.

020 *Accessorial Revenues.* Record here revenues derived from services provided by the forwarder such as the preparation of extra documents, storage beyond the fee period, assembly and distribution services, customs inspections, etc.

030 *IATA Agent Revenues.* Record here revenues derived from activities performed as an IATA agent.

040 *Incidental Revenues-Gross.* Record here revenues derived froc activities which are incidental to air freight forwarding operations, such as agency commissions of all types, except as IATA agent, and all other incidental revenues not provided for elsewhere.

050 *Air Transportation Purchased.* Record here the cost of air transportation purchased from air carriers for the movement of air freight.

060 *Salaries and Wages.* Record here compensation including vacation and sick leave pay of all employees whether full or part-time.

070 *Employee benefits and pensions.* Record here all costs for the benefit or protection of employees including all pension expenses whether for payments to or on behalf of retired employees or for accruals or annuity payments to provide for pensions; and all expenses for accident, sickness, hospital, and death benefits to employees or the cost of insurance or provisions for self insurance to provide these benefits. Do not include vacation or sick leave pay.

080 *Payroll taxes.* Record here all taxes levied against the forwarder based upon or directly related to the compensation of personnel.

090 *Depreciation.* Record here provisions for depreciation of property and equipment carried in the balance sheet account.

100 *Insurance expense.* Record here provisions for self insurance and the cost of purchased insurance of all types.

110 *Uninsured losses.* Record here the remainder of gains or losses after offsetting insurance recoveries. This account shall not include gains or losses from retirement of property and equipment resulting from casualties, which shall be recorded in the appropriate capital gains or loss account.

120 *Amortization of leasehold improvements.* Record here the amortization of leasehold improvements over the term of the lease of property and equipment to which related.

130 *Leases and rentals.* Record here rentals, fees or charges for the use of property and equipment of all types provided by others.

140 *Uncollectible accounts.* Record here losses from uncollectible accounts and provisions and adjustments thereto, for such losses. When allowances for uncollectible accounts are established, losses as realized shall be charged to the allowance account and shall not be charged to this account.

150 *Containers and materials and supplies.* Record here the cost of containers used for the shipment of freight and the cost of materials and supplies of all types which are expensed when purchased. Record here adjustments for overage, shortage, or shrinkage of inventories carried as current assets in the balance sheet.

Separate subaccounts shall be maintained for (1) containers and (2) materials and supplies.

160 *Pickup and delivery services purchased.* Record here the cost of outside pickup and delivery services purchased.

170 *Fuels, oils, and maintenance services purchased.* (a) Record here the cost of fuels and oils issued from the inventory of the forwarder or purchased direct from service stations for use in motor vehicles of all types used by the forwarder.

(b) Record here the cost of motor maintenance services performed by others in cases where the forwarder does not maintain its own vehicles. Include here the maintenance cost of leased vehicles if such costs are identifiable in the lease agreements.

180 *Other purchased services.* Record here charges for services performed for the forwarder by others, including associated companies.

190 *Public utilities and Communication Services.* Record here expenses, including related taxes, incurred for light, heat, power, and water.

This account shall also include the rental of communications services and expenses incurred for communication services of all types and classes not provided by personnel of the forwarder such as telephone, teletype, private line services and charges for communications services from organizations operated jointly with associated companies or others.

200 *Tariffs and schedules.* Record here the production and distribution cost, excluding compensation of forwarder personnel, of all tariffs, operating schedules, circulars, and reference charts.

210 *Professional fees.* Record here fees and expenses incurred for outside professional and technical services which are reimbursed or borne by the forwarder. This account shall include legal fees and expenses, audit fees, and other technical consultant fees.

220 *Promotional publicity and advertising.* Record here the cost, excluding compensation of forwarder personnel, of all space, direct mail spot and

other advertising for the purpose of increasing traffic and publicizing services offered by the forwarder.

230 *Travel and entertainment.* Record here expenses for travel, lodgings, meals and entertainment of individuals whether for the benefit of the forwarder or the individual benefit of such persons borne directly or indirectly by the forwarder.

240 *Taxes—other than payroll.* Record here all taxes levied against the forwarder not otherwise provided for in operating expense accounts.

250 *Other expenses.* Record here all expenses ordinarily associated with air forwarding and its incidental services not provided for elsewhere.

260 *Capital gains or losses.* Record here gains or losses on retirements of property and equipment and investments in securities.

270 *Income from affiliated companies and dividend income.* (a) Record here income from the equity in net earnings or losses of affiliated companies and income arising out of dividends declared on stocks of companies in which the forwarder owns less than 20 percent of the voting capital stock. This account shall not include dividends of affiliated companies which shall be recorded as a deduction of the carrying value of the investment account.

280 *Interest income.* Record here interest income from all sources. This account shall include as an increase or reduction of interest received the proportionate amortization of any discount or premium on the purchase price of securities of others held by the forwarder.

290 *Interest and debt expense.* Record here interest on all classes of debt, including interest on unpaid taxes; premium, discount, and expense on short-term and long-term obligations.

300 *Miscellaneous nonoperating credits.* Record here all credits of a nonoperating character not provided for elsewhere.

310 *Miscellaneous nonoperating debits.* Record here all debits of a nonoperating character not provided for elsewhere.

320 *Provision For Federal Income Taxes.* Record here quarterly provisions for accruals of Federal, State, local and foreign taxes based upon net income computed at normal tax and surtax rates in effect during the current accounting year. In general, this account shall reflect provisions within each period for currently accruing tax liabilities and any subsequent adjustments, including credits from the carryback of losses in the year in which losses occur, credits for the carryforward of losses in the year in which each tax credit is utilized to reduce the liability of income taxes.

330 *Provision For deferred Federal Income Taxes.* Record here provisions for income taxes applicable to income tax elements for which the related income tax effect is deferred, deferred tax amounts previously accrued which are allocable to income for the current period and deferred taxes related to any adjustment or elimination of an income element for which income taxes were previously deferred.

340 *Investment tax credits deferred and amortized.* (a) Record here investment tax credits deferred, which shall reflect the credits of the current period that are to be utilized in the reduction of income tax liabilities in subsequent periods and investment tax credit amortized, which reflect the amounts of previously deferred investment tax credits amortized during the current period.

(b) The forwarder shall maintain separate subaccounts for investment tax credits deferred and investment tax credits amortized.

350 *Extraordinary items.* Record here extraordinary credits and debits, not expected to recur frequently, that would materially distort the total operating revenues or the total operating expenses. This amount shall also include income taxes applicable to the extraordinary items.

Section 8—Reports

Each air freight forwarder shall prepare and file, in duplicate, with the Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C. 20428, CAB Form 244 entitled "Report of Air Freight Forwarders and International Air Freight Forwarders," in accordance with the requirements of this part and in such form which is incorporated herein by reference and annexed hereto.

Schedule No.	Title	Entity			Filing frequency
		Systems	Domestic	International	
A	Certification	X			Quarterly.
B-1	Balance Sheet	X			Do.
B-2	Notes to Balance Sheet	X			Do.
B-3	Accounts Receivable and Accounts Payable Aging and Allowance for Doubtful Accounts	X			Do.
B-4	Accounts with Associated Companies	X			Semiannual.
B-5	Property and Equipment	X			Annual.
G	Corporate and Securities Data	X			Do.
I	Insurance Coverage	X			Semiannual.
P-1	Income Statement	X	X	X	Quarterly.
P-2	Notes to Income Statement	X	X	X	Do.
P-3	Schedule of Specific Expense Accounts	X			Do.
T-1	Operating Statistics Schedule	X			Do.
T-2a	Origin Station Report		X	X	Do.
T-2b	Destination Station Report		X	X	Do.
T-3a	City Pair Traffic Flow Report—Domestic		X		Do.
T-3b	City Pair Traffic Flow Report—International			X	Do.
T-4	Originating Air Station Data		X	X	Do.[1]
T-5	Supplemental Operating Statistics		X	X	Do.[1]
T-6	Analysis of Traffic by Weight Breaks		X		Do.[1]

[1] Long-haul surface carriers or affiliates of long-haul surface carriers only.

Sec. 8–1 Reporting instructions.

General. (a) Each forwarder whose gross air freight forwarding revenues exceeded one million dollars during the calendar year ended December 31, 1973, or exceeds one million dollars for any calendar year after December 31, 1973, shall be subject to the reporting requirements of this section in its entirety beginning twelve months after the close of the calendar year in which gross air freight forwarding revenues exceeded one million dollars.

(b) Each forwarder whose gross air freight forwarding revenues did not exceed one million dollars during the calendar year ended December 31, 1973, and do not exceed one million dollars for any calendar year after December 31, 1973, shall file only schedules A, B–1, G, I, P–1, T–1, T–2a, T–3a, and T–3b in accordance with the instructions of this section beginning January 1, 1975.

Schedule A—Certification. This certification shall be filed as part of this report and shall be signed on the original copy by the chief accounting officer of the reporting forwarder, and it shall apply and be attached to each set of schedules required to be filed as part of this report at such time as set forth in these reporting instructions.

Schedule B–1—Balance Sheet. (a) This schedule shall be filed quarterly and shall reflect account balances at the close of business on the last day of each quarter for the overall or system operations of each reporting forwarder.

(b) Individual proprietors or partnerships shall report their equity in the caption Proprietary Equity and leave blank the caption Stockholder Equity.

Schedule B–2—Notes to Balance Sheet. This schedule shall be filed quarterly and shall set forth all substantive matters which may materially influence interpretations or conclusions in regard to the financial condition of the forwarder which are not clearly identified in the body of the balance sheet. Items set forth in this schedule shall be appropriately cross referenced to the balance sheet account affected.

Schedule B–3—Accounts Receivable and Payable Aging and Allowance for Doubtful Accounts Schedule. (a) This schedule shall be filed quarterly for the overall or system operations of the forwarder.

(b) Each reporting forwarder shall list on the lines provided under air transportation, the top 15 carriers to whom amounts are owed for transportation provided. Each line item shall then be aged as indicated. The data reported in the total amount column shall be in agreement with the balance sheet.

(c) Each reporting forwarder shall provide the indicated information on changes in the Allowance for Doubtful Accounts in the spaces provided. The balance shown for the end of the period shall agree with the amounts shown on the balance sheet.

Schedule B–4—Accounts with Associated Companies. (a) This schedule

shall be filed semi-annually for the overall or system operations of the forwarder.

(b) Each reporting forwarder shall provide the indicated information in the columns provided. The associated companies are subdivided between affiliated companies and other associated companies as defined in section 02.

Schedule B–5—Property and Equipment. (a) This schedule shall be filed annually for the overall or system operation of the forwarder.

(b) "Additions" shall reflect the book cost of property and equipment acquired and the cost of improvements, betterments or other additions to each group of property and equipment listed.

(c) "Retirements" shall reflect the book cost of property and equipment retired during that reporting period.

(d) "Transfers" shall reflect the book cost of assets reclassified between property and equipment accounts during the reporting period. Such transfers, if any, shall be footnoted and explained in the spaces provided at the bottom of the form.

(e) "Balance at End of Period" shall reflect the cost of each group of property and equipment listed at the close of business on the last day of the quarter. Where applicable the amounts shown in this column shall agree with amounts shown on the balance sheet.

(f) "Accumulated Depreciation" shall reflect the accumulation of all provisions for losses attributable to current lessening of service value due to wear and tear from use and the action of time and the elements. No amounts will be shown in this column for land or construction work-in-progress. Where applicable, the amounts shown in this column shall agree with amounts shown on the Balance Sheet.

Schedule G—Corporate and Securities Data. (a) This schedule shall be filed annually for the system or overall operations of the forwarder.

(b) This schedule is divided into three parts, Part I—"Corporate and Securities Data," Part II—"General Officers and Directors," and Part III—"Listing of Stockholders."

(c) In the "Corporate and Securities" part, report the indicated data in the spaces provided. If the indicated data for any line is not applicable, put N/A in the space provided.

(d) In the "General Officers and Directors" part, report the indicated data in the appropirate column. If the forwarder is a partnership or single proprietorship, report the indicated data for all partners or proprietor as appropriate.

(e) In the "Listing of Stockholders" part, report the indicated data in the appropriate column for each person holding in excess of 5 percent of total outstanding capital.

Schedule I—Insurance Coverage. (a) This schedule shall be filed semi-annually for the system or overall operations of the forwarder; or at any other time when a change occurs in the insurance, self-insurance or surety bond.

(b) This schedule shall reflect as indicated the reporting forwarder's door-to-door cargo and public liability insurance coverage under a policy, self-insurance plan and/or surety bond as required by Parts 296 and/or 297 of this chapter.

Schedule P–1—Income Statement. (a) Separate Income Statements shall be filed quarterly for each separate entity and the overall or system operations of the reporting forwarder.

(b) Data reported on this schedule shall conform with the instructions pertaining to income and expense classifications within this uniform system of accounts and reports except that Nonoperating Income and Expense-Net, Income Taxes, and Extraordinary Items shall be reported for system income statement only and not for each separate entity.

(c) Data reported in the "Calendar Year to Date" column shall reflect the results of operations beginning January 1 of each year unless otherwise approved by the Director BAS, under section 2–3.

Schedule P–2—Notes to Income Statement. (a) Separate schedules shall be filed quarterly for each separate entity and the overall or system operations of the reporting forwarder.

(b) This schedule shall set forth all substantive matters which may materially influence interpretations or conclusions in regard to the financial condition of the forwarder which are not clearly identified in the body of the income statement. Extraordinary Items, if any, shall be clearly and completely described. Items set forth in this schedule shall be appropriately cross referenced to the income statement account affected. The amount of revenues derived from air express service included in the transportation revenues account shall be identified on this schedule.

Schedule P–3—Total Operating Marketing and Administrative Expenses. (a) This schedule shall be filed quarterly for the system or overall operations of the reporting forwarder.

(b) Totals for each account group shall be in agreement with Schedule P–1 "Income Statement" for the overall or system operation of the forwarder.

Schedule T–1—Operating Statistics Schedule. (a) This schedule shall be filed quarterly for the overall or system operations of the forwarder. If the forwarder conducted no operations during the quarter, an "x" shall be placed in the box next to the words "no operations".

(b) The indicated data shall be provided for the domestic and international entities and the system data shall equal the sum of the data reported for each entity.

(c) The "Amount Purchased" reported for each entity and the system or overall operations shall be in agreement with the amounts reported in the Schedule P–1 "Income Statement" for the respective entity.

Schedule T–2a—Origin Station Report. (a) Separate Origin Station Reports shall be filed quarterly for each entity.

(b) The forwarders shall indicate the entity for which the report is filed by placing an "x" in the box beside either the "Top 20 Domestic Stations" for the domestic filing or the "Top 10 International Stations" for the international entity. If the forwarder conducted no operations during the quarter, an "x" shall be placed in the box next to the words "no operations".

(c) Forwarders shall list either the top 20 domestic stations or the top 10 international stations in the "Station" column as appropriate and complete the indicated data for each station listed individually and all other domestic or international stations (whichever shall apply) in the aggregate.

(d) The number of "Pounds" reported for "Outbound Traffic Tendered to Airlines" shall equal the sum of the "Pounds" reported for shipments received from customers plus the "Pounds" reported for shipments received from other stations.

(e) The total number of "Shipments" and "Pounds" of "Traffic Received from Customers" for all stations shall be in agreement with the total number of "Shipments" and "Weight (lbs.)" of "Shipments Received for Delivery to Customers" reported on Schedule T–2b "Destination Station Report" for the related entity being reported.

Schedule T–2b—Destination Station Report. (a) Separate Destination Station Reports shall be filed quarterly for each entity.

(b) The forwarder shall indicate the entity for which the report is filed by placing an "x" in the box beside either the "Top 20 Domestic Stations" for the domestic filing or the "Top 10 International Systems" for the international entity. If the forwarder conducted no operations during the quarter, an "x" shall be placed in the box next to the words "no operations".

(c) Forwarders shall list either the top 20 domestic stations or the top 10 international stations in the "Station" column as appropriate and complete the indicated data for each station listed individually and all other domestic or international stations (whichever shall apply) in the aggregate.

(d) The total number of "Shipments" and the "Weight (lbs.)" of "Shipments Received for Delivery to Customers" for all stations shall be in agreement with the number "Shipments" and "Pounds" of "Traffic Received from Customers" reported on Schedule T–2a "Origin Station Report" for the related entity being reported.

Schedule T–3a—City Pair Traffic Flow Report-Domestic. (a) This schedule shall be filed quarterly for the domestic entity. If the forwarder conducted no operations during the quarter, an "x" shall be placed in the box next to the words "no operations".

(b) The pairs of points to be reported will be specified by the Civil Aeronautics Board and will be changed as needs require. It should be noted that in cases where more than one airport serves a single city, such airports will be combined

for reporting purposes, i.e., JFK, LGA, and EWR will be reported as NYC.

Schedule T–3b—City Pair Traffic Flow Report-International. (a) This schedule shall be filed quarterly for the international entity. If the forwarder conducted no operations during the quarter, an "x" shall be placed in the box next to the words "no operations."

Schedule T–4—Originating Air Station Data. (a) This schedule shall be filed by (1) long-haul motor carriers of general commodities, and railroad carriers, which are authorized to operate as air freight forwarders, and (2) air freight forwarders or international air freight forwarders which are affiliates of long-haul motor carriers or railroad carriers.

(b) This schedule shall pertain only to the air freight forwarding operations of the reporting forwarder and not to its operations conducted as an agent of a shipper or as the commissioned agent of a direct air carrier.

(c) Report weights in short tons (2,000 pounds), computed to two decimal places.

(d) For the purposes of this report, "Domestic" shall apply to operations between or within the continental United States, Alaska and Hawaii and any territories or possessions of the United States. The term "Overseas/Foreign" shall apply to all operations other than Domestic.

(e) Where the reporting forwarder tenders both domestic and overseas/foreign freight the forwarder shall file two separate reports listing the air stations for the domestic operations on one schedule and the air stations for the overseas/foreign operations on the other. Check either Domestic or Overseas/Foreign in the heading as applicable.

(f) The originating air stations from which the reporting forwarder conducts its air freight forwarding operations shall be listed in Column 1 and the indicated data reported in Columns 2 through 11. List them in alphabetical order until the volume of tons enplaned from these originating air stations represent 100% of the reporting forwarder's total tons enplaned domestically. The same limits and instructions would apply when filing the Overseas/Foreign schedule.

(g) Column 2, "Tons Enplaned (exclusive of reconsolidations)" shall reflect the tons tendered to direct air carriers at each Originating Air Station. This will include tons delivered to the reporting forwarder by individual shippers, picked up by the reporting forwarder and picked up by surface carriers (including a surface affiliate or surface operation of the reporting forwarder). Tons being reconsolidated should not be included.

(h) Columns 3 through 6, "Source of Tons Enplaned" shall reflect the source, with regard to surface movement, of the tons enplaned reported in Column 2. Those tons delivered to the reporting forwarder, picked up by the reporting forwarder, and picked up by surface carriers (including a surface affiliate or surface operation of the reporting forwarder) from points within 49 miles of the airport shall be reported in Column 3. Those tons delivered to and picked up from points 50–149 miles, 150–299 miles and 300 miles or more from the airport shall be reported in Columns 4 through 6, respectively.

(i) Column 7, "Tons Deplaned (exclusive of reconsolidations)" shall reflect the tons deplaned by the reporting forwarder at each Originating Air Station. This will include tons picked up from the reporting forwarder by designated consignees, delivered by the reporting forwarder and delivered by surface carriers (including a surface affiliate or surface operation of the reporting forwarder). Tons being reconsolidated should not be included.

(j) Columns 8 through 11, "Distribution of Tons Deplaned" shall reflect the distribution, with regard to surface movement, of the tons deplaned reported in Column 7. Those tons picked up from the reporting forwarder, delivered by the reporting forwarder, and delivered by surface carriers (including a surface affiliate or surface operation of the reporting forwarder) at points within 49 miles of the airport shall be reported in Column 8. Those tons picked up and delivered at points 50–149 miles, 150–299 miles and 300 or more miles from the airport shall be reported in Columns 9 through 11 respectively.

Schedule T–5—Supplemental Operating Statistics—Long-Haul Motor Carriers or Railroad Carriers as Air Freight Forwarders. (a) This schedule shall be filed by (1) long-haul motor carriers of general commodities and railroad carriers which are authorized to operate as air freight forwarders or international air freight forwarders, and (2) air freight forwarders or international air freight forwarders which are affiliates of long-haul motor carriers or railroad carriers.

(b) For the purposes of this report, "Domestic" shall apply to operations between or within the continental United States, Alaska and Hawaii, and any territories or possessions of the United States. Term Overseas/Foreign shall apply to all operations other than Domestic.

(c) Report weights in short tons (2,000 pounds), computed to two decimal places.

(d) *Item 1:* Report in the appropriate columns the number and weight of those shipments which the reporting forwarder received from an affiliated long-haul motor carrier or railroad carrier (including a carrier which operates as a separate division within the forwarder's corporate structure) prior to transporting them in its air freight forwarding operations.

(e) *Item 2:* Report in the appropriate columns the number and weight of those shipments which the reporting forwarder delivered to an affiliated long-haul motor carrier or railroad carrier (including a carrier which operates as a separate division within the forwarder's corporate structure) subsequent to transporting them in its air freight forwarding operations.

(f) *Item 3:* Report in the appropriate columns the number and weight of those shipments which the reporting forwarder accepted for air freight forwarding, but substituted means other than air for their transportation.

(g) *Items 4 and 5:* Report in the appropriate columns the number and weight of those shipments handled by the reporting forwarder in its agency capacity as applicable under §§ 296.3 and 297.3 of Parts 296 and 297, respectively, of the Board's Economic Regulations.

Schedule T–6 Analysis of Traffic by Weight Breaks

(a) This schedule shall be filed by (1) long-haul motor carriers of general commodities and railroad carriers which are authorized to operate as air freight forwarders or international air freight forwarders, (2) air freight forwarders or international air freight forwarders which are affiliates of long-haul motor carriers or railroad carriers and (3) long-haul motor carriers or railroad carriers affiliated with air freight forwarders or international air freight forwarders or operating as a separate division within the forwarder's corporate structure. The indicated data shall reflect air freight forwarding operations and long-haul motor carrier or railroad carrier operations, respectively.

(b) Each long-haul motor carrier and railroad carrier, in addition to reporting data for the current quarter, shall report comparable data insofar as they are available, relative to its long-haul motor carrier or railroad operations for the corresponding quarter of each of the preceding five years.

(c) Check either "Air" or "Motor Surface" or "Rail Surface" as appropriate in the heading.

(d) This schedule shall apply only to domestic operations and reflect in the specified weight breaks, the number and weight of shipments and the revenues received for the shipments.

(e) "Shipment" shall be defined as a single consignment of one or more pieces, from one shipper, at one time, at one address, receipted for in one lot, and moving on one airbill to one consignee at one destination address.

(f) Report weights in short tons (2,000 pounds), computed to two decimal places.

(g) Column 2, "Shipments: Total Number" shall reflect, for the specified weight breaks in column 1, the total number of shipments received for air freight forwarding, long-haul shipping or railroad carriage, as appropriate.

(h) Column 3, "Shipments: Percentage of Total" shall reflect the total number of shipments in each weight break divided by the total number of shipments in the specified weight breaks, in aggregate.

(i) Column 4, "Tonnage: Total Weight" shall reflect, for the specified weight breaks in column 1, the total weight in tons of the shipments reported in column 2.

(j) Column 5, "Tonnage: Percentage of Total" shall reflect the total weight of the shipments in each weight break divided by the total weight of the shipments in the specified weight breaks, in aggregate.

(k) Column 6, "Revenue: Total Dollars" shall reflect, for the specified weight breaks in column 1, the total revenue received for the shipments reported in Column 2.

(l) Column 7, "Revenue: Percentage of Total" shall reflect the total revenue received for the shipments in each weight break divided by the total revenue received for the shipments in the specified weight breaks, in aggregate.

Sec. 8–2 Due dates of schedules in CAB Form 244 report.

Due Date[1]	
Feb. 15	A, B–1, B–2, B–3, B–4, B–5, G, I, P–1, P–2, P–3, T–1, T–2a, T–2b, T–3a, T–3b, T–4,[2] T–5,[2] T6.[2]
Mar. 30	A, B–1, B–2, B–3, P–1, P–2, P–3, T–1, T–2a, T–2b, T–3a, T–3b, T–4,[2] T–5,[2] T–6.[2]
Aug. 15	A, B–1, B–2, B–3, B–4, I, P–1, P–2, P–3, T–1, T–2a, T–2b, T–3a, T–3b, T–4,[2] T–5,[2] T–6.[2]
Oct. 30	A, B–1, B–2, B–3, P–1, P–2, P–3, T–1, T–2a, T–2b, T–3a, T–3b, T–4[2] T–5,[2] T–6.[2]

[1] Due date falling on a Saturday, Sunday, or national holiday will become effective the first following working day.

[2] Schedules T–4, T–5, and T–6 do not apply to all air freight forwarders (see instructions).

If circumstances prevent the filing of a report on or before the prescribed due date, consideration will be given to the granting of an extension upon receipt of a written request therefor. To provide ample time for consideration and communication to the forwarder of the action taken, such a request must be delivered to the Board in writing at least three (3) days in advance of the due date, setting forth good and sufficient reason to justify the granting of an extension and the date when the report can be filed. Except in cases of emergency, no such request will be entertained which is not in writing and received by the Director, Bureau of Accounts and Statistics, at least three (3) days before the prescribed due date. If a request is denied, the air carrier remains subject to the filing requirements to the same extent as if no request for extension of time had been made.

Section 9—Filing of Reports By Foreign Air Freight Forwarders

Reports. Each foreign air freight forwarder holding a permit issued by the Civil Aeronautics Board under the authority granted in section 402(b) of the Federal Aviation Act of 1958, as amended, shall file the reports as hereinafter described with the Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C. 20428.

Sec. 9–1 Reporting instructions.

Schedule A Certification. This certification shall be filed as part of this report and shall be signed on the original copy by the chief accounting officer and it shall apply and be attached to each set of schedules required to be filed as part of this report at such time as set forth in these reporting instructions.

Schedule T–2a Origin Station Report—Foreign Forwarders. (a) An Origin Station Report shall be filed quarterly for air freight outbound from the continental United States, Alaska and/or Hawaii by each foreign air freight forwarder.

(b) The foreign air freight forwarder shall place an "x" in the box next to the words "Top 10 International Stations." If the forwarder had no air freight outbound from the continental United States, Alaska or Hawaii during the quarter reported, an "x" shall be placed in the box next to the words "No Operations."

(c) Foreign Air Freight Forwarders shall list the top ten stations, in terms of pounds received from customers, in the "Stations" column and complete the indicated data (with the exception of the column entitled "Traffic Received from Other Stations") for each station within the continental United States, Alaska or Hawaii which is listed individually and all other stations within the continental United States, Alaska, or Hawaii in the aggregate.

(d) The number of "Pounds" reported for "Outbound Traffic Tendered to Airlines" shall equal the number of "Pounds" reported for shipments received from customers.

(e) For this report, the word consolidation is defined as one airline airwaybill.

Schedule T–2b Destination Station Report—Foreign Forwarders. (a) A Destination Station Report shall be filed quarterly for air freight inbound to the continental United States, Alaska and/or Hawaii by each foreign air freight forwarder.

(b) The foreign air freight forwarder shall place an "x" in the box next to the words "Top 10 International Stations." If the forwarder had no air freight inbound to the continental United States, Alaska or Hawaii during the quarter reported, an "x" shall be placed in the box next to the words "No Operations."

(c) Foreign Air Freight Forwarders shall list the top ten stations, in terms of pounds delivered to customers in the "Stations" column and complete the indicated data for each station within the continental United States individually listed and all other stations within the continental United States, Alaska or Hawaii in the aggregate.

(d) The lines entitled "Shipments Lost in Transit" and "Shipments in Transit" shall not be applicable to reports filed by foreign air freight forwarders and shall be left blank.

Schedule T–3b—City Pair Traffic Flow Report-International. (a) This schedule shall be filed quarterly by each foreign air freight forwarder.

(b) If the forwarder did not have any shipments between the points indicated during the quarter reported, an "x" shall be placed in the box next to the words "No Operations."

(c) The pairs of points to be reported will be specified by the Civil Aeronautics Board and will be changed as needs require.

9–2 Due Dates. Schedules required by this section shall be filed as follows:

Reporting Period	*Due Date*[1]
Quarter Ended March 31	May 15.
Quarter Ended June 30	August 15.
Quarter Ended September 30	November 15.
Quarter Ended December 31	February 15.

[1] Due Dates falling on a Saturday, Sunday or National Holiday will become effective the first following work day.

All reports shall be addressed as follows:

Bureau of Accounts and Statistics
Civil Aeronautics Board
Washington, D.C. 20428

Section 10—Filing of Reports by Cooperative Shippers Association

Each cooperative shippers association as defined in Part 296 of the Economic Regulations shall file with the Board the financial and operating report entitled "Annual Report of Cooperative Shippers Association," (CAB Form 244A) hereinafter described. Each such association shall file this report regardless of whether it is inactive during the report period and where items are not applicable the word "none" should be inserted.

Sec. 10–1 Annual report.

(a) Each cooperative shippers association shall file CAB Form 244A entitled "Annual Report of Cooperative Shippers Associations" in accordance with the requirements of this part and the in-

structions set forth in said form which is made a part hereof and annexed hereto.

(b) The aforesaid report shall be filed annually and in sufficient time so as to be received by the Board within forty-five (45) days after the termination of the prescribed period. All documents filed in connection with the report shall be considered a part thereof and included within the certification pertaining to the report. The report shall be addressed to the Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C. 20428.

(c) This report shall contain a description of the association, the identities, and interests in the association, of its officers and directors, the identities and holdings in the association of persons with more than a five percent interest therein, investments of the association, amount of revenue earned and/or received, and the total number of shipments received during the year for carriage by air. These items shall be shown as more fully set forth on the aforesaid report form. [1]

[FR Doc.73-26870 Filed 12-19-73; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS, INDIANA

Proposed New Source Review Procedure for Indiana

Section 110 of the Clean Air Act, as amended, and the implementing regulations in 40 CFR Part 51, require each State to submit a procedure for reviewing plans to construct or modify sources of pollution which may prevent attainment or maintenance of a national standard. On January 31, 1972, the State of Indiana submitted an implementation plan to achieve national standards which included, inter alia, a procedure for reviewing new sources. This procedure was disapproved by EPA as inadequate on May 31, 1972 (37 FR 10842). Subsequently, the Administrator proposed and promulgated a regulation for review of new sources in Indiana (37 FR 12698).

On May 8, 1973, the Technical Secretary of the Indiana Air Pollution Control Board submitted Regulation APC-19, Permits, as a revision to the State Implementation Plan to correct the deficiency noted by the Administrator. Regulation APC-19 which was the subject of a public hearing held after due notice in Indianapolis, Indiana, was adopted by the Air Pollution Control Board on January 4, 1973.

The Administrator is hereby setting forth Indiana Regulation APC-19, Permits, as proposed rulemaking and is providing opportunity for public comment on whether the revision to the plan should be approved pursuant to § 110 of the Clean Air Act, as amended, and the implementing regulations contained in 40 CFR Part 51. A more detailed description of the regulation follows:

Regulation APC-19 establishes requirements for permits for the construction, installation, or modification of facilities, equipment, or devices to control air pollution and for permits for the operation of facilities, equipment, or devices to control air pollution whenever the operation of any facilities, equipment or devices, would cause the emission of any air contaminant to the atmosphere. This new rule repeals APC-1, which required submission of reports, plans, and specifications for new or modified installations.

Copies of the Indiana plan revision are available for public inspection during normal business hours at the Region V Office of Environmental Protection Agency, 1 North Wacker Drive, Chicago, Illinois, 60606, at the Office of the Indiana Air Pollution Control Board, 1330 West Michigan, Indianapolis, Indiana, 46206, and at the Freedom of Information Center, EPA, 401 M Street SW, Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region V, 1 North Wacker Drive, Chicago, Illinois, 60606. Comments received will be acknowledged and will be available for review during normal working hours at the Region V Office. All relevant matter presented by January 10, 1974 shall be evaluated and the Agency will incorporate in the rules adopted a concise general statement of their basis and purpose. The period for comment is set at 21 days because only one State action is involved and because the principal issue raised, i.e., compliance with 40 CFR 51.18, is relatively simple.

(Section 110(a) of the Clean Air Act, as amended, (42 U.S.C. 1857c-5(a)))

Dated: December 14, 1973.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.73-26917 Filed 12-18-73;8:45 am]

[40 CFR Part 120]

NAVIGABLE WATERS OF THE STATE OF NEW JERSEY

Proposed Water Quality Standards

Notice is hereby given that pursuant to the authority of section 303(b) of the Federal Water Pollution Control Act, as amended ((33 U.S.C. 1251, 1313(b)); 86 et seq; Pub. L. 92-500), regulations setting forth standards of water quality to be applicable to the navigable waters of the State of New Jersey are proposed.

Under section 303(a) of the Act, the Administrator of the Environmental Protection Agency is required to review water quality standards for interstate and intrastate waters adopted and submitted by the States. When he determines that changes in such standards are required to meet the requirements of the Act as in effect prior to October 18, 1972, (the date of enactment of the 1972 Amendments to the Act, Pub. L. 92-500), he must notify the State. If the States does not adopt the required revisions, or if the revisions submitted by the State do not meet the requirements of the Act as is in effect prior to October 18, 1972, the Act provides for publication of revised water quality standards in accordance with such requirements.

The State of New Jersey prior to October 18, 1972, adopted water quality standards for both interstate and intrastate waters. After the enactment of the 1972 Amendments, EPA reviewed both the interstate and intrastate standards pursuant to section 303(a) of the Act. (A notice concerning EPA review of all interstate and intrastate water quality standards was published in the FEDERAL REGISTER, on December 29, 1972, 37 FR 28775-28780). The interstate standards for New Jersey are identified in 40 CFR Part 120 (37 FR 6087, March 24, 1972). The intrastate standards are contained in the same document, which is available for inspection and copying at the New Jersey Department of Environmental Protection, Division of Water Resources, East State Street, Box 1390, Trenton, New Jersey 08625 and the EPA Regional Office, 26 Federal Plaza, Room 908, New York, New York 10007. EPA's information regulations, 40 CFR Part 2, provide that a fee may be charged for making copies.

On January 17, 1973, the Regional Administrator notified New Jersey that certain revisions to its interstate water quality standards were necessary to make the standards consistent with the applicable requirements of the Act. On March 8, 1973, a similar notification was made for intrastate water quality standards. The State has not formally submitted the required revisions within the 90-day period allowed by sections 303(a)(1) and 303(a)(2) of the Act. Accordingly, pursuant to section 303(b)(1), EPA is now proposing regulations setting forth standards required to comply with the Act as in effect prior to October 18, 1972.

Section 303(b)(2) of the Act requires the Administrator to promulgate standards no later than 190 days after the date of publication of this notice, unless by such time the State shall have adopted a water quality standard which the Administrator determines to be in accordance with the requirements of section 303(a) of the Act. However, the Administrator is not required to await State action for the entire 190 day period prior to promulgation. Thus, these standards may be promulgated by the Administrator at any time following the expiration of time for public comment.

Except as provided in the attached proposed regulations, the interstate and intrastate standards previously adopted by the State of New Jersey as referenced above are the effective water quality standards under section 303 of the Act for interstate and intrastate navigable waters within that State. Where the proposed regulations set forth below are inconsistent with the referenced standards, these regulations, if promulgated, will supersede such standards to the extent of the inconsistency.

[1] Forms filed as part of original document.

Interested persons may submit written data, views, or arguments, in triplicate, in regard to the proposed regulations to the Regional Administrator, 26 Federal Plaza, Room 908, New York, New York 10007. All relevant material received by January 21, 1973 will be considered.

JOHN QUARLES,
Acting Administrator.

DECEMBER 11, 1973.

Chapter I of Title 40, Code of Federal Regulations, is amended as follows:

1. Part 120 is amended to add § 120.14 as follows:

§ 120.14 New Jersey water quality standards.

(a) *Waters.*—The water quality standards of this section are applicable to the interstate and intrastate waters of New Jersey.

(b) *Use Classifications.*—the following use classification will include secondary water contact recreation (e.g., fishing, boating, etc.) and propagation and maintenance of desirable (indigenous) species of aquatic life and source of public water supply as designated uses—TW-2.

(c) *Stream Classifications.*—The following waters are classified TW-2—

Main stem Rahway River, Rt. I-9 crossing to West Grand Avenue, Rahway. South Branch Rahway River, mouth to Hazelwood Avenue, Rahway. Robinsons Branch Rahway River, mouth to Hamilton Street, Rahway. Passaic River, confluence with Second River to Dundee Dam. Saddle River, mouth to head of tide.

(d) *Mixing Zones.*—For all water use classifications, the total area/or volume of a body of water assigned to mixing zones shall be limited to that which will not interfere with biological communities or populations of important species to a degree which is damaging to the ecosystem nor diminish other beneficial uses disproportionately. (This modifies an existing criterion).

(e) *Zones of Passage.*—For all water use classifications, in river systems, reservoirs, lakes, estuaries and coastal waters, zones of passage are considered to be continuous water routes, of the volume, area and quality necessary to allow passage of free-swimming and drifting organisms with no significant effects produced on their populations. These zones must be provided wherever mixing zones are allowed. (This modifies an existing criterion).

(f) *Test Procedures.*—Analyses of water quality necessary to determine compliance with water quality standards shall be performed in accordance with the requirements of 40 CFR Part 136.

(g) *Turbidity*—For FW-2, FW-3, TW-1, CW-1 and CW-2 waters, turbidity shall not exceed 10 Jackson Turbidity Units (JTU). For TW-2 waters, the turbidity shall not exceed 50 Jackson Turbidity Units (JTU). (This modifies an existing criterion).

(h) *pH.*—For CW-1 and CW-2 waters, the natural pH range shall not be altered. (This replaces an existing criterion).

(i) *Dissolved Solids.*—For FW-2 waters and for TW-1 and TW-2 waters used as public potable water supply, the maximum concentration of dissolved solids shall be 500 mg/1 or one-third above (133% total) natural characteristic levels, whichever is less. For FW-3 waters and for other TW-1 and TW-2 waters, the maximum concentration of dissolved solids shall be one-third above (133% total) natural characteristic levels. (This is an additional criterion for the State).

(j) *Phosphorus.*—For FW-2 and FW-3 waters, phosphorus as total P shall not exceed 50 ug/1 in any reservoir, lake pond or in a tributary at any point where it enters such bodies of water. (This is an additional criterion for the State)

(k) *Delaware River.* The waters of the Delaware River main system zone IC (N.Y.-N.J. State line to R.M. 217.0), Zone ID (R.M. 217.0 to R.M. 185.0), Zone IE (R.M. 185.0 to R.M. 133.4), Zone 2 (R.M. 133.4 to R.M. 108.4), Zone 108.4 to R.M. 95.0), Zone 4 (R.M. 95.0 to R.M. 78.8), Zone 5 (R.M. 78.8 to R.M. 48.2) and Zone 6 (R.M. 48.2 to R.M. 0.0)—shall meet the following use description and criteria:

(1) *Use Description.* The following Zones shall include, as a use primary contact recreation—Zone IC, ID, IE, 2 (above R.M. 117.81), 5 (below R.M. 59.5) and 6.

(2) *Dissolved Oxygen (DO).* For Zones IC, ID, and IE, the daily average DO concentration shall not be less than 5.0 mg/1. For Zone 6, the DO concentration shall not be less than 5.8 mg/1 at any time from other than natural conditions. (This modifies an existing criterion).

(3) *Dissolved Solids.* For Zones IC, ID, IE, 2 and 3, the maximum concentration of dissolved solids shall be 500 mg/1 or one-third above (133% total) natural characteristic levels, whichever is less. (This is an additional criterion for the State). For Zone 4, the maximum concentration of dissolved solids shall be one-third (133% total) natural characteristic levels. (This is an additional criterion).

(4) *Turbidity.* For Zone IC, turbidity shall not exceed a monthly mean of 20 Jackson Turbidity units (JTU) nor shall any value exceed 150 JTU. For Zone ID, turbidity shall not exceed a monthly average of 20 JTU nor shall any value exceed 150 JTU. For Zone IE, turbidity shall not exceed a monthly average of 30 JTU nor shall any value exceed 150 JTU. (All above are additional criteria for the State). For Zone 2, from May 30 to September 15 above R.M. 117.81, turbidity shall not exceed a maximum of 30 JTU. (This modifies an existing criterion).

(5) *Bacterial Quality.* For Zone 5 above R.M. 59.5, fecal coliform shall not exceed a geometric mean of 770 per 100 ml; below R.M. 59.5, fecal coliform shall not exceed a geometric mean of 200 per 100 ml from other than natural conditions. (This replaces an existing criterion).

(6) *Phenol.* For Zone 5 and 6, phenol shall exceed 0.010 mg/1 except from natural conditions. (This replaces an existing criterion).

(7) *Temperature.* For all Zones, the rate of temperature change in designated mixing zones shall not cause mortality of the biota. For Zone 5, no heat may be added except in designated mixing zones which would cause temperatures to exceed 86° F or which would cause the monthly mean of maximum daily temperatures at any site, prior to the addition of heat to be increased by more than 40° F during September through May, or to be increased by more than 1.5° during June through August. For Zone 6, the criteria for Zone 5 apply except the maximum temperature shall be 85° F. (This replaces an existing criterion).

(8) *Thermal Mixing Zones.* For Zone IC, heat dissipation areas shall have a maximum length of 1000 feet. (This replaces an existing criterion). For Zones 2, 3, 4, 5 and 6, adjacent waste discharges shall not result in heat dissipation areas in such proximity to each other as to impair protected uses. For Zones 2, 3, and 4, mixing zones shall be limited to no more than ¼ of the cross-sectional area and/or volume of flow of the body of water, leaving ¾ free as a zone of passage including a minimum of ⅓ of the surface measured from shore to shore at any stage of tide, nor shall the length of the mixing zone exceed 3500 feet. For Zones 5 and 6, the length of the mixing zone shall not exceed 3500 feet. (This is an additional criterion for the State).

(l) *Thermal Mixing Zones.* As a guideline for FW-2, FW-3, TW-1 and TW-2 waters, thermal mixing zones shall be limited to no more than ¼ of the cross-sectional area and/or volume of the flow of stream or estuary, leaving at least ¾ free as a zone of passage, including a minimum of ⅓ of the surface measured from shore to shore at any stage of tide or flow. (This is an additional criterion for the State).

[FR Doc.73-26857 Filed 12-19-73;8:45 am]

[40 CFR Part 120]

NAVIGABLE WATERS OF THE STATE OF NEW YORK

Proposed Water Quality Standards

Notice is hereby given that pursuant to the authority of section 303(b) of the Federal Water Pollution Control Act, as amended, ((33 U.S.C. 1251, 1313(b)); 86 Stat. 816 et seq.; Pub. L. 92-500), regulations setting forth standards of water quality to be applicable to the navigable waters of the State of New York are proposed.

Under section 303(a) of the Act, the Administrator of the Environmental Protection Agency is required to review water quality standards for interstate and intrastate waters adopted and submitted by the States. When he determines that changes in such standards are required to meet the requirements of the Act as in effect prior to October 18, 1972, (the date of enactment of the 1972 Amend-

ments to the Act, Pub. L. 92-500), he must notify the State. If the State does not adopt the required revisions, or if the revisions submitted by the State do not meet the requirements of the Act, the Administrator is to publish proposed revised water quality standards in accordance with such requirements.

The State of New York, prior to October 18, 1972, adopted water quality standards for both interstate and intrastate waters. After the enactment of the 1972 Amendments, EPA reviewed both the interstate and intrastate standards pursuant to section 303(a) of the Act. (A notice concerning EPA review of all interstate and intrastate water quality standards was published in the FEDERAL REGISTER on December 29, 1972, 37 FR 2877-28780). The interstate standards for New York are identified in 40 CFR Part 120 (37 FR 6087, March 24, 1972). The intrastate standards are contained in the same document which sets forth the standards for interstate waters. The standards document is available for inspection and copying at the Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12101 and at EPA's Regional Office, Region II, 26 Federal Plaza, New York, New York 10007. EPA's information regulations, 40 CFR Part 2, provide that a fee may be charged for making copies.

On January 17, 1973, the Regional Administrator notified New York that certain revisions to its interstate water quality standards were necessary to make the standards consistent with the applicable requirements of the Act. On March 13, 1973, a similar notification was made for intrastate water quality standards. The State has not formally submitted the required revisions within the 90-day period allowed by sections 303(a)(1) and 303(a)(2) of the Act. Accordingly, pursuant to section 303(b)(1), EPA is now proposing regulations setting forth standards required to comply with the Act as in effect prior to October 18, 1972.

Section 303(b)(2) of the Act requires the Administrator to promulgate standards no later than 190 days after the date of publication of this notice, unless by such time the State shall have adopted a water quality standard which the Administrator determines to be in accordance with the requirements of section 303(a) of the Act. However, the Administrator is not required to await State action for the entire 190 day period prior to promulgation. Thus, these standards may be promulgated by the Administrator at any time following the expiration of time for public comment.

Except as provided in the attached proposed regulations, the interstate and intrastate standards previously adopted by the State of New York, as referenced above, are the effective water quality standards under section 303 of the Act for interstate and intrastate navigable waters within that State. Where the proposed regulations set forth below are inconsistent with the referenced standards, these regulations, if promulgated, will supersede such standards to the extent of the inconsistency.

Interested persons may submit written data, views, or arguments, in triplicate, in regard to the proposed regulations to the Regional Administrator, Region II, 26 Federal Plaza, New York, New York 10007. All relevant material received by March 20, 1974 will be considered.

JOHN QUARLES,
Acting Administrator.

DECEMBER 11, 1973.

Chapter I of Title 40, Code of Federal Regulations, is amended as follows:

1. Part 120 is amended to add a new § 120.13 as follows:

§ 120.13 New York water quality standards.

(a) *Waters.* The water quality standards of this section are applicable to the interstate and intrastate waters of New York.

(b) *Stream Classifications.* All waters presently classified I-I shall be reclassified Class I. The streams or stretches thereof listed below shall be reclassified B or C as indicated. The remaining waters presently classified D, SD or II shall be reviewed periodically by the Department of Environmental Conservation and the Environmental Protection Agency and reclassified C, SC or I as further evidence indicates such action is warranted.

The following waters shall be reclassified Class C: 6NYCRR: 815.6 items 914 (Brush Brook & Tribs.), 927 (Trib. of W. Branch Delaware R.); 863.6 items 61 (Tribs. of Nortse Creek), 84 (Renwick Brook), 259 (Murderers Creek), 264 (Rocky Brook), 360 (Wyomanock Creek), 404 (Claverack Creek), 419 (Taghkanic Creek), 425 (Mud Creek), 467 (Hollowville Creek), 543 (Coeyman's Creek), 550 (Onesquethaw Creek), 604 (N. Branch Moordener Kill), 652 (Vly Creek), 702 (Mill Creek), 704 (Mill Creek), 776 (Poesten Kill); 940.4 items 85 (Shingle Hollow Creek), 94 (Little Hoosic River), 115 (Trib. of Little Hoosic River), 117 (Trib. of McGan Brook); 879.6 items 103 (Little Schoharie Creek), 106 (Little Schoharie Creek), 231 (Tribs. of Batavia Kill); 910.6 items 6 (English River), 15 & 16 (Hinchin Brook), 19 & 21 (Collins Brook), 25 (Chateaugay River), 39 (Lower Chateaugay Lake Tribs.), 43 (Chateaugay Narrows), 44 & 45 (Upper Chateaugay Lake), 80 (Trout River), 81, 87, 90, 92, 98, 100, 104, 107, 116 (Salmon River, L. Salmon River), 117 (portion), 117 (portion), 140 (portion), 140 (portion), 143, 147, 149, 153, 155, 157 (portion), 157 (portion), 158, 163, 165, 167, 170, 172, 174 & 175, 177, 187, 189, 197, 200, 201, 205 (St. Regis River), 226, 236, 273 (Stoney Brook), 282, 284, 302, 323 (West Branch St. Regis River, Lake Ozonia Outlet), 327, 330, 332 (Leach Pine Brook and Tribs.), 334 (Leach Pine Brook), 345 (Pleasant Brook), 352, 359 (Chap Brook), 361, & 362, 364, 374 (Osgood River), 385 (Hays Brook), 390, 392, 402, 406, 407, 410, 413, 417, 420, 422, 426, 432, 433, 435, 527, 529, 561 (Mt. Brook), 562 (Willis Brook), 564 (Black Brook), 568, 607, 624, 628, 633 (Little Wolf Pond Tribs.), 644, 649, 657, 660, 663, 664, 665, 667, 747, 750, 751, 763, 788, 791, 1214 (Blanchard Creek), 1309, 1321, 1332, 1334 (Clear Creek), 1348 (portion), 1348 (portion), 1348 (portion), 1362 (portion), 1404 (Fish Creek), 1432 (portion), 1432 (portion), 1432 (portion), 1432 (portion), 1432 (portion), 1500 (Stammer Creek), 1502 (Paddy Brown Brook), 1542, 1568 (portion), 1568 (portion), 1122 (Little Black Creek), 1125 (Pleasant Creek), 1139, 1146 (Trout Brook), 1150 (Black Creek, Spring Brook), 1426 (Mullins Marsh Creek), 1426 (portion), 1464 (Blanchard Creek), 1546, 1460, 1403, 468 (Parkhurst Brook), 493 (portion) 493 (portion), 495 (portion), 495 (Dead Creek), 522, 608, 962, 982 (Bullock Creek), 994 (portion), 994 (Gibbons Brook), 994 (Edmond Brook), 994 (portion), 994 (portion), 999 (portion), 999 (portion), 999 (portion), 999 (portion), 1000, 1001 (Orebed Creek), 1007, 1008 (Buck Brook), 1011, 1012, 1013, 958 (Boyden Brook), 986 (Cedar Lake St.), 1650 (Mullett Creek), 1651 (portion), 1651 (portion), 1651 (portion), 230 (Allen Brook), 267 (Barton or Trout Brook), 259 (Trout Brook), 311 (Big Hollow Brook); 922 items 9 (Tuthills Creek), 11 (Patchogue Creek), 19 (Swan Creek), 35 (Beaver Dam Creek), 41 (Carmans River); 931.4 items 1393 (Carrs Creek), 1486 (Brier Creek), 1488 (Brier Creek), 1810 (Trib. of Susquehanna R.), 1018 (Trib. of Unadilla River), 1059 (Cahoon Creek), 1083 (Trib. of Butternut Creek), 1423 (Handsome Brook), 1425 (East Branch Handsome Brook), 1432 (West Branch Handsome Brook), 1439 (Treadwell Creek), 1620 (Kortright Creek), 1732 (Tribs. of Schenevus Creek), 1734 (Trib. of Schenevus Creek), 1762 (Trib. of Schenevus Creek), 1764 (Trib. of Trib. of Schenevus Creek), 1920 (Oaks Creek), 1934 (Trib. of Canadarago Lake), 1939 (Trib. of Canadarago Lake).

The following waters shall be reclassified Class B: 6NYCRR: 800.4 items 1 (Hare Creek), 2 (E. Branch French Creek), 34 (W. Branch French Creek); 800.5 items 4 (Little Brokenstraw Creek), 30 (Brokenstraw Creek); 800.6 item 4 (Conewango Creek); 802.4 items 1 (Honeoye Creek), 32 (Allegheny River), 57 (Knapp Creek-Quaker Run), 204 (Indian Creek-Tunungwant Creek); 811.6 item 271 (Troups Creek); 815.6 items 811 (Cat Hollow Creek) and 813 (Starboard Creek); 839.6 item 118 (Twenty Mile Creek); 931.4 item 904 (Cascade Creek).

(c) *Class A-special.* For waters classified A-special, the General and the Specific Objectives of the Great Lakes Water Quality agreement, April 1972, shall apply. (This modifies an existing criterion)

(d) *Stream Flow.* For all waters, the water quality standards shall apply at all times except during periods when flows are less than the minimum average 7-consecutive day low flow which occurs once in ten years (MA7CD/10yr). Contingency plans will govern during critical periods when stream flows are less than the MA7CD/10yr. (This modifies an existing criterion)

(e) *Mixing Zones.* For all water use classifications, the total area and/or volume of a receiving stream assigned to mixing zones shall be limited to that which will not interfere with biological communities or populations of important species to a degree which is damaging to the ecosystem nor diminish other beneficial uses disproportionately. (This modifies an existing criterion)

(f) *Zones of Passage.* For all water use classifications, in river systems, reservoirs, lakes, estuaries and coastal waters, zones of passage are continuous water routes of the volume, area and quality necessary to allow passage of free-swimming and drifting organisms with no significant effects produced on their populations. These zones must be

provided wherever mixing zones are allowed.

(i) Because of varying local physical and chemical conditions and biological phenomena, no single value can be given on the percentage of river width necessary to allow passage of critical free-swimming and drifting organisms so that negligible or no effects are produced on their populations. (This modifies an existing criterion)

(g) *Analytical Testing.* For all water use classifications, all participating laboratories shall routinely utilize laboratory and quality control procedures in a manner mutually agreed upon by the Department of Environmental Conservation and Regional Administrator, Environmental Protection Agency. (This replaces an existing criterion)

(h) *Dissolved Oxygen (DO).* For all cold fresh waters suitable for trout spawning the DO concentration shall not be less than 7.0 mg/1 from other than natural conditions.

(1) For trout waters classified AA, A, B or C the minimum daily average DO concentration shall not be less than 6.0 mg/1. At no time shall the DO concentration be less than 5.0 mg/1 except from natural conditions. In large streams that have some stratification or that serve principally as migratory routes DO levels may range between 4.0 and 5.0 mg/1 for periods up to 6 hours, but in no case shall the DO be below 4.0 mg/1.

(2) For nontrout waters classified AA, A, B or C (streams, unstratified lakes and epilimnion of stratified lakes) the minimum daily average DO concentration shall not be less than 5.0 mg/1. At no time shall the DO concentration be less than 4.0 mg/1 except from natural conditions. Within the hypolimnion of small, inland oligotrophic lakes and large lakes, the DO concentration shall not be less than 6.0 mg/1 from other natural conditions. (These proposals modify existing criteria)

(3) For waters classified 1, the DO concentration shall not be less than 4.0 mg/1 from other than natural conditions.

(i) *Dissolved Solids.* For waters classified AA and A, the maximum concentration of dissolved solids shall be 500 mg/1. For waters classified B and C, concentrations of total dissolved solids shall not be changed to the extent that the biological communities characteristic of particular habitats are significantly changed. (This is an addition criterion for the State)

(j) *Bacterial Quality.* For waters classified AA, A, B, SB and 1, Fecal coliform levels shall not exceed a geometric mean of 200 per 100 ml.

(1) For waters classified C and SC, a geometric mean of 10,000 total coliform or of 2,000 fecal coliforms per 100 ml shall not be exceeded. (This modifies an existing criterion)

(k) *Color and Turbidity.* For waters classified AA, turbidity shall not exceed 5 Jackson Turbidity Units (JTU). For all water use classifications, there shall be no increase in turbidity, except from natural conditions, that will cause a substantial, visible contrast to the natural conditions. (This is an additional criterion for the State)

(l) *Taste and Odor Producing Substances.* For all water use classifications, none in amounts that will render any undesirable taste or odor to edible aquatic life or impair the waters for any other best usage. (This modifies an existing criterion.)

(m) Waters of the mainstem of the Delaware River shall meet the criteria of Class A (trout or non-trout as applicable) with the exception of pH, turbidity and thermal which shall be as follows: The pH shall range between 6.0 and 8.5. The turbidity shall not exceed a monthly average of 10 Jackson Turbidity Units (JTU) nor shall any value exceed 150 JTU.

(1) For Zone 1B, the water temperature at the surface of a stream shall not be raised to more than 90°F at any point. Further, in at least 50 percent of the cross sectional area and/or volume of flow of the stream including a minimum of ½ of the surface as measured from shore to shore or the width encompassing one-half of the entire cross-sectional area of the stream, whichever is less, the temperature shall not be raised to more than 5°F at any point over the temperature that existed before the addition of heat of artificial origin or to a maximum of 87°F which ever is less. Further, the discharge must meet the additional requirements that at no more than a distance of 1000 feet or 20 times the average width of the stream, whichever is less, measured from the point where the waste discharge enters the stream, shall the temperature be raised more than 5°F over the temperature that existed before the addition of heat of artificial origin or to a maximum of 87°F, whichever is less. For the protection of the aquatic biota from severe temperature changes, routine shutdown of an entire thermal discharge at any site shall not be scheduled during the period from December through March. For Zone 1A, the maximum temperature shall be 58°F or natural ambient with a 5°F temperature rise allowed to a maximum of 50°F and a 2°F temperature raise allowed to a maximum of 58°F. Further the thermal discharge shall not cause the temperature criteria to be exceeded beyond a distance of no more than 1000 feet or 20 times the average width of the stream, whichever is less, measures from the point where the waste discharge enters the stream, nor beyond a width of 50 percent of the surface as measured from shore to shore or the width encompassing one-half of the entire cross-sectional area of the stream, whichever is less, nor beyond 50 percent of the cross-sectional area and/or volume of the flow of the stream. This modifies existing State criteria.

[FR Doc.73-26856 Filed 12-19-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19833]

FM BROADCAST STATIONS IN BEAUFORT, SOUTH CAROLINA

Order Extending Time For Filing Comments and Reply Comments

In the matter of amendment of § 73.202 (b), table of assignments, FM Broadcast Stations. (Beaufort, South Carolina); Docket No. 19833, RM-2088.

1. On September 26, 1973, the Commission adopted a notice of proposed rulemaking in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on October 9, 1973, 38 FR 27844. Comment and reply comment dates are presently December 10 and December 21, 1973, respectively.

2. On December 6, 1973, counsel for Sea Island Broadcasting Corporation (proponent in this proceeding) requested that the time for filing comments be extended to December 21, 1973. Counsel states that the additional time is necessary because certain of the information requested in the notice of proposed rulemaking has not been able to have been gathered.

3. We are of the view that the public interest would be served by extending the time in this proceeding. *Accordingly, it is ordered,* That the dates for filing comments and reply comments are extended to and including December 21, 1973 and January 4, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules.

Adopted: December 11, 1973.

Released: December 14, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73-26874 Filed 12-19-73;8:45 am]

[47 CFR Part 73]

[Docket No. 19842]

FM BROADCAST STATIONS IN MISSOURI

Order Extending Time For Filing Reply Comments

In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Stations. (Cape Girardeau, Dexter, Portageville, Caruthersville, and Malden, Missouri); Docket No. 19842, RM-2005 and RM-2117.

1. On October 3, 1973, the Commission adopted a notice of proposed rulemaking in the above entitled proceeding. Publication was given in the FEDERAL REGISTER on October 15, 1973, 38 FR 28573. The date for filing comments has expired and the date for filing reply comments is December 14, 1973.

2. On December 11, 1973, Sudbury Services, Inc., licensee of Station KHLS, Blytheville, Arkansas, and KBOA, Inc., requested that the time for filing reply comments be extended 30 days in order to make further study and to consult with legal advisor.

3. It appears that the requested extension is warranted. *Accordingly, it is ordered,* That the date for filing reply comments is extended to and including January 14, 1974.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules.

Adopted: December 12, 1973.

Released: December 14, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73-26875 Filed 12-19-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-10651]

BROKER-DEALERS

Proposed Exemption of Certain Whole Loan Mortgages

The Securities and Exchange Commission announced today a proposal to adopt Rule 3a12-4 (17 CFR 240.3a12-4) and rescind Rule 15a-1 (17 CFR 240.15a-1) under the Securities Exchange Act of 1934, (the "Act"). The principal effect of the new rule would be to exempt broker-dealers dealing solely in whole loan mortgages (under certain conditions) and other exempt securities from the operation of subsections (a) and (c)(3) of section 15 of the Act which provide respectively, for registration of broker-dealers and for regulation of their financial responsibility by the Commission. Rule 15a-1 currently provides only an exemption from the operation of the registration requirement of broker-dealers.

The Federal Home Loan Mortgage Corporation [1] ("FHLMC") has determined to implement its Congressional mandate [2] to create a liquid secondary market in residential mortgages by establishing a pilot project for an automated trading information system that would list offerings to buy and sell: (1) Aggregated and individual whole loan mortgages originated by private lenders and which have not passed through FHLMC; (2) guaranteed and non-guaranteed aggregated whole loan mortgages and guaranteed participation certificates, which "pass-through" FHLMC; and (3) Government National Mortgage Association [3] pass-through securities. Non-guaranteed whole loan mortgages and participation interests, however, will not be listed on the system unless they are registered under the Securities Act of 1933, or are exempt from registration.[4] FHLMC will supervise, monitor and coordinate with the Commission on the regulation of this system.

In view of the Congressionally determined public need for more capital to be made available for real estate mortgages, the Commission has been working with FHLMC in clarifying the applicability of the federal securities laws to the establishment and operation of the pilot system.[5] The Commission's action today is related directly to this joint effort.

There has been some question as to whether broker-dealers who were exempt from registration because they dealt solely in whole loan mortgages, as provided in Rule 15a-1, were still required to comply with other provisions of the Act applicable to brokers and dealers, particularly the various financial responsibility rules under section 15(c)(3).

In view of the special nature of the mortgage market and the participants in that market, the Commission has not sought to establish a unique regulatory structure governing the financial responsibility of such firms. The Commission believes it would be appropriate to exempt all brokers and dealers who deal solely in whole loan mortgages, where the entire evidence of indebtedness is transferred and the unpaid principal amount of the individual loan or aggregate whole loans involved in the transactions is at least $50,000, from the operation of section 15(c)(3) of the Act. In this regard, it should be noted that FHLMC has devised certain financial standards that must be maintained by the participants in its proposed automated system.

Since there are mortgage brokers and dealers who may not participate in FHLMC automated system and therefore may not be subject to financial responsibility oversight of FHLMC, the Commission believes that where a broker or dealer sells an exempted whole loan mortgage there should be a minimum cash requirement for the transaction. Thus, in order to maintain the status quo with respect to the sophistication of the participants in the mortgage market, the exemption under the proposed rule would be available in the case of a sale of the whole loan mortgage by a broker-dealer, if at the time of such sale such whole loan mortgage has an unpaid principal amount of at least $50,000, or is a part of an "aggregate whole loan mortgage" [6] sold by the broker or dealer and the unpaid principal amount of the aggregated whole loan mortgage is at least $50,000.

While the Commission favors a substantial maintenance of the status quo with respect to exempting mortgage broker-dealers from registration, as presently accomplished by Rule 15a-1, it would rescind that rule and place the substance of its provisions within proposed Rule 3a12-4. This would eliminate a question which has arisen as to whether such broker-dealers are required to register if they also deal in other securities qualified as "exempted securities under section 3(a)(12) of the Act and Commission rules under that section."[7]

It should be noted that proposed Rule 3a12-4 would not exempt transactions in qualified whole loan mortgages from other provisions of the Act (i.e. other than subsections (a) and (c)(3) of section 15) and implementing Commission rules under those provisions. For example, these transactions would not be exempt from the margin and antifraud provisions.

It should also be noted that the exemptions afforded by the proposed rule may be inapplicable if the mortgage is sold as part of an "investment contract." For example, the following is a list of accompanying services retained (i.e., not transferred with the mortgage) and other attributes afforded by the seller or someone other than the buyer that the Commission has previously indicated [8]

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[1] FHLMC was established by Title III of the Emergency Home Finance Act of 1970, cited as the "Federal Home Mortgage Corporation Act," codified as 12 U.S.C. 1451-1459. FHLMC's capital stock consists solely of non-voting common stock held by the twelve Federal Home Loan Banks and its Board of Directors is composed of the three members of the Federal Home Loan Bank Board. It is an integral part of the Federal Home Loan Bank System.

[2] The Emergency Home Finance Act of 1970 was enacted following a determination by Congress that the nation needed more capital in residential mortgages and that this could be best accomplished by the establishment of a liquid market for such securities. FHLMC was established by this Act with the power "to make and enforce such by-laws, rules and regulations as may be necessary or appropriate to carry out the purposes or provisions of this title." 12 U.S.C. 1452(b)(3).

[3] The Government National Mortgage Association, pursuant to section 306(g) of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. (Supp. IV) 1721(g)), issues securities (referred to as "pass through" securities) which are guaranteed as to timely payment of principal and interest with the full faith and credit of the United States. These securities are collateralized by pools of Federal Housing Administration (FHA) and /or Veteran Administration (VA) guaranteed mortgages.

[4] It should be noted that the Commission has proposed Rule 239 for adoption under the 1933 Act, which would have the effect of exempting non-guaranteed whole loan mortgages from the registration provisions of that Act, under certain circumstances. Securities Act Release No. 5419 (September 7, 1973) and in the FEDERAL REGISTER for September 10, 1973 at 38 FR 24668.

[5] See Securities Exchange Act Release No. 34-9865 (November 17, 1972), relating to the adoption of Rule 3a12-1.

[6] The rule would define an "aggregated whole loan mortgage."

[7] A question has been raised as to whether whole loan mortgages can be aggregated and sold without losing their exempt status under Rule 15a-1. Neither the exemption afforded by Rule 15a-1 nor Rule 3a12-4, if adopted, would be lost by such aggregation.

[8] See Securities Exchange Act Release No. 34-5633 (January 31, 1958) (Interpretation of Rule 15a-1 noting these eleven attributes).

may result in a mortgage constituting a part of an investment contract:

1. Complete investigation and placing service.
2. Servicing collection, payments, foreclosures, etc.
3. Implied or express guarantee against loss at any time or providing a market for the underlying security.
4. Making advances of funds to protect the security of the investment.
5. Acceptance of small uniform or continuous investments.
6. Implied or actual guarantee or specified yield or return.
7. Continual reinvestment of funds.
8. Payment of interest prior to actual purchase of the mortgage or trust note.
9. Providing for fractional interest in mortgages or deeds of trust.
10. Circumstances which necessitate complete reliance upon the seller, e.g., great distance between mortgaged property and investor.
11. Seller's selection of the mortgage or deed of trust for the investor.

The Commission notes, however, that it does not generally consider the retention of attribute #2 alone sufficient to change a mortgage transaction into one involving an investment contract.

STATUTORY BASIS

The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 3(a)(12), 15(a)(2), 15(c)(3) and 23(a) thereof, and deeming it necessary and appropriate in the public interest and for the protection of investors hereby proposes to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by rescinding § 240.15a–1 in its entirety and adopt § 240.3a12–4.

§ 240.3a12–4 Exemption from section 15(a) and 15(c)(3) for certain whole loan mortgages.

(a) When used in this rule the following terms shall have the meanings indicated:

(1) The term "whole loan mortgage" means an evidence of indebtedness secured by mortgage, deed of trust, or other lien upon real estate or upon leasehold interests therein where the entire mortgage, deed or other lien is transferred with the entire evidence of indebtedness.

(2) The term "aggregated whole loan mortgage" means two or more whole loan mortgages that are grouped together and sold to one person in one transaction.

(b) A whole loan mortgage shall be deemed an "exempted security" for purposes of subsections (a) and (c)(3) of section 15 of the Act: *Provided*, That, in the case of and at the time of any sale of the whole loan mortgage by a broker or dealer, such whole loan mortgage—

(1) Has an unpaid principal amount of at least $50,000 or

(2) Is a part of an aggregated whole loan mortgage sold by the broker or dealer and the unpaid principal amount of the aggregated whole loan mortgage is at least $50,000.

All interested persons are invited to submit their views and comments on the proposed rule. Written statements of views and comments should be addressed to Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, on or before January 31, 1974. Reference should be made to file Number S7–501. All such comments will be available for public inspection.

(Secs. 3(a)(12), 15(a)(2), 15(c)(3), 23(a); 48 Stat. 882, 895, 901; as amended 49 Stat. 1379, 52 Stat. 1075, 78 Stat. 565, 84, Stat. 1653, 15 U.S.C. 78(c), 78o(a), 78o(c)(3), 78w(a))

By the Commission.

[SEAL] George A. Fitzsimmons,
Secretary.

DECEMBER 13, 1974.

[FR Doc.73–26854 Filed 12–19–73;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–96]

LAW OF THE SEA ADVISORY COMMITTEE

Notice of Closed Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that the Advisory Committee on the Law of the Sea will hold a closed meeting on Thursday, Friday and Saturday, January 10, 11 and 12, 1974.

The purpose of this meeting is to continue the discussion of issues relating to the forthcoming U.N. Law of the Sea Conference. Documents classified under the provisions of Executive Order 11652 will be circulated and discussed. These classified documents contain background information and proposals relating to the issues which the U.S. is to negotiate at the International Conference, and are exempt under (55 U.S.C. 552(b)(1)) and that in the public interest are required to be withheld from disclosure. The issues cover such subjects as territorial claims, marine resources, marine environment, transit rights, and other related topics involving security and economic matters. In addition, the Advisory Committee will be briefed by the members of the U.S. Delegation to the Third United Nations Conference on the Law of the Sea, whose organizational session was held December 3–14 in New York City, and whose substantive session will be held during the summer of 1974 in Caracas, Venezuela.

The Advisory Committee on the Law of the Sea comprises a broad cross-section of industries, professions, academic disciplines and other public groups. As such, it will comprehensively review the issues which will come before the Conference.

Dated: December 7, 1973.

MYRON H. NORDQUIST,
Executive Secretary.

[FR Doc.73-26920 Filed 12-19-73;8:45 am]

[Public Notice CM–95]

NORTHWEST ATLANTIC FISHERIES ADVISORY COMMITTEE

Notice of Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is given that the Northwest Atlantic Fisheries Advisory Committee, to the U.S. Commissioners to the International Commission for the Northwest Atlantic Fisheries (ICNAF), shall hold a meeting on Thursday, January 3, 1974. The meeting, a portion of which will be open to the general public, will be held in Room 1112 of the JFK Federal Building in Boston, Massachusetts. The open session will commence at 10:30 a.m. and continue to noon. The discussions at the meeting will focus on the 4th Special Meeting of the International Commission for the Northwest Atlantic Fisheries to be held in Rome, January 22–30, 1974. The meeting will open with a review of the ICNAF Special Meeting agenda. This includes twenty proposals for new or revised fishery quotas, possible revision of four other ICNAF regulations dealing with exemptions, a closed area, and fishing gear, as well as further improvements to the ICNAF Joint Inspection Scheme. This will be followed by a review of the status of stocks in the ICNAF Area by scientists of the National Marine Fisheries Service. There will then be an open discussion of the items on the ICNAF agenda. An election of Chairman of the Advisory Committee will also be held.

Following a luncheon break, the Advisory Committee and the U.S. Commissioners will devote their discussions to development of the U.S. negotiating position at the Special Meeting. Pursuant to section 4 of the Northwest Atlantic Fisheries Act of 1950 which provides that the advisory committee * * * shall be given full opportunity to examine and to be heard on all proposed programs of investigation, reports, and recommendations of the United States Commissioners * * * the members of the Advisory Committee will examine the possible positions to be taken by the U.S. Commissioners. This discussion will necessarily involve discussion of classified material, the premature disclosure of which would adversely affect the ability of the U.S. negotiators at the Special Meeting to achieve U.S. fisheries and foreign policy objectives. As it has been determined that this portion of the meeting will involve discussion of matters exempt from public disclosure under (5 U.S.C. 552(b)(1)) and that the public interest requires that such discussions be withheld from disclosure, this portion of the meeting will not be open to the general public.

Dated: December 18, 1973.

WILLIAM L. SULLIVAN, Jr.,
Assistant Coordinator of Ocean Affairs.

[FR Doc.73-26919 Filed 12-19-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

COMMUNITY COLLEGE OF THE AIR FORCE ADVISORY COMMITTEE

Notice of Meeting

DECEMBER 13, 1973.

The Community College of the Air Force (CCAF) Advisory Committee is scheduled to meet at 8:30 a.m. on January 22, 1974, at the Community College of the Air Force, Randolph Air Force Base, Texas. The meeting is open to the public and will be held in Room 105, Building 661, at Randolph Air Force Base.

Agenda items include discussions of the status of accreditation of CCAF by the Southern Association of Colleges and Schools/Commission on Occupational Education Institutions; CCAF and Commission on Accreditation of Service Experiences (CASE) agreements; and briefings by the CCAF staff on education programs.

For further information on this meeting, contact Major W. A. Wojciechowski, (512) 652–5014.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-26877 Filed 12-19-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA STRIP DISTRICT ADVISORY BOARD

Notice of Protest Meeting

Protest meeting of the Advisory Board for the Arizona Strip District will be held at 9 a.m. on January 9, 1974, at the Arizona Strip District Office, 196 East Tabernacle, St. George, Utah. The Agenda will include protests resulting from District Manager's decisions on grazing licenses, county monies and any other business needing to come before the Board.

The meeting is open to the public insofar as seating is available. Persons interested in appearing before the Board may file a written statement with the chairman of the Advisory Board for consideration.

GARTH M. COLTON,
District Manager.

DECEMBER 13, 1973.

[FR Doc.73-26881 Filed 12-19-73;8:45 am]

[Serial No. I-06620]

IDAHO

Partial Termination of Proposed Withdrawal and Reservation of Lands

Correction

DECEMBER 13, 1973.

In FR Doc. 73-25583 appearing on page 33422 of the issue for Tuesday, December 4, 1973, the third line reading "Sec. 10, Lots 1, 2, 4;", should read, "Sec. 10, W½NE¼, SE¼NE¼, N½NW¼;"

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc.73-26878 Filed 12-19-73;8:45 am]

OREGON

Closure of Lands Within the Wild River Area of the Rogue River Component

Public notice is hereby given that by authority of the Wild and Scenic Rivers Act (16 U.S.C. 1271-87); the notice of revised development and management plans for the Rogue National Wild and Scenic River, Oregon, 37 FR 13408, July 7, 1972; 43 CFR Subpart 1725, Part 2920, and Groups 6000 and 6200; 36 CFR 251.25, and in the interest of protecting and enhancing the values which caused portions of the Rogue River to be included in the Wild and Scenic River System, the Federal lands described in 34 FR 15571, October 7, 1969, and 37 FR 13415, July 7, 1972, which are located between the mouth of Grave Creek and the mouth of Watson Creek, are hereby closed to all outfitters and guides when engaged in commercial operations except those who have obtained a current letter of authorization and are in compliance with the provisions therein.

1. For purposes of this notice an outfitter is defined as any person who as a business venture arranges river floattrips for the public and in conjunction therewith supplies equipment and guides.

2. For purposes of this notice a guide is defined as any person who when operating on the Rogue River is required by Oregon Laws 1973, Chapter 304, to obtain a valid boat operator license or is required by ORS 497.750 to obtain a valid guide's license.

3. Outfitters who arranged two or more separate float-trips down the Rogue River from Grave Creek to Watson Creek in 1973, shall be authorized to continue the use of the river and the above-described federal lands at the same level of use established in 1973, *Provided however*, That the maximum party size shall not exceed 25 persons unless specifically authorized and, *Provided further*, That such authorized outfitter shall not in any event schedule more than two parties per week. Guides hired by an outfitter in conjunction with an authorized float-trip shall also be permitted to use the river and the described federal lands.

4. Proof of the level of use in 1973 will rest upon the outfitter. An Outfitter History and Proposed Use form is available by writing or phoning the Bureau of Land Management District Manager, 310 W. Sixth Street, Medford, Oregon 97501 (Tel: (503) 779-2351) or the District Ranger, Gold Beach Ranger District, P.O. Box 548, Gold Beach, Oregon 97444 (Tel: 503-247-6651). The form, including the 1974 trip schedule, must be completed and returned to the Bureau of Land Management or the Forest Service by February, 1974. The United States at its discretion may require additional proof sufficient to establish 1973 use.

5. Outfitters having established a 1973 level of use shall be sent a joint Letter of Authorization issued by the Bureau of Land Management and the Forest Service on or before March 1, 1974. Such Letter of Authorization shall allow the use of the river and the described Federal lands at the level of established use pending the initiation of a formal permit system. It also shall require that any modification of the 1974 trip schedule be submitted prior to its effective date.

This notice shall become effective December 20, 1973 and shall continue in effect until January 1, 1975, unless previously revoked. Use levels in future years will depend on a continuing analysis of capacity.

ARCHIE D. CRAFT,
State Director,
Bureau of Land Management.

ROBERT H. TORHEIM,
Deputy Regional Forester,
Forest Service.

DECEMBER 19, 1973.

[FR Doc.73-26879 Filed 12-19-73;8:45 am]

PINEDALE GRAZING DISTRICT ADVISORY BOARD

Notice of Meeting

DECEMBER 12, 1973.

Notice is hereby given that the Pinedale Grazing District Advisory Board will hold a meeting on January 15, 1974, 10:00 a.m. at the Pinedale Area Office, Bureau of Land Management, Molyneux Building, Pinedale, Wyoming. The agenda for the meeting will include minutes of the December 11, 1973 meeting; district reorganization; review of Federal Advisory Committee Act; 1974 grazing fees; results of December 11 actions on grazing applications; 1974 range improvement program (carry over item from December meeting); progress reports by resource staff specialists.

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 Albert P. Sommers, Chairman, Pinedale District Advisory Board, c/o District Manager, Bureau of Land Management, PO Box 1088, Rock Springs, Wyoming 82901.

HUGH A. WALL,
District Manager.

[FR Doc.73-26846 Filed 12-19-73;8:45 am]

PRINEVILLE DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Prineville District Advisory Board will meet on January 10, 1974, commencing at 9:30 AM, in the Prineville District Office, Bureau of Land Management, 185 East Fourth Street, Prineville, Oregon. The agenda for the meeting includes hearing of protests by section 3 grazing applicants receiving adverse recommendation, transfers of grazing privileges, cooperative agreements, wild horse claiming and management, late applications for the 1974 grazing season, progress reports for calendar year 1973 on recreation, range, soil and watershed, forestry, wildlife, lands and minerals, and operational management (roads, trail, fire protection).

The meeting will be open to the public. It is to be held in a room accommodating 30 people. In addition to discussion of agenda topics by board members, there will be time for brief statements or questions by non-members. Persons wishing to make oral statements should so advise the chairman or the co-chairman prior to the meeting to aid in scheduling available time. Any interested person may file a written statement for consideration by the board. Send written statements to the chairman, in care of the co-chairman: Prineville District Manager, P.O. Box 550, Prineville, Oregon 97754.

PAUL W. ARRASMITH,
District Manager.

NOVEMBER 30, 1973.

[FR Doc.73-26844 Filed 12-19-73;8:45 am]

WYOMING

Notice of Filing of Plats of Survey

DECEMBER 12, 1973.

1. The plats of survey of the following described lands, accepted November 9, 1973, will be officially filed in the State Office, Cheyenne, Wyoming, at 10 a.m. on January 31, 1974:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 41 N., R. 116 W.,
Sec. 5, lots 8 to 12, inclusive;
Sec. 6, lots 12 to 17, inclusive;
Sec. 7, lots 6 to 13, inclusive;
Sec. 18, lot 5.

T. 42 N., R. 116 W.,
Sec. 2, lots 5 to 10, inclusive;
Sec. 3, lots 8 to 17, inclusive;
Sec. 4, lot 6;
Sec. 9, lots 7 to 16, inclusive;
Sec. 10, lots 4 to 6, inclusive;
Sec. 16, lots 9 to 19, inclusive;
Sec. 17, lot 2;
Sec. 20, lots 5 to 8, inclusive;
Sec. 21, lots 5 to 9, inclusive;
Sec. 28, lot 3;
Sec. 29, lots 7 to 14, inclusive;

Sec. 31; lots 7 and 8;
Sec. 32, lots 9 to 18, inclusive.

The areas described aggregate 2,373.48 acres.

2. The lands were omitted from previous surveys and are embraced within the meander lines of the Snake River beginning at a point approximately 3 miles northwest of Jackson, Wyoming and extending in a northeasterly direction to a point some 11 miles north of Jackson.

3. Subject to valid existing rights, the lands are temporarily segregated from all forms of appropriation under the public land laws generally, including the mining laws, by Bureau of Land Management protective withdrawal application Wyoming 35627. Therefore, the described lands will not be subject to disposition under those laws by reason of the official filing of the plats.

DANIEL P. BAKER,
State Director.

[FR Doc.73-26845 Filed 12-19-73;8:45 am]

LAS VEGAS GRAZING DISTRICT ADVISORY BOARD

Notice of Meeting

This notice supersedes a portion of the notice on Nevada Grazing District Advisory Boards notice of meetings published in the FEDERAL REGISTER (Vol. 38, No. 206) on October 26, 1973.

Notice is hereby given that the Las Vegas District Advisory Board will hold their grazing district advisory protest meeting on January 9, 1974 at 9:00 a.m. in the District Manager's office, 301 E. Stewart Avenue, Las Vegas, Nevada. Agenda items will be (1) protests to advisory board recommendations, (2) 1975 FY range improvement and watershed protection programs, (3) problem horse areas, (4) range improvement policy, (5) management framework plan for Stateline and Virgin Valley Planning Units, (6) transfers, (7) section 4 permits, and such other matters as may properly come before the Board.

E. I. ROWLAND,
State Director.

[FR Doc.73-26859 Filed 12-19-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

OREGON

Closure of Lands Within the Wild River Area of the Rogue River Component

CROSS REFERENCE: For a document concerning the closure of lands within the Wild River area of the Rogue River Component issued jointly by the Bureau of Land Management, Department of the Interior, and the Forest Service, see FR Doc. 73-26879, supra.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

Notice of Meeting

Notice is hereby given, pursuant to section (10)(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the National Advisory Council on Adult Education will be held on January 24-25, 1974, from 9:00 a.m. to 4:30 p.m., and on January 26, 1974, from 9:00 a.m. to 12:00 noon, at The Palmer House, 17 East Monroe Street, Chicago, Illinois.

The National Advisory Council on Adult Education is established under section 310 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council shall be open to the public.

The proposed agenda includes:

Meetings and reports of the Council's Committee on Governmental Relations, Committee on Planning and Publications, and Committee on Research.

Adult education reports by state directors representing Regions V and VII, and the regional program officer for USOE Region V.

State concerns/issues/problems.

ABE cost benefits and graduate programs in adult education.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Adult Education located in Room 323, Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004).

Signed at Washington, D.C. on December 14, 1973.

GARY A. EYRE,
Executive Director, National Advisory Council on Adult Education.

[FR Doc.73-26858 Filed 12-19-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. STN 50-454, STN 50-457]

COMMONWEALTH EDISON CO.

Notice and Order for Special Prehearing Conference

DECEMBER 13, 1973.

Take notice, that pursuant to the Atomic Energy Commission's Notice Of Hearing On Application For Construction Permits, published in the FEDERAL REGISTER on October 26, 1973, (38 FR 29634), and in accordance with said Commission's Rules of Practice, a special prehearing conference will be held in the subject proceeding on January 14, 1974, at 10:30 a.m., local time, in the City Council Chambers (Second Floor), De Kalb Municipal Building, 200 South Fourth Street, De Kalb, Illinois 60115.

This special prehearing conference will deal with the following matters:

(a) Consideration of the intervention petition of Mary B. Bushnell. The parties and Mary B. Bushnell will be given an opportunity to present oral argument in regard to the said petition to intervene;

(b) The identification of the key issues in the proceeding, and the taking of necessary steps to further identify all of the issues in said proceeding;

(c) The necessity for, and the extent of, discovery in this proceeding;

(d) The status of the preparation of the ACRS report, the Regulatory Staff's Safety Evaluation Report, and the Regulatory Staff's draft and final Environmental Statement; and

(e) The establishment of a schedule for further actions in the instant proceeding.

Limited appearances will not be heard at this special prehearing conference. Those seeking to make limited appearances in the form of oral or written statements of their positions will be given an opportunity to do so at the commencement of the evidentiary hearings.

Issued at Washington, D.C., this 13th day of December 1973.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
JEROME GARFINKEL,
Chairman.

[FR Doc.73-26841 Filed 12-19-73;8:45 am]

[Docket Nos. 50-458; 50-459]

GULF STATES UTILITIES CO.

Notice and Order for Special Prehearing Conference

Take notice that, pursuant to the Commission's "Notice of Hearing on Application for Construction Permits" dated October 17, 1973 (published in the FEDERAL REGISTER October 23, 1973, 38 FR 29243), the Atomic Safety and Licensing

Board will hold a Special Prehearing Conference on December 27, 1973, at 9:30 a.m., local time, at the U.S. District Court, 2nd Floor, Federal Building, 707 Florida Street, Baton Rouge, Louisiana 70801.

This Special Prehearing Conference is preliminary to an evidentiary hearing in which the Atomic Safety and Licensing Board will consider the application of the Gulf States Utilities Company for construction permits to build two boiling water nuclear reactors to be known as the River Bend Station, Units 1 and 2, in the West Feliciana Parish, on the east bank of the Mississippi River, 24 miles north-northwest of Baton Rouge, Louisiana. Each of the two units is designed for initial operation at 2894 Megawatts (thermal) to generate a net electrical output of 934 Megawatts.

The purposes of this special prehearing conference are to: (1) Permit identification of the key issues in the proceeding; (2) taken any steps necessary for further identification of the issues; (3) consider petitions for intervention in the proceeding; and (4) establish a schedule for further actions in the proceeding.

Members of the public may attend this prehearing conference as well as the evidentiary hearing which will be held at a later time to be fixed by the Board. However, members of the public who may wish to participate in the hearing by way of limited appearances will not be permitted to do so at the prehearing conference. Oral or written statements offered by way of limited appearances will be received by the Board at the time of the later evidentiary hearing.

It is ordered that the parties or their representatives shall conduct such informal conferences as may be practicable to expedite the proceeding and in particular to advance the purposes of the prehearing conference.

Issued at Washington, D.C., this 14th day of December 1973.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
THOMAS W. REILLY,
Chairman.

[FR Doc. 73-26840 Filed 12-19-73;8:45 am]

[Docket Nos. 50-416; 50-417]

MISSISSIPPI POWER AND LIGHT CO.

Notice and Order for Evidentiary Hearing

The Atomic Energy Commission (the Commission) by its "Notice of Hearing on Application for Construction Permits" dated December 1, 1972, ordered a hearing to be held on the application of the Mississippi Power and Light Company for construction permits for two boiling water nuclear reactors designated as the Grand Gulf Nuclear Station Units 1 and 2, each of which is designed for initial operation at approximately 3833 thermal megawatts with a net electrical output of approximately 1313 megawatts. The proposed facilities are to be located at the Applicant's site on the east bank of the Mississippi River, approximately 25 miles south of Vicksburg, Mississippi, and 37 miles north of Natchez, Mississippi in Claiborne County, Mississippi. This hearing will be held pursuant to the Atomic Energy Act of 1954, the National Environmental Policy Act of 1969 and the requirements of 10 CFR Part 50, "Licensing of Production and Utilization Facilities," and 10 CFR Part 2, rules of practice.

This hearing will be evidentiary in nature and will be conducted by the Atomic Safety and Licensing Board (the Board) appointed by the Commission on January 30, 1973. The Board consists of Dr. Marvin M. Mann and Dr. William E. Martin as technically qualified members and Daniel M. Head as Chairman.

Prehearing conferences were held in this proceeding on April 19, 1973 and June 27, 1973 in Port Gibson, Mississippi and on October 23, 1973 in Jackson, Mississippi. As a result of those prehearing conferences, Mr. Raymond J. McGrath was permitted to intervene as a party to the proceeding but Mr. McGrath later moved to withdraw his intervention which was approved by the Board on November 23, 1973. In addition, as a result of the prehearing conference, it was determined that the parties were in a position to proceed with evidence on the environmental issues specified in the aforementioned Notice of Hearing prior to proceeding with evidence on the health and safety issues specified in said Notice. Accordingly, the purpose of this notice is to set the date and place for the evidentiary hearing on the environmental issues involved in this proceeding.

Please take notice: *And it is hereby ordered*, That the evidentiary hearing on environmental issues specified in the Commission's Notice of Hearing is scheduled to begin at 10:00 a.m., local time, on Tuesday, February 5, 1974 in the Courtroom of the Circuit Court of Claiborne County, County Courthouse, Market Street, Port Gibson, Mississippi 39150. The hearing shall run continuously until all evidence has been received on the environmental issues or until continued by further order of the Board.

Members of the public are invited to attend this prehearing conference and may request to make limited appearances pursuant to § 2.715(a) of the Commission's rules of practice. Limited appearances will be received from the individuals who have previously indicated in writing or at the prehearing conference of April 19, 1973 that they wish to make limited appearances. Oral or written argument to be presented by limited appearances will be received prior to the start of the taking of evidence at the hearing.

Issued this 13th day of December 1973 at Washington, D.C.

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc'73-26842 Filed 12-19-73;8:45 am]

REGULATORY GUIDE ON ANTITRUST MATTERS

Notice of Issuance and Availability

The Atomic Energy Commission has issued the first guide in Division 9, "Antitrust Review Guides", of its Regulatory Guide series. The new guide sets forth the Regulatory staff's position on the scope of its antitrust review of nuclear power plant license applications.

The guide is designated Regulatory Guide 9.1, "Regulatory Staff Position Statement on Antitrust Matters." It describes the scope of Regulatory staff review of nuclear power plant license applications as including the planning, building, and operating functions of the applicant directed to the use of the proposed facility within its bulk power supply system, rather than as an isolated producing unit. The guide states that a license applicant should grant reasonable access to the nuclear facility, including the arrangements necessary to make participation meaningful and effective, to smaller electric utilities which might not otherwise have the opportunity to participate in the development and benefits of nuclear power.

The Regulatory Guide series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of issued guides or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 9 Regulatory Guides currently being developed include the following:

Information needed by the AEC Regulatory Staff in connection with its Antitrust Review of Construction Permit Applications for Nuclear Power Plants.

Information needed by the AEC Regulatory Staff in connection with its Antitrust Review of Operating License Applications for Nuclear Power Plants.

(5 U.S.C. 552(a))

Dated at Bethesda, Maryland, this 13th day of December 1973.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-26836 Filed 12-19-73;8:45 am]

CONSUMER PRODUCTS SAFETY COMMISSION

STANDARD FOR FLAMMABILITY OF MATTRESSES

Approval of Alternate Sampling Plan

Correction

In FR Doc. 73-25289, appearing at page 33116, for the issue of Friday, November 30, 1973, the last four paragraphs in the document should be transposed so that they appear just above the center heading "Alternate Sampling Plan Number 5 To FF 4-72 Mattresses And Mattress Pads" on page 33116.

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

ENVIRONMENTAL IMPACT STATEMENTS RECEIVED BY THE COUNCIL ON ENVIRONMENTAL QUALITY FROM DECEMBER 10 THROUGH DECEMBER 14, 1973.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft.

Timber Management Plan, Stanislaus N.F., California, several Counties, December 12. The statement refers to the proposed Timber Management Plan for the Stanislaus National Forest. Productive forest land in Stanislaus includes 482,047 acres. Total potential yield under the plan is 1,865 M cunits (1,201 MMBF) from Standard Component lands during the ten year plan. Additional yields are available from Special (147 M cunits or 101 MMBF) and Marginal Components (418 M cunits or 268 MMBF). Adverse impact will occur to water, air, and soil quality, and to fish and wildlife habitat. (63 pages.) (ELR Order No. 31928.) (NTIS Order No. EIS 73 1928-D.).

Canadian Face Planning Unit, Colville N.F., Washington, Ferry County, December 12. The statement refers to a land use and management plan for the 24,650 acre Canadian Face Planning Unit of the Colville National Forest. Management will be for timber production, natural beauty, soil and water quality, deer winter range and wildlife habitat, and recreational use. Impact will be to soil, air, and water quality, and to wildlife habitat. Additionally, 13,250 acres of essentially roadless areas will be significantly altered, with logging, road construction, and wildlife habitat improvement. (90 pages.). (ELR Order No. 31929.) (NTIS Order No. EIS 73 1929-D.)

Final.

Wilson Creek Unit No. 9, Pisgah National Forest, North Carolina, Avery and Cadwell Counties, December 12. The statement refers to the proposed 10-year management of the Wilson Creek Unit, Grandfather Ranger District of the Pisgah National Forest. The unit contains 35,828 acres of National Forest land. The primary resource value in the Unit is water quality. Management decisions will affect such resources as wildlife, water quality, soil, vegetative cover, aesthetics, roads, trails, and recreation. (172 pages.) Comments made by: TVA, EPA, state and local agencies. (ELR Order No. 31930.) (NTIS Order No. EIS 73 1930-F.)

SOIL CONSERVATION SERVICE

Draft.

Lee Phillips Watershed Project, Arkansas, Lee and Phillips Counties, December 10. The proposed project consists of 78.3 miles of channel work, 19 grade stabilization structures, 1 low water weir, and the acceleration of the establishment of land treatment measures. The purposes of the project are watershed protection, flood protection, and agricultural water management. Adverse effects include disturbance to fish habitat during construction; clearing of 357 acres of woodland of which 120 acres will be replanted; and increased traffic with associated dust and noise. (44 pages.) (ELR Order No. 31905.) (NTIS Order No. EIS 73 1905-D.)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. W. Herbert Pennington, Office of Assistant General Manager, E-201, AEC, Washington, D.C. 20545, 301-973-4241. For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, P-722, AEC, Washington, D.C. 20545, 301-973-7373.

Final 12/11

Catawaba Nuclear Station, South Carolina, York County, December 11. The proposed action is the issuance of a construction permit to the Duke Power Co. for a 2 unit station on Lake Wylie. The 2 pressurized water reactors will produce a total of 7,164 MWt and 2,360 MWe (net). Exhaust steam will be cooled by a once-through flow from Lake Wylie, with adverse effects to fishery and swimming for 1 to 4 months per year. The discharge of heated water is expected to adversely effect 4,000 acres of the Catawaba River Basin, displacing fish and stimulating blue-green algae. Construction will affect 750 acres of the lake, 405 acres of land within the exclusion area, 584 acres of transmission right of way, and 79 acres for a railroad spur. (356 p.) Comments made by: USDA, COE, DOC, HEW, DOI, DOT, EPA, FPC, state and local agencies. (ELR Order No. 31920.) (NTIS Order No. EIS 73 1920-F.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-7168.

Draft

Extension of Entrance to Islais Creek Channel, San Francisco County, California, December 10: Proposed is the extension of the existing Islais Creek navigation channel entrance. The action consists of deepening a 500-foot-wide strip of approach area to 40 feet and removal of shoal area east of the Army Street Terminal to 35 feet. The 492,000 cubic yards of dredged material will be disposed of at Alcatraz. Adverse effects include resuspension of silt with possible adverse effects on fish and planktonic life; removal of sessile benthic organisms; disruption of benthic fauna; resuspension of heavy metal ions; and temporary oxygen sag in the dredge and disposal area (27 pages). (ELR Order No. 31907.) (NTIS Order No. EIS 73 1907-D.)

Final

Great Lakes and St. Lawrence Seaway, December 14: The statement refers to the proposed 1974 navigation season extension demonstration program on the Great Lakes and St. Lawrence Seaway. The program involves the examination of methods used to extend navigation operations which are usually suspended during the winter because of extensive ice formation. Among the methods used are ice breaking, and the use, of heat additives and bubbler systems. Adverse impact includes that resulting from dredging, and possible thermal shock to fish populations if heat additives are abruptly terminated (Detroit District) (285 pages). Comments made by: DOI, EPA, DOC, AEC, USDA, FPC, State and local agencies, and concerned citizens. (ELR Order No. 31933.) (NTIS Order No. EIS 73 1933-F.)

Dry Creek Lake, Russian River Basin, Sonoma County, California, December 10: The statement refers to the proposed construction of the Dry Creek Lake and Channel, Russian River Basin Project, known locally as the Warm Springs Dam and Lake Sonoma Project. Project measures include a 319 feet high earth-fill dam on Dry Creek, a 381,000 acre-feet reservoir, recreation facilities, a fish hatchery, and channel improvements on Dry Creek. A total of 17,650 acres of land will be acquired for the project. The project will result in the displacement of residents; increased economic activity; the loss of wildlife habitat and displacement of wildlife; and the loss of archeological sites, among other effects (San Francisco District) (887 pages). Comments made by: USDA, DOC, DOI, DOT, EPA, FPC, State and local agencies, and concerned citizens. (ELR Order No. 31910.) (NTIS Order No. EIS 73 1910-F.)

Sixes Bridge Dam and Lake, Supplement, Maryland and Pennsylvania, December 11: The statement refers to the proposed construction of a concrete gravity dam with earth wings, on the Monocacy River near Keysville, Maryland. Purposes of the project include water supply, stream enhancement, and recreation. A total of 10,880 acres of land will be acquired, 2,380 acres of it for the replacement of wildlife habitat. The recreation pool of the reservoir will inundate 3,500 acres of land and 17.5 miles of streams; an additional 1,050 acres will be periodically inundated as flood pool. Seventy families will be relocated, along with three commercial developments. Historic and archeological sites will be adversely affected (Baltimore District). Comments made by: DOI, EPA, DOC, DOT, HEW, USDA, FPC, agencies of Maryland, Pennsylvania, Virginia and the District of Columbia. (ELR Order No. 31914.) (NTIS Order No. EIS 73 1914-D.)

Cougar Lake, McKenzie River Salmon Hatchery, Lane County, Oregon, December 11: The statement refers to the continuation of operations at Cougar Lake, for flood control, power generation, low flow augmentation, and recreation; and construction of a new fish hatchery which will serve to replace runs of spring chinook salmon which have been eliminated by Cougar Dam and Lake. The operation of the hatchery will add waste materials to McKenzie River (Portland District) (161 pages). Comments made by: USDA, DOC, DOI, DOT, USCG, EPA, FPC, HEW, HUD, PRBC, State, local, and private agencies. (ELR Order No. 31918.) (NTIS Order No. EIS 73 1918-F.)

Zacate Creek, Texas, December 12: The statement refers to a proposed flood protection and recreation project for the City of Laredo. Included are 19,500' of channel work on Zacate Creek, and open space park development. A total of 160 buildings (mostly low-income housing), will be displaced by the project; some archeological sites will be lost (Fort Worth District) (120 pages). Comments made by: DOT, USDA, DOI, HUD, EPA, State and local agencies. (ELR Order No. 31926.) (NTIS Order No. EIS 73 1926-F.)

Verona Dam and Lake, Supplement, Virginia, December 11: The statement refers to the proposed construction of a concrete gravity dam with earth wing, on the Middle River, a tributary of the South Fork Shenandoah River, nine miles northeast of Staunton, Virginia. A total of 10,110 acres of land will be acquired for the project, of which 7,850 acres will be for project construction and operation, and 2,260 acres for wildlife mitigation. Purposes of the project are water supply, recreation, and stream enhancement. (The Verona Dam, Sixes Briges Dam in Maryland, and the Bloomington Dam in West Virginia will form a system of reservoirs which is intended to increase the dependable flow of Potomac River water at Washington, D.C.) Comments made by: DOI, EPA, DOC, DOT, HEW, USDA, FPC, agencies of Virginia, Pennsylvania, Maryland, and the District of Columbia. (ELR Order No. 31932.) (NTIS Order No. EIS 73 1932-F.)

Drainage Facilities, Pasco, Franklin County, Washington, December 12: The proposed project would consist of the installation of drainage facilities near the existing levee system adjacent to Lake Wallula. It will provide for a pumphouse with underground main wing drain and discharge line, with provision for future lateral drains. The project would be buried, draining 770 acres of land. Adverse esthetic land features would result (46 pages). Comments made by: USDA, DOI, HEW, DOC, HUD, State and local agencies. (ELR Order No. 31921.) (NTIS Order No. EIS 73 1921—F.)

Final

Truman Dam and Reservoir, Supplement, December 12: The document is Appendix A to a supplement filed September 24, 1973 on the final statement for the Truman Dam and Reservoir (February 28, 1973). The appendix involves a court case which determined that the final statement did meet the standards required by NEPA (400 pages). (ELR Order No. 31931.) (NTIS Order No. EIS 73 1931-F.)

Buckeye Pipeline Co., Pipeline, Delaware River, several counties in Pennsylvania and New Jersey, December 11: The project is the construction of a 20-inch diameter, subterranean pipeline from Linden, New Jersey to Macungie, Pennsylvania involving river crossing permits for the Delaware River, Delaware and Raritan River Canal the Millstone River, the Raritan River and the Rahway River. A total of 74.8 miles of pipeline would exist. Increased turbidity, loss of aquatic life, flora and fauna would occur. Erosion and sedimentation will increase. An adverse aesthetic impact will exist and possible pipeline ruptures and leakages will occur (419 pages). Comments made by: DOT, DOC, HUD, EPA, DRBC, DOI, USDA, state and local agencies, and concerned citizens. (ELR Order No. 31917.) (NTIS Order No. EIS 73 1917-F.)

FEDERAL MARITIME COMMISSION

Draft

Far East Conference—Investigation of Rates, Rule, December 10: The statement refers to the proposed investigation of rates, rules, and practices pertaining to the movement of non-ferrous scrap metal and non-ferrous virgin metal from United States East and Gulf Coast ports to ports in the Far East under tariffs filed by the Far East Conference. The current rate structure is such that the incentives may favor the exportation of virgin metal over recycled scrap metal where the latter could serve the same purposes. The Far East Conference, consists of eighteen participating carriers which operate in the Far East trade. (ELR Order No. 31904.) (NTIS Order No. EIS 73 1904-D.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, 202—386-6084.

Draft

Dallas Center Underground Storage Project, Iowa, December 11. The statement refers to the granting of a permit to the Northern Natural Gas Company for the construction of storage facilities at Dallas Center, Iowa. Included would be the drilling of 75 injection/withdrawal wells and 13 observation wells, and the construction of 37.3 miles of pipeline and a plant with 7000 hp of compression, on a forty acre site. Impact would be to man, soil, vegetation, wildlife, water quality, and noise quality. (ELR Order No. 31913.) (NTIS Order No. EIS 73 1913-D.)

DEPARTMENT OF HEW

Contact: Mr. Paul Cromwell, Acting Director, Office of Environmental Affairs, Office of the Assistant Secretary for Administration and Management, Room 3718 HEW-North, Washington, D.C. 20202, 202—963-4456.

Draft.

St. Benedict's Hospital, Ogden, Utah, Utah and Weber Counties, December 14. The applicant, St. Benedict's Hospital, has requested a loan guaranteed to replace its current 188 bed facility with a smaller hospital on a new site. The new structure will be a 133 bed, one story building, with basement services, on a twenty five acre site. Total gross building area would be about 154,000 sq. feet. The facility will cause a change in land use from open space, and may act as a "trigger" to increase development. An increase in traffic will be generated by the hospital. (42 pages.) (ELR Order No. 31934.) (NTIS Order No. EIS 73 1934-D.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202—343-3891.

BUREAU OF LAND MANAGEMENT

Draft.

Phosphate Leasing, Osceola National Forest, Florida, December 13. The statement refers to the proposed issuances of 41 preference right leases for 52,000 acres of land in the Osceola National Forest. Issuance of the leases would result in the surface mining of 30,000 acres of the Forest. The mining would result in the permanent removal of 120,000,000 tons of phosphate rock over a period of thirty years. Wildlife habitat, including that for six endangered species, would be permanently or temporarily removed. Assuming off-Forest processing, slime ponds will cover between 10,000 to 14,000 acres of private land. Approximately 9,000 acres of the Forest will be inundated as lakes and ponds. (ELR Order No. 31923.) (NTIS Order No. EIS 73 1923-D.)

BUREAU OF OUTDOOR RECREATION

Final.

Nationwide Outdoor Recreation Plan, December 12. The proposed plan provides a framework within which Federal outdoor recreation and related programs will be developed and managed. The plan will commit the Federal Government to better utilize existing programs, to effect greater coordination, to encourage state, local, and private sector involvement, and to carry out recreation management functions compatible with other uses and the maintenance of environmental quality. No new programs are proposed. Adverse impacts will be administrative and/or financial in nature. (279 pages.) comments made by: DOD, TVA, FPC, GSA, USDA, HUD, AEC, COE. (ELR Order No. 31927.) (NTIS Order No. EIS 73 1927-F.)

BUREAU OF RECLAMATION

Draft.

El Dorado Main No. 2—Pleasant Oak Main, California, El Dorado County, December 12. The statement refers to the proposed construction of two water distribution pipelines with laterals, and three regulating reservoirs, in order to provide irrigation and municipal and industrial water to southwestern El Dorado County. The El Dorado Main will be 13.2 miles in length; the Pleasant Oak Main will be 9.85 miles in length with 16.03 miles in laterals. Water will be delivered to the new pipelines from Jenkison Lake, the Central Valley Project. Construction activity will modify wildlife habitat. The additional water will lead to increased population, and changes in vegetation and wildlife habitat. (ELR Order No. 31922.) (NTIS Order No. EIS 73 1922-D.)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft.

Proposed Tamarac Wilderness Area, Minnesota, Becker County, December 10. The proposal recommends 2,065 acres of the Tamarac National Wildlife Refuge be designated as wilderness within the National Wilderness Preservation System. Wilderness designation would commit the area to the forces of nature and remove some future management options. (33 pages.) (ELR Order No. 31911.) (NTIS Order No. EIS 73 1911-D.)

Medicine Lake Wilderness Area, Montana, Roosevelt and Sheridan Counties, December 12. The proposal recommends that 11,506 acres of the Medicine Lake National Wildlife Refuge be designated as wilderness within the National Wilderness Preservation System. Wilderness designation would result in less flexibility in future management of wildlife resources. (30 pages.) (ELR Order No. 31925.) (NTIS Order No. EIS 73 1925-D.)

Hart Mountain National Antelope Refuge, Oregon, Lake County, December 11. The statement refers to the proposed legislative designation of the 16,462 acre Poker Jim Ridge of the Hart Mountain National Antelope Refuge as wilderness within the National Wilderness Preservation System. Also proposed is the addition of another 42,829 acres upon the completion of acquisition of non-Federal lands. (33 pages.) (ELR Order No. 31915.) (NTIS Order No. EIS 73 1915-D.)

Missisquoi Wilderness Area, Vermont, Franklin County, December 12. The proposal recommends that Shad Island, a 114-acre island in Missisquoi National Wildlife Refuge, be designated as wilderness within the National Wilderness Preservation System. Wilderness designation would preclude the option to develop and intensively manage for maximum wildlife production. (23 pages.) (ELR Order No. 31924.) (NTIS Order No. EIS 73 1924-D.)

NATIONAL PARK SERVICE

Draft.

Wilderness Proposal, Organ Pipe Cactus N.M., Arizona County, December 10. The proposal recommends that 249,800 acres of land within the Organ Pipe Cactus National Monument be designated as wilderness and 900 acres of State lands be designated as potential wilderness. Wilderness designation will preclude consumption of resources, to the detriment of some interests. (76 pages.)

(ELR Order No. 31908.) (NTIS Order No. EIS 73 1908-D.)

Final.

Grand Canyon Complex, Arizona, Mohave and Coconino Counties, December 10. The statement refers to the proposed designation of 512,870 acres of land as wilderness. The wilderness designation may affect the development of potential dam sites within the Complex. (27 pages.) Comments made by: USDA, DOI, FPC, state and local agencies and concerned citizens. (ELR Order No. 31912.) (NTIS Order No. EIS 73 1912-F.)

DEPARTMENT OF JUSTICE

Contact: Mr. William Cohen, Land and Natural Resources Division, Room 2129, Department of Justice, Washington, D.C. 20530, 202-737-2730.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Final

Pasadena Police Heliport, California, December 12: The statement refers to the proposed construction of the Pasadena Police Heliport, a project which is partially funded by LEAA. There will be installation of fuel and landing pads, fencing, night lighting, utilities, and related works. There will be annoyance to neighborhood residents, and disturbance to some wildlife (353 pages). Comments made by: EPA, HUD, DOT, HEW, DOI, State and local agencies, and concerned citizens. (ELR Order No. 31919.) (NTIS Order No. EIS 73 1919-F.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Final

Tooele Valley Municipal Airport, Tooele County, Utah, December 11: Proposed is the construction of a new municipal airport to replace the existing Tooele Valley Airport. Initial development will consist of land acquisition and the construction of a Basic Utility Stage II airport encompassing a 5,500' x 75' runway, connecting taxiways, apron areas, airport lighting, and miscellaneous supporting items. The ultimate construction of an air cargo airport with a 10,000' x 150' runway including associated taxiways and aprons is contemplated. Disruption to ground animals and ground nesting birds will occur; noise and air pollution will increase. Comments made by: USDA, COE, HUD, EPA, DOI, State and local agencies. (ELR Order No. 31916.) (NTIS Order No. EIS 73 1916-F.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

I-90 and F 254(10), Mineral County, Montana, December 10: The project involves four lane road construction on I-90 for 8.06 miles, and two lane construction of F-254(10) for 2.2 miles. Adverse impact will include a rise in noise levels and the relocation of one family. There will be some alteration of the behavior patterns of the wildlife indigenous to the area (29 pages). (ELR Order No. 31906.) (NTIS Order No. EIS 73 1906-D.)

Final

I-90, Mercer Island—East Channel Bridge, King County, Washington, December 10: The statement refers to the proposed construction of a ten lane interstate freeway on the alignment of an existing four lane freeway across Mercer Island. Included will be the floating Lake Washington Bridge and the East Channel Bridge. In addition to the relocation of residents and the taking of right-of-way, impact will include the intrusion upon Luther Burbank Park, which will require the preparation of a 4(f) statement. (An attached volume provides supplemental information on I-90, West Shore Mercer Island to Mercer Slough.) Comments made by: EPA, DOI, HUD, USDA, DOC, DOT (ELR Order No. 31909.) (NTIS Order No. EIS 73 1909-F.)

NEIL OHLOFF,
Counsel.

[FR Doc.73-26889 Filed 12-19-73;8:45 am]

FEDERAL COMMUNICATIONS

[Docket No. 19889; File No. BPH 8376, etc.]

DEEP SOUTH RADIO, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Deep South Radio, Inc., Hattiesburg, Mississippi, Docket No. 19889, File No. BPH-8376; requests 92.1 MHZ, #221; 3 kW (H & V); 151 feet; Vernon C. Floyd, Ruben C. Hughes and Robert L. Floyd, d.b.a. Circuit Broadcasting Company, Hattiesburg, Mississippi, Docket No. 19890, File No. BPH-8443; Requests 92.1 MHZ, #221; 3 kW (H & V); 177 feet; James A. McCullough Enterprises, Hattiesburg, Mississippi, Docket No. 19891, File No. BPH-8614; requests 92.1 MHZ, #221; 3 kW (H & V); 300 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. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive primary service, together with the availability of other primary aural services (1 mV/m or greater in the case of FM) in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

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 which of the proposals would, on a comparative basis, best serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, 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 10, 1973.

Released: December 13, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73-26872 Filed 12-19-73;8:45 am]

[Docket No. 19892; File No. BPH-8240, etc.]

GREAT SOUTHWEST MEDIA CORP., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re Applications of Great Southwest Media Corporation, Arkadelphia, Arkansas, Docket No. 19892, File No. BPH-8240; requests 100.9 MHZ, #265; 3 kW; 30 feet; Kent Stephen Hatfield, Arkadelphia, Arkansas, Docket No. 19893, File No. BPH-8301; requests 100.9 MHZ, #265; 352 W; 92 feet; Arkadelphia Broadcasting Company, Arkadelphia, Arkansas, Docket No. 19894, File No. BPH-8327; requests: 100.9 MHZ, #265; 3 kW (H & V); 96 feet for construction permits.

1. The Commissioner, 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. Kent Stephen Hatfield will require $29,531[1] to construct and operate the proposed facility for a period of one year without revenue. To meet this requirement, Hatfield relies upon existing capital and a bank loan. However, Hatfield's current balance sheet shows no cash and/or liquid assets in excess of current liabilities. While the applicant indicates the availability of a bank loan, no bank letter was filed. Further, the "advertising agreements" submitted by Hatfield fail to meet Commission requirements. The applicant has not supported a showing of only $1.00 for the land or a $200.00 requirement for the building. In addition, Hatfield estimates legal costs to prosecute a hearing, engineering costs and installation costs at only $100.00 each. Thus, a financial issue has been specified.

[1] In itemized form, applicant's requirements are as follows:

Equipment	$8,740
Land	1
Building	200
Miscellaneous	300
Principal and interest on bank loan (@ 10 percent)	4,330
Working capital requirement (first-year)	15,960
Total	$29,531

3. Mr. Hatfield has failed to meet any of the requirements of the "Primer on the Ascertainment of Community Problems by Broadcast Applicants," 27 FCC 2d 650 (1971). Therefore, a Suburban [2] issue has been included.

4. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive primary service, together with the availability of other primary aural services (1 mV/m or greater in the case of FM) in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. *Accordingly, it is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the efforts made by Kent Stephen Hatfield to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

2. To determine whether Kent Stephen Hatfield is financially qualified to construct and operate his proposed station.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

7. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

8. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: December 10, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73-26873 Filed 12-19-73;8:45 am]

[2] *Suburban Broadcasters*, 20 RR 951 (1961).

[Docket No. 19896]

BELL SYSTEM TARIFF OFFERINGS AND LETTER OF CHIEF, COMMON CARRIER BUREAU

Memorandum Opinion and Order To Show Cause

In the matters of Bell System Tariff offerings of local distribution facilities for use by other common carriers; and Letter of Chief, Common Carrier Bureau, dated October 19, 1973, to Laurence E. Harris, Vice President, MCI Telecommunications Corporation.

1. The Commission has before it an Application for Review filed by the American Telephone and Telegraph Company (AT&T) on November 19, 1973. AT&T requests us to find that the advice given by the Chief, Common Carrier Bureau (Bureau Chief or Bureau) in his letter of October 19, 1973 to Laurence E. Harris, Vice President of MCI Telecommunications Corporation (MCI), was not an action under delegated authority or, if we find that it was, that we overrule such action. In his October 19, 1973 letter, the Bureau Chief advised MCI that, under the provisions of section 21.705 of the rules, MCI's authorizations from the Commission are broad in their terms and permit MCI to provide "any kind of communication service provided for in the legally applicable tariffs" of MCI; and that under the terms of the Commission's letter of October 4, 1973 to AT&T, MCI was entitled to secure from telephone companies various types of interconnection, including connection into the local exchange facilities for furnishing foreign exchange service (FX) and for insertion of MCI facilities into telephone company Common Control Switching Arrangements (CCSA). AT&T contends that such action was beyond the scope of the Bureau Chief's delegated authority and also in violation of AT&T's right to a hearing under Section 201(a) of the Communications Act.[1]

[1] Section 201(a) of the Act provides as follows: It shall be the duty of every common carrier engaged in interstate or foreign communication by wire or radio to furnish such communication service upon reasonable request therefor; and, in accordance with the orders of the Commission, in cases where the Commission, after opportunity for hearing, finds such action necessary or desirable in the public interest, to establish physical connections with other carriers, to establish through routes and charges applicable thereto and the divisions of such charges, and to establish and provide facilities and regulations for operating such through routes. (Emphasis added)

2. We also have before us a letter dated November 1, 1973 filed by The Western Union Telegraph Company (Western Union) asking us:

To take, at the earliest possible moment, such action as we deem appropriate to prevent violations of the Communications Act by the Bell System operating companies.

Western Union, for a number of years, has obtained a substantial portion of its local distribution facilities from the Bell System pursuant to privately negotiated exchange of facilities contracts. Western Union alleges that the Bell companies threaten to breach such contracts and subject it to unlawful charges for interstate communication services in tariffs to be filed with state commissions at substantially higher charges than presently provided for in said contracts.

3. Finally, we have before us a letter dated October 19, 1973 from AT&T in which AT&T asserts its disagreement with our letter of October 4, 1973 in which we directed tariffs to be filed with this Commission for facilities furnished to specialized carriers. AT&T states in its October 19, 1973 letter that such tariffs will be filed with the state commissions and with this Commission under protest. On November 12, 1973, Associated Bell companies filed such tariffs with us offering local distribution facilities to "other common carriers" in 18 states and the District of Columbia. All such tariffs have an effective date of January 11, 1974 except that of New York Telephone Company which has an effective date of February 24, 1974.

4. These matters raise interrelated questions concerning the lawfulness of the actions taken by AT&T and the Bell System companies with respect to the provision of interconnection facilities to the specialized carriers including Western Union and domestic satellite carriers. Our view is that prompt and effective action should be taken to resolve these questions.

5. We believe it would be helpful to relate chronologically the events which have led to our consideration of these matters and to the need, in our judgment, for our action herein. By letter dated and filed August 27, 1973, to the Chief of our Common Carrier Bureau, MCI Telecommunications Corporation and MCI-New York West, Inc. (MCI), requested the Commission's assistance to bring about prompt and fully effective interconnection between MCI's facilities and those of operating telephone companies of the Bell System. Among other things, MCI alleged that two such companies (i.e., Illinois Bell Telephone Company and The Ohio Bell Telephone Company) had persistently failed and refused to provide facilities for MCI's interstate services and stated that they would not provide such interconnection. MCI alleged that such interconnection was essential for it to provide service in a number of communities. MCI contended that our policy decisions in the MCI [2]

[2] Microwave Communications, Inc., 18 FCC 2d 953 (1969); reconsideration denied, 21 FCC 2d 190 (1970).

and the Specialized Common Carrier[3] cases would be frustrated and the public denied adequate service unless the Commission took immediate action to advise the Bell System that its operating telephone companies furnishing services under the parent company's AT&T Tariff F.C.C. No. 260: (1) are required to interconnect with MCI in the provision of the interstate service we have authorized MCI to provide; (2) must treat MCI no less favorably in interconnecting its facilities than they now do AT&T's Long Lines Department or the Western Union Telegraph Company, where MCI provides interstate service we have authorized, and (3) may not resort to proceedings before State regulatory commissions to block or delay provision of interstate services under our jurisdiction.

6. By letter dated August 31, 1973, AT&T was served by the Bureau with a copy of MCI's letter and requested to respond, no later than September 5, 1973, to the allegations therein as well as to other matters raised in the Bureau's letter. After quoting pertinent excerpts of our MCI and Specialized Common Carrier decisions and referring to sections 201(a), 201(b) and 202(a) of the Communications Act, the Bureau advised of its view that:

> As requested by MCI, the Associated Bell companies are required to permit interconnection or provide local channel arrangements to MCI. As the Commission also stressed in its MCI and Specialized Common Carrier decision, the Bell companies must treat MCI no less favorably in interconnecting its facilities than they do now for the Long Lines Department of AT&T or Western Union. It should also be apparent that the Associated Bell companies are not required to obtain approval from any state or local regulatory agency of any contract or tariff before they may provide interstate services or facilities to MCI for its interstate services.
>
> In the Commission's decision in the Specialized Common Carrier case, as indicated above, the Commission ruled that established carriers with exchange facilities should provide in their tariffs an option to permit customers of MCI and other specialized carriers to obtain, directly from the carrier, "local distribution service under reasonable terms set forth in the tariff schedules." Examination of the interstate tariffs on file with this Commission do not appear to provide this option, either with respect to MCI's interstate services at St. Louis or at Chicago.

7. By letter dated and filed September 5, 1973, AT&T responded only in part to the Bureau's formal August 31, 1973 request and advised that it would provide its comments on the so-called "tariff" issues "in a response during the next few weeks". Although denying that its operating companies had refused to interconnect with MCI or to furnish it with local facilities necessary to MCI's provision of authorized services, AT&T stated that its associated companies would not participate in a through service with MCI, Western Union or any of the other interstate specialized common carriers. AT&T stated that it would connect MCI to Bell System exchange services but that state regulatory approvals would have to precede any such interconnection. In sum, AT&T contended that it could not assume responsibility for any of MCI's difficulties in achieving its service date objectives.

8. In a response dated and filed September 11, 1973, MCI stated, among other things, that as of that date: (1) Illinois Bell, Ohio Bell, and Bell of Pennsylvania were refusing to provide any connection to it for service east of Illinois; (2) all associated Bell companies were arbitrarily refusing some types of interconnection which we had authorized and ordered; (3) all associated Bell companies were refusing to provide interconnect privileges similar to those provided to Western Union and to AT&T's Long Lines Department; and (4) AT&T continued to insist that local state regulatory approval was necessary prior to servicing MCI. MCI reiterated its view that AT&T must be compelled to accept "the necessary, proper and legal consequences" which flow from the facts, the law and Commission policy with respect to these matters.

9. By letter dated September 28, 1973, AT&T submitted its further response to the Bureau's August 31, 1973 letter. The Bureau was advised that Bell System Companies had been negotiating with other carriers regarding the lease of local distribution facilities but that agreements had not been reached. AT&T stated that it now appeared desirable that the provision of local distribution facilities by Bell companies to other carriers be done on a tariff basis. It advised that tariffs were being filed with state commissions and that the charges and regulations applicable to carriers, other than AT&T's Long Lines Department, would be the same as the exchange private line rates and regulations applicable to the customers of the particular Bell company that was involved.

10. On October 4, 1973, Chairman Burch at our direction advised AT&T by letter order that its decision to file the subject tariffs with the state commissions rather than this Commission:

> Would appear to be in direct conflict with the statutory scheme of the Communications Act, relevant administrative and judicial rulings thereunder, and, in particular, the policies and objectives of this Commission as set forth in our MCI, Specialized Common Carrier and Domsat decisions.
>
> The facilities to be offered by the proposed tariffs are to be used solely and exclusively for the transmission of interstate communication which originate in one state and terminate in another. It is well established that the furnishing of facilities located wholly in one state, but used in connection with interstate services, come within the purview of the Communications Act, and that a public offering of such facilities is subject to the tariff filing requirements of Section 203 of the Act. Moreover, even if the proposed tariffed facilities were to be used both for communications that originate and terminate in the same state and communications that originate and terminate in different states, it has been our position as well as that of the Bell System, and we have so held, that the tariffs for such facilities should be filed with this Commission at least insofar as interstate usage is concerned. (See e.g., Dial Restoration Panel, 38 FCC 2d 803 (1973))

Our letter order further stated that:

> Effective implementation of our policy objectives and the statutory scheme of the Communications Act require that you promptly file tariff schedules with this Commission in accordance with Section 203 of the Communications Act which tariff schedules will provide the interconnection facilities essential to the rendition by the specialized carriers of all their authorized services on terms and conditions which are just, reasonable and non-discriminatory. Until such tariffs are filed and effective, there should be no delay in honoring requests of specialized carriers for interconnection facilities required by such carriers to terminate the services they are authorized by the Commission to furnish. Such facilities can be provided under contracts on an interim basis and we assume that this will be done.

11. As heretofore stated, by letter dated October 19, 1973, AT&T expressed its disagreement with the requirement that the Bell companies file the subject tariff schedules with this Commission, and advised that the Bell companies would file their tariffs with the state commissions and with us, with the latter being filed under protest. AT&T has recently appealed our October 4, 1973 letter order to the United States Court of Appeals for the Second Circuit.

12. In response to an October 15, 1973 request by MCI Telecommunications Corporation for clarifications of the Commission's letter of October 4, 1973, the Bureau confirmed by letter dated October 19, 1973 that:

> "MCI and/or its customers are authorized to secure from the telephone company serving the area the various types of local interconnection required" for all of the services enumerated in your letter that are presently or hereafter offered in your tariffs on file with this Commission.[4]

13. Insofar as we are here concerned with communication services which we have authorized MCI to provide to the public, it should be remembered that these services are exclusively interstate in nature. In our original *MCI* decision, we stated that:

> * * * MCI's ability to market its service will be dependent on the ability of its subscribers to secure loop service from the other common carriers serving the service area.
>
> * * * * * *
>
> * * * Since they have indicated that they will not voluntarily provide loop service we shall retain jurisdiction of this proceeding in order to enable MCI to obtain from the Commission a prompt determination on the matter of interconnection. Thus, at such time as MCI has customers and the facts and details of the customers' requirements are known, MCI may come directly to the Commission with a request for an order of interconnection. We have already concluded that a grant of MCI's proposal is in the public interest. We likewise conclude that, absent a significant showing that interconnection is not technically feasible, the issuance

[3] Specialized Common Carrier Services, 29 FCC 2d 870 (1971).

[4] In a letter to Chairman Burch dated October 25, 1973, AT&T advised that it did not consider the Bureau's letter as binding on Bell and, on November 19, 1973, AT&T filed the application for review now before us.

of an order requiring the existing carriers to provide loop service is in the public interest. (18 FCC 2d at page 965)

Two years later, in our Specialized Common Carrier decision, we said:

We reaffirm the view expressed in the Notice (paragraph 67) that established carriers with exchange facilities should, upon request, permit interconnection or leased channel arrangements on reasonable terms and conditions to be negotiated with the new carriers, and also afford their customers the option of obtaining local distribution service under reasonable terms set forth in the tariff schedules of the local carrier. Moreover, as there stated, "where a carrier has monopoly control over essential facilities we will not condone any policy or practice whereby such carrier would discriminate in favor of an affiliated carrier or show favoritism among competitors." In view of the representations of AT&T and GT&E in this proceeding, upon which we rely, and the self-interest of other independent telephone companies in not losing potential new business, there appears to be no need to say more on this question at this time. Should any future problem arise, we will act expeditiously to take such measures as are necessary and appropriate in the public interest to implement and enforce the policies and objectives of this Decision. (footnote omitted) (29 FCC 2d at page 940)

14. Insofar as exchange of facilities arrangements governed by contracts are concerned, while we have not indicated that such arrangements could not be implemented on a tariff basis, neither have we ruled that such arrangements must be tariffed. Accordingly, it appears that such arrangements should continue to be governed according to the terms of applicable contracts between the carriers insofar as interstate service is concerned, until properly filed tariffs with this Commission which supersede such contracts become effective. A preliminary examination of the tariffs filed under protest with us indicates that the services offered therein may differ from those which are the subject of exchange of facilities contracts and unlike the contracts do not include as the consideration any "exchange" of facilities. Accordingly, it does not appear that the tariff and contract services are necessarily mutually exclusive or that they may not both co-exist. In any event, pending our decision on the question whether any such exchange of facilities contract is lawfully superseded by any subsequent tariff filing, or pending further order, we are of the opinion that it would be unjust and unreasonable for Bell to impose conditions and changes on Western Union other than as provided for under their contracts and we expect the Bell System to maintain the status quo pendente lite and to act in strict accordance with the provisions of outstanding exchange of facilities contracts.

15. On September 12, 1973 we granted the Domestic Satellite applications of AT&T, upon the following conditions, among others:

That all charges, classifications, regulations and practices applicable to the provision by the Bell System companies of interconnection facilities [to Domsat carriers] shall be set forth in tariff schedules to be filed pursuant to Section 203 of the Act and Part 61 of our Rules. * * * (In the Matter of AT&T's Domsat application Nos. 25-DSE-P-71 et al.; FCC 73-957; released September 12, 1973).

However, in a second letter dated October 19, 1973 to the Commission, AT&T stated that it accepted this condition but it qualified that acceptance with a footnote stating in substance that it disagreed with our requirement that tariffs for interconnection facilities furnished to Domestic Satellite carriers be filed with us. Instead, it said the Bell Companies would file such tariffs with both the state commissions and the FCC but with the latter under protest. In view of the Bell System's insistence upon filing tariffs for domestic satellite interconnection facilities with state commissions, rather than exclusively with this Commission, substantial question is raised as to whether AT&T has either accepted the conditions we imposed in our authorizations to it or complied with those conditions by filing such tariffs with both this Commission and state commissions. Accordingly, we believe that AT&T and its operating telephone companies should be ordered to show cause (a) why their filing tariffs for domestic satellite interconnection facilities with state commissions, rather than exclusively with this Commission, should not be considered as non-compliance with the above-quoted condition and, (b) if such filings with the states are found to be non-compliance with said condition, why AT&T's domestic satellite authorizations should not be revoked or modified.

16. Based on the record here before us, there appears to be no material disputed fact and thus no necessity for designating these matters for an evidentiary hearing. The questions raised relate to our statutory authority to order Bell System operating companies to implement policy decisions which we have previously reached after extensive proceedings in the MCI, Specialized Common Carrier, and Domsat proceedings and whether action taken by the Bureau Chief is binding on the Bell System. These are questions of law which, in our judgment can be promptly resolved on brief and oral argument.

17. *Accordingly, it is ordered,* Pursuant to the provisions of sections 4(i), 4(j), 201 (a) and (b), 202(a), 205(a), 208, 215, 218, 219, 312 (a), (b) and (c), 403, 409(a) and 411(a) of the Communications Act, and section 1.1 of our rules, that this matter is designated for oral argument before the Commission, en banc, at its offices in Washington, D.C. on March 4, 1974 at 9:30 a.m.

18. *It is further ordered,* That, AT&T, Bell Telephone Company of Pennsylvania, C&P Telephone Company of Washington, D.C., The C&P Telephone Company of Maryland, The C&P Telephone Company of Virginia, The C&P Telephone Company of West Virginia, Cincinnati Bell, Inc., Illinois Bell Telephone Company, Indiana Bell Telephone Company, Michigan Bell Telephone Company, Mountain States Telephone and Telegraph Company, New England Telephone and Telegraph Company, New Jersey Bell Telephone Company, New York Telephone Company, Northwestern Bell Telephone Company, The Ohio Bell Telephone Company, Pacific Northwest Bell Telephone Company, The Pacific Telephone and Telegraph Company, South Central Bell Telephone Company, Southern Bell Telephone and Telegraph Company, The Southern New England Telephone Company, Southwestern Bell Telephone Company, and Wisconsin Telephone Company, jointly and severally are named respondents herein and are directed to show cause why all or any of them should not be ordered to cease and desist from:

(a) Altering, in any way, the provisions of exchange of facilities contracts with Western Union, except in strict accordance with the terms of such contracts;

(b) Engaging in any conduct which results in a denial of, or unreasonable delay in establishing, physical connections with MCI for its authorized or pending interstate services; [5]

(c) Implementing any policy or practice which forecloses the establishment of through routes, and charges, facilities and regulations applicable thereto, in connection with MCI's authorized or pending interstate services; [5]

(d) Filing with state commissions tariff schedules of charges and regulations for services and facilities used for communications originating in one state and terminating in another state; and

(e) Implementing any policy or practice which results in denying MCI interconnection privileges similar to those presently provided to AT&T's Long Lines Department in connection with its authorized or pending interstate services; and

AT&T is directed to show cause (a) why filing Bell tariffs for domestic satellite interconnection facilities with state commissions, rather than exclusively with this Commision, should not be considered as noncompliance with a condition in its domestic satellite authorizations that such filings be made pursuant to section 203 of the Act and part 61 of our rules; and, (b) if such filings with the states are found to be noncompliance with said condition, why AT&T's domestic satellite authorizations should not be revoked or modified.

19. *It is further ordered,* That the parties shall address themselves to the questions of whether (1) the Commission has heretofore ordered the telephone companies, pursuant to section 201(a) of the Communications Act, to provide interconnection with MCI or whether such interconnection is otherwise required pursuant to rule or regulations

[5] Our letter order of October 4, 1973 makes general reference to allegations that Bell companies refuse to provide exchange facilities to specialized carriers for certain services that are competitive with AT&T. Specific examples of such alleged refusals relate to foreign exchange (FX) and common control switching arrangements (CCSA) private line services.

within the meaning of section 312 of the Act; (2) if so, (a) the scope of that order or rule or regulation with particular reference to interconnection for FX and CCSA services of MCI; (b) whether the telephone companies have complied with such order, rule or regulation and, (c) if they have not complied, the appropriate remedy, whether under section 312 of the Act or otherwise; (3) if interconnection has not hitherto been ordered or required by rule or regulation whether it should be and, if so, upon what terms and conditions; and (4) whether the Commission should affirm, reverse or modify the Staff action of October 19, 1973 for which review is here requested.

20. *It is further ordered,* That, pending our decision in this proceeding or our further order, parties to exchange of facilities contracts shall continue to furnish the services and facilities required by such contracts.

21. *It is further ordered,* That respondents are directed to appear at such oral argument, unless such hearing is waived, in which event a written statement may be submitted within 30 days of the service of this Order.

22. *It is further ordered,* That each respondent and party intending to participate in the oral argument shall file a brief on or before January 21, 1974 and a statement of intention to appear, specifying the amount of time requested for oral argument, by no later than December 27, 1973, and may file reply comments on or before February 4, 1974. The Commission reserves the right to limit the number of participants and the time of argument of each participant in the oral argument.

23. *It is further ordered,* That MCI Telecommunications Corporation, MCI-New York West, Inc., Western Union Telegraph Company, and the Chief, Common Carrier Bureau, are made parties to the proceeding.

24. *It is further ordered,* That the Secretary of the Commission shall send copies of this order by certified mail, return receipt requested, to American Telephone and Telegraph Company and the above described respondents and cause this order to be published in the FEDERAL REGISTER.

Adopted: December 12, 1973.

Released: December 13, 1973.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.73-26871 Filed 12-19-73;8:45 am]

FEDERAL ENERGY OFFICE

[FEO/OPA Administrative Directive No. 1]

LARRY ROGERS, ET AL.

Appointment of Acting Regional Administrators

Notice is hereby given of the appointment of the following individuals as Acting Regional Administrator of the Federal Energy Office and the Office of Petroleum Allocation with all the redelegated authority granted to me on December 12, 1973, under the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159) and section 203(a)(3) of the Economic Stabilization Act of 1970 as amended by the Economic Stabilization Amendments of 1973 (Pub. L. 92-210, 85 Stat. 743):

Larry Rogers	Region I
Gerald Teretsky	Region II
J. A. Lasala	Region III
Ken Dupuy	Region IV
George Delegianis	Region V
Col. Delbert Fowler	Region VI
James Newman	Region VII
Dudley Faver	Region VIII
William Arntz	Region IX
Jack Robertson	Region X

FRANK G. ZARB,
Acting Administrator, Office of Petroleum Allocation; and Acting Assistant Administrator for Operations and Compliance.

DECEMBER 18, 1973.

[FR Doc.73-26985 Filed 12-19-73;9:53 am]

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY TECHNICAL ADVISORY AND COORDINATING COMMITTEE TASK FORCES

Notice of Determination and Certification with Respect to Renewal

DECEMBER 18, 1973.

The Chairman of the Federal Power Commission has determined that renewal of the terms of the National Gas Survey's six Supply-Technical Advisory Task Forces (Natural Gas Supply, Reformer Gas, Liquefied Natural Gas, Natural Gas Technology, Synthetic Gas-Coal, and Regulation and Legislation), four Transmission-Technical Advisory Task Forces (Facilities, Operations, Economics, and Regulation and Legislation), one Distribution Technical Advisory Task Force (General), and the Coordinating Task Force, from and after December 21, 1973, to and including a date not later than December 31, 1974, is necessary in the public interest in connection with the performance of duties imposed on the Commission by law.

This notice is published pursuant to Commission General Order No. 464, issued December 19, 1972, paragraph 4(e) and authorities therein referred to, 38 FR 1083, 1086. See also Office of Management and Budget, Advisory Committee Management, Proposed Administrative Guidelines and Management Controls, 38 FR 2306, 2309.

By order issued December 21, 1971, 46 FPC 1352, the Commission established the technical advisory task forces to be subordinate organizationally to their respective technical advisory committees and the coordinating task force to be subordinate organizationally to the coordinating committee. The purpose of these task forces, as indicated in the Commission's order of April 6, 1971, 45 FPC 530, is to perform work assigned to them by their respective advisory committees. As renewed, the subject task forces would function as set forth in those orders for the additional period described above. Reports of the technical advisory task forces covering their work performed to date have been submitted to the Commission through their respective technical advisory committees. It is contemplated that the task force and committee reports, along with the Commission report, will be published during the period February through June 1974.

The exigencies of the national energy crisis and long-term energy policy strategy has been more fully delineated since commencement of the National Gas Survey in 1971. Accordingly, it is clear that certain phases of the present gas shortage originally studied by the Survey's task forces require further investigation and analysis. The Office of Management and Budget, Committee of Management Secretariat, has determined that renewal of the subject task forces as set forth above is consistent with the requirements of the Federal Advisory Act, 86 Stat. 770.

Renewal of these task forces will be reflected in appropriate Commission orders to be issued after December 26, 1973.

JOHN N. NASSIKAS,
Chairman.

[FR Doc.73-26908 Filed 12-19-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-4525 to 7-4529]

CRYSTAL OIL CO., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 13, 1973.

In the matter of applications of the PBW Stock Exchange, Inc., for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Crystal Oil Company	7-4525
Edgington Oil Company	7-4526
GTI Corporation	7-4527
Ionics, Incorporated	7-4528
Southeast Banking Corporation	7-4529

Upon receipt of a request, on or before December 29, 1973, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional acts bearing on any of the said applications by means of a letter addressed to the Secretary,

* Commissioners Reid and Hooks concurring in the result.

Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-26847 Filed 12-19-73;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Notice of Suspension of Trading

DECEMBER 12, 1973.

The common stock of Equity Funding Corporation of America being traded on the New York Stock Exchange, the Midwest Stock Exchange, the Pacific-Coast Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, the Boston Stock Exchange; warrants to purchase the common stock being traded on the American Stock Exchange and the Philadelphia - Baltimore - Washington Stock Exchange; 9½ percent debentures due 1990 being traded on the New York Stock Exchange; and 5½ percent convertible subordinated debentures due 1991 being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from December 13, 1973 through December 22, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-26848 Filed 12-19-73;8:45 am]

[File No. 500-1]

GIANT STORES CORP.

Notice of Suspension of Trading

DECEMBER 12, 1973.

The common stock of Giant Stores Corp. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of 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 exchanges and otherwise than on a national securities exchange is suspended, for the period from December 13, 1973 through December 22, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-26850 Filed 12-19-73;8:45 am]

[File No. 500-1]

I. S. INDUSTRIES, LTD.

Notice of Suspension of Trading

DECEMBER 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of I. S. Industries, Ltd. 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 1:00 p.m., e.s.t., December 12, 1973 through December 21, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-26851 Filed 12-19-73;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Notice of Suspension of Trading

DECEMBER 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 13, 1973 through December 22, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-26849 Filed 12-19-73;8:45 am]

[File No. 500-1]

PURIFICATION SYSTEMS, INC.

Notice of Suspension of Trading

DECEMBER 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Purification Systems, 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 1:00 p.m., e.s.t., December 12, 1973 through December 21, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-26852 Filed 12-19-73;8:45 am]

[54-249]

VGS CORP. AND VERMONT GAS SYSTEMS, INC.

Notice of Plan Proposing Divestiture of Subsidiary Company's Capital Stock by Registered Holding Company and Terminating Registration of Holding Company

Notice is hereby given that VGS Corporation ("VGS"), a registered holding company, and its subsidiary gas utility company, Vermont Gas Systems, Inc., ("Vermont"), 31 Swift Street, South Burlington, Vermont 05403, have filed a plan ("plan") and amendments thereto with this Commission pursuant to section 11(e) of the Public Utility Holding Company Act ("Act") and other applicable provisions of the Act. All interested persons are referred to the plan, as amended, which is summarized below, for a complete statement of the proposed transactions.

VGS, a Vermont corporation, was originally organized in 1964 to operate a natural gas distribution system in the state of Vermont. In June 1972, VGS organized Vermont, a Delaware corporation, to which VGS transferred its gas utility assets and business. VGS acquired all of the Vermont capital stock, consisting of 1,000 shares, $1 par value, and subsequently it registered as a holding company under the Act.

As at December 31, 1972, VGS had outstanding 163,135 shares of common stock, held by 31 shareholders of record, two of whom owned beneficially a combined total of 74 percent of the VGS stock. VGS owns approximately 44 percent of the issued and outstanding stock of Lamar Life Corporation, a Mississippi corporation, which through subsidiary companies is engaged in various nonutility businesses, including the sale of life insurance. VGS itself directly operates an oil refinery business in Mississippi. As at December 31, 1972, VGS had

consolidated assets of approximately $35,000,000 and consolidated revenues for the year ended that date of approximately $37,000,000. The Vermont stock and the stock of Lamar Life Corporation are pledged to the Whitney National Bank of New Orleans as security for a $16,150,000 loan to VGS due June 1, 1974.

Vermont conducts its gas utility business in Franklin and Chittenden counties in the state of Vermont. As at December 31, 1972, Vermont had total assets, per books, of approximately $9,000,000, including net plant of about $8,000,000. For the year then ended, Vermont had revenues of approximately $4,000,000. Vermont's capitalization as at December 31, 1972, consisted of 58.5 percent long-term debt and 41.5 percent common equity, all of said debt consisting of a $5,000,000 note to VGS due June 1, 1974.

Under the plan the Vermont common stock will be reclassified into new shares equal in number to the outstanding shares of VGS common stock. The Vermont stock will remain under pledge to the bank, but VGS stockholders will be notified that they are to be the record owners, share for share, of the Vermont stock. As such record owners, each will be entitled to vote the shares of Vermont and will have all other rights of a Vermont shareholder, including the right to delivery of the Vermont stock after its release from pledge.

The plan further provides that after approval thereof, no officer or director of VGS or of any VGS subsidiary, or immediate member of his family, shall concurrently be an officer or director of Vermont; and that a person who has served as an officer or director of VGS or a VGS subsidiary shall not thereafter be eligible to serve in either such position with Vermont, and conversely, until the expiration of a period of three years. It is also proposed that Vermont and VGS shall not enter into any intercompany transaction, unless such transaction shall have been approved by the Public Service Board of the State of Vermont; that neither VGS nor any VGS subsidiary shall acquire any capital stock of Vermont, or conversely; that during such time as the Vermont stock is subject to pledge and for two years thereafter, Vermont shall file with this Commission copies of Vermont's audited annual financial statements and unaudited semiannual financial statements; and that during such time as the Vermont stock is subject to pledge and for two years thereafter, Vermont shall notify this Commission of changes in the record ownership of the Vermont stock within 30 days after any such change is made and shall furnish this Commission with a statement of the principal business affiliations of any new record owner of such stock.

VGS requests that upon the book transfer of the Vermont stock to VGS stockholders and the consummation of related transactions an order should issue pursuant to Section 5(d) of the Act declaring that VGS has ceased to be a holding company and that its registration as such under the Act be terminated.

VGS states that the Public Service Board of Vermont has jurisdiction over the reclassification of the Vermont stock and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. VGS states that the fees and expenses incurred in connection with the proposed transactions are anticipated not to exceed $700.

Notice is further given that any interested person may, not later than December 27, 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 plan, as amended, 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 (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date the plan, as amended or as it may be further amended, may be approved or the Commission may 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.73-26853 Filed 12-19-73;8:45 am]

[File No. 500-1]

ADVANCE METAL PRODUCTS INC.

Notice of Suspension of Trading

DECEMBER 11, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Advance Metal Products Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2:15 p.m. December 11, 1973 through midnight, December 20, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-26865 Filed 12-19-73;8:45 am]

[File No. 500-1]

ATEK INDUSTRIES, INC.

Notice of Suspension of Trading

DECEMBER 11, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Atek Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2:15 p.m. December 11, 1973 through midnight, December 20, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-26864 Filed 12-19-73;8:45 am]

DELMARVA POWER AND LIGHT CO., ET AL.

Notice of Proposed Acquisition of Utility Assets and Business of Privately-Owned Electric Utility Companies

DECEMBER 12, 1973.

In the matter of Delmarva Power & Light Company, 800 King Street, Wilmington, Delaware 19899; Delmarva Power & Light Company of Maryland, Delmarva Power & Light Company of Virginia, U.S. Route 13 and Naylor Mill Road, Salisbury, Maryland 21801.

Notice is hereby given that Delmarva Power & Light Company ("Delmarva"), a registered holding company, and its two wholly-owned public utility subsidiaries, Delmarva Power & Light Company of Maryland ("Delmarva-Maryland") and Delmarva Power & Light Company of Virginia ("Delmarva-Virginia"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9(a)(1), 10, and 12 of the Act as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Applicants-declarants propose to acquire the utility assets and business of two non-affiliated companies, namely, Stockton Light and Power Company, a Maryland Corporation ("Stockton-Maryland"), and the latter's wholly-owned subsidiary, Stockton Light and Power Company, a Virginia Corporation ("Stockton-Virginia"). The Stockton companies are engaged in the transmission and retail distribution of electric energy in two small adjoining areas of Maryland and Virginia, respectively. Their service territories encompass fewer than 900 customers, and are adjacent to the Delmarva system distribution territory. The Stockton-Maryland system

is interconnected with Delmarva-Maryland from which it purchases at wholesale the total electric energy requirements of both itself and of the Stockton-Virginia system. Stockton-Maryland and Stockton-Virginia operate exclusively retail distribution facilities consisting of overland lines, line transformers, meters, transportation equipment, land and buildings.

As a result of the proposed transactions, Delmarva-Maryland will acquire the assets and franchises and assume the obligations of Stockton-Maryland, and Delmarva-Virginia will acquire the assets and franchises and assume the obligations of Stockton-Virginia. Delmarva will pay $296,298 to Stockton-Maryland and $128,712 to Stockton-Virginia in shares of its common stock (to be newly issued), subject to adjustments between December 31, 1972, and the date of settlement. It is estimated that a total of approximately 27,420 shares of common stock will be thus issued by Delmarva. Delmarva, in turn, will be reimbursed by stock and notes issued and delivered to it by Delmarva-Maryland and Delmarva-Virginia, as more fully described below.

Applicants-declarants state that Delmarva submitted the most favorable offer for the Stockton properties in a response to a request for bids. Thereafter, a contract of sale ("Contract") was executed on July 31, 1973, subject to the receipt of all necessary regulatory approvals, between the applicants-declarants, the two Stockton companies, and Dorothy Trader Turner who is the holder (as surviving trustee) of all the stock of Stockton-Maryland.

At closing, Stockton-Maryland will convey to Delmarva-Maryland all its property (except stock of Stockton-Virginia), including franchises, operating rights and accounts receivable. Delmarva-Maryland will receive the property and assume the obligations of Stockton-Maryland, recorded on the latter's books at net amounts of $186,616 and $114,792, respectively, as of December 31, 1972. Similarly, Stockton-Virginia will convey to Delmarva-Virginia all its property, including franchises, operating rights and accounts receivable. Delmarva-Virginia will receive the property and assume the obligations of Stockton-Virginia, recorded on the latter's books at net amounts of $26,729 and $16,746, respectively, as of December 31, 1972. The two Stockton companies will thereupon cease doing business as operating utilities.

To reimburse Delmarva for the purchase price of the respective Stockton properties, Delmarva-Maryland and Delmarva-Virginia will each issue and deliver to Delmarva: (i) a promissory note ("Note") for one-half of the value of Delmarva's stock (rounded to the next lower $1,000) delivered respectively to Stockton-Maryland and Stockton-Virginia; (ii) their common stock in an amount equal in aggregate par value to the face amount of their respective Notes; and (iii) cash for the respective balances. Both Notes will mature thirty years from date and bear interest at the cost of money on Delmarva's last prior public sale of its bonds rounded to the next higher one-tenth of one percent. Upon receipt of the Notes and stock of its subsidiaries, Delmarva in turn will pledge such Notes and stock under its Mortgage and Deed of Trust, dated as of October 1, 1943, to Chemical Bank, N.Y., trustee.

The consideration offered by Delmarva is stated to have been determined through appraisal of the property, business and service area to be acquired, in consultation with Middle West Service Company, independent consultants and appraisers to the utility industry. The aggregate purchase price of $425,010 for the two Stockton properties exceeds the net book value thereof by approximately $343,000 as of December 31, 1972. It is stated that the treatment of the excess acquisition cost in the accounts of Delmarva-Maryland and Delmarva-Virginia will be subject to approval, respectively, of the Public Service Commission of Maryland and the State Corporation Commission of Virginia. The consolidated income statement of Delmarva and its subsidiaries for the 12 months ended July 31, 1973, pro forma giving effect to the proposed transactions, indicates that there will be no change from the actual earnings applicable to the common stock of Delmarva of $2.03 per share reported for that period.

Applicants-declarants state the proposed acquisitions will simplify and integrate the electric business in this part of the Delmarva system, providing more efficient and economical operation through managerial and operational expertise, as well as additional capital required to meet the standards of service and growth deemed appropriate by the several regulatory commissions having jurisdiction in the Stockton territories. It is further stated that there will be no adverse impact on the customers of the Delmarva system. Present rates charged to Stockton customers will remain unchanged until such time as rate revision is authorized by the appropriate regulatory commission. In that connection, it is stated that if Delmarva-Maryland rates were now charged to Stockton-Maryland customers, there would be an overall rate decrease. If Delmarva-Virginia rates were now charged to Stockton-Virginia customers, there would be some overall rate increase to Stockton-Virginia customers, who are stated to have had no rate increase since 1965.

The following Federal and State regulatory bodies have jurisdiction over all or certain aspects of the proposed transactions: The State Corporation Commission of Virginia; the Public Service Commission of Maryland; the Public Service Commission of Delaware; the Circuit Court of Worcester County, Maryland; and the Federal Power Commission. No other State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are estimated to total $19,000, including legal fees of $7,000 and accounting fees of $5,000.

Notice is further given that any interested person may, not later than January 7, 1974, 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 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 address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be 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.73-26861 Filed 12-19-73;8:45 am]

DREYFUS CORP., ET AL.

Notice of Application for Exemption

In the matter of the Dreyfus Corporation, Sponsor of The Dreyfus Investment Program; Universal Programs, Inc., Sponsor of The Eagle Growth Shares Investing Programs and the Philadelphia Fund Investing Programs; Franklin Distributors, Inc., Sponsor of the Franklin Investment Programs; E.F.C. Sponsors Corporation, Sponsor of E.F.C. Sponsors Corporation Plans for the Accumulation of Shares of Axe-Houghton Fund B, Inc., E.F.C. Sponsors Corporation Plans for the Accumulation of Axe-Science Corporation, E.F.C. Sponsors Corporation Plans for the Accumulation of Shares of Fund of America, Inc., and E.F.C. Sponsors Corporation Plans for the Accumulation of Shares of National Investors Corporation; the Bank of New York, 48 Wall Street, New York, New York 10015.

Notice is hereby given that the Dreyfus Corporation, Sponsor of The Dreyfus Investment Program; Universal Programs, Inc., Sponsor of The Eagle Growth Shares Investing Programs and The Philadelphia Fund Investing Programs; Franklin Distributors, Inc., Sponsor of

The Franklin Investment Programs; E.F.C. Sponsors Corporation, Sponsor of E.F.C. Sponsors Corporation Plans for the Accumulation of Shares of Axe-Houghton Fund B, Inc., E.F.C. Sponsors Corporation Plans for the Accumulation of Shares of Axe-Science Corporation, E.F.C. Sponsors Corporation Plans for the Accumulation of Shares of Fund of America, Inc., and E.F.C. Sponsors Corporation Plans for the Accumulation of Shares of National Investors Corporation, which programs and plans are unit investment trusts registered under the Investment Company Act of 1940 ("Act") (collectively referred to as the "Trusts"), and the Bank of New York (the "Bank"), a New York corporation which acts as custodian of the assets of each of the Trusts, (the "Applicants"), have filed an application pursuant to section 6(c) of the Act for an order permitting the Bank to hold 5 percent of the assets of the Trusts as "book shares," i.e., as entries on the records of the transfer agents of the underlying investment companies (collectively referred to as the "Funds"), in whose shares the assets of the Trusts are invested (each Trust having its assets exclusively invested in the shares of one underlying Fund).

All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Payments to the Bank by holders of the Dreyfus Program are invested exclusively in shares of the Dreyfus Fund, Incorporated. The Bank is also the transfer agent and custodian for the underlying assets of the Dreyfus Fund, Incorporated.

Payments to the Bank by holders of the Eagle Growth Program are invested exclusively in shares of Eagle Growth Shares, Inc. The Bank is also the transfer agent and custodian of the underlying assets of Eagle Growth Shares, Inc.

Payments to the Bank by holders of the Franklin Program are invested exclusively in shares of the Franklin Custodian Funds, Inc., Growth Series or Utilities Series, as selected by the programholder. The Bank is also the transfer agent for and custodian of the underlying assets of the Franklin Custodian Funds, Inc., Growth Series and Utilities Series.

Payments to the Bank by holders of the Philadelphia Program are invested exclusively in shares of the Philadelphia Fund, Inc. The Bank is also the transfer agent for and custodian of the underlying assets of the Philadelphia Fund, Inc.

Payments to the Bank by holders of the Axe-Houghton Fund B Program and the Axe Science Program are, respectively, invested exclusively in shares of the Axe-Houghton Fund B, Inc. and shares of the Axe Science Corporation. First Jersey National Bank of Jersey City, New Jersey, is the transfer agent for and custodian of the underlying assets of the Axe-Houghton Fund B, Inc. and of the Axe Science Corporation.

Payments to the Bank by the holders of the Fund of America Program are invested exclusively in shares of the Fund of America, Inc. City National Bank & Trust Company, of Kansas City, Missouri, is the transfer agent for and the custodian of the underlying assets of Fund of America, Inc.

Payments to the Bank by the holders of National Investors Corporation Program are invested exclusively in shares of National Investors Corporation. Chase Manhattan Bank of New York is the custodian of the underlying assets of National Investors Corporation and Union Data Service Center, Inc. is the transfer agent for this Fund.

The shares of each of the Funds may be held in the form of certificates or as entries on the books of the transfer agents for the Funds.

Section 26(a)(2)(D) of the Act provides generally that no principal underwriter for, or depositor of, a registered unit investment trust shall sell any security of which such trust is the issuer unless the trust indenture, agreement of custodianship or other instrument pursuant to which such security is issued provides in substance that the custodian shall have possession of all securities and other property in which the funds of the trust are invested, all funds held for such investment, all equalization, redemption and other special funds of the trust, and all income upon, accretions to, and proceeds of such property and funds, and shall segregate and hold the same in trust.

Applicants request an exemption from the provisions of section 26(a)(2)(D) to allow the Bank to hold 5 percent of the assets of each Trust in the form of book shares, i.e., as entries upon the records of the transfer agent of the underlying Fund in whose shares such assets are exclusively invested. This manner of evidencing ownership of the shares of its underlying Fund will facilitate each Trust's being able to redeem and receive payment on the shares of its underlying Fund so that such Trust will be able to effect payment on a redemption of its units within the period required by the Act. Upon redemption of any of its units, it may be necessary for a Trust to obtain the funds for payment by redeeming the shares of the underlying Fund represented by those units. If ownership of the shares of the underlying Fund is evidenced by share certificates, such certificates must be delivered to the custodian of the underlying Fund before the Trust may recover the proceeds of a redemption of such shares. Such a procedure can delay the receipt by the Trust of the proceeds of such redemption and make it necessary for the Bank to advance money to the Trust so that payment can be made, as required by the Act, within seven days of redemption of units of the Trust. Applicants state that such delay in the receipt of the proceeds of a redemption may occur even where the Bank is custodian for both the redeeming Trust and the underlying Fund whose shares are held by the Trust.

Applicants state that in the mutual fund industry, it has become, in the interest of efficiency and economy, a common practice, in the case of individual investors, to use book accounts for the issuance of shares rather than share certificates.

The Bank maintains on its books and records a total of the number of Fund shares purchased by it for each unit holder of each Trust. In addition, the transfer agent for each Fund maintains a record of the total number of Fund shares purchased by the Bank as Custodian of each Trust.

Applicants state that the primary purpose of section 26(a), to provide for the safekeeping of assets of registered unit investment trusts, is not significantly furthered when a Trust's ownership of the shares of the underlying Fund is evidenced by share certificates. Applicants contend that since the Bank is supervised by Federal and State Bank examiners, maintains a Blanket Banker's bond in the face amount of $25,000,000, to cover acts of misfeasance of its employees, and is held accountable to each unit holder of a Trust for the Fund shares that it holds on behalf of such unit holder, whether such shares are held in book share form or certificate form, the interests of unit holders in each Trust will be adequately protected.

Applicants represent that the normal demands for redemption of units of the Trusts can be met by maintaining in book share form in each Trust not more than 5 percent of the total number of Fund shares held by it as Custodian for such Trust at any time.

Applicants represent that the Bank has many duties and responsibilities in connection with its custodianship function other than the possession of the share certificates of the underlying Funds of each of the Trusts. These responsibilities, which are primarily ministerial and nondiscretionary, include collection of dividends and distributions, recordkeeping, and the purchase and voting of Fund shares.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 7, 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 reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such

service (by affidavit or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following January 7, 1974, 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.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-26862 Filed 12-19-73;8:45 am]

FEDERAL STREET FUND, INC.

Notice of Application for an Order Exempting a Proposed Transaction

DECEMBER 11, 1973.

In the matter of Federal Street Fund, Inc., 225 Franklin Street, Boston, Massachusetts 02110.

Notice is hereby given that Federal Street Fund, Inc. ("Applicant"), a diversified, open-end management investment company registered under the Investment Company Act of 1940, as amended (the "Act"), has filed an application pursuant to section 17(b) of the Act for an order of exemption from section 17(a) of the Act to permit the Estate of Howard Cullman ("Estate"), to tender shares of Applicant for redemption in kind. 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 was incorporated under the laws of Massachusetts and was created as a so-called "exchange type" fund. Except for shares offered to the stockholders of the Second Federal Street Fund, Inc. ("Second Federal") in connection with the merger of Second Federal into Applicant which took place in 1972, Applicant has not offered its shares of common stock to the general public since the completion of the initial public offering of its shares in exchange for outstanding stock or other securities of various business corporations. Further, Applicant has not issued any additional shares since completion of said initial public offering except with respect to shares issued in connection with the aforesaid merger, a 3 for 1 stock split effected as part of the aforesaid merger transaction, a 20 for 1 stock split in 1962, acquisitions of the assets of private investment companies in 1968 and 1972, and shares issued in payment of various optional stock dividends to Applicant's shareholders.

Applicant, in the ordinary course of its business, redeems shares tendered for redemption by its shareholders and has continuously followed the policy of paying the price of substantially all such redemptions in kind with securities from its portfolio. Applicant states that it intends to continue this policy for the foreseeable future.

Certain members of the Cullman family, who are closely related, beneficially own shares of the common stock of Applicant, as of October 10, 1973, as follows:

Cullman stockholder	Shares of applicant held	Percentage of applicant's outstanding stock
Joseph F. Cullman, 3d, Edgar M. Cullman and W. Arthur Cullman as Trustees under will of Joseph F. Cullman, Jr.	311,682	3.70
Estate of Howard S. Cullman	177,859	2.11
Joseph F. Cullman, 3d	201,359	2.39
Edgar M. Cullman	187,859	2.23
Hugh Cullman	18,607	0.22
W. Arthur Cullman	21,607	0.26
Nan O. Cullman as Custodian for Alexandra M. Cullman, under New York Uniform Gifts to Minors Act	5,000	0.06
W. Arthur Cullman, Jr. and immediate family	2,000	0.02
Frederick M. Danziger, Lucy C. Danziger, and Edgar M. Cullman as Trustees under Agreement dated Dec. 26, 1972, for benefit of Lucy C. Danziger, David M. Danziger, and others	10,028	0.12
Frederick M. Danziger, Lucy C. Danziger, and Edgar M. Cullman, as Trustees under Agreement dated Dec. 26, 1972, for benefit of Lucy C. Danziger, Rebecca B. Danziger, and others	10,028	0.12
Total	946,029	11.23

As of October 10, 1973, Applicant had 8,416,709 shares of its common stock outstanding.

Applicant states that the Estate, which may be deemed to be an affiliated person of Applicant if its holdings are combined with the holdings of other members of the Cullman family, including the Estate of Joseph F. Cullman, Jr., desires to redeem a portion of the 177,859 shares of Applicant presently held by it in order to raise approximately $2,500,000 to pay administrative expenses and for investment reasons. The executors of the Estate are Marguerite W. Cullman, Joseph F. Cullman, 3rd, Hugh Cullman, and Bankers Trust Company (New York).

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, from selling to or purchasing from such registered company, or any company controlled by such registered company, any security, or other property. Section 17(b) of the Act provides, however, that the Commission, upon application, may exempt a transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

Applicant, in accordance with its continuous redemption policy described above, wishes to pay the redemption price of the shares to be tendered for redemption by the Estate with one or more marketable securities from Applicant's portfolio.

The portfolio securities of Applicant to be used to meet such redemption will be selected solely by Applicant in its investment discretion at the time of the redemption, and there is no arrangement or understanding with the executors of the Estate as to what the securities will be. Such portfolio securities will be valued in accordance with the valuation practices of Applicant (as set forth in its governing instruments) for determining its net asset value per share as of the same time the net asset value of the Applicant's shares tendered for redemption is determined. By paying the redemption price of its shares tendered by the Estate for redemption with portfolio securities, Applicant will be adhering to its policy, in effect since its inception, of paying all redemptions of its shares, except for those involving an insubstantial amount, by delivery of portfolio securities. Applicant submits that if it were required to sell portfolio securities in order to raise cash to meet redemptions, it would, in consequence, be forced to realize substantial capital gains and thereby incur substantial capital gains tax liability and the expense of brokerage commissions, all of which would be to the detriment of its shareholders. No realization of capital gains or incurring of brokerage commission expense by Applicant will occur upon a redemption in which portfolio securities are delivered in satisfaction of the redemption price.

Notice is further given that any interested person may, not later than January 3, 1974 at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the natue of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such 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 application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-26860 Filed 12-19-73;8:45 am]

PEPSICO OVERSEAS CORP.

Notice of Application and Opportunity for Hearing

DECEMBER 11, 1973.

In the matter of PepsiCo Overseas Corporation, Purchase, New York 10577, File Nos. 1-5207, 81-136.

Notice is hereby given that PepsiCo Overseas Corporation ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("the 1934 Act"), for a finding that an exemption from the requirement to file reports pursuant to Section 13(a) of the 1934 Act would not be inconsistent with the public interest or the protection of investors.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions and to grant exemptions from the insider reporting and trading provisions of the 1934 Act if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The application states, in part:

1. Applicant, a Delaware corporation, is a wholly owned, subsidiary of PepsiCo, Inc. ("PepsiCo"), existing for the principal purpose of obtaining funds for the capital requirements of PepsiCo's international operations.

2. In March 1966, Applicant issued and sold $30 million, principal amount, of 4½ percent Guaranteed Debentures due 1981 ("Debentures"). Such Debentures are, and since September, 1967, have been, convertible into shares of common stock of PepsiCo.

3. The Debentures were and continue to be listed on the Luxembourg and New York Stock Exchanges and such securities are registered with the Commission under section 12(b) of the Act. As a consequence of such registration, Applicant is required to file periodic reports pursuant to section 13(a) of the 1934 Act.

4. As of August 11, 1973, Debentures aggregating, in principal amount, $20,936,000 have been converted into shares of common stock of PepsiCo. The total principal amount of Debentures thus remaining unconverted as of August 11, 1973, was $9,064,000.

5. The common stock of PepsiCo into which the Debentures are convertible are listed on the New York and Midwest Stock Exchanges and such securities are registered with the Commission under section 12(b) of the Act. As a consequence of such registration, PepsiCo is required to file periodic reports pursuant to section 13(a) of the Act.

6. Since December, 1971, there has been an almost total absence of trading activity in Applicant's remaining unconverted Debentures on the New York Stock Exchange.

7. Accordingly, Applicant believes that in view of the facts that a trading market in its Debentures is unlikely to become sufficiently significant; that Debenture holders, if interested in any reports filed pursuant to section 13 of the Act would be interested in those filed by PepsiCo and not those filed by Applicant; and that the Debenture holders are benefited by the disclosure and reporting requirements of the 1934 Act as applied to PepsiCo, that Applicant should not continue to be subjected to the not insubstantial burden of complying with section 13(a) of the Act.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C.

Notice is further given that any interested person not later than January 7, 1974 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon.

Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549 and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-26863 Filed 12-19-73;8:45 am]

[File No. 500-1]

RECLAMATION SYSTEMS, INC.

Notice of Suspension of Trading

DECEMBER 11, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Reclamation Systems, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2:15 p.m. December 11, 1973 through midnight, December 20, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-26866 Filed 12-19-73;8:45 am]

[File No. 3-4404]

BOLTON GROUP, LTD.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

DECEMBER 11, 1973.

I. The Commission's public official files disclosed that:

A. The Bolton Group, Ltd. ("issuer"), a New York corporation with offices located at 210 East 52nd Street, New York, New York, filed with the Commission on June 14, 1972 a notification on Form 1-A with attached exhibits including an offering circular relating to a public offering on a best efforts all or none basis of 100,000 units at an offering price of $1.25 per unit to be sold by Park Securities, Inc. ("Park"). On May 4, 1973, a Form 2-A was filed representing that Park had sold the 100,000 units in the period September 1, 1972 to October 6, 1972 inclusive.

II. The Commission on the basis of information reported by the taff has reason to believe that the terms and conditions of Regulation A have not been complied with in that:

A. The notification and offering circular as filed and amended and the Form 2-A are incomplete, inaccurate and contain untrue statements of material facts and omit to state material facts necessary to make the statements made in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The plan and manner of distribution of the offering;

2. The identity of underwriters and purchasers including, among others, Daniel J. Claridy, Richard Pinto, Charles Ciccotto, N. Carroll Mallow and Ciro Cozzolino and the interests of such persons in the distribution;

3. The number of units to be and that were sold to the public;

4. The price to be and that was paid by the public for the units; and

5. The compensation of underwriters.

B. The manner in which the securities would be and were traded in the aftermarket.

C. The offering was made in violation of section 17(a) of the Securities Act of 1933.

III. It, appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended;

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within thirty days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of temporary suspension should be vacated or made permanent without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

It is further ordered, Pursuant to rule 10 of the Commission's rules of practice, that any hearing ordered in this matter should be consolidated with the hearing ordered In the Matter of Park Securities Inc. et al. (Administrative File No. 3-4403) and if hearing is requested in the matter of EKG Service Corp. (Administrative Proceeding File No. 3-4405) for evidentiary purposes and all evidence introduced at any hearing pursuant to this order for proceedings or the other two orders for proceedings named above shall be considered in determining the questions involved in each of the proceedings.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-26867 Filed 12-19-73;8:45 am]

[File No. 3-4405]

EKG SERVICE CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

DECEMBER 11, 1973.

I. The Commission's public official files disclose that:

EKG Service Corp. ("issuer"), a Delaware corporation with offices located at 925 Clifton Avenue, Clifton, New Jersey, filed with the Commission on June 28, 1972 a notification on Form 1-A with attached exhibits, including an offering circular relating to a public offering on a best efforts all or one-third basis of 100,000 shares of common stock at an offering price of $5.00 per share to be sold by Park Securities Inc. ("Park"). On May 7, 1973, a Form 2-A was filed representing that Park had sold 33,333 shares between October 10, 1972 and December 29, 1972 inclusive.

II. The Commission on the basis of information reported by the staff has reason to believe that the terms and conditions of Regulation A have not been complied with in that:

A. The notification and offering circular as filed and amended and the Form 2-A are incomplete, inaccurate and contain untrue statements of material facts and omit to state material facts necessary to make the statements made in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The plan and manner of distribution of the offering;

2. The identity of underwriters and purchasers including among others Daniel J. Claridy and Richard Pinto and the interests of such persons in the distribution;

3. The number of shares to be sold to the public;

4. The price to be paid by the public for the shares;

5. The compensation of underwriters;

6. The manner in which the securities would be traded in the aftermarket;

7. The terms and conditions upon which closing of the offering was to take place and the manner in which the closing was executed, including among other things:

(a) Duration of the selling period;

(b) The return of payments to prospective purchasers if one third of the offering was not sold and paid for in the selling period; and

(c) Identity of purchasers.

B. The offering was made in violation of section 17(a) of the Securities Act of 1933.

III. It, appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of temporary suspension should be vacated or made permanent without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

It is further ordered, Pursuant to rule 10 of the Commission's rules of practice, that any hearing ordered in this matter should be consolidated with the hearing ordered in the matter of Park Securities Inc. et al. (Administrative Proceeding File No. 3-4403) and, if hearing is requested in the matter of The Bolton Group, Ltd. (Administrative Proceeding Rule No. 3-4404) for evidentiary purposes and all evidence introduced at any hearing pursuant to this order for proceedings or the other two orders for proceedings named above shall be considered in determining the questions involved in each of the proceedings.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-26868 Filed 12-19-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 102]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 14, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 409 (Sub-No. 49), filed November 9, 1973. Applicant: SCHROETLIN TANK LINE, INC., P.O. Box 511, Sutton, Nebr. 68979. Applicant's representative: Patrick E. Quinn, 605 South 14th St., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in tank vehicles, from the nitrogen plant of Farmland Industries, Inc. near Enid, Okla., to points in Kansas, Colorado, Texas, Missouri, Arkansas and Louisiana, restricted to shipments originating at the above-named point.

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 1074 (Sub-No. 14), filed November 8, 1973. Applicant: ALLEGHENY FREIGHT LINES INCORPORATED, P.O. Box 601, Winchester, Va. 22601. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities of a perishable nature, commodities in bulk, and those requiring special equipment), (1) Between Washington, Pa. and Parkersburg, W. Va., as an alternate route for operating convenience only in connection with carrier's authorized regular-route operations, serving no intermediate points: From Washington, Pa., over Interstate Highway 70 to Wheeling, W. Va., thence over West Virginia Highway 2 to Parkersburg, W. Va., and return over the same route; (2) Between Pittsburgh, Pa., and Baltimore, Md., as an alternate route for operating convenience only in connection with carrier's authorized regular-route operations, serving no intermediate points: From Pittsburgh, Pa., over Interstate Highway 376 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 70, thence over Interstate Highway 70 to Baltimore, Md., and return over the same route; (3) Between Pittsburgh, Pa., and Winchester, Va., as an alternate route for operating convenience only in connection with carrier's authorized regular-route operations: From Pittsburgh, Pa., over Interstate Highway 376 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction U.S. Highway 522, thence over U.S. Highway 522 to Winchester, Va., and return over the same route; and (4) Between Winchester, Va., and Berkely Springs, W. Va., as an alternate route for operating convenience only in connection with carrier's authorized regular-route operations, serving no intermediate points: From Winchester, Va., over U.S. Highway 522 to Berkely Springs, W. Va., and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 2202 (Sub-No. 454), filed October 23, 1973. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., Akron, Ohio 44309. Applicant's representative: William Slabaugh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment), serving the terminal site of Roadway Express, Inc., located at or near Holtsville (Suffolk County), N.Y., as an off-route point in connection with carrier's regular route operations, restricted against the transportation of traffic originating at, destined to, or interlined at the above named terminal site.

NOTE.—Common control was approved in MC-F-11372 and MC-F-11971. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 3114 (Sub-No. 30), filed November 13, 1973. Applicant: T. P. COMPTON, INC., R.F.D. No. 1, Berkeley Springs, W. Va. 25411. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand*, from Berkeley Springs, W. Va., to points in Alabama, Arkansas, Connecticut, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Maine, Massachusetts, Mississippi, Missouri, New Jersey, New Hampshire, New Mexico, North Carolina, Ohio, Oklahoma, Rhode Island, Tennessee, Texas, Vermont, Virginia, and Wisconsin; and (2) *lithium ore*, from Berkeley Springs, W. Va., to the destination points in (1) above and points in Maryland and Pennsylvania.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 3255 (Sub-No. 14), filed November 14, 1973. Applicant: PEP TRUCKING CO., INC., 386 Henderson Street, Jersey City, N.J. 07302. 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: *Flour*, (1) from Martins Creek and Treichlers, Pa., to points in New Jersey, New York, Connecticut, and Massachusetts; and (2) from Hudson Falls, N.Y., to points in New Jersey, Connecticut, and Massachusetts.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 4405 (Sub-No. 508), filed November 8, 1973. Applicant: DEALER TRANSIT, INC., 2200 E. 170th Street, P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, other than initial truckaway and driveaway service; (2) *self-propelled street sweepers* (other than those which because of size or weight require the use of special equipment) in truckaway service; and (3) *self-propelled street sweepers* in driveaway service, from Chilton, Wis., to points in the United States (except Alaska and Hawaii); and (4) *tractors* in secondary driveaway service only when drawing trailers in initial driveaway service, from Chilton, Wis., to points in Arizona, Nevada, Oregon, and Vermont, restricted to traffic originating at Chilton, Wis.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 7640 (Sub-No. 36), filed November 2, 1973. Applicant: BARNES TRUCK LINE, INC., 506 Mayo Street, Wilson, N.C. 27893. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel roofing*, from Wilmington, N.C., to points in Georgia, Florida, South Carolina, and Tennessee.

NOTE.—Common control was approved in Docket No. MC-F-10522. Applicant 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 7640 (Sub-No. 37), filed November 2, 1973. Applicant: BARNES TRUCK LINE, INC., 506 Mayo Street, Wilson, N.C. 27893. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products and materials* used in connection with the manufacture of these articles, from Riegelwood and Cape Fear, N.C., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 13134 (Sub-No. 35), filed October 9, 1973. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, Ohio 45656. 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: *Iron and steel articles*, from the plantsite of Bethlehem Steel Corporation at Lackawanna, N.Y., to points in Indiana, Ohio, and the Chicago, Ill., Commercial Zone.

NOTE.—Applicant states that the requested authority can be tacked at points in Ohio to provide service to portions of Pennsylvania and all points in West Virginia. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 13569 (Sub-No. 28), filed October 29, 1973. Applicant: THE LAKE SHORE MOTOR FREIGHT COMPANY, a Corporation, 1200 South State Street, Girard, Ohio 44420. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel*, and (2) *iron and steel articles*, from the plantsite of Bethlehem Steel Corporation at Lackawanna, N.Y., to points in Illinois, Indiana, Michigan (lower Peninsula), and Ohio.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at points in Ohio to serve points in Pennsylvania; and at the plant sites of Jones & Laughton Steel Corp. located in Putnam County, Ill., and Bethlehem Steel Corp. located at Burns Harbor (Porter County), Ind., to serve points in Wisconsin and the upper peninsula of Michigan. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 16536 (Sub-No. 5), filed November 12, 1973. Applicant: STANDARD FORWARDING CO., INC., 2925 Morton Drive, East Moline, Ill. 61244. Applicant's representative: Charles W. Singer, 2440 East Commercial Blvd., Ft. Lauderdale, Fla. 33308. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by manufacturers and distributors of agricultural, industrial, and construction machinery and equipment, recreational vehicles, and lawn and garden care equipment, and *materials, equipment*, and *supplies* used in the manufacture and distribution of said commodities, between points in Black Hawk, Dubuque, Polk, Scott, and Wapello Counties, Iowa, and Rock Island County, Ill., on the one hand, and, on the other, points in Illinois and Iowa, under a continuing contract, or contracts with Deere and Company of Moline, Ill. and subsidiaries thereof.

NOTE.—Applicant states that the primary purposes of this application are to modify applicant's commodity authorization and to remove certain restrictions. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 19227 (Sub-No. 194), filed October 9, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 NW. 20th Street, P.O. Box 602, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Therapy pools, parts, materials, equipment, and supplies* used in the construction and installation thereof, between the plant site of Riviera Industries, Inc., at Sun Valley, Calif., on the one hand, and, on the other, points in Maryland, Pennsylvania, Delaware, Rhode Island, New York, New Jersey, Connecticut, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 20783 (Sub-No. 93), filed October 30, 1973. Applicant: TOMPKINS MOTOR LINES, INC., P.O. Box 1830, Gadsden, Ala. 35902. Applicant's representative: John P. Carlton, 603 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* from Athens, Ala., to points in Arizona, California, and New Mexico.

NOTE.—Applicant states that the requested authority can be tacked at Athens, Ala., to provide a through service, (1) on dairy products, eggs and poultry from Murfreesboro, Columbia, Franklin, Lawrenceburg, Lewisburg, McMinnville, Petersburg, Pulaski, Tullahoma, and Woodbury, Tenn., (2) on packinghouse and dairy products, eggs and poultry from Nashville, Tenn., (3) on packinghouse and dairy products, eggs and poultry (except when frozen) from Atlanta, Ga., (4) on commodities described as dairy products in Appendix to 46 M.C.C. 23 from Alexandria, Ardmore, Carthage, Clarksville, Gainesboro, Gallatin, Lafayette, Lynnville, McEwen, Portland, and Shelbyville, Tenn., (5) on cheese from Fayetteville, Tenn., (6) on frozen foods, and fresh fruits and fresh vegetables from Portland and Nashville, Tenn., (7) on peanuts from a defined portion of Georgia, (8) on food, food preparation and foodstuffs from the plantsite of Kraft Foods Division at Decatur, Ga., (9) on packinghouse and dairy products, eggs and poultry from the plantsite of Commercial Cold Storage, Inc., located near Doraville, Ga., and (10) on meats, meat products and meat by-products, etc., from the plantsite of Oscar Mayer & Co. near Goodlettsville, Tenn., in (1) through (10) above to those destination points named herein. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 20783 (Sub-No. 94), filed November 5, 1973. Applicant: TOMPKINS MOTOR LINES, INC., P.O. Box 1830, Gadsden, Ala. 35902. Applicant's representative: John P. Carlton, 603 Frank

Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, moving in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., to points in that part of Alabama on and east of U.S. Highway 31, and those in 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 Nashville, Tenn., or Birmingham, Ala.

No. MC 22195 (Sub-No. 152), filed November 7, 1973. Applicant: DAN DUGAN TRANSPORT COMPANY, a Corporation, 41st & Grange Avenue, Sioux Falls, S. Dak. 57105. Applicant's representative: Fred Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from points in Pennington County, S. Dak., to points 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 Sioux Falls or Rapid City., S. Dak.

No. MC 22195 (Sub-No. 153), filed November 12, 1973. Applicant: DAN DUGAN TRANSPORT COMPANY, a Corporation, 41st & Grange Avenue, Sioux Falls, S. Dak. 57105. Applicant's representative: Fred Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fly ash*, in bulk, in tank vehicles, from Sioux City, Iowa, to points in Nebraska, South Dakota, Minnesota, and Iowa; (2) *liquified petroleum gas*, from the site of the terminal of Northern Propane Gas Company located at or near Rosemount, Minn., to points in Wisconsin, Iowa, North Dakota, South Dakota, and Minnesota; and (3) *petroleum and petroleum products*, in bulk, in tank vehicles, from Minot, N. Dak., to points in 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 Sioux Falls, S. Dak., or Sioux City, Iowa.

No. MC 26396 (Sub-No. 104), filed November 7, 1973. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, a Corporation, 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: (1) *Wood products and particleboard*, from points in Douglas County, Oreg., to points in Winona County, Minn.; (2) *plywood and particleboard*, from Missoula, Mont., to points in New York and Pennsylvania; and (3) *elevator legs* (tubular grain elevator equipment), *component parts, attachments and accessories*, from the plant site of Sweet Manufacturing Company located at or near Springfield, Ohio, to points in Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Montana, Idaho, Wyoming, Colorado, Oklahoma, Texas, Washington, Oregon, 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 Missoula, Mont.

No. MC 26396 (Sub-No. 105), filed November 7, 1973. Applicant: POPELKA TRUCKING COMPANY, a Corporation, doing business as THE WAGGONERS, Box 990, Livingston, Mont. 59047. Applicant's representative: Jacob P. Billig, Suite 300, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood products, lumber products* and *forest products*, from points of entry on the International Boundary line between the United States and Canada located in Idaho, Montana, and Washington, to points in Colorado, Montana, North Dakota, Utah, and Wyoming, restricted to traffic having an immediately prior movement in foreign commerce.

NOTE.—Applicant states that the requested authority can be tacked: (1) in MC-26396 on poles and posts at Butte, Mont. to serve points in Wyoming, and a specified territory in Idaho; (2) in MC 26396 on poles at Bozeman, Mont., to serve points in North Dakota, South Dakota, Wyoming, Utah, and a specified territory in Idaho; (3) in MC-26396 on lumber at Clyde Park and White Sulphur Springs, Mont., to serve points in North Dakota, South Dakota, Minnesota, and Wisconsin; (4) in MC-26396 on wooden beams and roof decking at Columbus and Missoula, Mont., to serve points in North Dakota, Colorado, Idaho, Iowa, Minnesota, Nebraska, South Dakota, Utah, Wisconsin, and Wyoming; (5) in Sub-No. 68 on wood poles, piling and posts at the facilities of The Wheeler Division, St. Regis Paper Company, at Laramie, Wyo., to serve points in North Dakota, South Dakota, Colorado, Montana, and a specified territory in Nebraska;

(6) In Sub-No. 51 on lumber, lumber and wood products, and particle board at points in Montana on and west of U.S. Highway 91 and Park County, Mont., to serve points in Wyoming, Colorado, New Mexico, Texas, Oklahoma, Kansas, Missouri, Indiana, Ohio, Michigan, Arkansas, Illinois, Louisiana, Mississippi, and Kentucky; (7) in Sub-No. 63 on lumber products and particle board at Missoula County, Mont. to serve points in Arkansas, Louisiana, Kentucky, Tennessee, Mississippi, Pennsylvania, Alabama, Georgia, Iowa, Minnesota, Nebraska, Nevada, North Dakota, South Dakota, Illinois, Wisconsin, California, Oregon, Washington, Wyoming, and Colorado; (8) in Sub-No. 65 on wood fence materials and wood poles at St. Regis, Superior, and Troy, Mont., to serve points in Indiana, Michigan, Ohio, Nebraska, Minnesota, Iowa, Missouri, Kansas, Illinois, Wisconsin, Oklahoma, Wyoming, Colorado, New Mexico, Montana, Washington, Oregon, North Dakota, and South Dakota; (9) in Sub-No. 67 on treated and untreated poles and posts at Kalispell, Mont., to serve points in Wyoming, Colorado, Utah, Idaho, North Dakota, South Dakota, and Minnesota; (10) in Sub-No. 78 on forest products at Mineral County, Mont., to serve points in California and Nevada; (11) in Sub-No. 78 on particle board at points in Montana to serve points in North Carolina, New Jersey, and Virginia; (12) in Sub-No. 102 on forest products, lumber and lumber products at Flathead County, Minn., to serve points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin; and (13) in an unassigned application on plywood and particle board at Missoula, Mont., to serve points in New York and Pennsylvania. Applicant holds motor contract carrier authority in MC-136777 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont.

No. MC 29555 (Sub-No. 69), filed November 12, 1973. Applicant: BRIGGS TRANSPORTATION CO., 2360 West County Road "C", St. Paul, Minn. 55113. Applicant's representative: Winston W. Hurd (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment); Between Cheyenne, Wyo., and the junction of Interstate Highway 25 and U.S. Highway 26: From Cheyenne over Interstate Highway 25 to junction U.S. Highway 26, as an alternate route for operating convenience only, serving no intermediate points, in connection with carrier's authorized regular route operations.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Minneapolis, or St. Paul, Minn.

No. MC 30844 (Sub-No. 484), filed November 12, 1973. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa, 50702. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Bldg., Denver, Colo. 80210. 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 facilities utilized by Royal Packing Company at or near St. Louis, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to shipments originating at the above-named plant sites and destined to the above-named States.

NOTE.—Common control was approved in MC-F-8722 and MC-F-9750. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 33641 (Sub-No. 109), filed November 8, 1973. Applicant: IML FREIGHT, INC., 2175 South 3270 West, Salt Lake City, Utah 84110. Applicant's

representative: Carl Steiner, 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, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the mine and mine site of the Victoria Mine of the Anaconda Company located near White Horse Pass., Nev., as an off-route point in connection with carrier's regular route operations to and from Ely, Nev.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Carson City, Nev.

No. MC 42487 (Sub-No. 815), filed November 5, 1973. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield DRIVE, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Western Traffic Service, P.O. Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Between Palmdale, Calif., and Victorville, Calif., in connection with carrier's presently authorized regular-route operations, serving no intermediate points: From Palmdale over unnumbered highway via Sun Village and Adelanto to Victorville, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Los Angeles, or San Francisco, Calif.

No. MC 44913 (Sub-No. 15), filed November 7, 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: *Foodstuffs and materials and supplies* used in the manufacture of foodstuffs (except frozen and except in bulk), between Millsboro, Del. and Federalsburg, Md.

NOTE.—Applicant states that the requested authority can be tacked: (1) in MC-44913 on agricultural commodities at Federalsburg, Md., to serve the District of Columbia, Baltimore, Md., Wilmington, Del., Philadelphia and Chester, Pa., New York, N.Y., and points in Long Island, N.Y., and New Jersey; (2) in MC-44913 on canned goods at Federalsburg, Md., to serve Greensboro, Raleigh, and Wilmington, N.C., the District of Columbia, points in Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, and a specified territory in New York, Pennsylvania, and Virginia; and (3) on canning machinery and machinery parts at Millsboro, Del., to provide service between specified territories in Delaware, Pennsylvania, Maryland and Virginia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 342), filed November 12, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 S. Broadway, Green Bay, Wis. 54304. Applicant's representative: Charles W. Singer, Suite 1000, 327 South LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from Michigan City, Ind., to Belleville, Ill.; Frankenmuth, Mich.; and Milwaukee, Wis., restricted to traffic originating at Michigan City, Ind.

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 52579 (Sub-No. 139), filed October 29, 1973. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, New Jersey 07094. Applicant's representative: F. L. Cardascia (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers, from Danville and Marseilles, Ill., and Frankfort, Ind., to Chicago, Ill.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its lead MC 52579 (1) at Chicago to serve New York, N.Y., Philadelphia, Pa. and Vineland, N.J., (2) Sub-No. 7 at Chicago, Ill., to serve Cleveland, Ohio, Detroit, Mich., Kansas City, Mo. and Milwaukee, Wis. and Allegheny, Beaver, Butler, Fayette, Ind., points in Lawrence, Mercer, Washington, and Westmoreland Counties, Pa., (3) Sub-No. 8 at Chicago, Ill. to serve St. Louis, Mo., and (4) Sub-No. 14(a) at Danville and Marseilles, Ill., and Frankfort, Ind., to provide a through service from New York, N.Y., to Chicago, Ill., (b) at Danville and Marseilles, Ill. to provide a through service from Rochester, N.Y., to Chicago, Ill., and (c) at Chicago, Ill. to serve points in the United States (except New York, N.Y., Vineland, N.J., and Philadelphia, Pa.). If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 52858 (Sub-No. 111), filed October 19, 1973. Applicant: CONVOY COMPANY, a Corporation, 3900 N.W. Yeon Avenue, P.O. Box 10185, Portland, Oreg. 97210. Applicant's representative: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes and recreational vehicles*, in secondary movements, in truckaway and driveaway service, between points in Washington, Oregon, Idaho, and Montana.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 59150 (Sub-No. 82) (Amendment), filed October 8, 1973, published in the FR issue of November 29, 1973, and republished, as amended, this issue: Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, and materials and supplies used in the distribution and/or installation thereof* (except in bulk), from the facilities of the Celotex Corporation located at Marion, S.C., to points in Alabama, Delaware, District of Columbia, Florida, Georgia, Louisiana (east of the Mississippi River), Maryland, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—The purpose of this republication is to indicate that the facilities of the Celotex Corporation are located in Marion County, S.C. in lieu of "at Marion, S.C.," as previously published. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Tampa, Fla.

No. MC 60178 (Sub-No. 5), filed November 8, 1973. Applicant: TONGANOXIE MOTOR FREIGHT, INC., Route No. 1, Tonganoxie, Kans. 66086. Applicant's representative: Robert D. Loughbom, 765 New Brotherhood Building, Kansas City, Kans. 66101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Tonganoxie and McLouth, Kans., serving all intermediate points and points within a ten mile radius of McLouth, Kans.: From Tonganoxie over Kansas State Highway 16 to McLouth, and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Topeka or Kansas City, Kans.

No. MC 61231 (Sub-No. 73), filed November 15, 1973. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, couplings, valves, and materials and supplies used for the installation thereof* (except in bulk), from the plantsites of Clow Corporation, at or near Bensenville, Ill., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to traffic originating at the named plantsites and destined to the named destination states.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64808 (Sub-No. 18), filed November 1, 1973. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Avenue, Fairmont, W. Va. 26554. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pitts-

burgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar and sugar products* (except commodities in bulk), between the facilities of National Sugar Refining Company located at or near Philadelphia, Pa., on the one hand, and, on the other, points in West Virginia.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Fairmont, W. Va., to serve points in Ohio and Maryland. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 65580 (Sub-No. 20), filed October 29, 1973. Applicant: MUSHROOM TRANSPORTATION COMPANY, INC., 845 East Hunting Park Avenue, Philadelphia, Pa. 19124. Applicant's representative: Joseph A. Malloy, Jr., 1738 Philadelphia National Bank Building, Philadelphia, Pa. 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Clinton, N.J., and Pittsburgh, Pa.: From Clinton over Interstate Highway 78 and also U.S. Highway 22 to Harrisburg, Pa., thence over U.S. Highway 15 to junction Pennsylvania Turnpike (Interstate Highway 76) to exit 6, thence over Interstate Highway 376 to Pittsburgh, and return over the same route, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, or Pittsburgh, Pa.

No. MC 69492 (Sub-No. 41), filed November 7, 1973. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, P.O. Box 97, Clinton, Ky. 42031. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in dump trailers, from Jonesboro, Ill., to Clinton and Cayce, 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 Louisville, Ky.

No. MC 69981 (Sub-No. 13), filed November 2, 1973. Applicant: ADOLPH E. HULCHER AND AUSTIN W. HULCHER, a partnership, doing business as A. E. HULCHER & SON, Box 167, Virden, Ill. 62690. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Washing machine and dishwasher timers*, from Pana, Ill., to the plant-sites and facilities of the Maytag Company located at Newton, Iowa.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 72495 (Sub-No. 12), filed October 29, 1973. Applicant: DON SWART TRUCKING, INC., Box 49, Route No. 2, Wellsburg, W. Va. 26070. Applicant's representative: D. L. Bennett, 129 Edgington Lane, Wheeling, W. Va. 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, granulated in bulk or in bags, from the plantsite of H. B. Reed & Co., Inc., located at or near Cresap, W. Va. (near Moundsville, W. Va.), to points in Delaware, Indiana, Kentucky, Maryland, New York, Virginia, District of Columbia, Pennsylvania (except Allegheny, Greene, Washington, Westmoreland, and Fayette Counties), and that part of Ohio on and west of U.S. Highway 2.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 82492 (Sub-No. 90), filed October 29, 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 Michigan, to points in Iowa and Nebraska.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Chicago, Ill., or Washington, D.C.

No. MC 83539 (Sub-No. 382), filed October 19, 1973. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roadbuilding, earthmoving, construction, mining, and contractors' machinery and equipment, and parts thereof*, from Chattanooga, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with Subs 17, 93, 223, 266, 312, and 347 on existing size and weight authority at Chattanooga, Tenn., to provide a through service from points in Alabama, Tennessee, Kentucky, Indiana, and Michigan, and all points east thereof, to points in the United States (except Alaska and Hawaii). If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn.

No. MC 85465 (Sub-No. 60), filed November 9, 1973. Applicant: WEST NEBRASKA EXPRESS, INC., P.O. Drawer 952, Scottsbluff, Nebr. 69361. Applicant's representative: Roland Rice, 1111 E Street NW., Suite 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plant site of Madison Foods, Inc., located at or near Madison, Nebr., to points in Connecticut, Delaware, District of Columbia, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, restricted to the transportation of traffic originating at and destined to the points named above.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Lincoln, Nebr.

No. MC 87720 (Sub-No. 158), filed November 12, 1973. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, N.J. 98822. Applicant's representative: Bert Collins, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household and industrial cleaning products, laundry products; materials, supplies, and equipment* used or useful in connection with the manufacture, distribution or sale of the aforementioned commodities (except in bulk), (1) Between St. Louis, Mo., Columbus and London, Ohio, Bristol and Philadelphia, Pa., and points in their respective Commercial Zones; and (2) from points in the St. Louis, Mo., Commercial Zone to points in the Tampa, Fla., Commercial Zone, under contract with Purex Corporation, Ltd.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 93393 (Sub-No. 18), filed November 5, 1973. Applicant: NIGHTWAY TRANSPORTATION CO., INC., 4108 South Emerald Avenue, Chicago, Ill. 60609. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen and commodities in bulk), from Decatur, Ind., to points in Illinois, Kentucky, Michigan, Indiana, Iowa, Ohio, and Tennessee, restricted to traffic originating at the plant and warehouse facilities of Central Soya Company, Inc., located in Decatur, 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 Washington, D.C.

No. MC 99161 (Sub-No. 5), filed October 5, 1973. Applicant: ALABAMA FREIGHT, INC., P.O. Box 611, Birming-

ham, Ala. 35201. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, and articles made of brass, bronze, iron, copper or steel*, between the plantsite and warehouse facilities of O'Neal Steel, Inc., located at Birmingham, Ala., on the one hand, and, on the other, to points in Georgia, Tennessee, Florida, and Mississippi; and (2) *iron and steel articles and aluminum articles*, from the plantsite and storage facilities of O'Neal Steel, Inc., located at Mobile, Ala., to points in Georgia, Tennessee, Florida, and Mississippi.

NOTE.—Applicant states that the requested authority can be tacked with Sub 4 at the facilities of O'Neal Steel, Inc. located: (1) at Birmingham, Ala., to provide service between points in Alabama, on the one hand, and, on the other, those destination points named above; and (2) at Mobile, Ala., to provide a through service from points in various Alabama counties to those destination points named above. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Birmingham, Ala.

No. MC 99375 (Sub-No. 3), filed October 29, 1973. Applicant: SACRAMENTO FREIGHT LINES, INC., 621 Harbor Boulevard, West Sacramento, Calif. 95691. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *General commodities* (except petroleum products in bulk in tank vehicles, uncrated household goods, livestock and commodities of unusual value): (1) Between points within the San Francisco-East Bay Cartage Zone, described as follows: Beginning at the point where the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along said Lake Merced Boulevard to South Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point one mile west of State Highway 82; thence southeasterly along an imaginary line one mile west of and parallelling State Highway 82 (El Camino Real) to its intersection with the southerly boundary line of the City of San Mateo; thence along said boundary line to U.S. Highway 101 (Bayshore Freeway); thence leaving said boundary line proceeding to the junction of Foster City Boulevard and Beach Park Road; thence northerly and easterly along Beach Park Road to a point one mile south of State Highway 92; thence easterly along an imaginary line one mile southerly and parallelling State Highway 92 to its intersection with State Highway 17 (Nimitz Freeway).

Thence continuing northeasterly along an imaginary line one mile southerly of and parallelling State Highway 92 to its intersection with an imaginary line one mile easterly of and parallelling State Highway 238; thence northerly along said imaginary line one mile easterly of and parallelling State Highway 238 to its intersection with "B" Street, Hayward; thence easterly and northerly along "B" Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to Somerset Avenue; thence westerly along Somerset Avenue and 168th Street to Foothill Boulevard; thence northwesterly along Foothill Boulevard to the southerly boundary line of the City of Oakland; thence easterly and northerly along the Oakland Boundary Line to its intersection with the Alameda-Contra Costa County Boundary Line; thence northwesterly along said County Line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point one mile northeasterly of San Pablo Avenue (State Highway 123); thence northwesterly along an imaginary line one mile easterly of and parallelling San Pablo Avenue to its intersection with County Road 20 (Contra Costa County); thence westerly along County Road 20 to Broadway Avenue; thence northerly along Broadway Avenue to San Pablo Avenue (State Highway 123) to Rivers Street.

Thence westerly along Rivers Street to 11th Street, thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Company right-of-way and continuing westerly along the prolongation of Morton Avenue to the shoreline of San Pablo Bay; thence southerly and westerly along the shoreline and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line to the San Francisco waterfront at the foot of Market Street; thence westerly along said waterfront and shoreline to the Pacific Ocean; thence southerly along the shoreline of the Pacific Ocean to point of beginning; and (2) Between the San Francisco-East Bay Cartage Zone (as described in A (1) above), on the one hand, and, on the other, Fremont and Decoto; (B) *Boilers or boiler parts; conduits, pipe, smokestacks, tubing or fittings (other than clay), concrete or earthen; iron or steel; plumbers' goods, or bathroom or lavatory fixtures, and fire hydrants:* (1) Between: (a) San Mateo and San Jose, and all intermediate points, on U.S. Highway 101 and State Highway 82; (b) Hayward and San Jose, and all intermediate points, on State Highway 17 and Interstate Highway 680; (c) Milpitas and Mountain View, and all intermediate points, on State Highway 237; and (d) for operational convenience, the San Mateo Bridge and the Dumbarton Bridge may be traversed; (2) Between the San Francisco-East Bay Cartage Zone (as describe in A(1) above), and Sacramento, and all intermediate points, on Interstate Highway 80.

(3) Between the San Francisco-East Bay Cartage Zone (as described in A(1) above), and Stockton, and all intermediate points, on State Highway 4; (4) Between the San Francisco-East Bay Cartage Zone (as described in A(1) above), and Sacramento, and all intermediate points, on Interstate Highways 580, 205 and 5, and State Highways 4 and 99; and (5) Between the San Francisco-East Bay Cartage Zone (as described in A(1) above), on the one hand, and, on the other, Pittsburg and Antioch, on State Highways 24 and 4, and unnumbered highways. (The authority set forth in this paragraph does not include the right to render service to, from or between intermediate points).

NOTE.—By the instant application, applicant seeks to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at either Sacramento, or San Francisco, Calif.

No. MC 100448 (Sub-No. 3), filed November 8, 1973. Applicant: BUCKEYE MOTOR SERVICES, INC., 5316 West State Route 718, Troy, Ohio 45373. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brakes, brake parts and wheels*, from the plant site of B. F. Goodrich Aerospace and Defense Products, a Division of The B. F. Goodrich Company at or near Troy, Ohio, to points in Illinois, Indiana, and Michigan, and (2) *materials and supplies* used in the manufacture of the commodities named in (1) above, from points in Illinois, Indiana and Michigan, to the plant site named in (1) above, under contract with B. F. Goodrich Aerospace and Defense Products, a division of The B. F. Goodrich Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 101075 (Sub-No. 116), filed November 5, 1973. Applicant: TRANSPORT, INC., P.O. Box 396, Moorhead, Minn. 56560. Applicant's representative: Ronald B. Pitsenbarger (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, from Minot, N. Dak. (except the Cenex Pipeline Terminal), to points in Minnesota.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at (a) Duluth, Minn., in Sub 46 to serve points in Wisconsin and Upper Michigan, (b) at Marshall, Minn., in Sub 57 to serve points in Iowa, and (c) at St. Cloud, Minn., in Sub 107 to serve points in Wisconsin. If a hearing is deemed necessary, applicant requests it be held at either Minneapolis, or St. Paul, Minn.

No. MC 102817 (Sub-No. 19), filed November 12, 1973. Applicant: PERKINS

FURNITURE TRANSPORT, INC., P.O. Box 24335, 5034 Lafayette Road, Indianapolis, Ind. 46254. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* used in the manufacture and distribution of new furniture, between points in Kentucky, on the one hand, and, on the other, Tell City, 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 Indianapolis, Ind., or Washington, D.C.

No. MC 103051 (Sub-No. 287), filed October 17, 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: *Vegetable oils, animal fats, and blends thereof*, in bulk, in tank vehicles, from Chattanooga, Tenn., to points in Delaware.

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority can be tacked at Chattanooga, Tenn., to provide a through service from points in Arkansas and Florida to Delaware. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 103926 (Sub-No. 31), filed November 1, 1973. Applicant: W. T. MAYFIELD SONS TRUCKING CO., a Corporation, P.O. Box 947, Mableton, Ga. 30059. Applicant's representative: Wm. H. Driskell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical transformers or circuit breakers and parts thereof*, 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, from points in Rankin County, Miss., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.; Atlanta, Ga.; or Jackson, Miss.

No. MC 103993 (Sub-No. 787), filed November 9, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements and (2) *buildings and sections of buildings*, on undercarriages, from points in Cumberland County, Maine, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control was approved in MC-F-10057. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103993 (Sub-No. 788), filed November 8, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Franklin, Livingston, and Claiborne Parishes, La., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control was approved in MC-F-10057. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103993 (Sub-No. 789), filed November 12, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Amusement rides*, on undercarriages, from San Antonio, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control was approved in MC-F-10057. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 104430 (Sub-No. 40) (AMENDMENT), filed October 11, 1973, published in the FR issue of November 29, 1973, and republished as amended this issue. Applicant: CAPITAL TRANSPORT COMPANY, INC., P.O. Box 408, Highway 24 West, McComb, Miss., 39648. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blackstrap molasses*, in bulk, in tank vehicles, from Baton Rouge and New Orleans, La., to McComb, Miss.

NOTE.—The purpose of this republication is to indicate the additional origin point at New Orleans, La., which was inadvertently omitted from the previous publication. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Houston, Tex.

No. MC 104523 (Sub-No. 58), filed November 2, 1973. Applicant: HUSTON TRUCK LINE, INC., 235 Maple Street, P.O. Box 17, Friend, Nebr. 68359. Applicant's representative: David R. Parker, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Copper oxide* (except in bulk), from Texas City, Tex., to the plantsite and facilities of Prince Manufacturing Company, Quincy, Ill.; and (2) *tile, and materials, supplies, and equipment used in connection therewith*, from points in Arkansas, Colorado, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee Virginia, West Virginia, Wisconsin, and Wyoming.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 105045 (Sub-No. 46), filed November 5, 1973. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. 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) *Electrical transformers, circuit breakers, and parts* of such commodities which by reason of size or weight require the use of special equipment or special handling and (2) *electrical equipment and parts* which do not require special equipment or special handling when moving with the commodities named in (1) above, between points in Rankin County, Miss., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority can be tacked in its Sub-No. 1 on size and weight commodities: (1) at points in Illinois, Indiana, Kentucky, and Rankin County, Miss., to provide service between points in Mississippi; and (2) at points in Rankin County, Miss., to provide service between points in Illinois, Indiana, and Kentucky, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 106398 (Sub-No. 691), filed November 1, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1025 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: *Buildings, building panels, building parts, and materials, accessories, and supplies* used in connection with the installation, erection, and construction of buildings, building panels, and building parts, from the plantsite and storage facilities of Butler Manufacturing Company located at or near Birmingham, Ala., to points in the United States (except Alaska, Hawaii, and Alabama).

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 521 at the facilities of Butler Manufacturing Company located at or near Birmingham, Ala., to provide a through service from points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin to points in the United States (except Alaska, Hawaii, and Alabama). If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 106398 (Sub-No. 692), filed November 1, 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: *Buildings, building panels, building parts, and materials, accessories, and supplies* used in connection with the installation, erection, and construction of buildings, building panels, and building parts, from the plant site and storage facilities of Butler Manufacturing Company located at or near Galesburg, Ill., 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 can be tacked with its existing authority in Sub-No. 521 at Galesburg, Ill., to provide a through service from points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin to points in the United States. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 106497 (Sub-No. 85) (Correction), filed September 14, 1973, published in the FR issue of November 15, 1973, as MC-106497 (Sub-No. 5), and republished as corrected this issue. Applicant: PARK-HILL TRUCK COMPANY, a Corporation, P.O. Box 912, (Bus. Rte. I-44 East), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, plastic or iron fittings and connections, valves, hydrants, and gaskets* (except oil field commodities as defined in *Mercer-Extension-Oil Field Commodities*, 74 M.C.C. 459), from the plant site and storage facilities of Clow Corporation, located at Columbia, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—The purpose of this republication is to indicate the correct Docket Number assigned to this proceeding in MC-106497 (Sub-No. 85). Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 106644 (Sub-No. 167), filed November 12, 1973. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., P.O. Box 916, Atlanta, Ga. 30318. Applicant's representative: W. Randall Tye, 1500 Candler Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Antipollution systems, equipment, and parts; liquid cooling and vapor condensing systems, equipment and parts; environmental control and protective systems, equipment and parts*, the transportation of which, because of size or weight, requires the use of special equipment, and (2) *equipment, materials and supplies* used in the construction or installation of antipollution and environmental control and protective systems, and liquid cooling and vapor condensing systems when moving in mixed loads with the articles described in (1) above, between Cisco and Wichita Falls, Tex., on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Cisco and Wichita Falls, Tex., to provide service between Nebraska, Oklahoma, Iowa, Missouri, Arkansas, Louisiana, Illinois, Indiana, Ohio, Kentucky, Virginia, Tennessee, North Carolina, South Carolina, Florida, Georgia, Alabama, Mississippi, Maryland, Pennsylvania, New Jersey, New York, Massachusetts, and Rhode Island, on the one hand, and, on the other, points in the remainder of the United States excluding Hawaii. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 106497 (Sub-No. 87), filed November 1, 1973. Applicant: PARK-HILL TRUCK COMPANY, P.O. Box 912 (Business Rte. I-44 East), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled motor vehicles*, each weighing less than 15,000 pounds, from the plant site of the Long-Airdox Co., Inc. at or near Knoxville, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control was approved in No. MC-F-10006. Applicant 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 106674 (Sub-No. 112), filed November 5, 1973. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind., 47977. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Suite 425, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials*, from the facilities of the Celotex Corporation located at or near Wilmington, Ill., to points in Kentucky, Michigan, Ohio, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107460 (Sub-No. 45), 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: (a) 1. *Agricultural, industrial, construction machinery and equipment* (except tractors with vehicle beds, bed frames, and fifth wheels), *trailers* (except those designed to be drawn by passenger automobiles); (b) 1. Between the plantsite of Sperry Rand Corporation, New Holland Division located at Lexington, Nebr., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Vermont, Virginia, and West Virginia; (a) 2. *Materials, equipment, and supplies* (except commodities in bulk), used in the manufacture, repair, assembly and distribution of the commodities described in (a) 1 above; (b) 2. Between points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Vermont, Virginia, and West Virginia on the one hand, and, on the other, the plant site of Sperry Rand Corporation, New Holland Division located at Lexington, Nebr.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 107515 (Sub-No. 881), filed November 2, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, P.O. Box 872, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* in containers, from Savannah, Ga., to points in Alabama, Delaware, Florida, Georgia, Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, and Virginia.

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 Atlanta, Ga., or Savannah, Ga.

No. MC 107591 (Sub-No. 4), filed November 12, 1973. Applicant: BECKER COMPANY, INC., Talmage, Pa. 17580. Applicant's representative: Bernard N. Gingerich, 110 W. State Street, Quarryville, Pa. 17566. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone and bituminous concrete*, (1) from points in Wicomico County, Md., to points in Accomack and Northampton Counties, Va., and Delaware and (2) from points in Lancaster County, Pa., and Cecil County, Md., to points in Accomack and Northampton Counties, Va.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing au-

thority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 110420 (Sub-No. 693), field November 5, 1973. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and West Virginia, to Cottage Grove, La Crosse, and Milwaukee, Wis.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at Milwaukee, Wis., in Sub 223, to serve points in Minnesota. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110988 (Sub-No. 304), filed October 12, 1973. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies used in the manufacture and distribution of industrial chemicals*, from points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, and Massachusetts, to Cottage Grove, La Crosse, and Milwaukee, Wis.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111045 (Sub-No. 109) (CORRECTION), filed October 11, 1973, published in the FR issue of November 29, 1973, as MC–115322 (Sub-No. 96), and republished as corrected this issue. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plantsite and storage facilities of Union Carbide Corporation located at or near Tucker, Ga., to points in Florida.

NOTE.—The purpose of this republication is to indicate the correct Docket Number assigned to this proceeding. Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 111231 (Sub-No. 183), filed October 29, 1973. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: James B. Blair, 111 Holcomb Street, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and lumber products*, from points in Butler, Carter, Oregon, Ripley, and Shannon Counties, Mo.; and points in Clay, Greene, Lawrence, Randolph, and Sharp Counties, Ark., to points in Arkansas, Colorado, Georgia, Kansas, Kentucky, Illinois, Indiana, Iowa, Michigan, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, and Wisconsin; (2) *plastic pipe, plastic tubing, plastic conduit, valves, fittings, compounds, joint sealer, bonding cement, primer coating, thinner, and accessories* used in the installation of such products from Clinton, Iowa, to points in Arkansas, California, Colorado, Illinois, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, and Texas; and (3) *used vehicles* (other than self-propelled), *vehicle bodies, and parts and accessories* thereof, from points in Illinois, Kansas, Oklahoma, Texas, and Wisconsin to Sikeston, Mo., and points within 5 miles thereof.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority as follows; for the commodities named: in (1) above in Sub-Nos. 15, 20, and 47 at Atoka, Okla.; Little Rock, Ark.; and Greenville, Miss., to serve Dallas, Tex.; in (2) above in Sub-No. 45, at Chicago, Ill., to serve Portage, Ind., in Sub-No. 135 at the plantsite of Drilling Specialties Co. located in Mayes County, Okla., to serve points in Iowa, Minnesota, North Dakota, and South Dakota, and in Sub-No. 119 at Oklahoma City, Okla., to serve points in Minnesota, North Dakota, and South Dakota; and in (3) above at Vinita and Tulsa, Okla.; Kansas City and Wichita, Kans.; and Chicago, Ill., to provide a through service from points in Missouri to Sikeston, Mo. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 11401 (Sub-No. 395) (AMENDMENT), filed August 31, 1973, published in the FR issue of November 15, 1973, and republished as amended this issue. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in New Mexico, to points in Arizona and Colorado.

NOTE.—Applicant states that the requested authority can be tacked: (1) in Sub-No. 396 (pending) at points in New Mexico on petroleum and petroleum products to provide service from a specified territory in Texas to points in Arizona and Colorado; (2) in MC–111401 (parts 3 and 4) at points in New Mexico on liquefied petroleum gases from points in Colorado, Kansas, Oklahoma, and a specified territory in Texas to points in Arizona; (3) in MC–111401 at points in New Mexico on and north of U.S. Highway 66 on petroleum products from a specified territory in Texas to points in Arizona; (4) in Sub-No. 12 on anhydrous ammonia at points in New Mexico on and east of U.S. Highway 85 from Etter, Tex., to points in Arizona; and (6) in Sub-No. 56 (part 2) on anhydrous ammonia at points in New Mexico from Avondale, La., to points in Arizona. If a hearing is deemed necessary, applicant requests it be held at Albuquerque or Santa Fe, N. Mex.

No. MC 111401 (Sub-No. 396) (AMENDMENT), filed August 31, 1973, published in the issue of November 8, 1973, and republished as amended this issue. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600 Lincoln Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in New Mexico and points in that part of Texas on and south of U.S. Highway 66 from the Texas-New Mexico State line to its intersection with U.S. Highway 83, and on and west of U.S. Highway 83 from its intersection with U.S. Highway 66 to the ports of entry on the International Boundary line between the United States and the Republic of Mexico located in Texas.

NOTE.—Applicant states that the requested authority can be tacked: (1) at points in Texas on U.S. Highway 66 or on U.S. Highway 83 to provide service between points in Oklahoma, Kansas, Colorado, and that part of Texas on and north of U.S. Highway 66 and on and east of U.S. Highway 83; (2) in Sub-No. 395 (pending) on petroleum and petroleum products at points in New Mexico to provide service from that portion of Texas requested herein to points in Arizona and Colorado; and (3) in MC–111401 (part 6) on petroleum products at that portion of Texas requested herein to provide service from Ponca City, Okla., to points in New Mexico. If a hearing is deemed necessary, applicant requests it be held at Hobbs or Albuquerque, N. Mex.

No. MC 112014 (Sub-No. 22), filed November 5, 1973. Applicant: SKAGIT VALLEY TRUCKING CO., INC., 1417 McLean Road, Mount Vernon, Wash. 98273. Applicant's represenative: Don B. Kohler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, requiring mechanical refrigeration between Milwaukee, Oreg., and Seattle and Tacoma, Wash.; and (2) *cheese*, between Portland, Oreg., and points in Pierce County, 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 112304 (Sub-No. 74), filed November 2, 1973. Applicant: ACE DORAN HAULING & RIGGING CO., a Corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. 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: (1) *Buildings*, complete, knocked down or set up; (2) *building sections and building panels;* (3) *metal prefabricated structural components and panels;* and (4) *parts* and *accessories* used in the installation of the commodities named in (1), (2), and (3) above, from Portland,

Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in Sub-Nos. 27, 32, and 37 at Portland, Tenn., to provide a through service from Louisville, Ky. (except points in Indiana within the Louisville, Ky., Commercial Zone); points in Oakland and Wayne Counties, Mich.; and points in Milwaukee County, Wis., to points in the United States (except Alaska and Hawaii). If a hearing is deemed necessary, applicant does not specify a location.

No. MC 112304 (Sub-No. 75), filed November 12, 1973. Applicant: ACE DORAN HAULING & RIGGING CO., a Corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vehicles*, multi-terrain, air cushioned powered, not designed for general highway use, from Troy, N.Y., to points in the United States (except Alaska and Hawaii) and (2) *rejected or damaged items* as described in (1) above, from points in the United States (except Alaska and Hawaii), to Troy, N.Y.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Albany, N.Y.

No. MC 113267 (Sub-No. 309), filed November 12, 1973. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3385 Airways Boulevard, Suite 115, Memphis, Tenn. 38116. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Marshall, Macon, Carrollton, Milan, and Moberly, Mo., to points in Arkansas and Louisiana.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at Shreveport, La. to serve points in Texas. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or St. Louis, Mo.

No. MC 113280 (Sub-No. 5), filed November 5, 1973. Applicant: GILBERT BUCHMEIER doing business as, BUCHMEIER & SONS, 2988 Skyline Drive, Route 1, Hubertus, Wis. 53033. Applicant's representative: Edward Solie, 4513 Vernon Blvd., Executive Bldg., Suite 100, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials, premiums, and malt beverage dispensing equipment* in mixed loads with malt beverages, from Columbus, Ohio, to Watertown, Wis., limited to a transportation service to be performed under a continuing contract, or contracts, with Schuppert Distributing Co., Inc., of Watertown, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 113495 (Sub-No. 59), filed November 13, 1973. Applicant: GREGORY HEAVY HAULEDS, INC., 51 Oldham Street, P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: Wilmer B. Hill, 806 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) *Metal buildings and component parts*; and (2) *materials, equipment and supplies* used in the erection of the commodities named in (1) above (except commodities in bulk), from Portland, Tenn., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, North Carolina, Ohio, Virginia, West Virginia, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 113651 (Sub-No. 165), filed November 1, 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*, from the plant site and storage facilities utilized by R. J. R. Foods located at or near Cambridge, Md., to points in Oklahoma, Texas, Colorado, Indiana, and Minnesota, restricted to traffic originating at and destined to the designated origin and destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 113651 (Sub-No. 166), filed November 12, 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: *Frozen foodstuffs*, from the plantsite and storage facilities of the Kitchens of Sara Lee at Deerfield and Chicago, Ill., to points in Indiana, Michigan, and Ohio, restricted to transportation of traffic originating at the plantsite and storage facilities of the Kitchens of Sara Lee at Deerfield and Chicago, Ill., and destined to the named destination points.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 113678 (Sub-No. 523), filed November 1, 1973. Applicant: CURTIS, INC., P.O. Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Footwear, department store findings, and footwear display cabinets*, from the plant site and facilities of Meldisco Shoe, Division of Melville Shoe Corp. at or near Compton, Calif., to points in Washington, Oregon, Montana, Utah, Idaho, Colorado, New Mexico, Wyoming, Arizona, Texas, South Dakota, and Nevada.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 114211 (Sub-No. 211), filed November 9, 1973. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Excavating, construction, roadmaking, road maintenance, material handling, industrial and agricultural machinery and equipment, trailers, snow blowers, and self-propelled vehicles* (except motor vehicles as defined in Section 203(a)(13) of the Interstate Commerce Act and commodities moving in drive-away service); (b) *attachments, accessories and equipment* designed for use in conjunction with the commodities described in (a) above; and (c) *cabs, canopies and parts* for the commodities described in (a) and (b) above, between the ports of entry on the International Boundary line between the United States and Canada located in Michigan and New York, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (2) *steel balls*, from Washington, Ind., to the ports of entry on the International Boundary line between the United States and Canada located in Michigan; and (3) *mineral wool, insulation, cement, metal fastening bands, canvas lap, binding strips, asphalt, asphaltum, coal tar paint, bearings, iron hooks, adhesives, staples, and wire* (except commodities in bulk), from Alliance, Ohio; Aurora, Ill.; and Huntington Woods, Mich., to the ports of entry on the International Boundary line between the United States and Canada located in Michigan, (1), (2), and (3) above, restricted to traffic moving 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., or Des Moines, Iowa.

No. MC 114457 (Sub-No. 171), filed November 12, 1973. Applicant: DART TRANSIT COMPANY, a Corporation, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit and berries*, from points in Michigan on and west of U.S. Highway 131, to Deerfield, Ill., and Bettendorf, Cedar

Rapids, Des Moines, Dubuque, Ft. Dodge, Iowa City, Mason City, New Hampton, and Waterloo, 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 either Chicago, Ill., or St. Paul, Minn.

No. MC 114552 (Sub-No. 89), filed November 2, 1973. Applicant: SENN TRUCKING COMPANY, a Corporation, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials*, from the facilities of The Celotex Corporation at or near Port Clinton, Ohio, to points in Virginia, West Virginia, Maryland, District of Columbia, Kentucky, Tennessee, and Indiana.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., Washington, D.C., or Columbia, S.C.

No. MC 114632 (Sub-No. 63), filed November 1, 1973. Applicant: APPLE LINES, INC., P.O. Box 507, Madison, S. Dak. 57042. Applicant's representative: Andrew Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, equipment, and implements*; (2) *Loaders and attachments*; and (3) *parts, accessories and attachments* of and for commodities described in parts (1) and (2) above, from Madison, S. Dak., to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

NOTE.—Applicant presently holds contract carrier authority in MC 129706, 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 Chicago, Ill.

No. MC 114632 (Sub-No. 65), filed November 1, 1973. Applicant: APPLE LINES, INC., P.O. Box 507, Madison, S. Dak. 57042. Applicant's representative: Robert A. Appelwick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Package petroleum products*, from Kansas City, Kans., to points in Illinois, Indiana, and Michigan.

NOTE.—Applicant holds contract carrier authority in MC 129706, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 114965 (Sub-No. 52), filed November 5, 1973. Applicant: CYRUS TRUCK LINE INC., P.O. Box 327, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, 104 South Washington, Iola, Kans. 66749 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, (1) from Ravenwood, Mo., to points in Kansas, Iowa, and Nebraska; and (2) from Doniphan, Nebr.; and Kansas City, Mo., to points in Kansas; and (3) from Kansas City, Mo., and Kansas City, Kans., to points in Nebraska.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 115311 (Sub-No. 159), filed October 31, 1973. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: K. Edward Wolcott, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, building wall, and insulating board and materials, plastic products and materials, mineral wool products, insulating material and insulated air ducts, and such materials, supplies, and equipment* used in the production, distribution, and installation of such commodities (except commodities in bulk) between points in Clark County, Ga., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Indiana, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and Maryland.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115524 (Sub-No. 22), filed September 10, 1973. Applicant: BURSCH TRUCKING, INC., 415 Rankin Road NE., Albuquerque, N. Mex. 87107. Applicant's representative: James E. Snead, 215 Lincoln Avenue, P.O. Box 2228, Sante Fe, N. Mex. 87501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Forest products and by-products*, including lumber, plywood, particleboard, hardboard, and shingles (except in bulk), (a) between points in Arizona, New Mexico, and Colorado, and (b) from points in Arizona, Colorado, and New Mexico, to points in the United States (except Alaska and Hawaii) under a continuing contract or contracts with Sagebrush Sales Company; and (2) *roofing products and insulating materials*, including composition and prepared roofing, asphalt shingles, and composition or asphalt building board (except in bulk), (a) from points in McCurtain County, Okla., and Ardmore, Cyril, Oklahoma City, Stroud, and Wynnewood, Okla., to points in Arizona, Colorado, and New Mexico; (b) from points in Tarrant County, Tex., and Big Spring, Dangerfield, Ennis, Houston, Lubbock, and Waxahachie, Tex., to points in Arizona, Colorado, and New Mexico; (c) from Denver, Colo., to points in Arizona and New Mexico; and (d) from points in Bernalillo County, N. Mex., to points in Arizona, Colorado, New Mexico, and that part of Texas on and north of U.S. Highway 80 and on and west of U.S. Highway 70, (2) above under a continuing contract or contracts with Sagebrush Sales Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex., or Phoenix, Ariz.

No. MC 115691 (Sub-No. 25), filed November 5, 1973. Applicant: MURPHY TRANSPORTATION, INC., P.O. Box 1090, Anniston, Ala. 36201. Applicant's representative: John P. Carlton, 603 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Goodwater, Ala., to points in Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, North Carolina, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 115841 (Sub-No. 460), filed September 25, 1973. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway, Birmingham, Ala. 35204. 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: *Foodstuffs* (except frozen foods, meat, meat by-products, articles distributed by meat packinghouses, and commodities in bulk), from Defiance, Galena, and Delaware, Ohio, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at (a) points in Tennessee, with lead Certificate 13, to serve points in Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island; (b) at points in Alabama, with Sub 135, to serve points in Connecticut, Delaware, Indiana (except points in Lake County, Ind.), Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia and Wisconsin (except Kenosha, Milwaukee, and Racine, Wis., and the Commercial Zones of Kenosha, Milwaukee, and Racine, as defined by the Commission); (c) at points in Georgia, with Sub 172, to serve points in Arkansas, Mississippi, Louisiana, Tennessee, Kentucky, Texas, Oklahoma, Missouri, Kansas, Nebraska, Iowa, Minnesota, Wisconsin, Michigan, Illinois, Indiana, and Ohio; and (d) at Evansville and Washington, Ind., and Louisville, Ky., with Sub 378, to serve points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania,

Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, West Virginia, Ohio, Michigan, Indiana, Illinois (except St. Clair and Madison Counties), and the District of Columbia. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at either Columbus, Ohio, Chicago, Ill., or Washington, D.C.

No. MC 115904 (Sub-No. 33), filed November 5, 1973. Applicant: LOUIS GROVER, 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, forest products, sawmill products, wood products, composition board and wall board*, (1) from points in Oregon, to points in Utah and Idaho; (2) between points in Idaho and Wyoming; and (3) from points in Lemhi County, Idaho, to points in Kansas, Oklahoma, Texas, and Oregon.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Idaho Falls, Idaho, or Salt Lake City, Utah.

No. MC 116763 Sub-No. 267), filed November 1, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Wisconsin, to points in Arkansas, Oklahoma, and Texas, restricted to traffic originating at and destined to the named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 116763 (Sub-No. 268), filed November 1, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Wisconsin, to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and that part of Maine north of Maine Highway 25, restricted to traffic originating at and destined to the named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 118089 (Sub-No. 12), filed October 23, 1973. Applicant: ROBERT HEATH TRUCKING, INC., P.O. Box 2501, Lubbock, Tex. 79408. Applicant's representative: W. D. Benson, P.O. Drawer 69, Kingsland, Tex. 78639. 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, Arizona, California, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oregon, South Carolina, Tennessee, and Washington; restricted to shipments originating at the 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 Amarillo, Tex.

No. MC 119522 (Sub-No. 27), filed November 1, 1973. Applicant: McLAIN TRUCKING, INC., 2425 Walton, Anderson, Ind. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Groceries* and, in connection therewith, *premiums and advertising material*, from the plantsites of The Procter & Gamble Company located at or near Cincinnati, Ivorydale, and St. Bernard, Ohio, to Fort Wayne, Ind., and points in that part of Indiana south of U.S. Highway 24; (2) *unclaimed, unsaleable or returned shipments* of the commodities described in (1) above, from Fort Wayne, Ind. and points in that part of Indiana south of U.S. Highway 24, to the plantsites of The Procter & Gamble Company located at Cincinnati, Ivorydale, and St. Bernard, Ohio; and (3) *soap, soap powder, soap products, lard substitute and compounds, and advertising matter and premiums* when shipped with these items, between Cincinnati, Ivorydale, and St. Bernard, Ohio, on the one hand, and, on the other, Fort Wayne, Ind. and points in that part of Indiana south of U.S. Highway 24.

NOTE.—Applicant presently holds the authority requested above as a contract carrier in MC 34865 (Sub-No. 39). The purpose of this application is to convert this contract carrier authority to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119641 (Sub-No. 114), filed November 1, 1973. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, P.O. Box 2278, Colee Station, Ft. Lauderdale, Fla. 33303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements, and parts* (other than hand), from LaPorte, Ind., to points in Alabama, Arkansas, Georgia, Illinois, Iowa, Kansas, Kentucky, North Carolina, Minnesota, Mississippi, Missouri, Nebraska, South Carolina, Tennessee, and Wisconsin, restricted to the transportation of shipments originating at LaPorte, 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 Washington, D.C., or Chicago, Ill.

No. MC 119988 (Sub-No. 60), filed November 8, 1973. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and pulpboard*, and *materials, equipment and supplies* used in the manufacture and distribution thereof (except in bulk), between the plantsite and storage facilities of East Texas, Incorporated, in Jasper County, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority can be tacked in its Sub-No. 27 on newsprint at points in Alabama, Florida, Kentucky, Mississippi, and Tennessee to provide a through service from points in Angelina County, Tex., to the plantsite named herein. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 120737 (Sub-No. 26), filed November 1, 1973. Applicant: STAR DELIVERY AND TRANSFER, INC., P.O. Box 39, Canton, Ill. 61520. 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: *Agricultural machinery and implements, attachments* for agricultural machinery and implements (other than hand), and *such merchandise* as is dealt in by lawn and garden dealers (except chemicals and commodities in bulk), from Louisville, Ky., to points in the United States (except Hawaii and Alaska), restricted to the transportation of traffic originating at the plants, shipping facilities and warehouses of International Harvester Company, Inc., in Louisville, Ky.

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 120978 (Sub-No. 8), filed November 5, 1973. Applicant: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, N. Dak. 58401. Applicant's representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from Duluth, Minn., to points in North Dakota, South Dakota, Montana, and Wisconsin.

NOTE.—Applicant holds contract carrier authority under MC 128217 and Subs 2 and 3, 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 Fargo, N. Dak., or Minneapolis, Minn.

No. MC 123407 (Sub-No. 149), filed November 5, 1973. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mirrors, flat glass, glass glazing units, and glass doors and fittings*, from Houston, Tex., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked in all points in the above described destination territory and at its point of origin, making possible various services between forty eight States (except Alaska and Hawaii). Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Washington, D.C.

No. MC 123872 (Sub-No. 16), filed November 5, 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: *New furniture and furniture parts*, from Elizabeth City, N.C., to points in Arizona, Arkansas, California, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Raleigh, N.C., or Hickory, N.C.

No. MC 124070 (Sub-No. 28), filed November 1, 1973. Applicant: CHEMICAL HAULERS, INC., P.O. Box 2038, Hammond, Ind. 46323. 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: *Chemicals*, in bulk, from the plant site of Armak Chemical Co., Grundy County, Ill., to points in Alabama, Arkansas, Connecticut, Illinois, Indiana, Kansas, Maryland, Massachusetts, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Texas, Oklahoma, Virginia, Wisconsin, Iowa, Minnesota, Kentucky, and Michigan.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124078 (Sub-No. 571), filed November 2, 1973. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk in tank vehicles, from points in Columbia County, Fla., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas.

NOTE.—Applicant presently holds contract carrier authority in MC 113832 Sub-No. 68, therefore dual operations may be involved. Common control was approved in MC-F-9737 and MC-F-10468. Applicant states that the requested authority can be tacked with its existing authority as follows: at Decatur, Ala., on dimethyl-terephthalate & terephthalic acid, in bulk to serve points in Kentucky, Illinois, and Indiana restricted against the transportation of these commodities, dry, to East St. Louis, Ill., and points within its Commercial zone; at Nashville, Tenn., on petroleum products (except asphalt and asphalt compounds) in bulk, in tank vehicles to serve points in Kentucky; at Chattanooga and Lyles, Tenn., on coal tar products and liquid chemicals, to serve points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Rhode Island, and Wisconsin; at Nashville, Tenn., on petroleum and pertoleum products, in bulk, in tank vehicles to serve points in Kentucky; at Chattanooga, Tenn., on benzoic acid esters, aromatic chlorides, benzyl alcohol, and benzonitrile, in bulk, in tank vehicles to serve points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, and Wisconsin; at Guntersville, Ala., on petro and petro products, in bulk, to serve points in Kentucky; at points in Robertson County, Tenn., on chemicals, in bulk, to serve points in Kentucky, Indiana, Michigan, Illinois, and Missouri, restricted against the transportation of dry chemicals to points within the East St. Louis, Mo., Commercial Zone; at Wilmington, N.C., on nitrogen solutions to serve points in Maryland and Delaware; at Cartersville, Ga., on barium chloride and barium carbonate, in bulk to serve points in Kentucky; at Nashville, Tenn., on dry calcium phosphate, in bulk, in tank or hopper-type vehicles to serve points in Illinois, Kansas, and Missouri; at Chattanooga, Tenn. on dry bulk commodities to serve points in Arkansas, Illinois, Indiana, Kentucky, Missouri, Virginia, and West Virginia; at points in Bartow County, Ga., on dry chemicals, in bulk, to serve points in Arkansas, Illinois, Indiana, Kentucky, Missouri, West Virginia, and Wisconsin, restricted against the transportation of orthodichlorobenzene, barium carbonate, barium chloride, and ammonium sulfide to points in Kentucky; at Wilmington, N.C., on chrome ore and chrome products to serve points in Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, West Virginia, Wisconsin, and the District of Columbia; at Tyner, Tenn., on liquid fertilizer solutions and dry fertilizer to serve points in Kentucky; and at Attapulgus, Ga., or chemicals, in bulk, to serve points in Arkansas, Louisiana, and Texas. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 124078 (Sub-No. 572), filed November 12, 1973. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fly ash*, from Wilsonville, Ala., to points in Florida; and (2) *calcium carbonate*, in bulk, from Greencastle, Ind., to Lewisburg, Ohio.

NOTE.—Applicant holds contract carrier authority in MC 113832 (Sub-No. 68), therefore dual operations may be involved. Common control was approved in MC-F-9737 and MC-F-10468. Applicant 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 or Columbus, Ohio.

No. MC 124211 (Sub-No. 236), filed October 25, 1973. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cellular products, athletic and sporting goods, plastic, plastic products, plastic coated products, and fiberglass products;* and (2) *commodities* used in the production, distribution and sale of those commodities described in (1) above, between points in Maricopa County, Ariz.; Orange County, Calif.; Coweta County, Ga.; Grant County, Ind.; Essex and Middlesex Counties, Mass.; Ionia and Oakland Counties, Mich.; Lowndes County, Miss.; Lucas and Tuscarawas Counties, Ohio; and Westmoreland County, Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control was approved in MC-F-11887. Applicant states that the requested authority can be tacked with its pending authority, if granted, at the origin points named above to provide a through service: In Sub-No. 226 from Michigan City, Ind. to points in Michigan, Indiana, Illinois, Wisconsin, and Ohio; and in Sub-No. 228 from points in Fairfield and New Haven Counties, Conn., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Ohio, Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, District of Columbia and those points in New York and Pennsylvania east of U.S. Highway 81. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cleveland, Ohio.

No. MC 124211 (Sub-No. 237), filed November 2, 1973. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Regular Routes: (1) *Alcoholic beverages and commodities* dealt in and used by beverage distributors, serving points in Gage County, Nebr., as intermediate and off-route points in connection with carrier's regular route operations; and (2) *commodities* dealt in and used by banking and financial institutions, serving Douglas, Milford, and Waverly, Nebr. as off-route points in connection with carrier's regular route operations; and (B) Irregular Route: *plumbing fixtures, equipment, materials, and supplies and accessories*, between North Sioux City, S. Dak., on the one hand, and, on the other, points in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin.

NOTE.—Common control was approved in MC-F-11887. Applicant states that the irregular route described above can be tacked with its existing authority in Sub-No. 217 at Ottumwa, Iowa, to provide a through service from North Sioux City, S. Dak., to points in the United States. If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 124211 (Sub-No. 238), filed November 9, 1973. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic beverages*, and *such commodities* as are dealt in and used by distributors of beverages, between points in South Dakota, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (2) *junk and scrap, ferrous and non-ferrous metals* and *waste materials* (except waste materials in bulk), between the plant and facilities of Aaron Ferer and Sons Co., located at points in Douglas and Sarpy Counties, Nebr., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted in (2) above, against tacking with applicant's present authority to provide a through service from or to points other than those sought herein.

NOTE.—Common control was approved in MC-F-11887. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 124251 (Sub-No. 33), filed November 12, 1973. Applicant: JACK JORDAN, INCORPORATED, P.O. Box 689, Dalton, Ga. 30702. Applicant's representative: Archie B. Culbreth, 1252 West Peachttree St. NW., Suite 246, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alumina hydrate*, dry, in bulk, from points in Murray County, Ga., to points in Alabama, Florida, Georgia, 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 Atlanta, Ga.

No. MC 124669 (Sub-No. 34), filed November 2, 1973. Applicant: TRANSPORT, INC. OF SOUTH DAKOTA, 1012 West 41st Street, Sioux Falls, S. Dak. 57105. Applicant's representative: Ronald B. Pitsenbarger, P.O. Box 396, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags and bulk, (1) from points in Minnehaha and Codington Counties, S. Dak., to points in North Dakota, Minnesota, Iowa, Nebraska, and South Dakota; and (2) from points in Pennington County, S. Dak., to points in Minnesota, Iowa, North Dakota, and South Dakota.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, Rapid City, S. Dak., or Minneapolis, Minn.

No. MC 124947 (Sub-No. 24), filed November 7, 1973. Applicant: MACHINERY TRANSPORTS, INC., P.O. Box 2338, East Peoria, Ill. 61611. Applicant's representative: John J. Robinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and *parts therefor*, from Portland, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., Washington, D.C., or Chicago, Ill.

No. MC 126463 (Sub-No. 8), filed July 13, 1973. Applicant: GREER BROS. TRUCKING CO., INC., P.O. Box 187, London, Ky. 40741. Applicant's representative: Eugene Greer, Route 6 Box 318, London, Ky. 40741. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in dump trucks, between points in Whitley, Laurel, Rockcastle, Madison, McCreary, Lee, Estill, Owsley, Floyd, Pike, Casey, Russell, Wayne, Adair, Pulaski, Fayette, Lincoln, Garrard, Menifee, Boyle, Washington, Bell, Knox, Harlan, Perry, Letcher, Knott, Breathitt, Jackson, Lesile, and Clay Counties, Ky.; Knox, Campbell, Clairborne, Schott, Grainger, Anderson, and Hancock, Tennessee, and Mongo, Wyoming, and Logan Counties, W. Va.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at London, or Frankfort, Ky.

No. MC 126758 (Sub-No. 6), filed November 2, 1973. Applicant: EUGENE J. GLOSIER AND LEROY F. SOMMER, doing business as GLOSIER SERVICE CO., 3075 Highway 94 North, St. Charles, Mo. 63301. Applicant's representative: Eugene J. Glosier (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, between St. Charles, Mo., and Memphis, Tenn.; and *empty containers on return*, under contract with R.C. Fischer & Son Distributing Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 126899 (Sub-No. 68), filed November 5, 1973. Applicant: USHER TRANSPORT, INC., P.O. Box 3051, 3925 Old Benton Road, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703–706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages in containers, and related advertising materials*, from Columbus, Ohio, to Ft. Wayne, Kokomo, Huntington, Logansport, Portland, and Decatur, Ind., and *empty malt beverage containers on return*.

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 Columbus, Ohio.

No. MC 127589 (Sub-No. 2), filed November 8, 1973. Applicant: MERLE T. DRAPER, 128 Glenwood Avenue, Medina, N.Y. 14103. 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: *Sheet metal pipe, fittings, and elbows*, from Medina, N.Y., to 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 Buffalo, N.Y.

No. MC 128021 (Sub-No. 9), filed November 12, 1973. Applicant: DIVERSIFIED PRODUCTS TRUCKING CORPORATION, 309 Williamson Avenue, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal pellets, bagged, vermiculite, O/C (base for grill), charcoal lighter fluid* (naphtha distillate), *hickory chips* (for flavoring) bagged, *fireplace logs, sawdust, and wax impregnated*, from Springfield, Oreg., to points in Oregon, Idaho, Montana, Utah, Colorado, Nevada, Washington, Arizona, Wyoming, and California, under a continuing contract or contracts with The Kingsford Company, Louisville, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Atlanta, Ga.

No. MC 128021 (Sub-No. 10), filed November 12, 1973. Applicant: DIVERSIFIED PRODUCTS TRUCKING CORPORATION, 309 Williamson Avenue, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Charcoal, charcoal pellets*, bagged, *vermiculite, O/C* (base for grill), bagged, *lighter fluid* (naphtha distillate), *hickory chips* (for flavoring), bagged, *fireplace logs, and wax impregnated*, from points in Pulaski County, Ky., to points in Alabama, Florida, Georgia, Illinois, Indiana, Louisiana, Minnesota, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, under a continuing contract or contracts with The Kingsford Company, Louisville, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Atlanta, Ga.

No. MC 128273 (Sub-No. 148), filed November 1, 1973. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box

189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toys and athletic equipment*, from Hagerstown, Md., and Lancaster, and Old Forge, Pa., to points in Florida, Georgia, North Carolina, South Carolina, Kentucky, Tennessee, Alabama, Mississippi, Indiana, Michigan, Wisconsin, Illinois, and points in the United States (except Alaska and Hawaii) on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with 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.—Applicant 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 128981 (Sub-No. 7), filed October 24, 1973. Applicant: LAND-AIR DELIVERY, INC., 1736 North 79th Kansas City, Kans. 66112. Applicant's representative: Tom B. Kretsinger, 901 Fairfax Building, 101 West 11th Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* moving in substituted motor for air service, between Kansas City International Airport and Fairfax Airport, Kans., and Kansas City Municipal Airport, Mo., and points in Arizona, California, Nevada, and New Mexico on and west of Interstate Highway 25.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 3 at Kansas City International Airport and Fairfax Airport, Kans., and Kansas City Municipal Airport, Mo. (within the Kansas City, Kans. Commercial Zone), to provide service between points in Kansas, Missouri, and Nebraska, on the one hand, and, on the other, points in Arizona, California, Nevada, and New Mexico on and west of Interstate Highway 25. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 128988 (Sub-No. 29) (Amendment), filed August 8, 1973, published in the FR issue of October 17, 1973, and republished as amended this issue. Applicant: JO/KEL, INC., P.O. Box 1249, 159 South Seventh Ave., City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heating and air conditioning units*, from (a) the plantsite and warehouse facilities of Fraser and Johnston Co., located at San Lorenzo, Calif., to points in Idaho, Utah, Arizona, Colorado, and New Mexico; and (b) from Norman, Okla.; Medina and Elyria, Ohio; and Staunton, Va., to the plantsite and warehouse facilities of Fraser and Johnston Co., located at San Lorenzo, Calif.; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, from points in Idaho, Utah, Arizona, Colorado, and New Mexico, to the plantsite and warehouse facilities of Fraser and Johnston Co., located at San Lorenzo, Calif., restricted against the transportation of commodities in bulk and those commodities which because of their size or weight require the use of special equipment, under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa., its divisions and subsidiaries.

NOTE.—The purpose of this republication is to indicate applicant's substitution of contracting shipper. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Washington, D.C.

No. MC 129282 (Sub-No. 20), filed November 5, 1973. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, Tex. 75601. Applicant's representative: Fred S. Berry (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and equipment, materials, and supplies* used in the manufacture and distribution thereof; and the return of *rejected shipments, empty containers, and dunnage*, (1) from Memphis, Tenn., to points in Arkansas and Mississippi; and (2) from Fort Worth, Tex., to points in Mississippi and Arkansas (except Fayetteville, Fort Smith, and Texarkana, Ark.).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark. or Jackson, Miss.

No. MC 129350 (Sub-No. 36), filed November 12, 1973. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, P.O. Box 212, Billings, Mont. 59103. Applicant's representative: Clayton Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals* (except in bulk, in tank vehicles), from Chicago, Ill., and points in its Commercial Zone, and Ringwood, Ill., Minneapolis and St. Paul, Minn., Rapid City and Sioux Falls, S. Dak., Midland and Ludington, Mich.; Madison, Hudson, and Janesville, Wis.; Painesville, Ohio; and Westvaco, Wyo., to Helena, Butte, and Billings, Mont.; and (2) *dry cleaning and janitorial supplies* (except in bulk in tank vehicles) from Chicago, Ill., and points in its Commercial Zone, to Peoria, Ill., Madison, Wis., Sioux Falls, and Rapid City, S. Dak., and Champaign and Clinton, Ill.

NOTE.—Applicant also holds a Brokerage License in MC 137000. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings or Helena, Mont.

No. MC 130006 (Sub-No. 1), filed November 14, 1973. Applicant: TRAVEL & TRANSPORT, INC., 3104 Farnam Street, Omaha, Nebr. 68131. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to engage in operation in interstate or foreign commerce, as a *broker* at Fargo, N. Dak., to sell or offer to sell the transportation of *passengers and their baggage*, in special and charter operations, between points in the United States, including Alaska and Hawaii, restricted to passenger participants whose initial point of departure is North Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 130222, filed November 21, 1973. Applicant: MRS. MARY LYNN EANS, MR. CLAUDE EANS, MRS. SYDNEY ANNE WHALEY, AND MR. GLENN WHALEY, a Partnership, doing business as ARLINGTON TOURS, 3707 Broadway, Knoxville, Tenn. 37917. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Knoxville, Tenn., to sell or offer to sell the transportation by motor, rail, air, and water of *passengers and their baggage*, in groups, between points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn.

No. MC 133119 (Sub-No. 30), filed November 9, 1973. Applicant: HEYL TRUCK LINES INC., 235 Mill St., Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 So. 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, and *agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed shipments with bananas, (1) from Charleston, S.C., to points in Wisconsin, Minnesota, and North Dakota; and (2) from Charleston, S.C., to ports of entry on the International Boundary line between the United States and Canada located in Minnesota and North Dakota.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Miami, Fla.

No. MC 113267 (Sub-No. 310), filed November 12, 1973. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3385 Airways Blvd., Suite 115, Memphis, Tenn. 38116. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved food products*, (1) from Wilson, N.C., to points in Indiana, Kentucky, Louisiana, Michigan, Ohio, and Tennessee; and (2) from New Iberia, La., to points in Illinois, Indiana, Ohio, and North Carolina, restricted to traffic originating at the named origins

and destined to the named destination States.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or New Orleans, La.

No. MC 133566 (Sub-No. 27), filed November 12, 1973. Applicant: GANGLOFF AND DOWNHAM TRUCKING CO. INC., Box 676, Logansport, Ind. 46947. Applicant's representative: William L. Slover, 1224 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from the plantsite and storage facilities of Schrafft Candy Company at Boston and Norwood, Mass., to points in Michigan, Ohio, Illinois, Louisville, and Lexington, Ky., Wisconsin, Minneapolis-St. Paul, Minn., St. Louis, and Kansas City, Mo., and Pittsburgh, Pa., restricted to traffic originating at the above named plantsites and storage facilities.

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 Boston, Mass.

No. MC 133666 (Sub-No. 8), filed November 9, 1973. Applicant: JACOBSON TRANSPORT, INC., 1112 Second Avenue South, Wheaton, Minn. 56296. 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: *Liquefied petroleum gas*, in bulk, in tank vehicles, from port of entry on the International Boundary line between the United States and Canada located in Minnesota, to points in Minnesota, North Dakota, and South Dakota.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133708 (Sub-No. 9), filed November 1, 1973. Applicant: FIKSE-BROS., INC., 12647 East South Street, Artesia, Calif. 90701. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Cushenbury, Calif., to ports of entry on the International Boundary line between the United States and the Republic of Mexico located at or near Calexico, Tecate, and San Ysidro, Calif.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 138879 (Sub-No. 1), filed November 1, 1973. Applicant: RUSSEL L. RODGERS, an individual, doing business as RODGERS TRUCK SERVICE, P.O. Box 21, Fairfield, Ill. 62837. 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: *Gray iron castings*, (1) from East St. Louis, Mount Vernon, Fairfield, and Belvidere, Ill., and Fairview, Tenn., to Marked Tree, Ark.; and (2) from Rochester and Warsaw, Ind.; and Fostoria, Ohio; West Memphis and Marked Tree, Ark.; and Fairview, Tenn.; to Fairfield, Ill., under continuing contracts with Mid-South Mfg., Inc., and Airtex Products Division of United Industrial Syndicate, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo. or Chicago, Ill.

No. MC 134401 (Sub-No. 6), filed October 10, 1973. Applicant: SHERWOOD W. HUME, doing business as HUME EQUIPMENT CO., 141 Bell Street, Milton, Ontario, Canada. Applicant's representative: Frank J. Kerwin, Jr., 1961 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, and implements, parts, attachments and materials* used in the assembly and repair of agricultural machinery, between points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, Wisconsin, and Vermont, on the one hand, and, on the other, points on the International Boundary line between the United States and Canada, located in Maine, Vermont, New York, Michigan, Wisconsin, and Minnesota, restricted to traffic having its origin or destination in Canada.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Buffalo, N.Y.

No. MC 134404 (Sub-No. 13), filed November 2, 1973. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 499, South Bound Brook, N.J. 08880. 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) *Paper and paper products*, from Franklin, Richmond, and Laurel, Va., to points in Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia; and (2) *materials, supplies and equipment*, used or useful in connection with production, distribution or sales of the aforementioned commodities (except in bulk), from the above-named destination territory to the above-described origin points, under continuing contract with Union Camp Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134404 (Sub-No. 14), filed November 9, 1973. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 499, South Bound Brook, N.J. 08880. Applicant's representative: Bert Collins, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wheels, tires, hub caps, and battery parts and materials, supplies, and equipment* used or useful in the production, distribution, and sale of wheels, tires, hub caps, and battery parts (except in bulk), between Lineville, Ala., and Piney Flats, Tenn., on the one hand, and, on the other, points in Minnesota, Iowa, Nebraska ,Missouri, Arkansas, Texas, Louisiana, Mississippi, Tennessee, Kentucky, Wisconsin, Illinois, Indiana, Michigan, and Ohio under a continuing contract or contracts with Amerace Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134405 (Sub-No. 15), filed November 12, 1973. Applicant: BACON TRANSPORT COMPANY, a Corporation, P.O. Box 1134, Ardmore, Okla. 73401. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N. W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from the plantsite of Farmland Industries, Inc., Nitrogen Plant at or near Enid, Okla., to points in Louisiana.

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., or Kansas City, Mo.

No. MC 134599 (Sub-No. 93), filed November 9, 1973. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires and rubber products, and equipment, materials, and supplies* used in the manufacture and production thereof, between Camden, Ark., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Uniroyal, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Lincoln, Nebr.

No. MC 134685 (Sub-No. 2), filed November 1, 1973. Applicant: COOK REFRIGERATED EXPRESS, INC., 830 North 33d Street, Birmingham, Ala. 35202. Applicant's representative: Robert M. Pearce, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, empty malt beverage containers, can openers, and advertising materials*, between St. Louis and St. Joseph, Mo.; Milwaukee, Wis.; Fort Wayne, Evansville, Terre Haute,

and South Bend, Ind.; Belleville, Peoria, and Chicago, Ill.; Cincinnati, Ohio; and Louisville, Ky., on the one hand, and, on the other, points in Etowah, Calhoun, and Talladega Counties, Ala.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 134783 (Sub-No. 15), filed November 12, 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: *Refined copper and commodities of unusual value*, (1) from the plantsites and storage facilities of American Smelting & Refining Co. at or near Amarillo, Tex., to points in the United States (except Hawaii) and (2) from points in the United States (except Hawaii), to the plantsites and storage facilities of American Smelting & Refining Co. at or near Amarillo, Tex.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134922 (Sub-No. 54), filed September 27, 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: *Candy and confectionery products* (except in bulk), and *advertising equipment, materials, and supplies and advertising premiums*, from Freehold, N.J., to points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Louisiana, Minnesota, Missouri, Nevada, New Mexico, Ohio, Oregon, Tennessee, Texas, Utah, Washington, and Wisconsin.

NOTE.—Applicant states that the requested authority can be tacked with Sub 35 (pending) at Covington, Tenn., to serve points in Colorado, Kansas, Michigan, Iowa, Mississippi, Nebraska, and Oklahoma. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing if deemed necessary, applicant requests it be held at Philadelphia, Pa., or Little Rock, Ark.

No. MC 134933 (Sub-No. 4), filed November 1, 1973. Applicant: IDLEWOOD TRUCKING COMPANY LIMITED, P.O. Box 100, 350 Fruitland Road, Fruitland, Ontario, Canada. Applicant's representative: Robert D. Gunderman, 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, (1) from ports of entry on the International Boundary line between the United States and Canada at the Detroit and St. Clair Rivers, to Belleville, Mich., and (2) from Detroit, Mich., to ports of entry on the International Boundary line between the United States and Canada on the Detroit and St. Clair Rivers, under contract with International Iron and Metal Company, a division of Intermetco Limited.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 135381 (Sub-No. 2), filed November 2, 1973. Applicant: DRUM TRANSPORTATION COMPANY, a Corporation, Rural Delivery No. 1, Montgomery, Pa. 17752. Applicant's representative: J. G. Dail, Jr., 1111 E Street sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books, library supplies, and equipment, and library furniture*, from the plantsites of Bro-Dart, Inc., at or near Williamsport, Pa., to points in Connecticut, Delaware, Maryland, New Jersey, and New York, under contract with Bro-Dart, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136008 (Sub-No. 17), filed November 12, 1973. Applicant: JOE BROWN COMPANY, INC., 20 Third Street NE., P.O. Box 1669, Oklahoma City, Okla. 73401. Applicant's representative: Rufus H. Lawson, 2400 Northwest 23d Street, P.O. Box 75124, Oklahoma City, Okla. 77107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Oklahoma, to points in Texas and 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., or Dallas, Tex.

No. MC 136249 (Sub-No. 5), filed November 12, 1973. Applicant: JAMES R. GALBRAITH, JR., 626 4th Avenue South, Clinton, Iowa 52732. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising material* when shipped with malt beverages, from Omaha, Nebr., to Clinton, Iowa, under contract with John Roach Distributing Co., Clinton, Iowa, and McMahon Bevage Co., Clinton, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa or Davenport, Iowa.

No. MC 136343 (Sub-No. 22), filed November 6, 1973. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 207, Milton, Pa. 17847. 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: *Pulpboard and fibreboard*, from the facilities of Maxwell Paper Corporation located at or near Franklin, Ohio, to points in Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maryland, and the District of Columbia.

NOTE.—Applicant presently holds contract carrier authority in MC 96098 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 136384 (Sub-No. 7), filed October 23, 1973. Applicant: PALMER MOTOR EXPRESS, INC., P.O. Box 103, Savannah, Ga. 31402. Applicant's representative: Frank D. Hall, 3384 Peachtree Road NE., Suite 713, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, those requiring special equipment because of size or weight, Classes A and B explosives, and household goods as defined by the Commission), (A) Regular routes: (1) Between Savannah, Ga., and Savannah Beach, Ga.: From Savannah, Ga., over U.S. Highway 80 and Alternate U.S. Highway 80 to Savannah Beach and return over the same route, serving all intermediate points; (2) Between Savannah, Ga., and Vidalia, Ga.: From Savannah, Ga., over Interstate Highway 16 to its junction with U.S. Highway 280 at or near Blitchton, Ga., thence over U.S. Highway 280 to its junction with Georgia State Highway 292 at or near Bellville, Ga., thence over Georgia State Highway 292 to Vidalia, Ga., and return over the same route, serving all intermediate points; (3) Between Lyons, Ga and Wrightsville, Ga.

From Lyons, Ga., over Georgia State Highway 152 to its junction with Georgia State Highway 86, thence over Georgia State Highway 86 to its junction with U.S. Highway 1 at or near Oak Park, Ga., thence over U.S. Highway 1 to its junction with Georgia State Highway 46 near Oak Park, Ga., thence over Georgia State Highway 46 to its junction with Georgia State Highway 86 near Normantown, Ga., thence over Georgia State Highway 86 to its junction with Georgia State Highways 15 and 78 near Adrain, Ga., thence over Georgia State Highways 15 and 78 to Wrightsville, Ga., and return over the same route, serving all intermediate points; (4) Between Lyons, Ga., and Soperton, Ga.: From Lyons, Ga., over Georgia State Highway 292 to its junction with Georgia State Highway 86 at or near Ohoopee, Ga., thence over Georgia State Highway 86 to Oak Park, Ga., thence over U.S. Highway 1 to its junction with Georgia State Highway 46, thence over Georgia State Highway 46 to its junction with U.S. Highway 221 at or near Soperton, Ga., and thence over U.S. Highway 221 to Soperton, Ga., and return over the same route, serving all intermediate points; (5) Between Soperton, Ga., and Adrain, Ga.: From Soperton, Ga., over Georgia State Highways 15 and 78 to Adrain, Ga., and return over the same route, serving all intermediate points; (6) Between Metter, Ga., and Oak Park, Ga.

From Metter, Ga., over Georgia State Highway 46 to its junction with U.S. Highway 1 near Oak Park, Ga., thence

over U.S. Highway 1 to Oak Park, Ga., return over the same route, serving all intermediate points; (7) Between Vidalia, Ga. and Dublin, Ga.: From Vidalia, Ga., over U.S. Highway 280 to its junction with Georgia State Highways 29 and 15 thence over Georgia State Highway 29 and U.S. Highway 80 to Dublin, Ga., and return over the same route, serving all intermediate points; (8) Between Dublin, Ga., and Wrightsville, Ga.: From Dublin, Ga., over U.S. Highway 319 to Wrightsville, Ga., and return over the same route, serving all intermediate points; (9) Between Wrightsville, Ga., and Greensboro, Ga.: From Wrightsville, Ga., over Georgia State Highway 15 to Greensboro, Ga., and return over the same route, serving all intermediate points and serving Sparta, Ga., as an off-route point in connection with the above described route; (10) Between Greensboro, Ga., and Madison, Ga.: From Greensboro, Ga., over U.S. Highway 278 to Madison, Ga., and return over the same route, serving all intermediate points; (11) Between Greensboro, Ga., and Watkinsville, Ga.: From Greensboro, Ga., over Georgia State Highway 15 to Watkinsville, Ga., and return over the same route, serving no intermediate points; (12) Between Madison, Ga., and Danielsville, Ga.: From Madison, Ga., over U.S. Highway 278 to its junction with U.S. Highways 129 and 441, thence over U.S. Highways 129 and 441 to Athens, Ga., thence over U.S. Highway 29 to Danielsville, Ga., and return over the same route, serving all intermediate points; (13) Between Claxton, Ga. and Statesboro, Ga.

From Claxton, Ga., over U.S. Highways 25 and 301 to Statesboro, Ga., and return over the same route, serving all intermediate points; (14) Between Statesboro, Ga., and Oliver, Ga.: From Statesboro, Ga., over Georgia State Highway 24 to Oliver, Ga., and return over the same route, serving all intermediate points; (15) Between Statesboro, Ga., and Sylvania, Ga.: From to Sylvania, Ga., and return over the Statesboro, Ga., over U.S. Highway 301 same route, serving all intermediate points; (16) Between Oliver, Ga., and Dover, Ga.: From Oliver, Ga., over Georgia State Highway 17 to its junction with U.S. Highway 301 near Dover, Ga., thence over U.S. Highway 301 to Dover, Ga., and return over the same route, serving all intermediate points; (17) Between Oliver, Ga., and Newington, Ga.: From Oliver, Ga., over Georgia State Highway 24 to Newington, Ga., and return over the same route, serving all intermediate points; (18) Between Savannah, Ga., and Oliver, Ga.: From Savannah, Ga., over U.S. Highway 80 to its junction with Georgia State Highway 17 near Eden, Ga., thence over Georgia State Highway 17 to Oliver, Ga., and return over the same route, serving all intermediate points; (19) Between Savannah, Ga., and Springfield, Ga.: From Savannah, Ga., over U.S. Highway 17 and 80 to their junction with Georgia State Highway 21 thence over Georgia State Highway 21 to Springfield, Ga., and return over the same route, serving all intermediate points; (20) Between Springfield, Ga., and Sylvania, Ga.

From Springfield, Ga., over Georgia State Highway 21 to Sylvania, Ga., and return over the same route, serving all intermediate points; (21) Between Springfield, Ga., and Fairfax, S.C.: From Springfield, Ga., over Georgia State Highway 119 to the Georgia-South Carolina State line, thence over State Highway 119 to its junction with U.S. Highway 321 at or near Garnett, S.C., thence over U.S. Highway 321 to Fairfax, S.C., and return over the same route, serving all intermediate points; (22) Between Sylvania, Ga., and Allendale, S.C.: From Sylvania, Ga., over U.S. Highway 301 to Allendale, S.C., and return over the same route serving all intermediate points; (23) Between Fairfax, S.C., and Allendale, S.C.: From Fairfax, S.C., over U.S. Highway 278 to Allendale, S.C., and return over the same route, serving all intermediate points; and (24) Authority is also sought to serve all points other than those described in the above routes in Bryan, Toombs, Montgomery, Screven, and Effingham Counties, Ga., as off route points in connection with the above described regular routes, and (B) Alternate routes: (1) Between Sylvania, Ga., and Greensboro, Ga.: From Sylvania, Ga., over U.S. Highway 301 to its junction with Georgia State Highway 24, at or near Hiltonia, Ga., thence over Georgia State Highway 24 to Waynesboro, Ga., thence over Georgia State Highway 24 to its junction with Georgia State Highway 80, thence over Georgia State Highway 80 to Wrens, Ga., thence over Georgia State Highway 16 to its junction with U.S. Highway 278 at or near Warrenton, Ga., thence over U.S. Highway 278 to its junction with Interstate Highway 20, thence over Interstate Highway 20 to its junction with Georgia State Highway 15 at or near Siloam, Ga., thence over Georgia State Highway 15 to Greensboro, Ga., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points and serving Greensboro and Sylvania, Ga., for the purpose of joinder only; (2) Between Sylvania, Ga., and Sandersville, Ga.

From Sylvania, Ga., over Georgia State Highway 21 to Millen, Ga., thence over Georgia State Highway 17 to its junction with Georgia State Highway 78 at or near Midville, Ga., thence over Georgia State Highway 78 to its junction with U.S. Highway 319 at or near Wadley, Ga., thence over U.S. Highway 319 to its junction with Georgia State Highway 242 at or near Bartow, Ga., thence over Georgia State Highway 242 to Sandersville, Ga., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points and serving Sylvania and Sandersville, Ga., for purposes of joinder only; (3) Between Statesboro, Ga., and Waynesboro, Ga.: From Statesboro, Ga. over U.S. Highway 80 to its junction with U.S. Highway 25, thence over U.S. Highway 25 to Millen, Ga., thence over U.S. Highway 25 to Waynesboro, Ga., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points and serving Statesboro and Waynesboro, Ga., for the purpose of joinder only; and (4) Between Statesboro, Ga., and Dublin, Ga.: From Statesboro, Ga., over U.S. Highway 80 to Dublin, Ga., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points and serving Statesboro and Dublin, Ga., for the purpose of joinder only.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Savannah or Atlanta, Ga.

No. MC 136408 (Sub-No. 14), filed November 12, 1973. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, polishing, and defoaming soaps and compounds, oils, paints, rust and paint removing compounds, and disinfectant and water treating compounds* (except in bulk, in tank vehicles), between Omaha, Nebr.; Wichita, Kans.; Kansas City, Mo.; Duluth, Minn.; Minneapolis, Minn.; St. Louis, Mo.; Davenport, Iowa; Milwaukee, Wis.; Chicago, Ill.; Indianapolis, Ind.; Grand Rapids, Mich.; Ft. Wayne, Ind.; Detroit, Mich.; Metuchen, N.J.; Cincinnati, Ohio, and Cleveland, Ohio, restricted to service between the plants and warehouses of Oakite Products, Inc., under a continuing contract or contracts with Oakite Products, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 136713 (Sub-No. 4), filed November 12, 1973. Applicant: AERO LIQUID TRANSIT, INC., 834 West Main Street, Lowell, Mich. 49331. Applicant's representative: Daniel J. Kozera, 715 McKay Tower, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from the plantsite of Alto Underground Storage Co. at or near Alto, Mich., to points in Ohio.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Lansing, Mich., or Chicago, Ill., or Detroit, Mich.

No. MC 136981 (Sub-No. 3), filed November 8, 1973. Applicant: BLAIR CARTAGE, INC., 13658 Auburn Road, Newbury, Ohio 44065. Applicant's representative: Lewis S. Witherspoon, 88 East Broad Street, Suite 1330, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal litter and chopped alfalfa*, from the plant facility of The Clorox Company at or near Kansas City, Mo., to its plant facility at or near Cleveland, Ohio;

(2) *cleaning compounds and dry bleach*, from the plant facility of The Clorox Company at or near Chicago, Ill., to its plant facility at or near Cleveland, Ohio; (3) *cleaning compounds*, from Danville, Ill., to The Clorox Company plant facility at or near Cleveland, Ohio; (4) *sodium hypochlorite solution, cleaning compounds, dry bleach, animal litter, foodstuffs, cereals, and cooking oils*, from the plant facility of The Clorox Company at or near Cleveland, Ohio, to points in Michigan; and (5) *sodium hypochlorite solution, cleaning compounds, dry bleach, animal litter, foodstuffs, cereals, and cooking oils*, from the plant facility of The Clorox Company at or near Cleveland, Ohio, to points in Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Ontario, Orleans, Steuben, Wayne, Niagara, and Wyoming Counties, N.Y., under contract with The Clorox Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 138054 (Sub-No. 3), filed November 12, 1973. Applicant: CONDOR CONTRACT CARRIERS, INC., P.O. Box 1354, Garden Grove, Calif. 92642. Applicant's representative: Patrick E. Quinn, 605 South 14th St., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Power transmission equipment and component parts and accessories; tools and machinery*, from Eaton and Elyria, Ohio, to Dallas, Tex.; St. Louis, Mo.; Memphis, Tenn.; Kernersville, N.C.; New York, N.Y.; North Bergen, N.J.; Chicago, Ill.; Detroit, Mich., and points in Colorado, Arizona, California, Oregon, and Washington, restricted against the transportation of commodities in bulk, in tank vehicles, and further restricted against the transportation of commodities which by reason of size or weight require the use of special equipment, and that the transportation services are to be performed under a continuing contract or contracts with Emerson Electric Co. and its divisions.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 138128 (Sub-No. 5), filed November 13, 1973. Applicant: LEMMONS & CO., INC., 535 South Second Street, Boonville, Ind. 47601. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, (1) from points in Wabash County, Ill., to points in Gibson County, Ind.; and (2) from points in Williamson County, Ill., to points in Vanderburgh and Warrick Counties, Ind.

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 Washington, D.C.

No. MC 138274 (Sub-No. 5), filed November 1, 1973. Applicant: SHIPPERS BEST EXPRESS, INC., 1656 W. 14600 South, Riverton, Utah 84065. 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: *Inedible meat* for animal feed, frozen, and *animal and poultry feed* (except in liquid form), from points in Utah and Idaho, to points in California, Oregon, Washington, Colorado, Kansas, Missouri, Nebraska, Iowa, Arizona, Minnesota, Wisconsin, North Dakota, South Dakota, Michigan, Illinois, Ohio, and Indiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 138498 (Sub-No. 4), filed November 7, 1973. Applicant: ASI, INC., P.O. Box 10444, Jacksonville, Fla. 32207. 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: *Such merchandise* as is marketed by home products distributors, from Atlanta, Ga., to points in Florida, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Tennessee, Alabama, and Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla. or Atlanta, Ga.

No. MC 138575 (Sub-No. 4), filed November 12, 1973. Applicant: GWINNER OIL CO., INC., Gwinner, N. Dak. 58040. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and equipment and related parts and accessories*, and (2) *self-propelled loaders, and attachments and related parts and accessories*, from the plant site and facilities of Clark Equipment Company—Melroe Division located at or near Bismarck, N. Dak., to all ports of entry on the International Boundary line between the United States and Canada, under a continuing contract or contracts with Clark Equipment Company—Melroe Division.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or St. Paul, Minn.

No. MC 138627 (Sub-No. 3), filed November 13, 1973. Applicant: SMITHWAY MOTOR XPRESS, P.O. Box 404, Fort Dodge, Iowa 50501. Applicant's representative: Arlyn L. Westergren, Suite 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: *Crushed motor vehicles* from points in Iowa, to Kansas City and St. Louis, Mo.; Chicago, South Beloit, and Wood River, Ill.; Minneapolis, Minn., and their respective commercial zones.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 138750 (Sub-No. 2), filed November 5, 1973. Applicant: W. F. BARTHELME, doing business as W. F. BARTHELME DIST. CO., 1602 North Broadway, Pittsburg, Kans. 66762. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Green hides*, in containers, (1) from the Plant site of Hyplains Dressed Beef, Incorporated, located at or near Dodge City, Kans., to Denver, Colo.; and (2) from the Plant site of Farmland Foods, Incorporated, located at or near Garden City, Kans., to Denver, Colo., under contract with A. J. Hollander, Inc., located in Dodge City, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 138926 (Sub-No. 2), filed November 12, 1973. Applicant: GENCOM, INC., Rural Route No. 4, Marshall, Mo. 65340. Applicant's representative: Thomas P. Rose, Jefferson Building, P.O. Box 205, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal fat*, in bulk, and *feed ingredients* used in the manufacture of livestock, animal and poultry feeds, between points in Alabama, Arizona, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming, under a continuing contract or contracts with Alvin Hahn and Bill Phillips doing business as Hahn and Phillips Grease Co. of Marshall, Mo., and American Commodities Corporation of Marshall, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jefferson City or Kansas City, Mo.

No. MC 138937 (Sub-No. 1), filed November 8, 1973. Applicant: CMR PARCEL SERVICE, INC., Route 3, Box 516, Imperial, Mo. 63052. Applicant's representative: Clarence M. Robnett, Jr. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, and commodities in tank vehicles), between the facilities of Famous-Barr Service Building located in St. Louis, Mo., and the facilities of Famous-Barr Department Store located in Fairview Heights, Ill., serving no intermediate points: From the facilities of Famous-Barr Service Building located in St. Louis, Mo., over U.S. Highway 40 (and the Poplar Street Bridge) to junction U.S. Highway 50 located in East St. Louis, Ill., thence over U.S. Highway 50 to the Famous-Barr Department Store at St. Clair Square in Fairview Heights, Ill., and return over the same route, under a continuing contract or contracts with Famous-Barr Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 138969 (Sub-No. 1), filed November 5, 1973. Applicant: W. J. HAMILTON, doing business as OIL TRANSPORT COMPANY, 259 East Lomita Blvd., Carson, Calif. 90745. Applicant's representative: Merritt H. Ellis, P.O. Box 698, Wilmington, Calif. 90744. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, from Wilmington, Calif., to Glendale and Tempe, Ariz., under a continuing contract or contracts with Marlex Petroleum, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 139045 (Sub-No. 1), filed November 12, 1973. Applicant: CALIFORNIA PACIFIC SHIPPING CO., a Corporation, 1470 East 4th St., Los Angeles, Calif. 90033. Applicant's representative: David P. Christianson, 825 City National Bank Bldg., Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meat, and natural and processed cheese*, from points in Ohio, Kentucky, Illinois, Wisconsin, Missouri, Kansas, Indiana, Nebraska, New Mexico, Colorado, Oklahoma, Texas, South Dakota, Minnesota, Iowa, Arkansas, Michigan, to points in Los Angeles, Riverside, Orange, San Diego, San Francisco, Kern, Santa Barbara, Ventura, San Bernardino, and Alameda Counties, Calif., under contract with R. W. Zant Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 139119 (Sub-No. 1), filed November 12, 1973. Applicant: PETE KING CORPORATION, P.O. Box 9158, 10651 N. 21st Ave., Phoenix, Ariz. 85029. Applicant's representative: A. Michael Bernstein, 1327 United Bank Bldg., 3550 N. Central, Phoenix, Ariz. 85012. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated fibreboard sheets*, from Glendale, Ariz., to Calexico, Calif., and the International Boundary line between the United States and the Republic of Mexico located in California, under contract with Southwest Forest Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 139193 (Sub-No. 2), filed November 9, 1973. Applicant: ROBERTS & OAKE, INC., 208 South LaSalle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, Suite 300–1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *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*, 66 M.C.C. 209 (1952), from Amarillo, Tex., to points in the United States (except Alaska and Hawaii) and (2) *such commodities* as are used by meat packers in the conduct of their business, from points in the United States (except Alaska and Hawaii), to Amarillo, Tex., under contract with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139193 (Sub-No. 3), filed November 7, 1973. Applicant: ROBERTS & OAKE, INC., 208 South LaSalle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products* as defined by the Commission in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except hides and commodities in bulk), from Fergus Falls, Minn., to points in the United States (except Alaska and Hawaii) and (2) *such commodities* as are used by meat packers in the conduct of their business, from points in the United States (except Alaska and Hawaii), to Fergus Falls, Minn., under contract with John Morrell & Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139218 (Sub-No. 1) filed October 31, 1973. Applicant: MURRAY MacDONALD, INC., 19820 Wedgewood, Grosse Pointe Woods, Mich. 48236. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, from Havana and Quincy, Fla.; Ochlocknee and Wrens, Ga.; Blue Mountain and Ripley, Miss.; Oran, Mo.; and Paris, Tenn., to points in the Lower Peninsula of Michigan, under continuing contract with Absorbent Sales, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 139262 filed November 12, 1973. Applicant: ELKHART CENTRAL TRANSFER, INC., Route 7–Box 43 B, Elkhart, Ind. 46514. Applicant's representative: Donald W. Smith, Suite 2465—One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Windows and doors*, from LaGrange, Ind. and Buchanan, Mich., to points in Elkhart, St. Joseph, LaGrange, Marshall, Adams and Kosciusko Counties, Ind.; Berrien, Cass, St. Joseph, Branch, Sanilac and Shiawasse Counties, Mich.; and (2) *insulation foam and plastic forms*, from Elkhart, Ind., to points in Berrien, Cass, St. Joseph, Branch, Sanilac and Shiawasse Counties, Mich. and Fulton, Lewis and Sandusky Counties, Ohio, under a continuing contract with Buchanan Metalform Products, Machine-Rite Products, Inc., and Formex Corp., all subsidiaries of Excel Industries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 139266, filed November 9, 1973. Applicant: DUWAINE HELLICKSON, Ostrander, Minn. 55961. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and odor control materials*, from Winona, Minn., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota and Wisconsin, under contract with Super Gro Products Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 139269, filed November 4, 1973. Applicant: C. P. CRASKA, INC., 207 Cosby Manor Road, Utica, N.Y. 13501. Applicant's representative: Murray J. S. Kirshtein, 118 Bleecker Street, Utica, N.Y. 13501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, dairy products and meat packinghouse articles* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 109 and 766, (2) *frozen foods* and (3) *foodstuffs* requiring mechanical refrigeration, from Buffalo, Syracuse and Utica, N.Y., to points in New York.

NOTE.—Applicant presently holds contract carrier authority in MC 9279 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Utica, Albany, Syracuse or Buffalo, N.Y.

No. MC 139272 filed November 5, 1973. Applicant: MEL ENTERPRISES, INC., 10 Lookout Drive, Saddle River, N.J. 07458. Applicant's representative: Philip F. Hudock, 7900 Westpark Drive, Suite 506, McLean, Va. 22101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Teletype units* whole or in parts, and *parts thereof*, between Mahwah, N.J., on the one hand, and, on the other, Newark and Elizabeth, N.J.; Elmsford, Queens, Plainview and Hauppauge, N.Y.; and Laurel, Md., under contract with Western Union Data Services, located at or near Mahwah, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139273 filed November 5, 1973. Applicant: KINGS COUNTY TRUCK LINES, a Corporation, 550 S. L Street, Tulare, Calif. Applicant's representative: Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream accessories and related supplies*, from Burbank and Sacramento, Calif., to

Reno, Sparks, and Carson City, Nev., under contract with Baskin-Robbins, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 139274 filed November 6, 1973. Applicant: THE DANIEL COMPANY OF SPRINGFIELD, a Corporation, 419 East Kearney, Springfield, Mo. 65800. Applicant's representative: Turner White, 910 Plaza Towers, Springfield, Mo. 65804. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities distributed, manufactured, and materials, supplies and equipment used in the manufacturing, packaging, distributing, and sales* of The R. T. French Company (except commodities in bulk, in tank vehicles), (1) between the plantsites and warehouse facilities of The R. T. French Company located at Fresno, Calif., Souderton, Pa., and Springfield, Mo., and (2) from the aforementioned sites and facilities, to the plantsites and warehouse locations of The R. T. French Company in Baltimore County, Md., and Los Angeles and Orange Counties, Calif., under contract with The R. T. French Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Kansas City, or St. Louis, Mo.

No. MC 139275 filed November 7, 1973. Applicant: J. & P. SUNOCO, INC., 654 North 6th Street, Newark, N.J. 07107. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed, wrecked, and recovered stolen automobiles*, from points in New York, to Allstate Insurance Salvage Pool, Carteret, N.J., under a continuing contract with Allstate Insurance Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J. or New York, N.Y.

No. MC 139276 filed November 7, 1973. Applicant: ALOHA FREIGHTWAYS, INC., 225 West Higgins Road, Des Plaines, Ill. 60018. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel, plate or sheet and skids and racks*, from Elk Grove Village, Ill., to Niles, Sturgis, and White Pigeon, Mich., under contract with Pre Finish Metals, Inc., Elk Grove Village, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139278 filed November 8, 1973. Applicant: LAMBERT & BANKS, INC., Route 2, Box 337, Waynesboro, Va. 22980. Applicant's representative: Frank B. Hand, Jr., P.O. Box 445, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hides, pelts and furs, junk*, and *Ginseng*, from Harrisonburg, Stuarts Draft, and Warsaw, Va., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Vermont, and West Virginia, under contract or contracts with Joe E. Stump, at Waynesboro, Va.; (2) *salt, salt products, and pepper*, from the plantsites and warehouse facilities of International Salt Company at Watkins Glen, N.Y., New Kensington, Pa., Baltimore, Md. Jersey City, N.J., and Cleveland, Ohio, to points in Virginia, under contract or contracts with International Salt Co., at Clarks Summit, Pa.; (3) (a) *salt and salt products*, from Rittman and Cleveland, Ohio, Baltimore, Md., New Kensington, Pa., and Watkins Glen, N.Y., to points in Virginia; (b) *animal and poultry feed, barn snow*, and *oyster shells*, from Baltimore, Md., to points in Virginia; (c) *wheat, bran* and *midds products*, from Washington, D.C., to points in Virginia; (d) *milk replacer*, from Lima, Ohio, to points in Virginia; and (e) *vitamins and minerals* used in animal and poultry feed, from Chicago, Ill., to points in Virginia, under contract or contracts with Augusta Cooperative Farm Bureau, Inc., at Staunton, Va.; (4) *salt and salt products*, from the plantsite and warehouse facilities of Watkins Salt Company, Watkins Glen, N.Y., Baltimore, Md., Akron and Canton, Ohio, and Wilmington, N.C., to points in Virginia and West Virginia, under contract or contracts with Watkins Salt Company, at Watkins Glen, N.Y.; (5) *lumber*, between points in Virginia, Maryland, North Carolina, Pennsylvania, and West Virginia, under contract or contracts with National Lumber Company, Inc., at Augusta, Ga.; and (6) *wood veneer*, from Waynesboro, Va., to points in Maryland, North Carolina, Pennsylvania, and West Virginia, under contract or contracts with Blue Ridge Veneer and Plywood Corp., at Waynesboro, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139290 filed November 9, 1973. Applicant: CHARLES L. MOORE, Box 297, New Galilee, Pa. 16141. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refractory products* and *materials*, from the plant site of Pittsburgh Refractories, a Division of Union Mining Company of Allegheny County, Inc., located at or near New Galilee, Pa., to points in Ohio, Michigan, Illinois, New York, Indiana, Ashland and Covington, Ky. and Clarksburg, Weirton and Wheeling, W. Va.; and (2) *materials* used in the manufacture of refractory products, from those destination points named in (1) above to the plant site of Pittsburgh Refractories, (1) and (2) under a continuing contract or contracts with Pittsburgh Refractories.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Pittsburgh, Pa.

MOTOR CARRIER OF PASSENGERS

No. MC 1934 (Sub-No. 36), filed November 8, 1973. Applicant: THE ARROW LINE, INC., 105 Cherry Street, East Hartford, Conn. 06108. Applicant's representative: Rene R. Dupuis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special round-trip operations during the racing season of each year, beginning and ending at Hartford and Meriden, Conn. and extending to the sites of the Roosevelt Raceway, Westbury, N.Y., and Yonkers Race Track, Yonkers, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 3647 (Sub-No. 447), filed October 3, 1973. Applicant: TRANSPORT OF NEW JERSEY, a corporation, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: John F. Ward (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, (1) Between points in Westwood and Saddle Brook, N.J.: From the junction of Washington Avenue and Broadway in Westwood over Washington Avenue to junction Garden State Parkway (Interchange No. 168), thence over Garden State Parkway to junction of Interstate Route 80 (Interchange No. 159) in Saddle Brook, N.J., and return over the same route, serving all intermediate points; (2) Between points in Oradell and Paramus, N.J.: From the junction of Kinderkamack Road and Oradell Avenue in Oradell, over Oradell Avenue to junction of Garden State Parkway (Interchange No. 165) in Paramus and return over the same route, serving all intermediate points; (3) Between points in Westwood and Hackensack, N.J.: From the junction of 3rd Avenue and Washington Avenue in Westwood over 3rd Avenue to junction 4th Avenue, thence over 4th Avenue to junction Forest Avenue, thence over Forest Avenue to junction Midland Avenue, thence over Midland Avenue to junction Spring Valley Road, thence over Spring Valley Road to the junction of Forrest Avenue, over Forrest Avenue and Maywood Avenue to the junction of Central Avenue in Maywood, over Central Avenue to junction of State Street in Hackensack, over State Street to junction of Mercer Street, over Mercer Street to junction of Moore Street, over Moore Street to the Hackensack Bus Terminal; (4) Between points in Oradell and Paramus, N.J.: From the junction of Forrest Avenue and Ridgewood Avenue in Oradell, over Ridgewood Avenue to the Bergen Pines Hospital in Paramus, and return over the same route, serving all intermediate points; (5) Within Hackensack, N.J.: (A) From the junction of State Street and Essex Street, over Essex Street and Hudson Street to the junction of Hudson Street and Main Street, serving all intermediate points; (B) From the junction of Main Street and Essex

Street, over Essex Street to the junction of Essex Street and State Street, serving all intermediate points; (C) From the junction of Main Street and Court Street, over Court Street to the junction of Court Street and Moore Street, serving all intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 3647 (Sub-No. 448), filed October 29, 1973. Applicant: TRANSPORT OF NEW JERSEY, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: John F. Ward (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, serving all intermediate points. (1) Between Freehold and Mount Holly, N.J.: From Freehold, N.J. over N.J. Highway 537 to Mount Holly, N.J., and return over the same route.; (2) Between points in Jackson Township, N.J.: From the junction of N.J. Highway 528 and 571, over New Jersey Highway 571 to the junction of N.J. Highway 537, and return over the same route.; (3) Between East Windsor Township and Burlington, N.J.: From the junction of N.J. Highway 33 and New Jersey Turnpike, East Windsor, N.J. over N.J. Highway 33 to junction U.S. Highway 130, East Windsor, N.J., thence over U.S. Highway 130 to Burlington, N.J., and return over the same route.; (4) Between Hamilton Township and Wall Township, N.J.: From the junction of U.S. Highway 206 and Interstate Highway 195, Hamilton Township, N.J., over Interstate Highway 195 to the junction of the Garden State Parkway, Wall Township, N.J., and return over the same route.; and (5) Between Hamilton Township and Mount Laurel Township, N.J.: From the junction of U.S. Highway 206 and Interstate Highway 295 over Interstate Highway 295 to junction N.J. Highway 38, Mount Laurel Township, N.J., and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 138666 (Sub-No. 2), filed November 5, 1973. Applicant: TREKAMERICA, INC., 215 South Broad Street, Philadelphia, Pa. 19102. Applicant's representative: Francis P. Desmond, 115 East 5th Street, Chester, Pa. 19013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and outdoor equipment*, in personally conducted all expense camping tours, in special round-trip operations in vehicles limited to 14 passengers, not including the driver and escort, beginning and ending at New York, N.Y. and Philadelphia, Pa., and extending to points in the United States.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 138828 (Sub-No. 2), filed November 1, 1973. Applicant: MAPLEWOOD EQUIPMENT CO., a corporation, 419 Anderson Avenue, Fairview, N.J. 07022. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *express and newspapers* in the same vehicle with passengers, Between Ringwood, N.J. and New York, N.Y.: From junction of Greenwood Lake Turnpike, Skyline Drive and Erskine Road, over Skyline Drive to junction West Oakland Avenue in Oakland, thence over West Oakland Avenue to junction New Jersey Highway 208 in Oakland, thence over New Jersey Highway 208 to junction New Jersey Highway 4 in Fairlawn, thence over New Jersey Highway 4 to junction New Jersey Highway 17 in Paramus, thence over New Jersey Highway 17 to junction Interstate Highway 80 in Hackensack, thence over Interstate Highway 80 to junction Interstate Highway 95 in Teaneck, thence over Interstate Highway 95 to junction New Jersey Highway 3 and Interstate Highway 495 in Secaucus, thence over Interstate Highway 495 via the Lincoln Tunnel to New York, N.Y. and return over the same route, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J. or New York, N.Y.

No. MC 139270 filed October 15, 1973. Applicant: OTTERTAIL COACHES, INC., 2550 East Poplar Avenue, North St. Paul, Minn. 55109. Applicant's representative: Val M. Higgins, 1000 First National Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, and *baggage of passengers* in a separate vehicle in charter operations, and in round trip sightseeing and pleasure tours, beginning and ending at points in Becker, Big Stone, Cass, Clay, Grant, Hubbard, Mahnomen, Norman, OtterTail, Stevens, Traverse, Wadena and Wilken Counties, Minn. and extending to points in the United States (including Alaska but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

BROKER APPLICATION OF PASSENGERS

No. MC 130221 filed November 11, 1973. Applicant: LOREN E. LOMIS, doing business as, ABERDAK TRAVEL SERVICE, 221 South Lincoln, Aberdeen, S. Dak. 57401. Applicant's representative: Terence A. O'Keefe, 500 Capitol Building, Aberdeen, S. Dak. 57401. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Aberdeen, S. Dak. to sell or offer to sell the transportation of *passengers and their baggage* as individuals and in groups, in special and charter operations on motor coach buses with or without escort or representative from applicant, beginning and ending at points in South Dakota and North Dakota and extending to points in the United States (including Alaska but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Aberdeen, Pierre or Sioux Falls, S. Dak.

By the Commission.

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

[FR Doc.73-26831 Filed 12-19-73;9:45 am]

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THURSDAY, DECEMBER 20, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 244

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

■

PROFESSIONAL STANDARDS REVIEW

Notice of Proposed Rulemaking

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[42 CFR Part 101]

PROFESSIONAL STANDARDS REVIEW

Notice of Proposed Rulemaking

Notice is hereby given that the Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, proposes to add a new Part 101 entitled "Professional Standards Review" to Title 42, Code of Federal Regulations.

The purpose of the present proposal is to implement the provisions of section 1152(a) of the Social Security Act, as added by section 249F of the Social Security Act Amendments of 1972 (86 Stat. 1429–1430 (42 U.S.C. 1320C–1 (a))) with respect to the establishment throughout the United States of appropriate areas with respect to which Professional Standards Review Organizations may be designated by the Secretary by establishing a Subpart A of such new Part 101 entitled "Area Designation" as set out below.

The proposed regulations set out guidelines to be considered by the Secretary in designating such areas and, from time to time, revising such designations. These criteria are intended to assure that the designation of areas will be consistent, insofar as practicable, with political boundaries, local boundaries, local patterns of medical practice, the distribution of health care facilities, and the location of physicians, as well as with effective coordination with Medicare and Medicaid fiscal agents. Both the proposed criteria and proposed designations of areas were widely distributed in the process of their development and public discussions of this material were held in the various regions of the Department of Health, Education, and Welfare over the past five months. Notice of the availability of the material and of the opportunity to participate in such discussions was published in the FEDERAL REGISTER on July 19, 1973 (38 FR 19270).

The proposed regulations also set out area designations based on the application of the criteria to available information and statistical data, in the light of the discussions referred to. As indicated above, such area designations are subject to modification after final adoption, as changed conditions may warrant.

Following the establishment of Professional Standards Review Organization areas, the next step required by the statute is the conditional designation of a Professional Standards Review Organization for each such area. It is recognized that, in many cases, emerging local organizations will not have the resources to initially organize themselves and undertake without assistance the many activities required by law. Under section 1169 of the Social Security Act, as amended, the Secretary is authorized to provide assistance to qualified organizations which express a desire to be designated as a Professional Standards Review Organization and which have a potential for meeting the requirements for such an organization, in order to assist them in meeting the requirements for designation as a Professional Standards Review Organization.

In addition to such initial assistance, newly formed organizations may need continuing assistance available from existing organizations, in a variety of administrative, organizational and professional matters, for their effective operation. Suitable arrangements for such continuing assistance are now under development and will assure that the relationship between the local Professional Standards Review Organizations and such resource centers does not restrict or limit the autonomy of the local organization and its responsibility for the review of health care services within its area.

Prior to January 1, 1976, only organizations which are composed of licensed doctors of medicine or osteopathy engaged in the practice of medicine or surgery in an area and which otherwise meet the requirements of sections 1152 (b)(1)(A) and (b)(2) may, under the law, be designated as the Professional Standards Review Organization for such area. After that date, such an organization must be given a priority for such designation.

Since the ultimate success of the PSRO program will depend in large measure upon the cooperation and participation by local physicians, health care institutions and other individuals, organizations and agencies affected by the legislation and concerned with the provision of health care, written comments, suggestions or objections by interested individuals and organizations on the proposed regulations are solicited. Any such material, should be sent to the Director, Office of Professional Standards Review, Parklawn Building, Room 17–64, 5600 Fishers Lane, Rockville, Maryland 20852. All comments received by January 21, 1974, will be considered.

Comments directed to specific area designations should identify the area involved and if changes are proposed, a delineation of the proposed changes and the reasons supporting them. Comments will be available for public inspection at the above address between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday.

It is therefore proposed to issue a new Part 101 of Title 42 as set out below.

Dated: December 10, 1973.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: December 14, 1973.

CASPAR W. WEINBERGER,
Secretary.

PART 101—PROFESSIONAL STANDARDS REVIEW

Subpart A—Area Designations

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101.45 South Carolina.
101.46 South Dakota.
101.47 Tennessee.
101.48 Texas.
101.49 Utah.
101.50 Vermont.
101.51 Virgin Islands.
101.52 Virginia.
101.53 Washington.
101.54 West Virginia.
101.55 Wisconsin.
101.56 Wyoming.

§ 101.1 Definitions.

As used in this part:

(a) "Act" means the Social Security Act, as amended, (42 U.S. Chap. 7).

(b) "Area" means the geographical area within the boundaries of a State or within the boundaries of one or more counties or other political subdivisions in a State designated as constituting an area with respect to which a Professional Standards Review Organization may be designated, pursuant to section 1152(a) of the Act.

(c) "PSRO" means Professional Standards Review Organization.

(d) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may be delegated.

(e) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa and the Trust Territory of the Pacific Islands.

(f) "Physician" means a licensed doctor of medicine or osteopathy.

§ 101.2 Guidelines for designation of areas.

The Secretary will designate appropriate areas with respect to which Professional Standards Review Organizations may be designated, and from time to time revise such area designations, as may, in his judgment be necessary, taking the following guidelines into consideration:

(a) Generally, an area should not cross State lines.

(b) In general, an area should not divide a county. However, in instances of large geographic areas or large county populations, it may be necessary and appropriate to divide a county.

(c) Existing boundaries of local medical review organizations and local health planning areas should be considered.

(d) An area should, to the extent possible, coincide with a medical service area and assure broad, diverse representation of all medical specialties. Consideration should also be given to the location of existing medical centers and to natural geographic barriers.

(e) An area should generally include a minimum of approximately 300 practicing physicians. While the maximum can be expected to vary with local circumstances, generally it should not exceed 2500 practicing physicians.

(f) The designation of an area should take into account the need for effective coordination with Medicare and Medicaid fiscal agents.

§ 101.3 Alabama.

The State of Alabama is designated as a single Professional Standards Review Organization area.

§ 101.4 Alaska.

The State of Alaska is designated as a single Professional Standards Review Organization area.

§ 101.5 Arizona.

Two Professional Standards Review Organization areas are designated in Arizona, composed of the following counties:

Area I	
Mohave	Yavapai
Coconino	Maricopa
Navajo	Gila
Apache	
Area II	
Yuma	Pima
Pinal	Santa Cruz
Graham	Cochise
Greenlee	

§ 101.6 Arkansas.

The State of Arkansas is designated as a single Professional Standards Review Organization area.

§ 101.7 California.

Twenty-one Professional Standards Review Organization areas are designated in California, composed of the following counties:

Area I	
Del Norte	Lake
Humboldt	Sonoma
Mendocino	
Area II	
Siskiyou	Glenn
Modoc	Butte
Trinity	Colusa
Shasta	Sutter
Lassen	Yuba
Tehama	Sierra
Plumas	
Area III	
Napa	Marin
Solano	
Area IV	
Nevada	Sacramento
Placer	El Dorado
Yolo	
Area V	
San Francisco	
Area VI	
San Mateo	
Area VII	
Contra Costa	Alameda
Area VIII	
San Joaquin	Calaveras
Amador	Tuolumne
Alpine	
Area IX	
Santa Clara	
Area X	
Stanislaus	Merced
Mariposa	
Area XI	
Fresno	Madera
Area XII	
Santa Cruz	San Benito
Monterey	
Area XIII	
Kings	Tulare
Area XIV	
Kern	
Area XV	
Mono	San Bernardino
Inyo	
Area XVI	
San Luis Obispo	Santa Barbara
Area XVII	
Ventura	
Area XVIII	
Los Angeles	
Area XIX	
Orange	
Area XX	
Riverside	
Area XXI	
San Diego	Imperial

§ 101.8 Colorado.

The State of Colorado is designated as a single Professional Standards Review Organization area.

§ 101.9 Connecticut.

Four Professional Standards Review Organization areas are designated in Connecticut, composed of the following counties:

Area I	
Fairfield	
Area II	
Litchfield	New Haven
Area III	
Hartford	
Area IV	
Tolland	Middlesex
Windham	New London

§ 101.10 Delaware.

The State of Delaware is designated as a single Professional Standards Review Organization area.

§ 101.11 District of Columbia.

The District of Columbia is designated as a single Professional Standards Review Organization area.

§ 101.12 Florida.

Eight Professional Standards Review Organization areas are designated in Florida, composed of the following counties:

Area I	
Santa Rosa	Gadsden
Okaloosa	Liberty
Walton	Franklin
Holmes	Leon
Washington	Jefferson
Jackson	Madison
Bay	Waulla
Calhoun	Taylor
Gulf	
Area II	
Hamilton	Levy
Suwannee	Marion
Columbia	Lafayette
Union	Dixie
Bradford	Gilchrist
Alachua	Volusia
Putman	Brevard
Flager	
Area III	
Nassau	Clay
Baker	St. Johns
Duval	
Area IV	
Lake	Polk
Seminole	Osceola
Orange	
Area V	
Citrus	Pinellas
Sumter	Hillsborough
Hernando	Manatee
Pasco	
Area VI	
Sarasota	Charlotte
Hardee	Glades
Highlands	Martin
Okeechobee	Lee
Indian River	Hendry
St. Lucie	Palm Beach
De Soto	
Area VII	
Collier	Broward
Area VIII	
Monroe	Dade

§ 101.13 Georgia.

Three Professional Standards Review Organization areas are designated in Georgia, composed of the following counties:

Area I	
Dade	Lumpkin
Walker	White
Catoosa	Habersham
Whitfield	Floyd
Murray	Bartow
Fannin	Cherokee
Gilmer	Forsyth
Union	Halls
Towns	Banks
Rabun	Franklin
Chattooga	Hart
Gordon	Polk
Pickens	Haralson
Dawson	Paulding

AREA I—Continued

Cobb	Clayton
Douglas	Rockdale
Fulton	Gwinnett
De Kalb	

AREA II

Carroll	Sumter
Heard	Dooly
Coweta	Quitman
Fayette	Randolph
Henry	Terrell
Newton	Lee
Spalding	Crisp
Butts	Clay
Troup	Calhoun
Meriwether	Dougherty
Pike	Worth
Lamar	Turner
Monroe	Ben Hill
Jones	Tift
Harris	Irwin
Talbot	Early
Upson	Miller
Crawford	Baker
Bibb	Mitchell
Twiggs	Colquitt
Muscogee	Cook
Chattahoochee	Berrien
Marion	Seminole
Schley	Decatur
Taylor	Grady
Macon	Thomas
Peach	Brooks
Houston	Lowndes
Stewart	Lanier
Webster	Echols

AREA III

Walton	Montgomery
Barrow	Toombs
Jackson	Candler
Madison	Bulloch
Elbert	Effingham
Baldwin	Tattnal
Hancock	Evans
Warren	Bryan
Mc Duffie	Chatham
Columbia	Jeff Davis
Wilkinson	Morgan
Washington	Jasper
Jefferson	Putnam
Richmond	Greene
Burke	Taliaferro
Bleckley	Appling
Laurens	Wayne
Johnson	Long
Emanuel	Liberty
Jenkins	Coffee
Screven	Bacon
Oconee	Pierce
Clarke	Brantley
Oglethrope	Glynn
Wilkes	Mc Intosh
Lincoln	Atkinson
Pulaski	Ware
Wilcox	Clinch
Dodge	Charlton
Wheeler	Camden
Telfair	
Treutlen	

§ 101.14 Guam and the Trust Territory of the Pacific Islands.

Guam and the Trust Territory of the Pacific Islands are designated as a single Professional Standards Review Organization area.

§ 101.15 Hawaii and American Samoa.

Hawaii and American Samoa are designated as a single Professional Standards Review Organization area.

§ 101.16 Idaho.

The State of Idaho is designated as a single Professional Standards Review Organization area.

§ 101.17 Illinois.

Seven Professional Standards Review Organization areas are designated in Illinois, composed of the following counties:

AREA I

Jo Daviess	Ogle
Stephenson	De Kalb
Winnebago	Whiteside
Boone	Lee
Carroll	

AREA II

McHenry	Kendall
Lake	Will
Kane	Grundy
Du Page	Kankakee

AREA III

Cook

AREA IV

Rock Island	Stark
Mercer	Marshall
Henry	Hancock
Bureau	McDonough
Putnam	Fulton
La Salle	Peoria
Henderson	Tazewell
Warren	Woodford
Knox	

AREA V

Livingston	Macon
Ford	Moultrie
Iroquois	Douglas
McLean	Edgar
De Witt	Shelby
Piatt	Coles
Champaign	Cumberland
Vermillion	Clark

AREA VI

Adams	Morgan
Schuyler	Sangamon
Brown	Christian
Cass	Calhoun
Mason	Greene
Menard	Jersey
Logan	Macoupin
Pike	Montgomery
Scott	

AREA VII

Madison	Richland
Bond	Williamson
Fayette	Saline
Effingham	Gallatin
Jasper	Union
Crawford	Johnson
Randolph	Lawrence
Perry	Washington
Franklin	Jefferson
Hamilton	Wayne
White	Edwards
Jackson	Wabash
Monroe	Pope
St. Clair	Hardin
Clinton	Alexander
Marion	Pulaski
Clay	Massac

§ 101.18 Indiana.

Five Professional Standards Review Organization areas are designated in Indiana, composed of the following counties:

AREA I

Lake	La Porte
Porter	

AREA II

St. Joseph	Cass
Elkhart	Miami
Newton	Wabash
Jasper	Carroll
Starke	Warren
Marshall	Tippecanoe
Kosciusko	Clinton
Pulaski	Howard
Fulton	Tipton
Benton	Fountain
White	Montgomery

AREA III

Lagrange	Allen
Steuben	Huntington
Noble	Wells
De Kalb	Adams
Whitley	

AREA IV

Grant	Fayette
Blackford	Union
Jay	Brown
Boone	Bartholomew
Hamilton	Decatur
Madison	Franklin
Delaware	Jackson
Randolph	Jennings
Putnam	Ripley
Hendricks	Dearborn
Marion	Washington
Hancock	Scott
Henry	Jefferson
Wayne	Ohio
Morgan	Switzerland
Johnson	Harrison
Shelby	Floyd
Rush	Clark

AREA V

Vermillion	Sullivan
Parke	Greene
Vigo	Monroe
Knox	Lawrence
Daviess	Gibson
Martin	Pike
Orange	Dubois
Posey	Warrick
Banderburgh	Spencer
Clay	Perry
Owen	Crawford

§ 101.19 Iowa.

The State of Iowa is designated as a single Professional Standards Review Organization area.

§ 101.20 Kansas.

The State of Kansas is designated as a single Professional Standards Review Organization area.

§ 101.21 Kentucky.

The State of Kentucky is designated as a single Professional Standards Review Organization area.

§ 101.22 Louisiana.

Four Professional Standards Review Organization areas are designated in Louisiana, composed of the following parishes:

AREA I

Caddo
Bossier
Webster
Claiborne
Lincoln
Union
Morehouse
West Carroll
East Carroll
Bienville
Jackson
Quachita
Richland
Madison
De Soto
Red River
Natchitoches
Winn
Caldwell
Franklin
Tensas
Sabine
Grant
LaSalle
Catahoula
Concordia
Vernon
Rapides
Avoyelles

AREA II

Beauregard
Allen
Evangeline
Lafayette
St. Martin
Cameron
St. Landry
Calcasieu
Jefferson Davis
Acadia
Vermilion
Iberia
St. Mary

AREA III

Point Coupee
West Feliciana
East Feliciana
St. Helena
Tangipahoa
Washington
Iberville
West Baton Rouge
East Baton Rouge
Livingston
Ascension

AREA IV

Assumption
St. James
St. John the Baptist
St. Tammany
St. Charles
Jefferson
Orleans
St. Bernard
Terrebonne
Lafourche
Plaquemines

§ 101.23 Maine.

The State of Maine is designated as a single Professional Standards Review Organization area.

§ 101.24 Maryland.

Five Professional Standards Review Organization areas are designated in Maryland, composed of the following counties:

AREA I

Garrett
Allegany
Washington
Frederick
Carroll
Howard
Baltimore
Harford

AREA II

Baltimore City

AREA III

Montgomery

AREA IV

Prince Georges

AREA V

Cecil
Anne Arundel
Kent
Queen Annes
Charles
Calvert
Talbot
Caroline
St. Marys
Dorchester
Wicomico
Somerset
Worchester

§ 101.25 Massachusetts.

Five Professional Standards Review Organization areas are designated in Massachusetts, composed of the following cities and townships:

AREA I

Williamstown
Clarksburg
North Adams
Adams
Monroe
Florida

AREA I—Continued

Rowe
Heath
Colrain
Leyden
Bernardston
Northfield
Warwick
Orange
Savoy
Charlemont
Hawley
Buckland
Shelburne
Greenfield
Gill
Erving
Hancock
New Ashford
Cheshire
Windsor
Plainfield
Ashfield
Conway
Deerfield
Montaque
Wendell
New Salem
Lanesborough
Dalton
Hinsdale
Peru
Worthington
Cummington
Goshen
Chesterfield
Williamsburg
Whately
Hatfield
Sunderland
Pelham
Pittsfield
Richmond
Leverett
Shutesburg
Lenox
Washington
Middlefield
Chester
Huntington
Westhampton
Northampton
Hadley
Amherst
West Stockbridge
Stockbridge
Lee
Beckett
Alford
Great Barrington
Tryingham
Monterey
Otis
Blandford
Russell
Montgomery
Westfield
Southampton
Easthampton
Holyoke
South Hadley
Gramby
Chicopee
Ludlow
Belchertown
Ware
Palmer
Egremont
Mount Washington
Sheffield
New Marlborough
Sandisfield
Tolland
Granville
Southwick
West Springfield
Agawam
Springfield
Longmeadow
East Longmeadow
Wilbraham
Hampden
Monson
Brimfield
Wales
Holland

AREA II

Royalston
Wichendon
Ashburnham
Ashley
Townsend
Athol
Phillipston
Templeton
Gardner
Westminster
Fitchburg
Lunenburg
Petersham
Hubbardston
Princeton
Leominster
Lancaster
Shirley
Harvard
Ayer
Barre
Rutland
Holden
Sterling
West Boylston
Clinton
Bolton
Berlin
Northborough
Harwick
New Braintree
Oakham
Paxton
Worcester
Shrewsbury
Westborough
West Brookfield
North Brookfield
Brookfield
East Brookfield
Spencer
Leicester
Auburn
Millbury
Grafton
Upton
Sturbridge
Charlton
Oxford
Dudley
Webster
Douglas
Sutton
Northbridge
Uxbridge
Mendon
Millville
Blackstone
Boylston

AREA III

Hudson
Sudbury
Wayland
Weston
Waltham
Newton
Needham
Wellesley
Natick
Sherborn

AREA III—Continued

Marlborough
Southborough
Framingham
Ashland
Hopkinton
Holliston
Milford
Hopedale

AREA IV

Amesbury
Salisbury
Merrimac
Haverhill
West Newbury
Newburyport
Newbury
Groveland
Georgetown
Methuen
Rowley
Tryngsborough
Dunstable
Pepperell
Groton
Westford
Chelmsford
Lowell
Tewksbury
Andover
North Andover
Lawrence
Boxford
Ipswich
Middleton
Topsfield
Hamilton
Essex
Gloucester
Rockport
Wenham
Beverly
Manchester
Danvers
Peabody
Salem
Marblehead
Swamscott
Lynn
Nahant
Saugus
Lynnfield
North Reading
Reading
Wilmington
Billerica
Carlisle
Bedford
Burlington
Lexington
Woburn
Stoneham
Winchester
Wakefield
Melrose
Malden
Medford
Everett
Chelsea
Revere
Winthrop
Somerville
Cambridge
Arlington
Belmont
Watertown
Brookline
Lincoln
Concord
Action
Littleton
Boxborough
Stow
Maynard
Boston
Dedham
Milton
Quincy
Randolph
Braintree
Holbrook
Weymouth
Hingham
Cohasett
Hull
Westwood
Dover
Medfield
Millis
Wrentham
Medway
Bellingham
Franklin
Norfolk
Foxborough
Plainville
North Attleborough
Norton
Taunton
Raynham
Mansfield
Attleboro
Berkley
Dighton
Rehoboth
Seekonk
Freetown

AREA V

Norwood
Walpole
Canton
Sharon
Stoughton
Avon
Easton
Brockton
Akington
Rockland
Hanover
Whitman
Hanson
Pembroke
Scituate
Marshfield
Sudbury
Kingston
Halifax
East Bridgewater
West Bridgewater
Bridgewater
Middleboro
Lakeville
Plympton
Carver
Wareham
Rochester
Marion
Plymouth
Bourne
Sandwich
Falmouth
Mashpee
Barnstable
Yarmouth
Dennis
Hardwick
Brewster
Chatham
Orleans
Wellfleet
Truro
Provincetown
Gosnold
Gay Head
Chilmark
West Tisbury
Edgartown
Oak Bluffs
Tisbury
Mattapoisett

AREA V—Continued

Acushnet	Fall River
Fairhaven	Somerset
New Bedford	Swansea
Dartmouth	Eastham
Westport	

§ 101.26 Michigan.

Eight Professional Standards Review Organization areas are designated in Michigan, composed of the following counties:

AREA I

Keweenaw	Luce
Gogebic	Chippewa
Ontonagon	Iron
Houghton	Dickinson
Baraga	Menominee
Marquette	Delta
Alger	Mackinac
Schoolcraft	

AREA II

Emmet	Kalkaska
Cheboygan	Crawford
Presque Isle	Oscoda
Charlevoix	Alcona
Antrim	Manistee
Otsego	Wexford
Montmorency	Missaukee
Alpena	Roscommon
Leelanau	Ogemaw
Benzie	Iosco
Grand Traverse	

AREA III

Mason	Ionia
Lake	Allegan
Osceola	Barry
Oceana	Van Buren
Newaygo	Kalamazoo
Mecosta	Calhoun
Muskegon	Berrien
Montcalm	Cass
Ottawa	St. Joseph
Kent	Branch

AREA IV

Clare	Saginaw
Gladwin	Huron
Arenac	Tuscola
Isabella	Sanilac
Midland	St. Clair
Bay	Oakland
Gratiot	Macomb

AREA V

Shiawassee	Lapeer
Genesee	

AREA VI

Clinton	Jackson
Eaton	Hillsdale
Ingham	

AREA VII

Livingston	Lenawee
Washtenaw	Monroe

AREA VIII

Wayne

§ 101.27 Minnesota.

Three Professional Standards Review Organization areas are designated in Minnesota, composed of the following counties:

AREA I

Kittson	Beltrami
Roseau	Itasca
Lake of the Woods	Polk
Koochiching	Pennington
St. Louis	Red Lake
Lake	Norman
Cook	Mahnomen
Marshall	Clearwater

AREA I—Continued

Hubbard	Kanabec
Cass	Pine
Wadena	Pope
Crow Wing	Stearns
Aitkin	Benton
Carlton	Sherburne
Todd	Isanti
Morrison	Chisago
Mille Lacs	Wright

AREA II

Anoka	Carver
Hennepin	Scott
Ramsey	Dakota
Washington	

AREA III

Clay	Le Sueur
Becker	Rice
Wilkin	Goodhue
Otter Trail	Wabasha
Traverse	Pipestone
Grant	Murray
Douglas	Cottonwood
Big Stone	Watowan
Stevens	Blue Earth
Swift	Waseca
Lac Qui Parle	Steele
Chippewa	Dodge
Kandiyohi	Olmsted
Meeker	Winona
Yellow Medicine	Rock
Renville	Nobles
McLeod	Jackson
Lincoln	Martin
Lyon	Faribault
Redwood	Freeborn
Brown	Mower
Sibley	Fillmore
Nicollet	Houston

§ 101.28 Mississippi.

The State of Mississippi is designated as a single Professional Standards Review Organization area.

§ 101.29 Missouri.

Five Professional Standards Review Organization areas are designated in Missouri, composed of the following counties:

AREA I

Atchison	Platte
Nodaway	Clay
Worth	Ray
Harrison	Carroll
Mercer	Jackson
Holt	Lafayette
Andrew	Saline
Gentry	Cass
De Kalb	Johnson
Daviess	Pettis
Grundy	Bates
Buchanan	Henry
Clinton	Benton
Caldwell	Vernon
Livingston	St. Clair

AREA II

Putnam	Boone
Schuyler	Audrain
Scotland	Callaway
Clark	Montgomery
Sullivan	Cooper
Adair	Morgan
Knox	Moniteau
Lewis	Cole
Linn	Osage
Macon	Gasconade
Shelby	Miller
Marion	Maries
Chariton	Camden
Randolph	Pulaski
Monroe	Phelps
Ralls	Crawford
Pike	Dent
Howard	

AREA III

Lincoln	Franklin
Warren	St. Louis
St. Charles	St. Louis City

AREA IV

Barton	Texas
Cedar	Shannon
Hickory	Newton
Dallas	Christian
Laclede	Douglas
Dade	Howell
Polk	Oregon
Jasper	Mc Donald
Lawrence	Barry
Greene	Stone
Webster	Taney
Wright	Ozark

AREA V

Jefferson	Cape Girardeau
Washington	Carter
St. Francois	Ripley
Ste. Genevieve	Butler
Iron	Stoddard
Madison	Scott
Perry	Mississippi
Reynolds	New Madrid
Wayne	Dunklin
Rollinger	Pemiscot

§ 101.30 Montana.

The State of Montana is designated as a single Professional Standards Review Organization area.

§ 101.31 Nebraska.

The State of Nebraska is designated as a single Professional Standards Review Organization area.

§ 101.32 Nevada.

The State of Nevada is designated as a single Professional Standards Review Organization area.

§ 101.33 New Hampshire.

The State of New Hampshire is designated as a single Professional Standards Review Organization area.

§ 101.34 New Jersey.

Eight Professional Standards Review Organization areas are designated in New Jersey, composed of the following counties:

AREA I

Sussex	Morris
Warren	

AREA II

Passaic

AREA III

Bergen

AREA IV

Essex

AREA V

Hudson

AREA VI

Union

AREA VII

Hunterdon	Middlesex
Somerset	Monmouth
Mercer	Ocean

AREA VIII

Burlington	Salem
Camden	Cumberland
Gloucester	Cape May
Atlantic	

§ 101.35 New Mexico.

The State of New Mexico is designated as a single Professional Standards Review Organization area.

§ 101.36 New York.

Fourteen Professional Standards Review Organization areas are designated in New York, composed of the following counties:

AREA I

Niagara
Orleans
Erie
Genesee
Wyoming
Chautauqua
Cattaraugus
Allegany

AREA II

Monroe
Wayne
Livingston
Ontario
Seneca
Yates
Steuben
Chemung
Schuyler

AREA III

St. Lawrence
Jefferson
Lewis
Oswego
Cayuga
Onondaga
Tompkins
Cortland
Tioga
Broome

AREA IV

Oneida
Herkimer
Madison
Chenango

AREA V

Franklin
Clinton
Hamilton
Essex
Fulton
Warren
Saratoga
Washington

AREA VI

Montgomery
Schenectady
Otsego
Schoharie
Albany
Rensselaer
Delaware

AREA VII

Greene
Columbia
Sullivan
Ulster
Dutchess
Orange

AREA VIII

Putnam
Rockland
Westchester

AREA IX

New York

AREA X

Richmond
Kings

AREA XI

Queens

AREA XII

Nassau

AREA XIII

Suffolk

AREA XIV

Bronx

§ 101.37 North Carolina.

Four Professional Standards Review Organization areas are designated in North Carolina, composed of the following counties:

AREA I

Ashe
Allegheny
Watauga
Wilkes
Avery
Caldwell
Alexander
Mitchell
Yancey
McDowell
Burke
Catawba
Haywood
Buncombe
Rutherford
Cleveland
Swain
Transylvania
Jackson
Henderson
Polk
Graham
Macon
Cherokee
Clay
Madison

AREA II

Surry
Stokes
Rockingham
Caswell
Yadkin
Forsyth
Guilford
Gaston
Alamance
Iredell
Davie
Rowan
Davidson
Randolph
Lincoln
Richmond
Mecklenburg
Cabarrus
Stanly
Montgomery
Moore
Union
Anson

AREA III

Person
Granville
Vance
Warren
Orange
Durham
Franklin
Chatham
Wake
Johnston
Lee

AREA IV

Halifax
Northampton
Hertford
Gates
Chowan
Perquimans
Pasquotank
Camden
Currituck
Nash
Edgecomb
Bertie
Martin
Washington
Tyrrell
Dare
Wilson
Greene
Pitt
Beaufort
Hyde
Wayne
Lenoir
Craven
Pamlico
Harnett
Hoke
Cumberland
Sampson
Duplin
Jones
Onslow
Carteret
Scotland
Robeson
Bladen
Pender
Columbus
Brunswick
New Hanover

§ 101.38 North Dakota.

The State of North Dakota is designated as a single Professional Standards Review Organization area.

§ 101.39 Ohio.

Nine Professional Standards Review Organization areas are designated in Ohio, composed of the following counties:

AREA I

Williams
Fulton
Lucas
Ottawa
Defiance
Henry
Wood
Sandusky
Paulding
Putnam

AREA II

Van Wert
Allen
Hancock
Seneca
Mercer
Auglaize
Hardin
Logan
Wyandot
Crawford
Marion

AREA III

Erie
Lorain
Huron
Medina
Richland
Ashland
Wayne
Holmes

AREA IV

Cuyahoga
Lake
Geauga
Ashtabula

AREA V

Summit
Portage
Trumbull
Stark
Mahoning
Columbiana

AREA VI

Darke
Shelby
Champaign
Miami
Clark
Preble
Montgomery
Greene

AREA VII

Morrow
Knox
Union
Delaware
Madison
Franklin
Fayette
Pickaway
Ross

AREA VIII

Licking
Coshocton
Tuscarawas
Carroll
Jefferson
Muskingum
Guernsey
Harrison
Belmont
Fairfield
Perry
Morgan
Noble
Monroe
Hocking
Athens
Washington
Vinton
Meigs
Pike
Jackson
Gallia
Scioto
Lawrence

AREA IX

Butler
Warren
Clinton
Hamilton
Clermont
Brown
Highland
Adams

§ 101.40 Oklahoma.

The State of Oklahoma is designated as a single Professional Standards Review Organization area.

§ 101.41 Oregon.

Two Professional Standards Review Organization areas are designated in Oregon, composed of the following counties:

AREA I

Multnomah

AREA II

Clatsop
Columbia
Tillamook
Washington
Yamhill
Clackamas
Hood River
Wasco
Sherman
Gilliam
Morrow
Umatilla
Union
Wallowa
Lincoln
Polk
Benton
Marion
Linn
Jefferson
Wheeler
Grant
Baker
Lane
Deschutes
Crook
Coos
Douglas
Curry
Josephine
Jackson
Klamath
Lake
Harney
Malheur

§ 101.42 Pennsylvania.

Twelve Professional Standards Review Organization areas are designated in Pennsylvania, composed of the following counties:

AREA I

Erie
Warren
McKean
Potter
Crawford
Forest
Elk
Cameron

AREA II

Tioga
Bradford
Clinton
Lycoming
Sullivan
Centre
Union
Northumberland
Montour
Columbia
Snyder
Mifflin
Juniata

AREA III

Susquehanna
Wyoming
Lackawanna
Luzerne

AREA IV

Wayne
Pike
Monroe
Carbon
Northampton
Lehigh

AREA V

Mercer
Venango
Clarion
Jefferson
Clearfield
Lawrence
Butler
Armstrong
Indiana

AREA VI

Alleghany

AREA VII

Beaver
Washington
Westmoreland
Greene
Fayette

AREA VIII

Cambria
Blair
Huntingdon
Somerset
Bedford

AREA IX

Schuylkill
Perry
Dauphin
Lebanon
Berks
Cumberland
Lancaster
Fulton
Adams
Franklin
York

AREA X

Chester
Delaware

AREA XI

Montgomery

AREA XII

Philadelphia

§ 101.43 Puerto Rico.

Puerto Rico is designated as a single Professional Standards Review Organization area.

§ 101.44 Rhode Island.

The State of Rhode Island is designated a single Professional Standards Review Organization area.

§ 101.45 South Carolina.

The State of South Carolina is designated as a single Professional Standards Review Organization area.

§ 101.46 South Dakota.

The State of South Dakota is designated as a single Professional Standards Review Organization area.

§ 101.47 Tennessee.

Three Professional Standards Review Organization areas are designated in Tennessee, composed of the following counties:

AREA I

Lake
Obion
Weakley
Henry
Dyer
Gibson
Carroll
Benton
Lauderdale
Crockett
Tipton
Haywood
Madison
Henderson
Decatur
Shelby
Fayette
Hardeman
Chester
McNairy
Hardin

AREA II

Stewart
Montgomery
Robertson
Sumner

AREA II—Continued

Trousdale
Macon
Clay
Pickett
Houston
Dickson
Cheatham
Davidson
Wilson
Smith
Jackson
Overton
Fentress
Humphreys
Hickman
Williamson
Rutherford
Cannon
De Kalb
White
Putnam
Cumberland
Perry
Lewis
Maury
Marshall
Bedford
Coffee
Warren
Van Buren
Wayne
Lawrence
Giles
Lincoln
Moore
Franklin

AREA III

Scot
Campbell
Claiborne
Hancock
Hawkins
Sullivan
Johnson
Morgan
Anderson
Union
Grainger
Sevier
Hamblen
Jefferson
Cocke
Greene
Washington
Unicoi
Carter
Roane
Loudon
Knox
Blount
Bledsoe
Rhea
Meigs
McMinn
Monroe
Grundy
Sequatchie
Marion
Hamilton
Bradley
Polk

§ 101.48 Texas.

Eight Professional Standards Review Organization areas are designated in Texas, composed of the following counties:

AREA I

Dallam
Sherman
Hansford
Ochiltree
Lipscomb
Hartley
Moore
Hutchinson
Roberts
Hemphill
Oldham
Potter
Carson
Gray
Wheeler
Deaf Smith
Randall
Armstrong
Donley
Collingsworth
Parmer
Castro
Swisher
Briscoe
Hall
Childress
Hardeman
Bailey
Lamb
Hale
Floyd
Motley
Cottle
Foard
Wilbarger
Wichita
Cochran
Hockley
Lubbock
Crosby
Dickens
King
Knox
Baylor
Archer
Clay
Montaque
Yoakum
Terry
Lynn
Garza
Kent
Stonewall
Haskell
Throckmorton
Young
Jack
Scurry
Fisher
Jones
Shackelford
Stephens
Mitchell
Nolan
Taylor
Callahan
Eastland
Coleman
Brown
Comanche
Runnels

AREA II

Cooke
Wise
Denton
Palo Pinto
Parker
Tarrant
Erath
Hood

AREA II—Continued

Johnson
Somervell

AREA III

Grayson
Fannin
Collin
Hunt
Dallas
Rockwall
Ellis
Kaufman
Navarro

AREA IV

Lamar
Red River
Bowie
Delta
Hopkins
Franklin
Titus
Camp
Morris
Cass
Rains
Wood
Upshur
Marion
Van Zandt
Smith
Gregg
Harrison
Henderson
Anderson
Cherokee
Rusk
Panola
Houston
Angelina
Nacogdoches
Shelby
Sabine
Trinity
San Jacinto
Polk
Tyler
Jasper
Newton
San Augustine
Hardin
Orange
Jefferson

AREA V

Andrew
Martin
Howard
El Paso
Hudspeth
Culberson
Reeves
Loving
Winkler
Ector
Midland
Glasscock
Sterling
Coke
Ward
Crane
Upton
Reagan
Karnes
Irion
Tom Green
Concho
McCulloch
Jeff Davis
Pecos
Crockett
Schleicher
Menard
Mason
Sutton
Kimble
Gillespie
Presido
Brewster
Terrell
Val Verde
Gaines
Dawson
Edwards
Real
Kerr
Bandera
Kendall
Comal
Kinney
Uvalde
Medina
Bexar
Guadalupe
Maverick
Zavala
Frio
Atascosa
Wilson
Dimmit
La Salle
Borden

AREA VI

Mills
Hamilton
Bosque
Hill
Limestone
Freestone
Lampasas
Coryell
McLennan
Falls
Robertston
Leon
Madison
Llano
Burnet
Bell
Williamson
Milam
Brazos
San Saba
Grimes
Blanco
Travis
Bastrop
Lee
Burleson
Washington
Hays
Caldwell

AREA VII

Walker
Montgomery
Austin
Waller
Harris
Liberty
Chambers

AREA VIII

Fayette
Gonzales
Lavaca
Colorado

AREA VIII—Continued

Wharton	Webb
Fort Bent	Duval
Brazoria	Jim Wells
Galveston	San Patricio
De Witt	Nueces
Victoria	Kleberg
Jackson	Zapata
Matagorda	Jim Hogg
McMullen	Brooks
Live Oak	Kenedy
Bee	Starr
Goliad	Hidalgo
Calhoun	Willacy
Refugio	Cameron
Arkansas	

§ 101.49 Utah.

The State of Utah is designated as a single Professional Standards Review Organization area.

§ 101.50 Vermont.

The State of Vermont is designated as a single Professional Standards Review Organization area.

§ 101.51 Virgin Islands.

The Virgina Islands are designated as a single Professional Standards Review Organization area.

§ 101.52 Virginia.

Five Professional Standards Review Organization areas are designated in Virginia, composed of the following counties and independent cities:

AREA I

COUNTIES

Frederick	King George
Clarke	Highland
Warren	Augusta
Shenandoah	Albemarle
Page	Orange
Rappahannock	Louisa
Fauquier	Spotsylvania
Rockingham	Caroline
Greene	Bath
Madison	Rockbridge
Culpeper	Nelson
Stafford	Fluvanna

INDEPENDENT CITIES

Winchester	Waynesboro
Harrisonburg	Charlottesville
Fredericksburg	Buena Vista
Staunton	

AREA II

COUNTIES

Loudoun	Fairfax
Prince William	Arlington

INDEPENDENT CITIES

Alexandria	Falls Church
Fairfax	

AREA III

COUNTIES

Alleghany	Bedford
Craig	Amherst
Botetourt	Appomattox

AREA III—Continued

Campbell	Wythe
Roanoke	Grayson
Giles	Tazewell
Montgomery	Smyth
Floyd	Buchanan
Franklin	Russell
Pittsylvania	Washington
Pulaski	Dickenson
Carroll	Wise
Patrick	Scott
Henry	Lee
Bland	

INDEPENDENT CITIES

Clifton Forge	Norton
Covington	Bristol
Lynchburg	Galax
Roanoke	Martinsville
Radford	Danville

AREA IV

COUNTIES

Buckingham	Prince George
Cumberland	Surry
Goochland	Nottoway
Powhatan	Dinwiddie
Hanover	Sussex
Henrico	Charlotte
New Kent	Lunenburg
Charles City	Brunswick
Prince Edward	Greensville
Amelia	Halifax
Chesterfield	Mecklenburg

INDEPENDENT CITIES

Richmond	Petersburg
Colonial Heights	South Boston
Hopewell	

AREA V

COUNTIES

Westmoreland	Mathews
Northumberland	King and Queen
Accomack	Gloucester
Richmond	King William
Lancaster	James City
Northampton	York
Essex	Southampton
Middlesex	Isle of Wight

INDEPENDENT CITIES

Williamsburg	Nansemond
Newport News	Portsmouth
Hampton	Norfolk
Franklin	Chesapeake
Suffolk	Virginia Beach

§ 101.53 Washington.

Three Professional Standards Review Organization areas are designated in Washington, composed of the following counties:

AREA I

Clallam	Pacific
Jefferson	Lewis
Grays Harbor	Wahkiakum
Mason	Cowlitz
Kitsap	Clark
Thurston	Skamania
Pierce	

AREA II

Whatcom	Snohomish
Skagit	King

AREA III

Okanogan	Adams
Ferry	Whitman
Stevens	Yakima
Pend Oreille	Klickitat
Chelan	Benton
Douglas	Franklin
Grant	Walla Walla
Lincoln	Columbia
Spokane	Garfield
Kittitas	Asotin

§ 101.54 West Virginia.

The State of West Virginia is designated as a single Professional Standards Review Organization area.

§ 101.55 Wisconsin.

Four Professional Standards Review Organization areas are designated in Wisconsin, composed of the following counties:

AREA I

Douglas	Dunn
Bayfield	Chippewa
Ashland	Clark
Iron	Marathon
Vilas	Pierce
Burnett	Pepin
Washburn	Eau Clair
Sawyer	Buffalo
Price	Trempealeau
Oneida	Jackson
Forest	Wood
Florence	Portage
Polk	La Crosse
Barron	Monroe
Rusk	Juneau
Taylor	Adams
Lincoln	Vernon
Langlade	Crawford
St. Croix	

AREA II

Marinette	Waushara
Oconto	Winnebago
Door	Calumet
Shawano	Manitowoc
Menominee	Marquette
Waupaca	Green Lake
Outagamie	Fond Du Lac
Brown	Sheboygan
Kewaunee	

AREA III

Richland	Dane
Sauk	Jefferson
Columbia	Lafayette
Dodge	Green
Grant	Rock
Iowa	

AREA IV

Washington	Walworth
Ozaukee	Racine
Waukesha	Kenosha
Milwaukee	

§ 101.56 Wyoming.

The State of Wyoming is designated as a single Professional Standards Review Organization area.

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PART III

ENVIRONMENTAL PROTECTION AGENCY

■

PROPOSED EFFLUENT LIMITATIONS GUIDELINES

Dairy Products Processing Industry

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 405]

EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR DAIRY PRODUCTS PROCESSING INDUSTRY POINT SOURCE CATEGORY

Proposed Guidelines

Notice is hereby given that effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA) for the receiving stations subcategory (Subpart A), the fluid products subcategory (Subpart B), the cultured products subcategory (Subpart C), the butter subcategory (Subpart D), the cottage cheese and cultured cream cheese subcategory (Subpart E), the natural and processed cheese subcategory (Subpart F), the fluid mix for ice cream and other frozen desserts subcategory (Subpart G), the ice cream, frozen desserts, novelties, and other dairy desserts subcategory (Subpart H), the condensed milk subcategory (Subpart I), the dry milk subcategory (Subpart J), the condensed whey subcategory (Subpart K), and the dry whey subcategory (Subpart L) of the dairy products processing industry category of point sources pursuant to sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act).

(a) *Legal authority.* (1) Existing point sources. Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices economically achievable, including treatment techniques, process and procedure innovations, operating methods and other alternatives. The regulations proposed herein set forth effluent limitations guidelines, pursuant to section 304(b) of the Act, for the dairy products processing industry category.

(2) New sources. Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973 (38 FR 1624), a list of 27 source categories, including the dairy products processing industry category. The regulations proposed herein set forth the standards of performance applicable to new sources for the dairy products processing industry category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 405.15, 405.25, 405.35, 405.45, 405.55, 405.65, 405.75, 405.85, 405.95, 405.105, 405.115, and 405.125 proposed below provide pretreatment standards for new sources within the dairy products processing industry category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The Development Document referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(b) *Summary and Basis of Proposed Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources.* (1) General methodology. The effluent limitations guidelines and standards of performance proposed herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of (1) the source, flow and volume of water used in the process employed and the sources of waste and waste waters in the operation; and (2) the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations guidelines and standards of performance were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which are existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the non-water quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," the "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

The pretreatment standards proposed herein are intended to be complementary to the pretreatment standards proposed for existing sources under Part 128 of Title 40. The basis for such standards are set forth in the FEDERAL REGISTER of July 19, 1973, 38 FR 19236. The provisions of Part 128 are equally applicable to sources which would constitute "new sources," under section 306 if they were to discharge pollutants directly to navigable waters, except for § 128.133. That section provides a pretreatment standard for "incompatible pollutants" which requires application of the "best practicable control technology currently available," subject to an adjustment for

amounts of pollutants removed by the publicly owned treatment works. Since the pretreatment standards proposed herein apply to new sources, §§ 405.15, 405.25, 405.35, 405.45, 405.55, 405.65, 405.75, 405.85, 405.95, 405.105, 405.115, and 405.125 below amend § 128.133 to require application of the standard of performance for new sources rather than the "best practicable standard applicable to existing sources under sections 301 and 304(b) of the Act.

(2) Summary of conclusions with respect to the dairy products processing category of point sources.

(i) Categorization. For the purpose of studying waste treatment and effluent limitations, the dairy manufacturing category was divided into twelve discrete subcategories based on the type of products manufactured.

(1) Subpart A—Receiving Stations Subcategory: The influence of size of plant, age, process modifications, and other factors do not affect the raw waste loads from any subcategory except receiving stations. This is primarily due to the simplicity of this operation. Here the data indicates a consistent difference in the waste loads generated by stations receiving milk in cans versus those receiving milk in bulk. Cans provide more surface area to which milk solids can adhere, thereby increasing the quantity going to waste. Under normal operations, and with good housekeeping, receiving stations do not constitute a major source of waste load.

(2) Subpart B—Fluid Products Subcategory: This subcategory includes market milk, flavored milk and cream (plain and whipped). The majority of products produced in this industry are included in this subcategory, and it also constitutes a major source of wastes. Flow and other waste water parameters vary widely in relation to the variations in processing schemes which are many.

(3) Subpart C—Cultured Products Subcategory: Cultured skim milk (cultured buttermilk), yogurt, sour cream, cultured cream cheese dips, and dips of various types are included in this subcategory. All of these products result in moderately high waste water coefficients primarily due to their high viscosity which causes more of the product to adhere to vessel walls and end up as waste.

(4) Subpart D—Butter Subcategory: This subcategory includes churned and continuous-process butter. The continuous process materially reduces potential waste by eliminating the buttermilk production and the washing step. Both methods of production produce moderately high waste coefficients.

(5) Subpart E—Cottage Cheese Subcategory: This subcategory involves only cottage cheese produced as cottage cheese curd and cultured cream cheese as opposed to rennet curd natural and processed cheese. The large amount of cheese fines, low pH, large amount of wash water used for curd wash, and higher acidity of the whey from cottage cheese causes this subcategory to produce the most visible source of waste water coefficient in the industry.

(6) Subpart F—Natural and Processed Cheese Subcategory: This subcategory includes the natural or hard curd cheese only. Because of the nature of the process and the stability of the curds there is less water used and less waste generated than in soft curd cheese processing. Additionally the whey from hard curd cheese processing is generally recoverable as a byproduct.

(7) Subpart G—Ice Cream Mix Subcategory: Fluid mix for ice cream and other frozen products produces about one fourth the waste water as that of the ice cream and novelties subcategory.

(8) Subpart H—Ice Cream, Frozen Desserts, Novelties and Other Dairy Desserts Subcategory: This subcategory includes ice cream, ice milk, sherbet, water ices, stick confections, frozen novelty products, frozen desserts, mellorine, puddings, and other dairy-based desserts. Ice cream manufacturing generates moderately high waste water coefficients whereas the other subprocesses produce about one half or less the quantity of wastes.

(9) Subpart I—Condensed Milk Subcategory: Condensed whole milk, condensed skim milk and condensed buttermilk are included in this subcategory. The waste water coefficients involved in this subcategory are moderate.

(10) Subpart J—Dry Milk Subcategory: Dry whole milk, dry skim milk and dry buttermilk are included in this subcategory. Waste water coefficients in this subcategory are low.

(11) Subpart K—Condensed Whey Subcategory: Condensed sweet and condensed acid whey are included in this subcategory. Low waste water coefficients are the case in this subcategory.

(12) Subpart L—Dry Whey Subcategory: Dry sweet whey and dry acid whey are products of this subcategory, and the waste water coefficients resulting are moderate.

(ii) Waste Characteristics. The pollutants contained in raw waste waters resulting from the dairy products processing category represent materials lost through direct processing of raw materials into finished products and materials lost through ancillary operations. The former group consists of milk, milk products and non-dairy ingredients (sugar, fruits, nuts, etc.), while the latter consist of cleaners and sanitizers used in cleaning equipment, lubricants (primarily soap and silicone-based) used in certain handling equipment, and sanitary and domestic sewage from toilets, washrooms and kitchens.

These wastes, with the possible exceptions of some lubricants, cleaners, sanitizers, and concentrated wheys (especially acid wheys), are readily degradable in typical biological treatment systems. Any refractory materials that are represented are generally present in relatively low concentrations.

On the basis of all evidence reviewed, it has been concluded that the waste water parameters of potential pollutional significance include BOD5, COD, suspended solids, pH, temperature, phosphorus in the form of phosphates, nitrogen in various forms, and chlorides.

(iii) Origin of waste water pollutants in the dairy products processing category. (1) Receiving Station Subcategory: Milk is received either by can or tank truck with can receiving being continued only in small plant operations. As presently designed, the plastic transfer hose between the tank trucks and the receiving station contains about a gallon of product and remains full of product after the tank truck is emptied. Unless special care is exercised, this product is lost to the drain each time a tank truck is disconnected. This represents a potential loss (waste load contribution) of 0.4 kg BOD5 of milk received. Other wastes generated are a result of cleaning and sanitizing operations employed on cans, tank trucks, and receiving station equipment.

(2) Fluid Products Subcategory: Once the raw materials have been received and stored, they are usually sent through another phase of processing such as clarification, separation, and pasteurization before going on to final processing operations. It is these operations, product fill lines, and the actual product manufacturing and packaging that contributes the major waste load in the fluid products subcategory. These wastes result from spills, leaks, wasting of by-products, purging of lines during product change, product washing, and cleaning and sanitizing.

(3) Cultured Products Subcategory: The production of cultured products involves the same preliminary steps in processing as for fluid products, and the same sources of waste result. Essentially, the only difference lies in the increased difficulty of cleaning and sanitizing in cultured products processing. The greater viscosity of cultured products, compared to fluid products, causes more product to adhere to product lines, etc.

(4) Butter Subcategory: Butter production is also preceded by the basic steps in processing such as in fluid products manufacturing with similar wastes produced. Additional sources of waste arise from the actual making of butter in either the churn method or continuous-process. If the continuous-process method is used buttermilk and wash water are eliminated, thereby substantially reducing the quantity of waste water generated.

(5) Cottage Cheese Subcategory: The main differences between natural and cottage cheese production from a pollutant generation standpoint are the use of as much as 3 to 4 times as much wash water for curd wash, waste cream resulting from the cottage cheese creaming operation, high acidity, lower pH, and more cheese fines going to waste per unit of production. The acid whey produced in cottage cheese manufacturing constitutes the largest single source of "lost product" and visible polluting material in the industry by virtue of the lack of utilization of some 40 to 70 percent of this byproduct.

(6) Natural and Processed Cheese Subcategory: Following the preliminary

processing steps similar to fluid products, natural and processed cheeses undergo the manufacturing step that is characteristic of the type of cheese product to be produced. In cheddar cheese, the whey draining during cheddaring (matting of the curd) and pressing should be collected and combined with the whey. In swiss cheese manufacturing, appreciable whey is lost in the transfer of the curd from the vat to the draining table. In provolone and mozzarella manufacturing, the milling, mixing and molding of the curd produces a high fat, high BOD5, low pH (5.1–5.3) and wash water which may contain 3 to 5 percent fat.

(7) Fluid Mix for Ice Cream and Other Frozen Desserts Subcategory: The preliminary processing steps are similar to fluid products. In additional steps, milk solids, fats and non-dairy materials (sugar and sequestering materials) are blended. Waste waters are similar to those of fluid products but incorporate minor amounts of non-dairy materials.

(8) Ice Cream, Frozen Dessert, Novelties, and Other Dairy Desserts Subcategory: Following preliminary processing steps similar to fluid products, further manufacturing processes in this subcategory introduce additional materials such as nuts, fruit juices, ice cream mix, bakery solids, chocolate, etc. In view of this, waste waters from the latter processes in this subcategory contain a wider variation of constituents.

(9) Condensed Milk Subcategory: The initial processes in this subcategory are similar to the fluid products subcategory, and subsequent processes involve such operations as condensing by evaporation, sweetening, packaging, and sterilizing which generate about 50 percent as much waste load as the preliminary processing steps.

(10) Dry Milk Subcategory: Since this process begins with the receiving of condensed milk, waste loads for the receiving portion of this subcategory are about 50 percent higher than for fluid products. Most of the other waste contributions are quite uniform and small for the remaining processes in this subcategory.

(11) Condensed Whey Subcategory: The processes involved in this subcategory are similar to those for condensed milk processing except there are no separation, clarification and sweetening steps used for condensed whey. Waste load coefficients for both acid and sweet whey condensing are quite low.

(12) Dry Whey Subcategory: As with condensed whey and dried milk there is the lack of the separation and clarification steps. Instantizing is also not used for dried whey. The dried whey subcategory has a low waste coefficient as does dry milk.

(iv) Treatment and Control Technology. In-plant procedures to control pollution include: good housekeeping; control of spills; reduction and control of start-up and shut-down operations; reuse of waste water; salvage of raw materials and eventual reuse in final products; salvage of by-products such as whey and buttermilk for sale as feed or food products; initiation of management education and plant operator training programs to accomplish good housekeeping, reduce product loss, cut down water use, and achieve more efficient waste water treatment plant operation; installation of multiple-use CIP systems to minimize amount of cleaning compounds used and maximize rinse recovery; design of plant layout to minimize pipe length and storage tanks and provide waste segregation; and provide waste monitoring equipment and techniques. It is well documented that up to 50 percent waste reduction could generally be accomplished by management improvement alone.

"End-of-pipe" waste water treatment processes include sedimentation, grit removal, flotation, equalization, neutralization, nutrient addition, trickling filters activated sludge, aerated lagoons, stabilization ponds, disposal on land by spray irrigation, ridge and furrow irrigation, irrigation by truck, anaerobic sludge digestion, disposal of solids to landfill areas, sludge thickening, and disinfection. Segregation of process waste waters and cooling waters and condensates is practiced.

Air pollution control processes include precipitation, filtration, demisting, stack washing, cyclone separation and entrainment separators.

Solid waste control procedures involve disposal of wasted products and waste biological treatment sludges in landfill areas.

(v) Treatment and control technology within subcategories. In this industry, waste water treatment as such is not done according to the established subcategories, and it cannot be studied in that way. On the other hand, in-plant control technology can be related to subcategories but not in a way that is specific enough to be used without qualitative judgement of other potential in-plant technologies. In view of the above rationale, the following is presented in lieu of a subcategory breakdown of treatment and control technology.

Best practicable control technology currently available consists of in-plant and end-of-pipe technology and includes but is not limited to: plant management and employee education plans; improvement of standard equipment; alternative combinations of equipment and procedures; modification of waste control "systems" now in use; and "new concept" waste control systems. End-of-pipe treatment schemes, shown by exemplary plants to provide about 96 percent BOD5 removal, and 90 percent suspended solids removal are represented by but not limited to the following: activated sludge; activated sludge plus sand filtration; other biological treatment plus sand filtration; and various irrigation systems.

Best available technology economically achievable also consists of in-plant and end-of-pipe technology. The technology includes all options available such as, but not limited to the following: Alternative water uses; water conservation; water stream segregation; water reuse; cascading water uses; by-product recovery; reuse of waste water constituents; good housekeeping; preventive maintenance; quality control (raw material, product, effluent); monitoring and alarm systems; "new concepts" for equipment improvement; and process changes and improvements. The end-of-pipe treatment processes to achieve best available technology economically achievable utilize the same processes as best practicable above, but demand improved operation and effectiveness.

New source performance standards are based on the best demonstrated technology currently available. This is the same in most cases as the best available technology economically achievable. In view of this, new performance standards are established at the same level as best available technology economically achieveable.

(vi) Economic Impact Analysis. The estimated investment costs for 1977, based upon recommended technology, range between 10 and 90 percent of current fixed investment depending on the type of product and size of plant. Annual costs for the 1977 standards vary from 0.2 to 4.6 percent of sales. For 1983, it was assumed that the standards would be met through better in-plant controls and a more efficient treatment system and, therefore, that no additional investment and operating costs would be required.

These costs do not appear to seriously threaten the long-term production or viability of the industry. The proposed 1977 standards should result in price increases of from zero to 1.1 percent at the wholesale level. Furthermore, it is estimated that approximately 570 plant closures could result in 1977 due to the proposed guidelines. These plants represent only 0.8 percent of current industry production and about 3250 employees. In addition, it is estimated that approximately 480 communities might be affected by these potential closures. Since it was assumed that no incremental investment was needed for 1983, further price increases, plant closures, and related employment and community effects as a result of these gidelines were not estimated. Neither the 1977 nor the 1983 standards are expected to have any noticeable effects on the industry growth or the balance of trade.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the DAIRY PRODUCTS PROCESSING Industry Point Source Category" details the analysis undertaken in support of the regulations being proposed herein and is available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economics effects of the proposed regulations is also available for inspection at these locations. Copies of both of these documents 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). An additional limited number of copies of both reports are available. Persons

wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman.

(c) *Summary of public participation.* Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations guidelines and standards proposed for the dairy products processing category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) All State and U.S. Territorial Pollution Control Agencies; (3) Pollution Control Council; (4) Water Resources Council; (5) Division of Environmental Planning; (6) The American Society of Mechanical Engineers; (7) Hudson River Sloop Restoration, Inc.; (8) The Conservation Foundation; (9) Businessmen for the Public Interest; (10) Environmental Defense Fund, Inc.; (11) Natural Resources Defense Council; (12) The American Society of Civil Engineers; (13) Water Pollution Control Foundation; (14) National Wildlife Federation; (15) New England Interstate Water Pollution Control Commission; (16) Ohio River Valley Sanitation Commission; (17) Delaware River Basin Commission; (18) the Dairy Industry Committee; (19) The National Milk Producers Federation; (20) U.S. Department of Commerce; (21) U.S. Department of the Interior; (22) U.S. Department of Health, Education, and Welfare; and (23) U.S. Department of Agriculture.

The following organizations responded with comments; Effluent Standards and Water Quality Information Advisory Committee; General Counsel of the United States Department of Commerce; United States Department of the Interior; United States Department of Agriculture; United States Department of Health, Education, and Welfare; United States Department of Defense; United States Water Resources Council; Missouri Department of Public Health and Welfare; Ohio State Environmental Protection Agency; Pennsylvania Environmental Protection Agency; Illinois Pollution Control Board; Texas Water Quality Control Board; New York State Department of Environmental Conservation; Wisconsin Department of Natural Resources; Michigan Department of Natural Resources; Florida Department of Pollution Control; Kentucky Department for Natural Resources and Environmental Protection; Washington Department of Ecology; Colorado Department of Health; Maine Department of Environmental Protection; North Carolina Department of Natural and Economic Resources; Hawaii Department of Health; California Water Resources Control Board; National Resources Defense Council, Inc.; American Society of Civil Engineers; Business and Professional People for the Public Interest; Dairy Industry Committee; Dry Milk Association; Butter Institute; Whey Institute; National Milk Producers Federation; Kraftco Corporation; Carnation Company; H. P. Hood and Sons Company; Dairy Lea Inc.; Borden Inc.; Pet Inc.; and Land-O-Lakes Inc.

The primary issues raised in the development of these proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows:

(1) It was suggested that a simpler method of calculating the BOD5 input be established, and such has been done by adopting an approach developed by parties within the industry who have been leaders in this field of investigation. It should be noted that values resulting from the simplified method of calculation are in very close agreement with those obtained through the more complex calculation initially proposed.

(2) The inclusion of a number of additional factors (e.g., phosphorus, chloride, and surface active agents) within the controlled parameters was suggested. Upon careful review the additional parameters were rejected on the basis of one or more of the following: they are satisfactorily controlled and reduced by the control and treatment technologies required to meet the limitations established for the control parameters selected; they are present at such low levels in the wastes, especially combined wastes that would be discharged, as to be of little or no pollutional significance; and there are no proven technologies for their control or treatment that are within the realm of economic feasibility for the dairy products processing industry.

(3) It has been pointed out that there is an apparent discrepancy between the number of plant closures which could result in 1977 due to the proposed guidelines and the number of plants which have applied for a permit to discharge wastes to the navigable waters. The total number of permit applications in this category is something less than 500, while the number of plants which it is projected could possibly be closed from these regulations is approximately 570. From the information available it would appear that possibly: 1) Many plants which must apply for permits have not yet done so; 2) almost all dairy processing plants now discharge wastes to municipal sewers; or 3) the economic impact which has been estimated on the basis of statistical and average data does not reflect the real world.

Additional information and data which can clarify this apparent contradiction along with supporting statistical and economic information is specifically requested by EPA.

(4) It has been suggested that segmentation of the dairy products processing industry on the basis of plant size or economic impact should be considered. The EPA has considered these possibilities on the basis of available information; however, certain additional information about small dairy product processing plants could be helpful in evaluating the desirability of further segmentation or in establishing a range of effluent standards for small processing plants.

Additional information detailing the present—in-place-waste treatment systems, connection or possible connection to municipal sewers and the potential for using irrigation disposal of wastes is requested relative to the following dairy product processing operations which have milk equivalent inputs less than the value shown: (1) Butter (150,000 lb/day); (2) cheese (80,000 lb/day); (3) condensed or evaporated milked (150,000 lb/day); (4) ice cream and frozen desserts (24,000 lb/day); (5) fluild products (215,000 lb/day); (6) cottage cheese (20,000 lb/day); and (7) fluid milk receiving (54,000 lb/day).

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 economic study referred to above 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 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 FR 21202).

Dated: December 7, 1973.

JOHN QUARLES,
Acting Administrator.

PART 405—EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE DAIRY PRODUCTS PROCESSING INDUSTRY POINT SOURCE CATEGORY

Subpart A—Receiving Stations Subcategory

Sec.

405.10 Applicability: Description of receiving stations subcategory.
405.11 Specialized definitions.
405.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
405.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
405.14 Standards of performance for new sources.
405.15 Pretreatment standards for new sources.

Subpart B—Fluid Products Subcategory

405.20 Applicability: Description of fluid products subcategory.
405.21 Specialized definitions.
405.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
405.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
405.24 Standards of performance for new sources.
405.25 Pretreatment standards for new sources.

Subpart C—Cultured Products Subcategory

405.30 Applicability: Description of cultured products subcategory.
405.31 Specialized definitions.
405.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
405.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
405.34 Standards of performance for new sources.
405.35 Pretreatment standards for new sources.

Subpart D—Butter Subcategory

405.40 Applicability: Description of the butter subcategory.
405.41 Specialized definitions.
405.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
405.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
405.44 Standards of performance for new sources.
405.45 Pretreatment standards for new sources.

Subpart E—Cottage Cheese and Cultured Cream Cheese Subcategory

Sec.

405.50 Applicability: Description of the cottage cheese and cultured cream cheese subcategory.
405.51 Specialized definitions.
405.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
405.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
405.54 Standards of performance for new sources.
405.55 Pretreatment standards for new sources.

Subpart F—Natural and Processed Cheese Subcategory

405.60 Applicability: Description of natural and processed cheese subcategory.
405.61 Specialized definitions.
405.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
405.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
405.64 Standards of performance for new sources.
405.65 Pretreatment standards for new sources.

Subpart G—Fluid Mix For Ice Cream and Other Frozen Desserts Subcategory

405.70 Applicability: Description of the fluid mix for ice cream and other frozen desserts subcategory.
405.71 Specialized definitions.
405.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
405.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
405.74 Standards of performance for new sources.
405.75 Pretreatment standards for new sources.

Subpart H—Ice Cream, Frozen Desserts, Novelties and Other Dairy Desserts Subcategory

405.80 Applicability: Description of the ice cream, frozen dessert, novelties and other dairy desserts subcategory.
405.81 Specialized definitions.
405.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
405.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
405.84 Standards of performance for new sources.
405.85 Pretreatment standards for new sources.

Subpart I—Condensed Milk Subcategory

Sec.

405.90 Applicability: Description of the condensed milk subcategory.
405.91 Specialized definitions.
405.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
405.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
405.94 Standards of performance for new sources.
405.95 Pretreatment standards for new sources.

Subpart J—Dry Milk Subcategory

405.100 Applicability: Description of the dry milk subcategory.
405.101 Specialized definitions.
405.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
405.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
405.104 Standards of performances for new sources.
405.105 Pretreatment standards for new sources.

Subpart K—Condensed Whey Subcategory

405.110 Applicability: Description of the condensed whey subcategory.
405.111 Specialized definitions.
405.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
405.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
405.114 Standards of performance for new sources.
405.115 Pretreatment standards for new sources.

Subpart L—Dry Whey Subcategory

405.120 Applicability: Description of the dry whey subcategory.
405.121 Specialized definitions.
405.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
405.123 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
405.124 Standards of performance for new sources.
405.125 Pretreatment standards for new sources.

Subpart A—Receiving Stations Subcategory

§ 405.10 Applicability: Description of receiving stations subcategory.

The provisions of this subpart are applicable to discharges resulting from the operation of receiving stations engaged in the assembly and reshipment of bulk milk for the use of manufacturing or processing plants.

§ 405.11 Specialized definitions.

For the purpose of this subpart:

(a) The term "BOD5 input" shall mean the biochemical oxygen demand of the materials entered into process. It can be calculated by multiplying the fats, proteins and carbohydrates by the factors of 0.890, 1.031 and 0.691 respectively. Organic acids (e.g. lactic acids) should be included as carbohydrates.

(b) The following abbreviations shall have the following meaning: (1) "BOD5" shall mean five day biochemical oxygen demand; (2) "TSS" shall mean total suspended non-filterable solids; (3) "kg" shall mean kilogram(s); (4) "kkg" shall mean 1000 kilograms; and, (5) "lb" shall mean pound(s).

§ 405.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

(a) For receiving stations receiving only bulk milk in tank trucks.

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.32 kg/kkg of BOD5 input (0.032 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.12 kg/kkg of BOD5 input (0.012 lb/100 lb).
TSS	Maximum for any one day 0.32 kg/kkg of BOD5 input (0.012 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.12 kg/kkg of BOD5 input (0.012 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

(b) For receiving stations receiving only milk in cans.

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.45 kg/kkg of BOD5 input (0.045 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.20 kg/kkg of BOD5 input 0.020 lb/100 lb).
TSS	Maximum for any one day 0.45 kg/kkg of BOD5 input 0.045 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.20 kg/kkg of BOD5 input 0.020 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

(c) For receiving stations receiving milk in both bulk and cans, the effluent limitations shall be weighted averages based on the proportion of the total receipts that are received by each mode.

§ 405.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

(a) For receiving stations receiving only bulk milk in tank trucks.

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.05 kg/kkg of BOD5 input (0.005 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.03 kg/kkg of BOD5 input (0.003 lb/100 lb).
TSS	Maximum for any one day 0.05 kg/kkg of BOD5 input (0.005 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.03 kg/kkg of BOD5 input (0.003 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

(b) For receiving stations receiving only milk in cans.

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.10 kg/kkg of BOD5 input (0.010 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.06 kg/kkg BOD5 input (0.006 lb/100 lb).
TSS	Maximum for any one day 0.10 kg/kkg of BOD5 input (0.010 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.06 kg/kkg of BOD5 input (0.006 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

(c) For receiving stations receiving milk in both bulk and cans the effluent limitations shall be weighted averages based on the proportion of the total receipts that are received by each mode.

§ 405.14 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

(a) For receiving stations receiving only bulk milk in tank trucks.

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.05 kg/kkg of BOD5 input (0.005 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.03 kg/kkg of BOD5 input (0.003 lb/100 lb).
TSS	Maximum for any one day 0.05 kg/kkg of BOD5 input (0.005 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.03 kg/kkg of BOD5 input (0.003 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

(b) For receiving stations receiving only milk in cans.

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.10 kg/kkg of BOD5 input (0.010 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.06 kg/kkg of BOD5 input (0.006 lb/100 lb).
TSS	Maximum for any one day 0.10 kg/kkg of BOD5 input (0.010 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.06 kg/kkg of BOD5 input (0.006 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

(c) For receiving stations receiving milk in both bulk and cans, the effluent limitations shall be weighted averages based on the proportion of the total receipts that are received by each mode.

§ 405.15 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the dairy products processing industry, receiving stations subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title shall be

amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 405.14, of this title: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant.

Subpart B—Fluid Products Subcategory

§ 405.20 Applicability: Description of fluid products subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of market milk (ranging from 3.5 percent fat to fat-free), flavored milk (chocolate and others) and cream (of various fat concentrations, plain and whipped).

§ 405.21 Specialized definitions.

For the purpose of this subpart:

(a) The term "BOD5 input" shall mean the biochemical oxygen demand of the materials entered into process. It can be calculated by multiplying the fats, proteins and carbohydrates by the factors of 0.890, 1.031 and 0.691 respectively. Organic acids (e.g. lactic acids) should be included as carbohydrates.

(b) The following abbrevations shall have the following meaning: (1) "BOD5" shall mean five day biochemical oxygen demand; (2) "TSS" shall mean total suspended non-filterable solids; (3) "kg" shall mean kilogram(s); (4) "kkg" shall mean 1000 kilograms; and, (5) "lb" shall mean pound(s).

§ 405.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged atfer application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 1.80 kg/kkg of BOD5 input (0.180 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.60 kg/kkg of BOD5 input (0.060 lb/100 lb).
TSS	Maximum for any one day 1.80 kg/kkg of BOD5 input (0.180 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.60 kg/kkg of BOD5 input (0.060 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.12 kg/kkg of BOD5 input (0.012 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.08 kg/kkg of BOD5 input (0.008 lb/100 lb).
TSS	Maximum for any one day 0.12 kg/kkg of BOD5 input (0.012 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.08 kg/kkg of BOD5 input (0.008 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.24 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.12 kg/kkg for BOD5 input (0.012 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.08 kg/kkg of BOD5 input (0.008 lb/100 lb).
TSS	Maximum for any one day 0.12 kg/kkg for BOD5 input (0.012 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.08 kg/kkg of BOD5 input (0.008 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.25 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the dairy products processing industry, fluid products subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industy shall be the standard of performance for new sources specified in § 405.24, of this title: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart C—Cultured Products Subcategory

§ 405.30 Applicability: Description of cultured products subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of cultured products, including cultured skim milk (cultured buttermilk) yogurt, sour cream and dips of various types.

§ 405.31 Specialized definitions.

For the purpose of this subpart:

(a) The term "BOD5 input" shall mean the biochemical oxygen demand of the materials entered into process. It can be calculated by multiplying the fats, proteins and carbohydrates by the factors of 0.890, 1.031 and 0.691 respectively. Organic acids (e.g. lactic acids) should be included as carbohydrates.

(b) The following abbreviations shall have the following meaning: (1) "BOD5" shall mean five day biochemical oxygen demand; (2) "TSS" shall mean total suspended non-filterable solids; (3) "kg" shall mean kilogram(s); (4) "kkg" shall mean 1000 kilograms; and, (5) "lb" shall mean pound(s).

§ 405.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 3.20 kg/kkg of BOD5 input (0.320 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.80 kg/kkg of BOD5 input (0.080 lb/100 lb).
TSS	Maximum for any one day 3.20 kg/kkg of BOD5 input (0.320 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.80 kg/kkg of BOD5 input (0.080 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology, economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.33 kg/kkg of BOD5 input (0.033 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.11 kg/kkg of BOD5 input (0.011 lb/100 lb). 0.33 kg/kkg of BOD5 input (0.033 lb/100 lb).
TSS	Maximum for any one day Maximum average of daily values for any period of thirty consecutive days 0.11 kg/kkg of BOD5 input (0.011 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.34 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.33 kg/kkg of BOD5 input (0.033 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.11 kg/kkg of BOD5 input (0.011 lb/100 lb).
TSS	Maximum for any one day 0.33 kg/kkg of BOD5 input (0.033 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.11 kg/kkg of BOD5 input (0.011 kg/kkg lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.35 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the dairy products processing industry, cultured products subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this title except that for the purposes of this section, § 128.133 of this title shall be amended to read as follows: "In addition to the prohibitions set forth in section 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 405.34, of this title; *provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart D—Butter Subcategory

§ 405.40 Applicability: Description of butter subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of butter, either by churning or continuous process.

§ 405.41 Specialized definitions.

For the purpose of this subpart:

(a) The term "BOD5 input" shall mean the biochemical oxygen demand of the materials entered into process. It can be calculated by multiplying the fats, proteins and carbohydrates by the factors of 0.890, 1.031 and 0.691 respectively. Organic acids (e.g. lactic acids) should be included as carbohydrates.

(b) The following abbreviations shall have the following meaning: (1) "BOD5" shall mean five day biochemical oxygen demand; (2) "TSS" shall mean total suspended non-filterable solids; (3) "kg" shall mean kilogram(s); (4) "kkg" shall mean 1000 kilograms; and, (5) "lb" shall mean pound(s).

§ 405.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 2.60 kg/kkg of BOD5 input (0.260 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.81 kg/kkg of BOD5 input 0.081 lb/100 lb).
TSS	Maximum for any one day 2.60 kg/kkg of BOD5 input (0.260 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days. 0.81 kg/kkg of BOD5 input (0.081 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.26 kg/kkg of BOD5 input (0.026 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.13 kg/kkg of BOD5 input (0.013 lb/100 lb).
TSS	Maximum for any one day 0.26 kg/kkg of BOD5 input (0.026 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.13 kg/kkg of BOD5 input (0.013 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.44 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.26 kg/kkg of BOD5 input (0.026 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.13 kg/kkg of BOD5 input (0.013 lb/100 lb).
TSS	Maximum for any one day 0.26 kg/kkg of BOD5 input (0.026 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.13 kg/kkg of BOD5 input (0.013 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.45 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the dairy products processing industry, butter subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set

forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title, shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 405.44 of this title: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart E—Cottage Cheese and Cultured Cream Cheese Subcategory

§ 405.50 Applicability: Description of cottage cheese and cultured cream cheese subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of cottage cheese and cultured cream cheese.

§ 405.51 Specialized definitions.

For the purpose of this subpart:

(a) The term "BOD5 input" shall mean the biochemical oxygen demand of the materials entered into process. It can be calculated by multiplying the fats, proteins and carbohydrates by the factors of 0.890, 1.031 and 0.691 respectively. Organic acids (e.g., lactic acids) should be included as carbohydrates.

(b) The following abbreviations shall have the following meaning: (1) "BOD5" shall mean five day biochemical oxygen demand; (2) "TSS" shall mean total suspended non-filterable solids; (3) "kg" shall mean kilogram(s); (4) "kkg" shall mean 1000 kilograms; and, (5) "lb" shall mean pound(s).

§ 405.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 18.24 kg/kkg of BOD5 input (1.824 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 4.56 kg/kkg of BOD5 input (0.456 lb/100 lb).
TSS	Maximum for any one day 18.24 kg/kkg of BOD5 input (1.824 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 4.56 kg/kkg of BOD5 input (0.456 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 2.20 kg/kkg of BOD5 input (0.220 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 1.07 kg/kkg of BOD5 input (0.107 lb/100 lb).
TSS	Maximum for any one day 2.20 kg/kkg of BOD5 input (0.220 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 1.07 kg/kkg of BOD5 input (0.107 kg/kkg lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.54 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 2.20 kg/kkg of BOD5 input (0.220 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 1.07 kg/kkg of BOD5 input (0.107 lb/100 lb).
TSS	Maximum for any one day 2.20 kg/kkg of BOD5 input (0.220 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 1.07 kg/kkg of BOD5 input (0.107 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.55 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the dairy products processing industry, cottage cheese and cultured cream cheese subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this title except that for the purposes of this section, § 128.133, of this title shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 405.54 of this title: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart F—Natural and Processed Cheese Subcategory

§ 405.60 Applicability: Description of natural and processed cheese subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of natural cheese (hard curd) and processed cheeses.

§ 405.61 Specialized definitions.

For the purpose of this subpart:

(a) The term "BOD5 input" shall mean the biochemical oxygen demand of the materials entered into process. It can be calculated by multiplying the fats, proteins and carbohydrates by the factors of 0.890, 1.031 and 0.691 respectively. Organic acids (e.g. lactic acids) should be included as carbohydrates.

(b) The following abbreviations shall have the following meaning: (1) "BOD5" shall mean five day biochemical oxygen demand; (2) "TSS" shall mean total suspended non-filterable solids; (3) "kg" shall mean kilogram(s); (4) "kkg" shall mean 1000 kilograms; and, (5) "lb" shall mean pound(s).

§ 405.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

(a) For plants processing over 75,000 lbs/day of milk.

Effluent characteristics	*Effluent limitation*
BOD5	Maximum for any one day 0.84 kg/kkg of BOD5 input (0.084 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.28 kg/kkg of BOD5 input (0.028 lb/100 lb).
TSS	Maximum for any one day 0.84 kg/kkg of BOD5 input (0.084 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.28 kg/kkg of BOD5 input (0.028 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

(b) For plants processing less than 75,000 lb/day of milk.

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 2.52 kg/kkg of BOD5 input (0.252 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.84 kg/kkg of BOD5 input (0.084 lb/100 lb).
TSS	Maximum for any one day 2.52 kg/kkg of BOD5 input (0.252 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.84 kg/kkg of BOD5 input (0.084 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

(a) For plants processing over 75,000 lb/day of milk.

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 0.12 kg/kkg of BOD5 input (0.012 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.06 kg/kkg of BOD5 input (0.006 lb/100 lb).
TSS	Maximum for any one day 0.12 kg/kkg of BOD5 input (0.012 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.06 kg/kkg of BOD5 input (0.006 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

(b) For plants processing less than 75,000 lb/day of milk.

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 0.24 kg/kkg of BOD5 input (0.024 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.12 kg/kkg of BOD5 input (0.012 lb/100 lb).
TSS	Maximum for any one day 0.24 kg/kkg of BOD5 input (0.024 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.12 kg/kkg of BOD5 input (0.012 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.64 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

(a) For plants processing over 75,000 lb/day of milk

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 0.12 kg/kkg of BOD5 input (0.012 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.06 kg/kkg of BOD5 input (0.006 lb/100 lb).
TSS	Maximum for any one day 0.12 kg/kkg of BOD5 input (0.012 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.06 kg/kkg of BOD5 input (0.006 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

(b) For plants processing less than 75,000 lb/days of milk.

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 0.24 kg/kkg of BOD5 input (0.024 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.12 kg/kkg of BOD5 input (0.012 lb/100 lb).
TSS	Maximum for any one day 0.24 kg/kkg of BOD5 input (0.024 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.12 kg/kkg of BOD5 input (0.012 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.65 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the dairy products processing industry, natural and processed cheese subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this title except that for the purposes of this section, § 128.133, of this title shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 405.64, of this title: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart G—Fluid Mix For Ice Cream and Other Frozen Desserts Subcategories

§ 405.70 Applicability; description of fluid mix for ice cream and other frozen desserts subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of the fluid mixes for ice cream and other frozen desserts for later freezing in other plants; it does not include freezing of the products as one of the affected operations.

§ 405.71 Specialized definitions.

For the purpose of this subpart:

(a) The term "BOD5 input" shall mean the biochemical oxygen demand of the materials entered into process. It can be calculated by multiplying the fats, proteins and carbohydrates by the factors of 0.890, 1.031 and 0.691 respectively. Organic acids (e.g., lactic acids) should be included as carbohydrates.

(b) The following abbreviations shall have the following meaning: (1) "BOD5" shall mean five day biochemical oxygen demand; (2) "TSS" shall mean total suspended no-filterable solids; (3) "kg" shall mean kilogram(s); (4) "kkg" shall mean 1000 kilograms; and, (5) "lb" shall mean pound(s).

§ 405.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 1.80 kg/kkg of BOD5 input (0.180 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.60 kg/kkg of BOD5 input (0.060 lb/100 lb).
TSS	Maximum for any one day 1.80 kg/kkg of BOD5 input (0.180 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.60 kg/kkg of BOD5 input (0.060 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best

available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 0.16 kg/kkg of BOD5 input (0.016 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.08 kg/kkg of BOD5 input (0.008 lb/100 lb).
TSS	Maximum for any one day 0.16 kg/kkg of BOD5 input (0.016 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.08 kg/kkg of BOD5 input (0.008 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.74 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 0.16 kg/kkg of BOD5 input (0.016 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.08 kg/kkg of BOD5 input (0.008 lb/100 lb).
TSS	Maximum for any one day 0.16 kg/kkg of BOD5 input (0.016 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.08 kg/kkg of BOD5 input (0.008 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.75 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the dairy products processing industry, fluid mix for ice cream and other frozen desserts subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128, of this title, except that for the purposes of this section, § 128.133, of this title shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 405.74, of this title: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart H—Ice Cream, Frozen Desserts, Novelties and Other Dairy Desserts Subcategory

§ 405.80 Applicability; Description of ice cream, frozen desserts, novelties and other dairy desserts subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of ice cream, ice milk, sherbert, water ices, stick confections, frozen novelties products, frozen desserts, mellorine, pudding, and other dairy product based desserts.

§ 405.81 Specialized definitions.

For the purpose of this subpart:

(a) The term "BOD5 input" shall mean the biochemical oxygen demand of the materials entered into process. It can be calculated by multiplying the fats, proteins and carbohydrates by the factors of 0.890, 1.031 and 0.691 respectively. Organic acids (e.g. lactic acids) should be included as carbohydrates.

(b) The following abbreviations shall have the following meaning: (1) "BOD5" shall mean five day biochemical oxygen demand; (2) "TSS" shall mean total suspended non-filterable solids; (3) "kg" shall mean kilogram(s); (4) "kkg" shall mean pound(s).

§ 405.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 7.20 kg/kkg of BOD5 input (0.720 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 2.40 kg/kkg of BOD5 input (0.240 lb/100 lb).
TSS	Maximum for any one day 7.20 kg/kkg of BCD5 input (0.720 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 2.40 kg/kkg of BOD5 input (0.240 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day 0.70 kg/kkg of BOD5 input (0.070 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.35 kg/kkg of BOD5 input (0.035 lb/100 lb).
TSS	Maximum for any one day 0.70 kg/kkg of BOD5 input (0.070 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.35 kg/kkg of BOD5 input (0.035 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.84 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitation
BOD5	*Maximum for any one day 0.70 kg/kkg of BOD5 input (0.070 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.35 kg/kkg of BOD5 input (0.035 lb/100 lb).
TSS	Maximum for any one day 0.70 kg/kkg of BOD5 input (0.070 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.35 kg/kkg of BOD5 input (0.035 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.85 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the dairy products processing industry, ice cream, frozen desserts, novelties, and other dairy desserts subcategory which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this title except that for the purposes of this section, § 128.133, of this title shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard

of performance for new sources specified in § 405.84, of this title: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart I—Condensed Milk Subcategory

§ 405.90 Applicability; description of condensed milk subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of condensed whole milk, condensed skim milk, sweetened condensed milk and condensed buttermilk.

§ 405.91 Specialized definitions.

For the purpose of this subpart:

(a) The term "BOD5 input" shall mean the biochemical oxygen demand of the materials entered into process. It can be calculated by multiplying the fats, proteins and carbohydrates by the factors of 0.890, 1.031 and 0.691 respectively. Organic acids (e.g., lactic acids) should be included as carbohydrates.

(b) The following abbreviations shall have the following meaning: (1) "BOD5" shall mean five day biochemical oxygen demand; (2) "TSS" shall mean total suspended non-filterable solids; (3) "kg" shall mean kilogram(s); (4) "kkg" shall mean 1000 kilograms; and, (5) "lb" shall mean pound(s).

§ 405.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.90 kg/kkg of BOD5 input (0.090 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.40 kg/kkg of BOD5 input (0.040 lb/100 lb).
TSS	Maximum for any one day 0.90 kg/kkg of BOD5 input (0.090 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.40 kg/kkg of BOD5 input (0.040 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.16 kg/kkg of BOD5 input (0.016 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.08 kg/kkg of BOD5 input (0.008 lb/100 lb).
TSS	Maximum for any one day 0.16 kg/kkg of BOD5 input (0.016 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.08 kg/kkg of BOD5 input (0.008 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.94 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.16 kg/kkg of BOD5 input (0.016 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.08 kg/kkg of BOD5 input (0.008 lb/100 lb).
TSS	Maximum for any one day 0.16 kg/kkg of BOD5 input (0.016 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.08 kg/kkg of BOD5 input (0.008 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.95 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the dairy products processing industry, condensed milk subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133, of this title shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 405.94, of this title: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart J—Dry Milk Subcategory

§ 405.100 Applicability; description of dry milk subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of dry whole milk, dry skim milk, and dry buttermilk.

§ 405.101 Specialized definitions.

For the purpose of this subpart:

(a) The term "BOD5 input" shall mean the biochemical oxygen demand of the materials entered into process. It can be calculated by multiplying the fats, proteins and carbohydrates by the factors of 0.890, 1.031 and 0.691 respectively. Organic acids (e.g. lactic acids) should be included as carbohydrates.

(b) The following abbreviations shall have the following meaning: (1) "BOD5" shall mean five day biochemical oxygen demand; (2) "TSS" shall mean total suspended non-filterable solids; (3) "kg" shall mean kilogram(s); (4) "kkg" shall mean 1000 kilograms; and, (5) "lb" shall mean pound(s).

§ 405.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 1.50 kg/kkg of BOD5 input (0.150 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.60 kg/kkg BOD5 input (0.060 lb/100 lb).
TSS	Maximum for any one day 1.50 kg/kkg of BOD5 input (0.150 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.60 kg/kkg of BOD5 input (0.060 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.22 kg/kkg of BOD5 input (0.022 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.11 kg/kkg of BOD5 input (0.011 lb/100 lb).
TSS	Maximum for any one day 0.22 kg/kkg of BOD5 input (0.022 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.11 kg/kkg of BOD5 input (0.011 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.104 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.22 kg/kkg of BOD5 input (0.022 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.11 kg/kkg of BOD5 input (0.011 lb/100 lb).
TSS	Maximum for any one day 0.22 kg/kkg of BOD5 input (0.022 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.11 kg/kkg of BOD5 input (0.011 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.105 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the dairy products processing industry, dry milk subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133, of this title shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 405.104, of this title: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart K—Condensed Whey Subcategory

§ 405.110 Applicability; description of condensed whey subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of condensed sweet whey and condensed acid whey.

§ 405.111 Specialized definitions.

For the purpose of this subpart:

(a) The term "BOD5 input" shall mean the biochemical oxygen demand of the materials entered into process. It can be calculated by multiplying the fats, proteins and carbohydrates by the factors of 0.890, 1.031 and 0.691 respectively. Organic acids (e.g. lactic acids) should be included as carbohydrates.

(b) The following abbreviations shall have the following meaning: (1) "BOD5" shall mean five day biochemical oxygen demand; (2) "TSS" shall mean total suspended non-filterable solids; (3) "kg" shall mean kilogram(s); (4) "kkg" shall mean 1000 kilograms; and, (5) "lb" shall mean pound(s).

§ 405.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of best practicable control technology currently available by a point source subject to these provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.90 kg/kkg of BOD5 input (0.090 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.40 kg/kkg of BOD5 input (0.040 lb/100 lb).
TSS	Maximum for any one day 0.90 kg/kkg of BOD5 input (0.090 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.40 kg/kkg of BOD5 input (0.040 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.16 kg/kkg of BOD5 input (0.016 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.08 kg/kkg of BOD5 input (0.008 lb/100 lb).
TSS	Maximum for any one day 0.16 kg/kkg of BOD5 input (0.016 lb/100 lb). Maximum average of daily values for any period 0.08 kg/kkg of BOD5 input (0.008 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.114 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.16 kg/kkg of BOD5 input (0.016 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.08 kg/kkg of BOD5 input (0.008 lb/100 lb).
TSS	Maximum for any one day 0.16 kg/kkg of BOD5 input (0.016 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.08 kg/kkg of BOD5 input (0.008 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.115 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the dairy products processing industry, condensed whey subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters) shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133, of this title shall be amended to read as follows: "In addition to the prohibitions set forth

in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 405.114, of this title: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart L—Dry Whey Subcategory

§ 405.120 Applicability; Description of dry whey subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of sweet or acid dry whey.

§ 405.121 Specialized definitions.

For the purpose of this subpart:

(a) The term "BOD5 input" shall mean the biochemical oxygen demand of the materials entered into process. It can be calculated by multiplying the fats, proteins and carbohydrates by the factors of 0.890, 1.031 and 0.691 respectively. Organic acids (e.g. lactic acids) should be included as carbohydrates.

(b) The following abbreviations shall have the following meaning: (1) "BOD5" shall mean five day biochemical oxygen demand; (2) "TSS" shall mean total suspended non-filterable solids; (3) "kg" shall mean kilogram(s); (4) "kkg" shall mean 1000 kilograms; and, (5) "lb" shall mean pound(s).

§ 405.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 1.50 kg/kkg of BOD5 input (0.150 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.60 kg/kkg of BOD5 input (0.060 lb/100 lb).
TSS	Maximum for any one day 1.50 kg/kkg of BOD5 input (0.150 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.60 kg/kkg of BOD5 input (0.060 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.123 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.22 kg/kkg of BOD5 input (0.022 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.11 kg/kkg of BOD5 input (0.011 lb/100 lb).
TSS	Maximum for any one day 0.22 kg/kkg of BOD5 input (0.022 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.11 kg/kkg of BOD5 input (0.011 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.124 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.22 kg/100 kg BOD5 (0.022 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.11 kg/kkg of BOD5 input (0.011 lb/100 lb).
TSS	Maximum for any one day 0.22 kg/kkg of BOD5 input (0.022 lb/100 lb). Maximum average of daily values for any period of thirty consecutive days 0.11 kg/kkg of BOD5 input (0.011 lb/100 lb).
pH	Within the range of 6.0 to 9.0.

§ 405.125 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the dairy products processing industry, dry whey subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 405.124 of this title: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant.

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PART IV

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

■

INJURIOUS WILDLIFE

Proposed Importation Requirements

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 16]

INJURIOUS WILDLIFE

Proposed Importation Regulations

By notice of proposed rulemaking published in the FEDERAL REGISTER of April 25, 1973 (38 FR 10208), it was proposed to revise and restructure Subchapter B of Chapter One of this title. That Proposed Rulemaking advised that the existing "Part 13—Importation of Wildlife or Eggs Thereof," would be redesignated "Part 16—*Injurious Wildlife*" and that modifications of that part would be proposed at a later date. The proposal and explanatory material set forth below fulfill that obligation and further propose modifications to the regulations regarding the importation of injurious wildlife as promulgated under the authority of the Lacey Act, (18 U.S.C. 42).

The references in this proposal to other sections or parts of Subchapter B of Title 50 are to the proposal published on April 25, 1973, and mentioned above. It is planned that that proposal will be in effect before the comment period on the present proposal expires.

BACKGROUND

In general, 42 18 U.S.C. 42 authorizes the Secretary to prescribe by regulation those wild mammals, wild birds, fish, mollusks, crustaceans, amphibians, and reptiles or the offspring or eggs of any of the foregoing (hereinafter "wildlife"), which are injurious to human beings, to the interests of agriculture, horticulture, forestry, wildlife, or to the wildlife resources of the United States (hereinafter "the named interests"). Subject to certain statutory exceptions, such proscribed wildlife may not be imported into the United States, except as permitted by the Secretary for zoological, educational, medical, or scientific purposes.

Current information shows that injury caused to the named interests by imported wildlife is more widespread and serious than previously believed. Present ecological and other knowledge, including an awareness of the large and growing volume of imported live wildlife, demonstrate that a thorough regulation of such importations is necessary to protect the named interests from additional injury. Recent examples exist of injury caused to the named interests and to similar interests in other countries by imported wildlife. Control and eradication programs for pest or "exotic" species are costly, frequently unsuccessful and are curative rather than preventative in nature.

An Environmental Impact Statement will be prepared in conjunction with this proposal and will be made available for inspection as soon as possible. It is expected that the draft Environmental Impact Statement will be available for public comment within several weeks.

When the Environmental Impact Statement has been completed, a notice will be published in the FEDERAL REGISTER so advising the public. The comment period with respect to these proposed amendments will remain open for at least 60 days after publication of the notice announcing the availability of the Environmental Impact Statement as mentioned above, in order that the public will have an opportunity to comment on the regulations after reviewing the Environmental Impact Statement.

PROPOSED CONTROLS

Accordingly, a system to provide scrutiny and control over the importation of wildlife sufficient to prevent further injury to the named interests is hereby proposed.

In general, the following proposal includes a determination based on scientific evidence presently available that all wildlife is or would be injurious to one or more of the named interests at some time or place when imported into the United States. The proposal would prohibit the importation of such live wildlife, except as allowed by the Secretary under a permit for scientific, educational, zoological, or medical purposes. However, the proposal also recognizes that the risk of injury to the named interests posed by some "low risk" species or genera of wildlife is so slight as to justify a determination that importation thereof can be allowed without a permit. In fact, the findings indicated that most species of marine fishes were "low risk."

The proposal would, therefore, establish a list of wildlife which the Secretary has determined pose little risk of injury to the named interests. This proposal does not apply to wildlife designated as "low risk." All wildlife not designated as "low risk" would be identified by exclusion as injurious and could be imported only pursuant to a permit for scientific, educational, medical, or zoological purposes. A permit, which may be issued when the Secretary finds there has been a proper showing of responsibility and continued protection of the named interests, would be required prior to the importation of such injurious wildlife.

Problems relating to potentially harmful marine fish importations are substantially different in character from those regarding their freshwater counterparts. In the latter case the primary concern was possible harm to the wildlife or the wildlife resources of the United States caused by escapes or deliberate introductions as the threat to humans is greater with marine species. In the case of marine fishes whose total estimated number is about 11,700 species, accidental or deliberate introductions resulting in the establishment of a species are almost unknown due to the species and unenclosed nature of the marine habitat. On the other hand, venomous (stinging) marine forms greatly outnumber those occurring in fresh water, and some of the more potentially dangerous species have been and are now readily available to the home aquarist. Biting or attacking marine fishes (sharks, morays, giant seabasses), are limited by their size and the occasional small species available to the aquarium hobbyist are not considered to be of potential danger. Since most species of marine fishes were found to be "low risk," the list of marine fishes identifies all species as "low risk," except those genera listed.

The list contained in this proposal would be subject to continued review and modification as data are accumulated concerning the degree of risk posed by either listed or unlisted species. The common names included on the list of freshwater fishes may be revised during the public comment period, by the publication of a notice in the FEDERAL REGISTER. These common names are provided simply for the guidance of the public, and have no legal significance.

Further, this proposal would simplify the enforcement of these regulations by requiring the pre-clearance and issuance of permits for all injurious wildlife.

It should be recognized that *Psittacine* birds are excluded from this proposal by the statute and, therefore, importation of the monk parakeet (*Myiopsitta monachus*) would not be regulated in spite of its known danger to the named interests.

In addition, the importation into this country of certain forms of wildlife is controlled by the Migratory Bird Treaty Act, (16 U.S.C. 668–668d), Endangered Species Conservation Act of 1964, (16 U.S.C. 668aa–668cc–d), and the Marine Mammal Protection Act of 1972, (16 U.S.C.A. 1361) (Supp. 1973) and the implementing regulations contained in 50 CFR Chapter 1, Subchapter B. Accordingly, it will be necessary for an importer to examine the applicable provisions of Subchapter B as well as this proposed Part 16 in order that all statutory and regulatory requirements are met. In the revision of Subchapter B, as previously discussed, there will be a consolidation and reorganization of the various provisions in order that an importer, for example, of an endangered species of wildlife, which is also determined as injurious to the named interests, will be advised of the necessary information and requirements for an importation permit.

The list, as presented in this proposal, does not take into account comments from the National Marine Fisheries Service regarding aquatic species of significance to the commercial fishery industry. Therefore, the list will be subject to revision during the public comment period, in order to make the necessary modifications.

PUBLIC COMMENTS SOLICITED

The Director intends that the finally adopted rules be as responsive as possible to the named interests; he therefore desires to obtain the comments and suggestions of the public on the problems of achieving compliance with the proposed rules and the associated impact on the various concerned persons. Comments are particularly invited pertaining to the proposed lists of wildlife. It is important to recognize that the wildlife listed in this proposal are tentative and any suggestions for modifications should be

accompanied by data to support these suggestions.

Public hearings on this proposal will be held in Washington, D.C., San Francisco, California, and Miami, Florida prior to final rulemaking. The dates, times, and places of the hearings will be announced at a later date by publication of a notice in the FEDERAL REGISTER. At least 60 days will be allowed between the publication of this proposal and the date of any such hearing.

The Director's final promulgation of injurious wildlife controls will take into consideration the comments and testimony he receives. Comments, testimony, and any additional information received, may lead the Director to adopt final regulations that differ in important ways from this proposal.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Director (FSF/LE), Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. All relevant comments received from the date of this publication and for a period of 60 days after publication of a notice in the FEDERAL REGISTER announcing that the Environmental Impact Statement is available (and which notice will set out the date on which the comment period will end) will be considered. The Director will give consideration to an extension of the period for public comment in the event that the lists of wildlife are revised, as indicated above, in regard to the common names of freshwater fishes, or in regard to aquatic species of significance to the commercial fisheries industry. Any such extension will be announced by the publication of a notice in the FEDERAL REGISTER. The Bureau will attempt to acknowledge receipt of comments, but substantive responses to individual comments will not be provided. Comments received and the Environmental Impact Statement will be available for public inspection during normal business hours at the Bureau's office in Suite 600, 1612 K Street, NW., Washington, D.C. This notice of proposed rulemaking is issued under the authority of (18 U.S.C. 42).

Dated: December 18, 1973.

KENNETH E. BLACK,
Acting Director, Bureau of Sport Fisheries and Wildlife.

It is proposed to redesignate Part 13 of 50 CFR Chapter I, Subchapter B to Part 16 of that same Title as follows:

PART 16—INJURIOUS WILDLIFE

Subpart A—Introduction

16.1 Purpose of regulations.
16.2 Scope of regulations.

Subpart B—Designation of Injurious Wildlife

16.11 Injurious wildlife.
16.12 Low risk wildlife list.
16.13 Amendments to the list of low risk wildlife.

Subpart C—Permits

16.21 General permit requirement.
16.22 Injurious wildlife permits.

Subpart D—Additional Restrictions and Exemptions

16.31 Importation of live or dead fish of the family Salmonidae.
16.32 Importation by Federal agencies.
16.33 Psittacine birds.

AUTHORITY: Lacey Act, 74 Stat. 754 (18 U.S.C. 42(a)(1)).

Subpart A—Introduction

§ 16.1 Purpose of regulations.

The regulations contained in this part identify those species and genera of live wildlife which the Secretary has determined pose a low risk of injury to human beings, to the interest of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States. All other species of live wildlife or the eggs thereof, and dead fish or eggs of salmonids of the fish family *Salmonidae* are deemed to be injurious to those interests. Procedures and criteria for issuance of permits for importation and shipment of injurious wildlife and for public participation in the amendment of the list of low risk wildlife are provided. The regulations for this part implement the Lacey Act (18 U.S.C. 42).

§ 16.2 Scope of regulations.

(a) The regulations in this part apply to all importations into the United States, any territory of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or any shipment between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any possession of the United States, of live injurious wildlife or the eggs thereof, except *Psittacine* birds, but including dead fish or eggs of salmonids of the fish family *Salmonidae*. These regulations are in addition to any other regulations governing the importation of wildlife, including without being limited to, the requirements to import all wildlife through designated ports of entry (Part 14), or the prohibitions on the importation of endangered species (Part 17), marine mammals (Part 18), migratory birds (Part 21), or wildlife taken, transported, or sold in violation of foreign law (Part 14). See those parts, or other appropriate statutes and regulations, for specific information.

(b) The regulations and permit system established for importation of Bald and Golden Eagles, marine mammals, migratory birds, and endangered wildlife are supplemented by the regulations of this part in order to avoid a multiple permit system. To the extent that importation is prohibited by this part, except under permit, the requirements and criteria of this part must be complied with, in addition to other provisions of Subchapter B. Therefore, to the extent the importation is also controlled by the regulations relating to marine mammals, Bald and Golden Eagles, migratory birds or endangered species, the permit applicant must provide the information and meet the criteria of those regulations as well as of this part, if the wildlife is injurious to the named interests.

Subpart B—Designation of Injurious Wildlife

§ 16.11 Injurious wildlife.

After reviewing scientific and other data available to him, the Secretary hereby determines that, with the exception of Psittacine birds and those species listed in § 16.12 of this subpart, all live wildlife or the eggs thereof, as well as the dead fish or eggs of salmonids of the fish family *Salmonidae*, are injurious to human beings, to the interests of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States if or when imported into or shipped between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any possession of the United States.

§ 16.12 Low risk wildlife list.

After reviewing scientific and other data available to him, the Secretary has determined that the wildlife listed below are not injurious to human beings, to the interests of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States.

LIST OF LOW RISK WILDLIFE

BIRDS	
Rock dove; common pigeon (racing and show varieties).	*Columbia liva* (Gmelin)
Zebra finch	*Poephila guttata* (Vieillot)
Bengalese or society finch	*Lonchura striata* (Linnaeus)
Canary	*Serinus canaria* (Linnaeus)
MAMMALS	
Golden hamster	*Mesocricetus auratus* (Waterhouse)
Jird (the gerbil of pet trade)	*Meriones unguiculatus* (Milne-Edwards)
Brown or Norway Rat (laboratory strains)	*Rattus norvegicus* (Berkenhout)
House mouse (laboratory strains)	*Mus musculus* (Linnaeus)
Guinea pig	*Cavia porcellus* (Linnaeus)
AMPHIBIANS	
Bullfrog	*Rana catesbeiana* (Shaw)
Leopard frog	*Rana pipiens* (Schreber)
CRUSTACEANS	
American lobster	*Homarus americanus*
Atlantic spiny lobster	*Panularus argus*
Pacific spiny lobster	*Panularus interuptus*

LIST OF LOW RISK WILDLIFE

MOLLUSKS

American oyster ---------- *Crassostrea virginica*
Soft shelled clam ---------- *Mya arenaria*

REPTILES

None.

FRESHWATER FISH

Freshwater fishes, including euryhaline fishes, are listed by order, family, and genera. The generic listing is arranged in alphabetical order within the family and only those genera or species named are included on this list of low risk wildlife. The order and family names are provided for ease of identification only. Some of the more widely known common names are included for guidance only and have no legal significance. The letters "NCN" following a name means that there is no generally known common name for that fish.

Order Polypteriformes—Lobefin lungfishes
- Fam. Polypteridae—Bichirs
  - *Polypterus*—Bichirs
  - *Calamoichthys*—Reed fishes

Order Osteoglossiformes
- Fam. Pantodontidae—Freshwater butterfly fishes
  - *Pantodon*—Freshwater butterfly fishes
- Fam. Notopteridae—African knife fishes
  - *Notopterus*—African Knife fishes
  - *Xenomystus*—Smoothback African Knife fishes

Order Mormyriformes—Elephant fishes and Nile eels
- Fam. Mormyridae—Elephant fishes
  - *Campylomormyrus*—NCN
  - *Genyomyrus*—NCN
  - *Gnathonemus*—NCN
  - *Heteromormyrus*—NCN
  - *Hippopotamyrus*—NCN
  - *Hyperopisus*—NCN
  - *Isichthys*—NCN
  - *Marcusenius*—NCN
  - *Mormyrodes*—NCN
  - *Mormyrops*—NCN
  - *Mormyrus*—NCN
  - *Oxymormyrus*—NCN
  - *Paramyomyrus*—NCN
  - *Petrocephalus*—NCN
  - *Phagrus*—NCN
  - *Solenomormyrus*—NCN
  - *Stomatorhinus*—NCN

Order Gonorynchiformes—Milkfish and relatives
- Fam. Kneriidae—Bluntnose minnows
  - *Kneria*—African bluntnose
- Fam. Phractolaemidae—Thumbfishes
  - *Phractolaemus*—Topmouth

Order Cypriniformes—Carps, characins, and relatives
- Fam. Characidae (strict sense)—Characins
  - *Alestes*—Halfstripe characins
  - *Alestopetersius*—Congo characins
  - *Aphyocharax*—Bloodfin tetras
  - *Arnoldichthys*—Bigscale characins
  - *Astyanax* (including *Anoptichthys*)—Mexican tetras
  - *Axelrodia*—NCN
  - *Bathethiops*—NCN
  - *Boehlkia*—NCN
  - *Bryconalestes*—NCN
  - *Bryconamericanus*—NCN
  - *Chalceus*—Pinktail characins
  - *Charax*—Humpback headstanders
  - *Cheirodon*—Cardinal tetras
  - *Corynopoma*—Swordtail characins
  - *Creagrutus*—Goldstriped characins
  - *Creatochanes*—Orangefin characins
  - *Crenuchus*—Sailfin characins
  - *Ctenobrycon*—Silver tetras
  - *Epicyrtus*—Glass tetras
  - *Ephippicharax*—Bigscale dollarfishes
  - *Gephyrocharax*—Platinum tetras
  - *Gymnocorymbus*—Black tetras
  - *Hasemannia*—Smoothback tetras
  - *Hemibrycon*—Blackwedge characins
  - *Hemigrammus*—Rainbow tetras
  - *Hollandichthys*—NCN
  - *Holobrycon*—Mourning tetras
  - *Hyphessobrycon*—Painted tetras
  - *Iguanodectes*—Dace characins
  - *Knodus*—NCN
  - *Ladigesia*—NCN
  - *Leptagoniates*—Longfringe characins
  - *Markiana*—Stumptail tetras
  - *Megalamphodus*—Phantom tetras
  - *Metynnis*—Silver dollarfishes
  - *Micralestes*—Sharptooth tetras
  - *Microbrycon*—Moonlight tetras
  - *Mimagoniates*—Croaking tetras
  - *Moenkhausia*—Glassy tetras
  - *Myleus*—NCN
  - *Mylossoma*—Silver platefishes
  - *Nematobrycon*—Rainbow tetras
  - *Parachetrodon*—NCN
  - *Petersius*—Silver congos
  - *Phenocogaster*—Bigeye characins
  - *Phenacogrammus*—Congo tetras
  - *Phoxinopsis*—Barb tetras
  - *Piabucus*—Band characins
  - *Poecilocharax*—NCN
  - *Prionobrama*—Glass bloodfins
  - *Pristella*—Goldfinch tetras
  - *Pseudochalceus*—NCN Pseudocorynopoma-Dragonfins
  - *Stethoprion*—Highfin dollar fishes
  - *Tetragonopterus*—Ditto characins
  - *Thayeria*—Penguin fishes
  - *Triportheus*—Slender hatchets
  - *Tyttocharax*—NCN
- Fam. Lebiasinidae—NCN
  - *Copeina*—Jumping characins
  - *Copella*—Slender sprayers
  - *Nannostomus*—Pencilfishes
  - *Poecilobrycon*—Tailstander pencils
  - *Piabucino-NCN*
  - *Pyrrhulina*-Sprayers
  - *Rachoviscus*-Bluespotted characins
- Fam. Parodontidae-Parodons
  - *Apareiodon*-Waltzing parodons
  - *Parodon*-Parodons
- Fam. Gasteropelecidae-Hatchetfishes
  - *Carnegiella*-Dwarf hatchets
  - *Gasteropelecus*-Hatchetfishes
  - *Thoracocharax*-Straightback hatchets
- Fam. Prochilodontidae-Bartail tetras
  - *Prochilodus*-Zebratail tetras
- Fam. Curimatidae-NCN
  - *Acuticurimata*-NCN
  - *Curimata-Roach* characins
  - *Curimatopsis*-NCN
- Fam. Anostomidae-Headstander pencilfishes
  - *Abramites*-Marbled headstanders
  - *Anostomus*-Headstanders
  - *Laemolyta*-Crossband headstanders
  - *Leporinus*-Spotted pencils
  - *Tylobranchus*-Sergeant headstanders
- Fam. Hemiodontidae-NCN
  - *Characidium*-Goby characins
  - *Hemiodopsis*-NCN
- Fam. Chilodontidae-Spotted headstanders
  - *Chilodus*-Spotted headstanders
- Fam. Distichodontidae-Lobetail characins
  - *Distichodus*-Lobetail characins
- Fam. Citharinidae-Citharinids
  - *Nannaethiops*-Scalytail citharinids
  - *Neolebias*-Smoothtail citharinids
- Fam. Apteronotidae, Gymnotidae, and Rhamphichthyidae-Knifefishes
  - *Apteronotus*-Quillback knives
  - *Eigenmannia*-Glassknives
  - *Gymnorhamphichthys*-NCN
  - *Gymnotus*-Knifefishes
  - *Hypopomus*-Spotted glassknives
  - *Odontosternarchus*-NCN
  - *Oedemognathus*-NCN
  - *Orthosternarchus*-NCN
  - *Porotergus*-NCN
  - *Rabdolichops*-NCN
  - *Rhamphichthys*-Longnose knives
  - *Steatogenys*-NCN
  - *Sternarchella*-NCN
  - *Sternarchogiton*-NCN
  - *Sternarchorhamphus*-NCN
  - *Sternarchorhynchus*-NCN
  - *Sternarchus*-Ghostfishes
  - *Sternopygus*-NCN
  - *Tateichthys*-NCN
  - *Ubidia*-NCN
  - *Uramara*-NCN
- Fam. Cyprinidae-Carps, barbs, and minnows
  - *Aphyocypris*-False whiteclouds
  - *Balantiochellus*-Bala sharks
  - *Barbus anemus*-Highfin silver barb
  - *B. arulius*-Longfin barb
  - *B. binotatus*-Spotted barb
  - *B. callipterus*-Clipper barb
  - *B. camptacanthus*-African redfin barb
  - *B. chola*-Swamp barb
  - *B. conchonius*-Rosy barb
  - *B. cumingi*-Goldeye barb
  - *B. dorsimaculatus*—Blackline barb
  - *B. dunckeri*—Bigspot barb
  - *B. everetti*—Clown barb
  - *B. fasciatus*—Striped barb
  - *B. fasciolatus*—African banded barb
  - *B. filamentosus*—Blackspot barb
  - *B. gambiensis*—Brassy barb
  - *B. gelius*—Dwarf barb
  - *B. halei*—Hale barb
  - *B. hexazona*—Sixbanded barb
  - *B. holotaenia*—Spotscale barb
  - *B. hulstaerti*—Butterfly barb
  - *B. kersteni*—Kersten barb
  - *B. lateristriga*—Spanner barb
  - *B. lineatus*—Malayan striped barb
  - *B. lineomaculatus*—Sevenspot barb
  - *B. melanampyx*—Ember barb
  - *B. nigrofasciatus*—Black ruby barb
  - *B. oligolepis*—Checker barb
  - *B. paludinosus*—Long redfin
  - *B. partipentazona*—Banded barb
  - *B. pentazona*—Five banded barb
  - *B. phutunio*—Pigmy barb
  - *B. puckelli*—Two spot barb
  - *B. roloffi*—Streakscale barb
  - *B. sachsi*—Golden barb
  - *B. schwanenfeldi*—Tinfoil barb
  - *B. semifasciolatus*—Halfstriped barb
  - *B. somphongsi*—Blacktip barb
  - *B. stigma*—Bandtail barb
  - *B. stigmatopygus*—Midspot barb
  - *B. stoliczkanus*—Platinum barb
  - *B. terio*—Onespot barb
  - *B. tetrarupagus*—Bandfin barb
  - *B. tetrazona*—Tiger barb
  - *B. ticto*—Tictactoe barb
  - *B. titteya*—Cherry barb
  - *B. trispilos*—Threespot barb
  - *B. unitaeniatus*—Redfinned barb
  - *B. usumbarae*—Dace barb
  - *B. vittatus*—Banded barb
  - *B. viviparus*—Silver barb
  - *B. wohlerti*—Violetstripe barb
  - *Barilius*—Slender barbs
  - *Beirabarbus*—Beirabarbs
  - *Brachydanio*—Danios
  - *Carassius auratus*—(ornamental varieties)—Goldfish)

Crossocheilus—Algae-eater barbs
Cyclochellichthys—Roundscale barbs
Cyprinus carpio—(kio varieties)—kio
Danio—Giant danios
Eirmotus—False barbs
Epalzeorhynchus—Flying fox barbs
Esomus—Flying barbs
Garra—Stonelappers
Hemigrammocypris—NCN
Horadandiya—Midget minnows
Labauca—Dadios
Labeo bicolor, *L. erythrurus*, *L. munensis*, *L. variegatus*—Sucker barbs
Luciosoma—NCN
Morulius—NCN
Ozygaster—Glass barbs
Puntioplites—Yellowcheek barbs
Rasbora—Rasboras
Rasborichthys—Keelbelly barbs
Tanichthys—Whiteclouds
Fam. Gyrinocheilidae—Algae eaters
Gyrinocheilus—Chinese algae eaters
Fam. Homalopteridae—Suckerloaches
Gastromyzon—Torrentfishes
Homaloptera—Suckerloaches
Fam. Cobitidae—Loaches
Acanthophthalmus—Coolie loaches
Acanthopsis—Longnose loaches
Botia—Short loaches
Cobitis—Weatherfishes
Lepidocephalus—Indian loaches
Order Siluriformes—Catfishes
Fam. Bagridae—Seacats (some freshwater)
Chrysichthys—Popeye bagrids
Gephyroglanis—Toothless bagrids
Leiocassis—Piebald cats
Mystus—Indian cats
Parauchenoglanis—Variegated cats
Fam. Siluridae—Eurasian catshes
Kryptopterus—Glassacats
Fam. Schilbeidae—Flat catfishes
Eutropiellus—NCN
Schilbe—Longback cats
Parailia—Speckled X-ray cats
Physailia—African glasscats
Fam. Pangasiidae—NCN
Pangasius—NCN
Fam. Amphiliidae—NCN
Phractura—NCN
Fam. Chacidae—Chacas
Chaca—Chacas
Fam. Mochokidae—Branchwhisker catfishes
Synodontis—Upside-down cats
Fam. Doradidae—Thornycats
Acanthodoras—Chocolate cats
Agamyxis—NCN
Amblydoras—NCN
Anadoras—NCN
Apuredoras—NCN
Astrodoras—NCN
Autanadoras—NCN
Centrochir—NCN
Centrodoras—NCN
Doras—Thornycats
Franciscodoras—NCN
Hoplodoras—NCN
Hypodoras—NCN
Leptodoras—NCN
Megalodoras—NCN
Nemadoras—NCN
Opsodoras—NCN
Orinocodoras—NCN
Oxydoras—NCN
Platydoras—NCN
Pseudodoras—NCN
Scorpiodoras—NCN
Trachydoras—NCN
Fam. Auchenipteridae—Frontfin catfishes
Centromochlus—Frontfin cats
Trachycorystes—Airbreathing frontfins
Fam. Aspredinidae—Banjo catfishes
Agmus—NCN
Amaralia—NCN
Aspredinichthus—NCN
Aspredo—NCN
Bunocephalichthys—NCN
Bunocephalus—Banjocats
Chamaigenes—NCN
Dysichthys—NCN
Erustichthys—NCN
Hoplomyzon—NCN
Petacara—NCN
Platistus—NCN
Platystacus—NCN
Pterobunocephalus—NCN
Xiliphius—NCN
Fam. Pimelodidae—Longwhisker catfishes
Acentronichthys—Forktail ridgebacks
Heptapterus—Ridgebacks
Microglanis—Dwarf marbledcats
Pimelodella—Longwhiskers
Pseudopimelodus—False pimelodus
Fam. Ageneiosidae—NCN
Ageneiosus—NCN
Fam. Helogeneidae—Thumb catfishes
Helogenes—Thumbcats
Fam. Trichomycteridae—Slender parasitic catfishes
Pygidium—Loachcats
Fam. Callichthyidae—Armored catfishes
Brochis—Highback armoredcats
Callichthys—Shrimpcats
Corydoras—Armoredcats
Dianema—NCN
Hoplosternum — Longwhisker armoredcats
Fam. Loricariidae—Suckermouth catfishes
Ancistrus—Bearded suckercats
Cochliodon—NCN
Farlowella—Twig cats
Hassar—NCN
Hemiancistrus—Red plecostomus
Lasiancistrus—NCN
Loricaria—Slender armored cats
Otocinclus—Algae-eater cats
Oxyloricaria—NCN
Panaque—Bandedfin suckercats
Plecostomus (includes *Hypostomus*)—Plecostomus catfishes
Pterygoplichthys—NCN
Spatuloricaria—NCN
Stoniella—Sailfin suckercats
Xenocara—Mopface cats
Fam. Astroblepidae-Keelback catfishes
Arges—NCN
Astrobleps—NCN
Cyclopium—NCN
Order Atheriniformes—Silversides, topminnows, and relatives
Fam. Exocoetidae-Halfbeaks
Dermogenys—Livebearing halfbeaks
Hemirhamphodon—Hookbill halfbeaks
Fam. Oryziatidae-Ricefishes
Oryzias—Ricefishes
Fam. Cyprinodontidae—Egglaying topminnows
Aphanius—Asian pupfishes
Aphyosemion—Lyretails
Aplocheilichthys—Lampeyes
Aplocheilus—Panchax
Austrofundulus—NCN
Cualac—NCN
Cubanichthys—Cuban Killies
Cynolebias—Pearlfishes
Epiplatys—Epiplatys
Garmanella—NCN
Lamprichthys—NCN
Micropanchax—Roundtail panchax
Nothobranchius—Annual fishes
Pachypanchax—Stout panchax
Procatopus—NCN
Pterolebias—South American lyretails
Rachovia—Dwarf poolfishes
Simpsonichthys—NCN
Trigonectes—False panchax
Valencia—Spanish toothcarp
Fam. Goodeidae—Placental livebearers
Girardinichthys—NCN
Goodea—Placental livebearers
Hubbsina—NCN
Lermichthys—Flat notchfins
Neotoca—Guppy notchfins
Ollentodon—Notchfins
Fam. Anablepidae-Foureyed fishes
Anableps—Foureyed fishes
Fam. Poeciliidae—Livebearing topminnows
Alfaro—Knife livebearers
Brachyraphis—Bishops
Cnesterodon—Churchkey livebearers
Girardinus—Metalside livebearers
Glaridichthys—Swiftstream livebearers
Jenynsia—One-sided livebearers
Phallichthys—Merry Widows
Phalloceros—Dusky livebearers
Phalloptychus—Barred livebearers
Poecilia (incl. *Lebistes, Limia, Mollinienesia* and *Micropoecilia*)—Guppies and Mollies.
Poeciliopsis—Banded livebearers
Poecilistes—Porthole livebearers
Priapella—Smokey livebearers
Pseudoziphophorus—False swordtails
Quintana—Blackband livebearers
Tomeurus—NCN
Xenodexia—NCN
Siphophorus—Swordtails and Platies
Fam. Atherinidae—Silversides
Alepidomus—Spotted silversides
Bedotia—Madagascar rainbowfishes
Melanotaenia—Australian rainbowfishes
Nematocentris—Australian rainbowfishes
Telmatherina—Ceyebes rainbowfishes
Pseudomugil—NCN
Order Gasterosteiformes—Sticklebacks, pipefishes, and relatives
Fam. Indostomidae—Pigmy lake sticklebacks
Indostomus—Pigmy lake sticklebacks
Fam. Syngnathidae—Pipefishes
Doryichthys, *Microphis*, *Nerophis*—Freshwater pipefishes
Syngnathus—Pipefishes
Order Perciformes—Perchlike fishes
Fam. Centropomidae—Highfin perches
Chanda (includes *Ambassis*)—Glassperches
Gymnochanda — Threadfin glassperches
Fam. Kuhliidae—Pigmy perches
Nannoperca—Pigmy perches
Fam. Monodactylidae—Fingerfishes
Monodactylus—Monotactylus
Fam. Toxotidae—Archerfishes
Toxotes—Archerfishes
Fam. Scatophagidae—Scats
Scatophagus—Scats
Selenotoca—False scats
Fam. Nandidae—Nandids
Acharnes—NCN
Afronandus—African nandus
Badis—Dwarf chameleonfishes
Monocirrhus—South American leaffishes
Polycentropsis—African leaf-fishes
Polycentrus—Clearfin leaf-fishes
Pomanotus—NCN
Pristolepis—Banded nandids
Fam. Cichlidae—Cichlids
Aequidens—Acaras
Acarichthys—NCN
Acaronia—Bigeye cichlids
Apistogramma—Dwarf cichlids
Astronotus—Oscars
Aulonocara—NCN

Batrachops—NCN
Biotodoma—NCN
Biotoecus—Glassy dwarfcichlids
Chaetobranchopsis—NCN
Chaetobranchus—NCN
Chilotilapia—NCN
Cichlasoma—Cichlids
Corematodus—NCN
Crenicara—Chessboard cichlids
Crenicichla—Pike cichlids
Cyathochromis—NCN
Cyathopharynx—NCN
Cynotilapia—NCN
Cyphotilapia—Wrasse cichlids
Eretmodus—NCN
Etroplus—Chromides
Genyochromis—Scale-eater Cichlids
Geophagus—Eartheaters
Haplochromis—Mouth breeders
Hemichromis—Jewelfishes
Hemihaplochromis—NCN
Hemitilapia—Leafcleaner cichlids
Herotilipia—NCN
Hoplotilapia—NCN
Julidochromis—Striped cichlids
Labeotropheus—NCN
Labidochromis—Bucktooth cichlids
Lamprologus—Hog cichlids
Leptotilapia—NCN
Lethrinops—Sand diggers
Limnochromis—NCN
Limnotilapia—NCN
Lobochilotes—NCN
Macropleurodus—NCN
Melanochromis—NCN
Nannacara—Dwarf acaras
Nanochromis—NCN
Neetroplus—NCN
Pelmatochromis (Includes subgenus *Pelvicachromis*)—Spotfin cichlids
Perissodus—NCN
Petenia—NCN
Petrochromis—NCN
Petrotilapia—Rockscrapers
Plecodus—NCN
Pseudotropheus—Damsel cichlids
Pterophyllum—Freshwater angels
Retroculus—NCN
Serranochromis—Seabass cichlids
Simochromis—NCN
Steatocranus—Bumpheads
Symphysodon—Discus
Teleogramma—Slender dwarfcichlids
Telmatochromis—NCN
Tropheus—Lake cichlids *Urau*-Uraus
Xenotilapia—NCN
Fam. Eleotridae—Sleepers
Carassiops—Australian sleepers
Eleotris—River gobies
Dormitator—Sleepers
Mogurnda—Purplestriped sleepers
Ophiocara—Snakehead gobies
Hypseleotris—Chameleon gobies
Fam. Gobiidae—Gobies
Bathygobius—Frillfin gobies
Bnachygobius—Bumbbleefiishes
Evorthodus—Banner gobies
Gobiopterus—Glass gobies
Gobius—Gobies
Scartelaos—NCN
Stigmatogobius—Fringefin gobies
Fam. Periophthalmidae—Treeclimbing gobies
Periophthalmus—Mudskippers
Fam. Anabantidae—Climbing perches
Ctenopoma—Short climbing perches
Fam. Belontiidae—Labyrinthfishes
Belontia—Combtail paradisefishes
Betta—Fightingfishes
Colisa—Banded gouramis
Cenops—Croaking gouramis
Macropodus—Paradise fishes
Malpuletta—NCN
Sphaerichthys—Chocolate gouramis
Trichogaster—Gouramis
Trichopsis—Dwarf gouramis
Fam. Helostomatidae—Kissing gouramis
Helostoma—Kissing gouramis
Fam. Osphronemidae—Giant gouramis
Osphronemus—Giant gouramis
Fam. Luciocephalidae—Pikeheads
Luciocephalus—Pikeheads
Fam. Mastacembelidae—Spiny eels
Bdellorhynchus—NCN
Caecomastacembelus—NCN
Macrognathus—Filenose spiny eels
Mastacembelus—Spiny eels
Pararhynchobdella—NCN
Order Pleuronectiformes—Flatfishes
Fam. Soleidae—Soles
Achirus—Brazilan hogchokers
Trinectes—Hogchokers
Order Tetraodontiformes—Triggerfishes, puffers, and relatives
Fam. Tetraodontidae—Puffers
Carinotetraodon, *Colomesus*, *Sphoeroides*, *Tetraodon*—Freshwater puffers

MARINE FISH

All marine fishes are included on this list of Low Risk wildlife, except the ones named below. Marine fishes which are excluded from this list of low risk wildlife are listed by order, family, and genera. The generic listing is arranged in alphabetical order within the family and only those genera named are excluded from this list of low risk wildlife. The order and family names are provided for ease of identification only. Some of the more widely known common names are included and have no legal significance. The letters "NCN" following a generic name means that there is no generally known common name for that fish.

Order Rajiformes—Skates and rays
Fam. Dasyatidae—Stingrays
Dasyatis—Common stingrays
Himantura—Longspine stingrays
Pastinachus—NCN
Taeniura—Oval stingrays
Urolophus—Round stingrays
Order Siluriformes—Catfishes
Fam. Plotosidae—Coral catfishes
Plotosus—Coral catfishes
Order Batrachoidiformes—Toadfishes
Fam. Batrachoididae—Toadfishes
Daector—Stinging toadfishes
Thalassophryne—Freshwater stinging toadfishes
Order Scorpaeniformes—Mailcheek fishes
Fam. Scorpaenidae—Scorpionfishes and stonefishes
Brachirus—Lesser lionfishes
Inimicus—Dragonhead scorpions
Pterois—Lionfishes
Synanceja—Stonefishes
Order Perciformes—Perch-like fishes
Fam. Trachinidae—Weeverfishes
Trachinus—Weeverfishes

§ 16.13 Amendments to the list of low risk wildlife.

(a) The list of wildlife (§ 16.12) may be amended from time to time as additional data become available which demonstrate that a genus or species should be added to or removed from the list.

(b) The Director shall receive and maintain data regarding injurious wildlife. Notice of any proposed amendments of the list of low risk wildlife for any purpose will be published in the FEDERAL REGISTER, which notice shall give interested persons not less than 30 days to submit written comments and suggestions.

(c) At any time any person may submit a request for a review of any particular listed or nonlisted wildlife. Such requests must be dated and in writing, and should be submitted to the Director. The request must contain the following information:

(1) Name and address of the person making the request;

(2) Association, organization, or business, if any, represented by the person making the request;

(3) Designation of the particular species in question by common and scientific name;

(4) Narrative explanation of the request for review;

(5) Scientific, commercial, or other data believed to support the request; and

(6) Signature of the person making the request.

If it is determined that substantial evidence has been presented which warrants a review, a finding to that effect shall be published in the FEDERAL REGISTER. Such notice shall give all interested persons an opportunity to submit information on the status of the species under review in such form or manner as may be specified. After consideration of these comments a decision will be made and published in the FEDERAL REGISTER on whether to officially propose the addition or deletion of a particular species.

Subpart C—Permits

§ 16.21 General permit requirement.

Except as otherwise provided in Subpart D of this part no person shall import into the United States, any territory of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or any shipment between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any possession of the United States, any injurious wildlife as designated in § 16.11, except as may be permitted under the terms of a valid permit issued pursuant to the provisions of this part.

Any permit issued under the provisions of this Subchapter B for the importation of Bald and Golden Eagles, marine mammals, migratory birds, or endangered wildlife, which are injurious wildlife, must also comply with the conditions and criteria of this part.

§ 16.22 Injurious wildlife permits.

The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing the importation into or shipment between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any possession of the United States of injurious wildlife (See § 16.11) for zoological, educational, medical, or scientific purposes.

(a) *Application procedures.* Applications for permits to import or ship injurious wildlife for such purposes shall be

submitted to the appropriate Special Agent in Charge (See § 12.11(b) of this subchapter). Each such application must contain the general information and certification required by § 12.12(a) of this subchapter plus the following additional information:

(1) Common and scientific names of the species, number, age, and sex (if applicable) of the wildlife to be covered by the permit;

(2) The country of origin, name and address of the seller or consignor, number and weight (if available), and description of the wildlife;

(3) A full statement of justification for the permit, including details of the project or other plans for utilization of the wildlife in relation to zoological, educational, medical, or scientific purposes, as appropriate, and planned disposition of the wildlife upon termination of the project;

(4) A description and the address of the institution or other facility where the wildlife will be used or maintained to include a complete description, including photographs or diagrams, of the area and facilities in which the wildlife will be housed;

(5) A statement as to whether, at the time of application, the wildlife to be imported or shipped is either still in the wild, bred and born in captivity, or has been removed from the wild. If the wildlife is still in the wild, or has been removed from the wild within the 3 months previous to the date of application a detailed statement of the method of capture, whether or not the wildlife has shown any signs of disease, parasitism or other abnormalities, what—if any—medical treatment the wildlife has received, the time and conditions under which any quarantine of the wildlife was carried out and any precautions the importer or shipper plans to take to insure that importation or shipment of the wildlife will not result in exposure to the named interests to parasites, pathogens or other pests.

(6) A brief resume of the technical expertise available, including any experience the applicant or his personnel have had in transporting and maintaining in captivity the species to be imported or closely related species; and

(7) A complete statement of the proposed method of transportation of the wildlife, including a description of the cage or other enclosure, and the experience of the carrier in transporting such wildlife.

(b) *Additional permit conditions.* In addition to the general conditions set forth in this Subchapter B, permits to import or ship injurious wildlife for zoological, educational, medical, or scientific purposes shall be subject to the following conditions:

(1) In addition to any reporting requirements set forth in the permit, a report of the importation or shipment made under authority of any such permit shall be submitted in writing to the Director within 10 days following such importation or shipment.

(2) All injurious wildlife possessed under permit and all progeny thereof, must be confined in the approved facilities on the premises authorized in the permit.

(3) No injurious wildlife, imported under permit, or any eggs or progeny thereof, may be sold, donated, traded, loaned, or transferred to any other person unless such person has written authorization from the Director authorizing him to acquire and possess such wildlife or the eggs or progeny thereof.

(4) Permittees must notify the Director by letter within 10 days following the death and by telephone or telegraph within 24 hours following the escape of any wildlife or their progeny possessed under the authority of a permit, unless specifically exempted from either requirement by special terms of his permit.

(c) *Issuance criteria.* The Director shall consider the following criteria in determining whether to issue a permit to import or ship injurious wildlife for zoological, educational, medical, or scientific purposes:

(1) The degree of threat of injury to human beings, to the interests of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States presented by such importation or shipment;

(2) Whether the purpose for which the permit is being sought is of sufficient merit to justify the degree of threat of injury presented by such importation or shipment;

(3) Whether the wildlife to be imported or shipped will be used for zoological, educational, medical, or scientific purposes;

(4) Whether the facilities for holding the wildlife in captivity are designed and constructed of material adequate to prevent escape;

(5) Whether the applicant by reason of his knowledge, experience, and facilities reasonably can be expected to provide adequate protection for such public interests and is aware of the dangers to the public interest posed by such wildlife; and

(6) If such wildlife is to be for zoological or aquarium exhibition purposes, whether such exhibition or display will be open to the public during regular appropriate hours.

(d) *Tenure of permits.* The tenure of permits to import or ship injurious wildlife shall be designated on the face of the permit.

Subpart D—Additional Restrictions and Exemptions

§ 16.31 Importation of live or dead fish of the family Salmonidae.

(a) *General restriction.* Except as otherwise provided in this section, no person shall import any live or dead fish or eggs of salmonids of the fish family *Salmonidae* unless such importations are by direct shipment, accompanied by a certification that the importation is free of the protozoan Myxosoma cerebralis, the causative agent of so-called "whirling disease," and the virus causing viral hemorrhagic septicemia or "Egtved disease." The certification shall be signed by a designated official acceptable to the Secretary of the Interior as being qualified in fish pathology.

(b) *Certificate.* The certificate required by paragraph (a) of this section shall consist of a statement in the English language, printed or typewritten, stating that this shipment of fish or eggs is free from these two diseases by the methods outlined in Fish Disease Leaflet 9, and will contain (i) the date and port of export in the country of origin and the anticipated United States date of arrival and port of entry, (ii) surface or air carrier and flight number, or vessel name or number, (iii) bill of lading number or airway bill number, and (iv) the handwritten signature, in ink, of the authorized certifying officer, and may be substantially in the following form:

I, _____, approved by
(Date)
the Secretary of the U.S. Department of the Interior, on _____, as a certifying official for _____, as required by Title
(Country)
50, CFR 16.31(a), do hereby certify, using the methodology described in Fish Disease Leaflet (FDL-9, July 1968), that this shipment of _____ of dead or life
(Weight in pounds)
fish or fish eggs to be shipped under _____ is free of the
(Bill of lading number, or airway bill number)
protozoan Myxosoma cerebralis, the causative agent of so-called "whirling disease," and the virus causing viral hemorrhagic septicemia or "Egtved disease."

The shipment is scheduled to depart _____ on _____, via
(City and Country) (Date)
_____ with anticipated
(Name of carrier)
arrival at the port of _____U.S.A., on
(City)
_____.
(Date)

_____
(Signature in ink of certifying officer)

_____
(Date)

(c) *Processed or prepared items.* Nothing in this section shall restrict the importation of salmonids of the fish family *Salmonidae* when such fish or eggs have been processed by canning, pickling, smoking, or otherwise prepared in a manner whereby all spores of the protozoan *Myxosoma cerebralis*, the causative agent of so-called "whirling disease," and the virus causing viral hemorrhagic septicema or so-called "Egtved disease," have been killed.

(d) *Oceanic fishermen.* Nothing in this section shall restrict the importation of salmonids of the fish family *Salmonidae* when such fish or eggs were taken on the high seas and imported directly into the United States without being landed or transhipped to or through any other country.

(e) *Wild caught fish from Canada and Mexico.* Nothing in this section shall restrict the importation of Salmonids of the fish family *Salmonidae* when such fish or eggs were caught in the wild in Canadian or Mexican waters and im-

ported directly into the United States without being transhipped to or through any other country.

§ 16.32 **Importation by Federal agencies.**

Nothing in this part shall restrict the importation and transportation, without a permit, of any live wildlife by Federal agencies solely for their own use.

§ 16.33 **Psittacine birds.**

Nothing in this part shall restrict the importation and transportation, without a permit, of birds of the family *Psittacidae* (parrots, macaws, cockatoos, parakeets, lories, lovebirds, etc.), the importation of which is governed by U.S. Public Health Service regulations under 42 CFR Parts 71 and 72 and U.S. Department of Agriculture regulations under 9 CFR Part 92.

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