federal register

THURSDAY, DECEMBER 6, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 234

Pages 33569–33749

PART I

HIGHLIGHTS OF THIS ISSUE

(Continued inside)

PART II:

PART III:

PART IV:

December 6, 1973—Pages 33569–33749

REMINDERS

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

Rules Going Into Effect Today

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

page no. and date

AEC—Special nuclear material; requirements for material in transit. 30533; 11–6–73

—Physical protection of plants and materials..... 30537; 11–6–73

FAA—Designation of Federal airways, area low routes, controlled airspace, and reporting points..... 26444; 9–21–73

—Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points. 28555; 10–15–73

—Special use airspace..... 26445; 9–21–73

—Standard instrument approach procedures; changes and additions. 31000; 11–9–73

ICC—Car service; Penn Central Transportation Co..... 30559; 11–6–73

federal register

Area Code 202 Phone 523–5240

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

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

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

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Contents

(Continued on next page)

List of CFR Parts Affected

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

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

Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11748

Federal Energy Office

By virtue of the authority vested in me as President of the United States of America by the Constitution and statutes of the United States, including the Economic Stabilization Act of 1970 (P.L. 91–379, 84 Stat. 799), as amended, the Emergency Petroleum Allocation Act of 1973 (P.L. 93–159), the Defense Production Act of 1950 (50 U.S.C. App. 2061, *et seq*), as amended, and Section 301 of title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. There is hereby established in the Executive Office of the President a Federal Energy Office. The Office shall be under the immediate supervision and direction of an Administrator and a Deputy Administrator of the Federal Energy Office. The Administrator shall be the Deputy Secretary of the Treasury.

SEC. 2. The Administrator of the Federal Energy Office shall advise the President with respect to the establishment and integration of domestic and foreign policies relating to the production, conservation, use, control, distribution, and allocation of energy and with respect to all other energy matters.

SEC. 3(a) There is hereby delegated to the Administrator all the authority vested in the President by the Emergency Petroleum Allocation Act of 1973.

(b) The Administrator shall either submit to the Congress the reports required by Section 4(c)(2) of the Emergency Petroleum Allocation Act, or may require any other officer or any department or agency of the United States to submit the required reports to Congress.

SEC. 4(a) There is hereby delegated to the Administrator the authority vested in the President by Section 203(a)(3) of the Economic Stabilization Act of 1970, as amended.

(b) The Chairman of the Cost of Living Council shall, from time to time, delegate to the Administrator such authority under the Economic Stabilization Act as may be necessary to carry out the purposes of that Act with respect to energy matters.

SEC. 5. There is hereby delegated to the Administrator the authority vested in the President by the Defense Production Act of 1950, as amended, as it relates to the production, conservation, use, control, distribution, and allocation of energy. Any provision of Executive Order

No. 10480, as amended, which is inconsistent with the exercise of such authority is hereby suspended for so long as this Section remains in effect.

SEC. 6. Executive Order No. 11726 of June 29, 1973, is hereby superseded to the extent that it is inconsistent with this Order.

SEC. 7. All Orders, regulations, circulars, or other directives issued and all other actions taken pursuant to any authority delegated to the Administrator by this Order prior to and in effect on the date of this Order are hereby confirmed and ratified, and shall remain in full force and effect, as if issued under this Order, unless or until altered, amended, or revoked by the Administrator or by such competent authority as he may specify.

SEC. 8. All authority delegated to and placed in the Administrator by this Order may be further delegated, in whole or in part, by the Administrator to any other officer or any department or agency of the United States.

SEC. 9(a) Necessary expenses of the Federal Energy Office may be paid from the Emergency Fund of the President or from such other funds as may be available.

(b) The Administrator of the General Services Administration shall provide, on a reimbursable basis, such administrative support as may be needed by the Federal Energy Office.

(c) All departments and agencies of the executive branch shall, to the extent permitted by law, provide assistance and information to the Administrator of the Federal Energy Office.

Richard Nixon

THE WHITE HOUSE,
December 4, 1973.

[FR Doc.73-26073 Filed 12-5-73;10:39 am]

NOTE: For the President's remarks of December 4, 1973, concerning Executive Order 11748, above, see Weekly Comp. of Pres. Docs., vol. 9, no. 49, issue of December 10, 1973.

Rules and Regulations

Title 5—Adminstrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

Section 213.3182 is amended to show that until June 30, 1976, one position of Assistant Director for Theatre Programs, National Endowment for the Arts, is excepted under Schedule A.

Effective on December 6, 1973, § 213.3182(a)(4) is added as set out below.

§ 213.3182 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.* * * *

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

* * * * *

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

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

[FR Doc.73-26036 Filed 12-5-73;8:45 am]

PART 213—EXCEPTED SERVICE

Miscellaneous Revocations

Subpart C of Part 213 is amended to show that under the provisions of § 213.3301b 18 positions are no longer excepted under Schedule C.

Effective December 6, 1973, Subpart C of Part 213 is amended as set out below.

* * * * *

§ 213.3303 Executive Office of the President.

(a) *Office of Management and Budget.*

(1) Four Secretaries to the Director.

* * * * *

§ 213.3304 Department of State.

(a) *Office of the Secretary.* * * *

(2) Three Private Secretaries to the Secretary.

* * * * *

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* * * *

(26) [Revoked]

* * * * *

(36) [Revoked]

* * * * *

(42) [Revoked]

* * * * *

§ 213.3313 Department of Agriculture.

(a) *Office of the Secretary.* * * *

(31) [Revoked]

* * * * *

(c) *Office of the Under Secretary.* * * * *

(5) [Revoked]

* * * * *

§ 213.3318 Environmental Protection Agency.

(a) *Office of the Administrator.* * * *

(3) One Secretary to the Administrator.

* * * * *

§ 213.3320 Inter-American Foundation.

* * * * *

(d) [Revoked.]

* * * * *

§ 213.3329 Federal Power Commission.

* * * * *

(j) [Revoked.]

* * * * *

§ 213.3337 General Services Administration.

(f) *Property Management and Disposal Service.*

* * * * *

(2) Five Confidential Assistant to the Commission.

(3) One Special Assistant to the Commissioner.

* * * * *

§ 213.3368 Agency for International Development.

* * * * *

(e) *Office of the Assistant Administrator for Legislative Affairs.*

* * * * *

(3) [Revoked.]

* * * * *

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.*

* * * * *

(11) Two Special Assistants to the Under Secretary of Transportation.

* * * * *

(24) [Revoked.]

* * * * *

(27) [Revoked.]

* * * * *

(31) [Revoked.]

* * * * *

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

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

[FR Doc.73-25910 Filed 12-5-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Petroleum and Petroleum Products

These amendments are designed to implement certain changes in the Cost of Living Council Phase IV Petroleum regulations dealing with the refiners, issued after review of comments submitted in response to the Council's notice of proposed rulemaking (38 FR 31686, November 16, 1973). As stated in the notice of proposed rulemaking these changes, which became effective November 30, 1973, must be used by refiners to make the calculations of increased product costs beginning with the month of December.

After reviewing the comments received as well as other information developed by the Council during the comment period the Council has altered the proposed rulemaking in several respects which are summarized below.

The Council has modified slightly the proposed reseller rule to make clear that it applies to all sales of crude petroleum except the first sales of domestic crude petroleum. Additionally, the reseller rule as amended applies to any entity of a refiner which is engaged in the business of purchasing and reselling covered products provided that the entity does not purchase more than 5 percent of such covered products from the refiner including any entities which it directly or indirectly controls and provided further that the entity has historically and consistently exercised the exclusive price authority with respect to sales by the entity. This modification is in response to comments received that certain entities although owned by a refiner are completely autonomous entities and purchase products on the open market in arms-length transactions. Such entities have separate accounting procedures which would require substantial modification were they required to "roll-in" their product costs with those of the parent refiner. All other sales by a refinery or its subsidiaries are subject to the refiner's rule § 150.355.

The Council has received numerous comments concerning increases in domestic transportation costs due to changes in the sources from which crude petroleum and purchased product are available. This is especially true for smaller inland refineries which must purchase crude whenever it becomes available. Also, many refiners which purchase crude or product F.O.B. point of destination are unable to ascertain that portion of costs attributable to transportation. Thus, the definitions in § 150.356(b) have been modified to include domestic transportation changes to the refinery in increased product costs. These charges may be passed through automatically via the allocation formula.

The definition of the cost of domestic crude petroleum has been modified to make clear that the increased cost of crude petroleum produced from stripper wells, the first sale of which is exempt under § 150.54(s) may be passed through as an increased product cost.

This definition was further changed from that set forth in the proposed rulemaking to include as crude petroleum natural gas liquids as well as unfinished oils since both are used in the refinery process.

A technical change has been made to the Y_i factor in the allocation formula. This term, as proposed, required a firm to calculate the lowest price at or above which 10 percent of the product was sold to wholesalers. Comments received indicated that this number was not readily ascertainable since "wholesalers" excluded many sales traditionally considered as wholesale sales by the industry. Accordingly, the definition has as amended omits the words "to wholesalers", and identifies the lowest price at or above which 10 percent of all sales of that product were made.

In an effort to clarify and provide further guidance to the petroleum industry a definition of posted prices has been added to § 150.352. It provides that a posted price must be a publicly circulated written offer to purchase. It does not include premiums above posted prices which may have been paid for crude purchased on May 15, 1973.

The calculation of the "banked costs," term G in the formula adopted as proposed reflects only those costs incurred since August 1, 1973 and not yet recouped. There is not and never has been any provision allowing the increases in the costs of crude petroleum incurred between the period May 15, 1973 and August 1, 1973 to be recouped.

The allocation of refiners increased non-product costs as set forth in § 150.355, is adopted without change from the proposed rulemaking.

The change in the allocation formula § 150.356 which requires allocation of increases based upon sales volume rather than sales revenues and the other technical changes set forth in the notice are adopted without change.

(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 Number 14, 38 FR 1489.)

In consideration of the foregoing Part 150 of Title 6 of the Code of Federal Regulations is amended as follows, effective November 30, 1973.

Issued in Washington, D.C., November 30, 1973.

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

§ 150.352 [Amended]

1. Section 150.352 is amended by deleting the definitions of "refiner-reseller" and "refiner-retailer".

2. Section 150.352 is amended by adding a definition of "Posted price" as follows:

"Posted price" means a written statement of crude petroleum prices circulated publicly among sellers and buyers of crude petroleum in a particular field in accordance with historic practices, and generally known by sellers and buyers within the field.

3. Section 150.355 is revised to read as follows:

§ 150.355 Price rule: Refiners.

(a) *Applicability.* Except as provided in § 150.359, this section applies to each sale of a covered product which is purchased or refined by a refiner.

(b) *Rule.* A refiner may not charge to any class of purchaser a price in excess of the base price of that covered product except to the extent permitted pursuant to the provisions of paragraphs (c) through (k) of this section.

(c) *Price increases.* (1) A price in excess of the base price of an item in a product line may be charged only to recover on a dollar-for-dollar basis those net increases in allowable costs that have been incurred with respect to the product line since the period for determining base cost and which the refiner continues to incur.

(2) For the purpose of determining whether net allowable costs have been incurred which permit the charging of a price in excess of the base price, base costs shall be compared with current costs. Current costs which exceed base costs may be used to justify a price in excess of the base price. "Allowable costs" under this section mean non-product costs attributable to refining operations under the customary accounting procedures generally accepted and historically and consistently applied by the firm concerned and exclude any costs attributable to marketing operations.

(d) *Application of price increases.* (1) A firm may not increase prices above base prices pursuant to this section until it complies with the prenotification requirements of Subpart H of this part.

(2) A firm which is authorized to charge a prenotified percentage price increase pursuant to Subpart H of this part with respect to a product line by virtue of cost justification determined in accordance with this section, shall apply that percentage price increase in the following manner: (i) A refiner may charge a price in excess of the base price of a special product which reflects that part of the total allowable percentage price increase with respect to the product line allocable to sales of that special product provided that (*a*) the amount of the increase above the base price is calculated by use of the formula in paragraph (d)(3)(i) of this section; (*b*) the amount of increased costs allocable to that special product is equally applied to each class of purchasers; and (*c*) the increase above the base prices may not be implemented more than once in any calendar month and must be implemented on the same date that increased product costs are added to May 15, 1973 selling prices to compute base prices pursuant to paragraph (g) of this section.

(ii) A refiner may charge a price in excess of the base price of its covered products other than special products which reflects that part of the total allowable percentage price increase with respect to the product line allocable to sales of those products or sales of special products not otherwise allocated pursuant to paragraph (d)(2)(i) of this section provided that (*a*) the amount of increase above the base price is calculated by use of the formula in paragraph (d)(3)(ii) of this section and (*b*) the amount of increased costs allocated to a covered product other than a special product is equally applied to each class of purchaser.

(3) *General formulae.* (i) For special products (i=1 and i=2):

$$d_i^e = \frac{S_i^e F}{V_i^e}$$

(ii) For covered products other than special products (i=3):

$$D_i^e = S_i^e F$$

Where; for (i) and (ii):

d_i^e = The dollar amount that may be added to each base price of the special product or products of the type "i" in the period "e" (the consecutive 12-month period). The formula for special products must be computed separately for i=1 (No. 2 heating oil and No. 2-D diesel fuel) and i=2 (gasoline).

D_i^e = The total dollar amount a refiner may add in the period "e" (the consecutive 12-month period), to base prices of covered products of the type "i" in whatever amount it deems appropriate to each particular covered product other than a special product. The formula for covered products other than special products will only be computed for i=3 (all covered products other than special products and crude petroleum).

V_i^e = Estimated volume or quantity of sales of a specific covered product of the type "i" in the period "e" (the consecutive 12-month period).

S_i^e = Estimated total revenues from sales for the period "e" (the consecutive 12-month period), of a specific covered product or products of the type "i" at May 15, 1973, price levels.

F = The percentage of cost justification entered for all covered products under column (f), item 24, part VI of CLC Form 22.

The time period for measurement is referenced by the superscript *e:*

e = The consecutive 12-month period for which the cost justification is proposed, commencing the first day following the accounting month most recently ended prior to the date of signing the prenotification CLC Form 22.

The type of covered product is referenced by the subscript *i:*

i=1 represents No. 2 heating oil and No. 2-D diesel fuel.
i=2 represents gasoline.
i=3 represents all covered products other than special products and crude petroleum.

(e) *Price reductions.* A price charged in excess of the base price may continue to be charged only as long as the net increases in allowable costs which support that price in excess of the base price continue to be incurred. Price reductions shall be made whenever and to the extent necessary to assure that, for any fiscal quarter, the weighted average of all price increases and price decreases in a product line does not exceed the percentage of cost justification for that line.

(f) *Productivity gains.* (1) Increases in allowable costs shall be reduced to reflect productivity gains. For the purpose of determining whether a price may be charged above a base price pursuant to this section, productivity gains shall be calculated on the basis of the average percentage gain in the applicable industrial category, as set forth in the table in the Appendix to Subpart E. To the extent provided in the table in the Appendix, productivity gains shall be taken into account in the calculation of all price increases during any fiscal year but only until the full productivity offset, derived from the Appendix and calculated under paragraph (f)(2) of this section, has been used within that fiscal year.

(2) For the purpose of determining the extent to which a price increase is justified, each refiner shall calculate the sum of all of its labor costs (of the type required to be included as costs in reporting and prenotification forms issued pursuant to Subpart H of this part) as a percentage of sales for the product line concerned, and shall multiply that percentage by the average annual rate of productivity gain for the applicable industrial category, as set forth in the table in the Appendix to Subpart E. The result is the productivity gain, stated as a percentage, by which the total cost increase must be reduced in order to be an allowable cost for the purposes of a price increase under this section.

(3) If the product line concerned extends to more than one industrial category, the average percentage gain in productivity in each category must be weighted in proportion to the ratio which its estimated sales in each industrial category for the most recently completed fiscal quarter bears to the total sales of that product line for that quarter.

(g) *Base price*—(1) *General rule.* The base price for sales of an item by a refiner is the weighted average price at which the item was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, plus increased product costs incurred between the month of measurement and the month of May 1973 and measured pursuant to the provisions of § 150.356. In computing the base price, a firm may not exclude any temporary special sale, deal or allowance in effect on May 15, 1973.

(2) *Special products.* Notwithstanding the general rule in paragraph (g)(1) of this section, in computing the base price for special products, a refiner may not increase its May 15, 1973 selling prices to each class of purchaser more than once in any calendar month to reflect the increased product costs allowable pursuant to the provisions of § 150.356, but may implement the increase on any day during that month.

(3) *Imputed prices.* If no transaction occurred with respect to a particular product on May 15, 1973, the most recent day preceding May 15, 1973 when a transaction occurred shall be used for purposes of computing the base price. If a refiner first offered an item for sale after May 15, 1973 and prior to the effective date of this paragraph, the first day when the item was offered for sale shall be used for purposes of computing the base price.

(h) *Base cost*—(1) *Base costs.* Base costs are the net allowable costs incurred with respect to the product line concerned and are calculated as follows:

(i) *Input costs.* The base cost with respect to costs of labor, crude petroleum and other input costs is the rate at which those costs were being incurred on May 15, 1973. If no input costs were incurred on that day, the base cost is the rate at which those costs were being incurred on the next day preceding May 15, 1973 on which input costs were incurred.

(ii) *All other costs.* The base cost with respect to all costs other than input costs is the rate at which those costs were being incurred on May 15, 1973. However, if the base cost with respect to any costs other than an input cost cannot reasonably be determined by the method prescribed in the preceding sentence, that base cost is the average cost incurred throughout the last fiscal quarter which ended before May 15, 1973, in which costs were incurred with respect to the product line concerned as calculated in accordance with forms and instructions issued by the Cost of Living Council.

(2) *New items.* The base cost with respect to input costs for each new item, as defined in accordance with § 150.361, is calculated as of the date on which the new item concerned was first sold or leased in arms-length trading between unrelated persons. The base cost with respect to all other costs which cannot be calculated on the first day of sale is the average cost incurred throughout the fiscal quarter in which the new item concerned was first sold or leased in arms-length trading between unrelated persons.

(i) *Current cost*—(1) *Current costs.* Current costs are the net allowable costs incurred during the current cost period with respect to the item concerned excluding increased product costs incurred after May 15, 1973 and measured pursuant to § 150.356.

(2) *Input costs.* The current cost with respect to costs of labor, crude petroleum and other input costs is the rate at which those costs were being incurred on the last full day of business in the current cost period.

(3) *All other costs.* The current cost with respect to all costs other than input costs is the rate at which those costs were being incurred on the last full day of business in the current cost period. However, if the current cost with respect to all costs other than input costs cannot reasonably be determined by the method prescribed in the preceding sentence, that current cost is the average cost incurred throughout the current cost period with respect to those costs as calculated in accordance with forms and instructions issued by the Cost of Living Council.

(4) *Current cost period.* The current cost period is the last accounting month preceding the date of signature of the prenotification document submitted in accordance with Subpart H of this part except that with respect to input and other costs which may be calculated as of a date certain, the rate at which these costs are incurred on the day which is the date of signature of the prenotification document may be considered the rate on the last full day of the current cost period.

(j) *Profit margin limitation.* A refiner which charges a price for any item in excess of the base price for that item in any fiscal year may not for the fiscal year in which the price increase is charged, exceed its base period profit margin as defined in § 150.31 of this part.

(k) *Certification.* Each refiner of gasoline must, with respect to each sale of gasoline other than a retail sale, certify in writing to the purchaser the octane number of the gasoline sold.

3. Section 150.356 is revised to read as follows:

§ 150.356 Allocation of refiner's increased product costs.

(a) *Scope.* This section prescribes the requirements governing the inclusion of a refiner's increased product costs in the computation of its base prices pursuant to § 150.355(g) for covered products.

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

"Cost of crude petroleum" means: (1) For purposes of domestic crude petroleum, (i) in arms-length transactions, the purchase price provided that with respect to sales of crude petroleum subject to subpart L, it conforms with the requirements of that subpart; (ii) in a transaction between affiliated entities, the posted price for the new crude petroleum and petroleum produced from stripper wells the first sale of which is exempt pursuant to § 150.54(s) and the posted price or price determined pursuant to § 150.354(c)(3) for base production control level crude petroleum. If there is no posted price in a particular field, the related price for that grade of new domestic crude petroleum and petroleum produced from stripper wells which is most similar in kind and quality at the nearest field for which the price is posted and the price determined pursuant to § 150.354(c)(3) for base production control level crude petroleum. Cost of crude petroleum also includes the cost of unfinished oils and natural gas liquids which are used in refining and are further refined, and which are covered products. The cost of domestic crude petroleum, unfinished oils and natural gas liquids includes transportation costs. (2) For purposes of imported crude petroleum, the landed cost.

"Cost of petroleum product" means: (1) For purposes of domestic petroleum products other than crude petroleum, the purchase price including transportation costs. (2) For purposes of imported petroleum products other than crude petroleum, the landed cost.

"Firm" means a parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls.

"Increased product costs" means the sum of (1) the difference between the total cost of crude petroleum during the month of measurement and the total cost of crude petroleum during the month of May 1973 plus (2) the difference between the total cost of petroleum product during the month of measurement and the total cost of petroleum product during the month of May 1973. If a particular petroleum product was neither purchased nor landed during the month of May 1973, the cost of that petroleum product in May 1973 shall be imputed to be the lowest price at or above which at least 10 percent of that product was priced by the refiner in transactions during the month of May 1973.

"Landed cost" means: (1) For purposes of complete arms-length transactions, the purchase price at the point of origin plus the actual transportation cost. (2) For purposes of products purchased in arms-length transactions and shipped pursuant to a transaction between affiliated entities, the purchase price at the point of origin plus the transportation cost computed by use of the accounting procedures generally accepted and consistently and historically applied by the firm concerned. (3) For purposes of products purchased in a transaction between affiliated entities and shipped pursuant to an arms-length transaction, the cost of the product computed by use of the customary accounting procedures generally accepted and consistently and historically applied by the firm concerned plus the actual transportation cost. (4) For purposes of products purchased and shipped pursuant to a transaction between affiliated entities, the costs of the product and the transportation both computed by use of the customary accounting procedures generally accepted and consistently and historically applied by the firm concerned.

"Transactions between affiliated entities" means all transactions between entities which are part of the same firm and transactions with entities in which the firm has a beneficial interest to the extent of entitlement of covered product by reason of the beneficial interest.

(c) *Allocation of increased-costs*—(1) *General rule*—(i) *Special products.* In computing base prices for sales of a special product, a refiner may increase its May 15, 1973 selling prices to each class of purchaser once each calendar month beginning with November 1973 by an amount to reflect the increased product costs attributable to sales of that special product using the differential between the month of measurement and the month of May, 1973 provided that the amount of increased costs used in computing a base price is calculated by use of the general formula set forth in paragraph (c)(2)(i) of this section. To the extent that a refiner does not allocate its increased product cost for a special product pursuant to this provision, it may include that part of its increased product costs attributable to sales of that special product in computing its base prices for covered products other than special products pursuant to paragraph (c)(1)(ii) of this section.

(ii) *Other than special products.* In computing base prices for a covered product other than a special product, a refiner may increase its May 15, 1973 selling price to each class of purchaser each month beginning with November 1973 by an amount to reflect the increased product costs attributable to sales of covered products other than special products or sales of special products not otherwise allocated pursuant to paragraph (c)(1)(i) of this section using the differential between the month of measurement and the month of May, 1973, provided that the amount of increased costs used in computing a base price is calculated by use of the general formula set forth in paragraph (c)(2)(ii) of this section and provided that the amount of increased product costs included in computing base prices of a particular covered product other than a special product must be equally applied to each class of purchaser. In apportioning any amount of increased product costs to covered products other than special products, a refiner may apportion the total amount of increased product costs to a particular covered product other than a special product in whatever amount he deems appropriate.

(2) *General formulae.* (i) For special products (i=1 and i=2):

$$d_i^u = \frac{A^t\left(\frac{V_i^n}{V^n}\right) + B_i^t + G_i - H^u}{V_i^u}$$

(ii) For covered products other than special products (i=3):

$$D_i^u = A^t\left(\frac{V_i^n}{V^n}\right) + B_i^t + G_i^t + H^u$$

Where; for (i) and (ii):

d_i^u = The dollar increase that may be applied in the period "u" (the current month) to the May 15, 1973 selling price of the special product or products of the type "i" to each class of purchaser to compute the base price to each class of purchaser. The formula for special products must be computed separately for i=1 (No. 2 heating oil and No. 2-D diesel fuel) and for i=2 (gasoline).

D_i^u = The total dollar amount a refiner may apportion in the period "u" (the current month) to covered products of the type "i" in whatever amounts it deems appropriate to each particular covered product other than a special product. The formula for covered products other than special products will only be computed for i=3 (all covered products other than a special product and crude petroleum).

V^n = The total volume of all covered products sold in the period "n" (the consecutive three-month period of the preceding year such that the middle month of the period corresponds to the current month "u").

V_i^n = The total volume of a specific covered product or products of the type "i" sold in the period "n" (the consecutive three-month period of the preceding year such that the middle month of the period corresponds to the current month "u").

V_i^u = The volume or quantity of a product or products of the type "i" estimated to be sold in the period "u" (the current month).

$$A^t = Q^t\left(\frac{C^t}{Q^t} - \frac{C^o}{Q^o}\right)$$

which is the total increased cost of crude petroleum purchased or landed in the period "t" (the month of measurement).

Where:

Q^t = The total quantity or volume of crude petroleum purchased in the period "t" (the month of measurement). For imported crude petroleum, the quantity or volume landed in the period "t" (the month of measurement).

Q^o = The total quantity or volume of crude petroleum purchased in the period "o" (the month of May 1973). For imported crude petroleum, the quantity or volume landed in the period "o" (the month of May 1973).

C^o = The total cost of crude petroleum purchased or landed in the period "o" (the month of May 1973).

C^t = The total cost of crude petroleum purchased or landed in the period "t" (the month of measurement).

$$B_i^t = c_i^t - c_i^o - Y_i(q_i^t - q_i^o)$$

which is the total increased cost of a specific covered product or products of the type "i" purchased or landed in the period "t" (the month of measurement).

Where:

c_i^o = The total cost of a covered product or products of the type "i" purchased in the period "o" (the month of May 1973). For imported products, the cost of products of the type "i" landed in the period "o" (the month of May 1973).

c_i^t = The total cost of a covered product or products of the type "i" purchased in the period "t" (the month of measurement). For imported products, the cost of products of the type "i" landed in the period "t" (the month of measurement).

q_i^o = The total quantity or volume of a covered product or products of the type "i" purchased in the period "o" (the month of May 1973). For imported products of the type "i", the total quantity or volume landed in the period "o" (the month of May 1973).

q_i^t = The total quantity or volume of a covered product or products of the type "i" purchased in the period "t" (the month of measurement). For imported products of the type "i", the total quantity or volume landed in the period "t" (the month of measurement).

Y_i = The lowest price at or above which at least 10 percent of the product or products of type "i" were priced in transactions during the month of May 1973 or, if none occurred in that month, in the month next preceding May 1973 in which such transactions occurred. Alternatively, the the cost of the product or products concerned during the month of May 1973 may be used if computed by use of accounting procedures generally accepted and constently and historically applied by the firm concerned and provided that the Council has approved in writing of the cost figures used.

$G_i^t = J_i^t - K_i^t$ which is the total dollar amount of increased costs of the product or products of the type "i" not recovered in sales of that product through the period "t" (the month of measurement) that have been carried forward pursuant to paragraph (d) of this section or the total excess revenues derived from sales of the product or products of the type "i" which must be subtracted pursuant to paragraph (d) of this section.

Where:

J_i^t = The total dollar amount of increased product costs attributable to the product type "i" from Aug. 1, 1973, through the period "t" (the month of measurement).

K_i^t = The total dollar amount of increased product costs attributable to the product type "i" and recovered by sales through the period "t" (the month of measurement) by adjusting the May 15, 1973, selling prices pursuant to the provisions of this subpart.

H_i^u = The portion of the total dollar amount available in the period "u" (the current month) for inclusion in price adjustments to special products of the type "i" which pursuant to subparagraph (c)(1)(ii) the refiner elects to include in prices of covered products other than special products for the period "u" (the current month).

H^u = The sum of the dollar amounts available in the period "u" (the current month) for inclusion in price adjustments to special products which pursuant to paragraph (c)(1)(ii) of this section the refiner elects to include in calculating the base prices of covered products other than special products for the period "u" (the current month).

The type of covered product is referenced by the subscript i:

i=1 represents No. 2 heating oil and No. 2-D diesel fuel.
i=2 represents gasoline.
i=3 represents all covered products other than special products and crude petroleum.

The time period for measurement is referenced in the superscript; where:

n=The consecutive 3-month period of the preceding year such that the middle month of the period corresponds to the current month.
o=The month of May 1973.
t=The month of measurement. (The month of measurement is the month preceding the current month.)
u=The current month. Quantities calculated for the current month will be estimates which should be based on the best available data.

(d) *Carryover of costs.* (1) If in any month beginning with October 1973, a firm charges prices for a special product which result in the recoupment of less total revenues than the entire amount of increased product costs calculated for that product pursuant to the general formula and allowable under paragraph (c)(1)(i) of this section and that unused amount of increased costs is not used to increase May 15, 1973 selling prices pursuant to paragraph (c)(1)(ii) of this section, the amount of increased product cost not recouped may be added to the May 15, 1973 selling prices to compute the base prices for that special product for a subsequent month. The total amount allowable under (c)(1)(i) of this section may not include any amount represented by the symbol "H" in the formula in paragraph (c)(2)(i) of this section which pursuant to paragraph (c)(1)(ii) of this section the refiner has elected to include in a prior month in the calculation of the maximum permissible amount which may be used to adjust base prices of covered products other than special products. If in any month beginning with October 1973, a firm charges prices for a special product which result in the recoupment of more total revenues than the entire amount of increased product costs calculated for that product pursuant to the general formula and allowable under paragraph (c)(1)(i) of this section, the amount of excess product costs recouped must be subtracted from the May 15, 1973 selling prices to compute the base prices for that special product for the subsequent month.

(2) If, in any month beginning with October 1973, a firm charges prices for covered products other than special products which result in the recoupment of more or less total revenues than the entire amount of increased product costs calculated pursuant to the general formula and allowable under paragraph (c)(1)(ii) of this section, the excess revenues recouped must be subtracted from the May 15, 1973 selling prices and the amount of increased product costs not recouped may be added to May 15, 1973 selling prices to compute base prices for covered products other than special products in the subsequent month provided that the amount of the increased product cost not recouped and included in computing the base prices of a particular covered product other than a special product is equally applied to each class of purchaser. The total amount of increased product costs not recouped includes any amount represented by the symbol "H" in the formula in paragraph (c)(2)(ii) of this section which was available for inclusion in price adjustments to special products in a previous month and which the refiner elected pursuant to paragraph (c)(1)(ii) of this section to include in the calculation of the maximum permissible amount which may be used to calculate base prices for covered products other than special products.

(e) *Affiliated entities.* For purposes of this section, transactions between affiliated entities may be used to calculate increased product costs. Whenever a firm uses a landed cost which is computed by use of its customary accounting procedures, the Council may allocate such costs between the affiliated entities if it determines that such allocation is necessary to reflect the actual costs of those entities or the Council may disallow any costs which it determines to be in excess of proper measurement of costs.

5. Section 150.359 is amended in paragraph (a) to read as follows:

§ 150.359 Price rule: Resellers and retailers.

(a) *Applicability.* This section applies to each sale of a covered product by resellers, reseller-retailers, and retailers, and to each sale of crude petroleum except the first sale. For purposes of this section, "reseller" includes any entity of a refiner which is engaged in the business of purchasing and reselling covered products, provided that the entity does not purchase more than 5% of such covered products from the refiner including any entities which it directly or indirectly controls and provided further that the entity has historically and consistently exercised the exclusive price authority with respect to sales by the entity.

* * * * *

6. Section 150.361 is amended in paragraph (b)(3) to read as follows:

§ 150.361 New item and lease rule.

* * * * *

(b) *Base price determination.* * * *

(3) *Resellers.* A reseller, reseller-retailer or retailer, offering a new item, shall for purposes of applying the price rule of § 150.359(c) determine the May 15, 1973 selling price for that item as the price at which that item is priced in transactions at the nearest comparable outlet on the day when the item is first offered for sale. For purposes of computing the "increased costs," the cost of the item first offered for sale shall be used rather than the May 15, 1973 cost.

* * * * *

7. Section 150.363 is amended in paragraph (a)(2) by adding a sentence which reads as follows:

§ 150.363 Reports and recordkeeping.

(a) *Reports* * * *

(2) *Refiners, retailers and resellers.* * * * Each refiner shall, submit its calculations under the formulas of § 150.356 (c) in accordance with forms and instructions issued by the Council.

* * * * *

[FR Doc.73-25796 Filed 12-3-73;9:03 am]

PART 152—COST OF LIVING COUNCIL PHASE IV PAY REGULATIONS

Modification of Requirements for Pay Submissions to the Council

Part 152 is amended in Subpart A to eliminate certain mandatory requirements contained in § 152.5 with respect to a prenotification, report, challenge or request for approval of a pay adjustment submitted to the Council.

Prior to this amendment, § 152.5(a) required that the supplemental information detailed in § 152.5(b) be included in such submissions with the Council's Form PB–3 (or optional Form PB–3A, for units containing fewer than 1,000 employees). Unless otherwise required in this part, this supplemental information must now be provided only if the Council so orders.

The Council intends to reduce the administrative burden imposed on parties in preparing a submission to the Council. Additionally, the Council found that the detail of the information outlined in § 152.5(b) was not essential for appropriate analysis in every case.

Because the purpose of this amendment is to provide immediate guidance and information with respect to the administration of the Economic Stabilization Program, the Council finds that publication in accordance with normal rulemaking procedures is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit comments regarding this amendment. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Public Law 92–210, 85 Stat. 743; Public Law 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, Subpart A of Part 152 of Title 6, Code of Federal Regulations is amended as set forth below, effective December 6, 1973.

Issued in Washington, D.C. on November 30, 1973.

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

In 6 CFR Part 152, § 152.5 is amended by revising paragraphs (a) and (b)(1) to read as follows:

§ 152.5 Pay submissions to the Council.

(a) *General.*—Unless otherwise provided in this part or by order of the Council, a prenotification, report, challenge, or request for approval of a pay adjustment submitted to the Council shall be made using the Council's Form PB–3 (or optional Form PB–3A, for units containing fewer than 1,000 employees). Such form shall be completed according

to instructions issued by the Council. In addition, the Council may in specific cases require the submission of the supplemental information described in paragraph (b) of this section. The instructions provided under the provisions of paragraph (b) of this section shall not be considered to modify the Form PB–3 or PB–3A or the instructions thereto, or the manner in which such forms are to be completed. Unless otherwise provided in this part, the provisions of this section shall not apply to submissions under the provisions of subpart J (Special Rules Applicable to the Construction Industry) or subpart K (Executive and Variable Compensation) of this part. Further, unless otherwise provided in this part or by order of the Council, the requirements imposed under the provisions of paragraph (b) of this section shall not be applicable to submissions with respect to pay adjustments affecting employees in the food industry.

(b) *Supplemental information.* (1) *Narrative description of all changes with potential economic impact.* (i) *Wages, salaries and benefits.*—Specify both the old and new wage and salary and benefit levels, as well as the extent of such changes within the following categories:

(A) *Straight-time hourly rates.*—Straight-time hourly rates, including, but not limited to:

(*1*) Pattern of base pay increase, e.g., merit increases on a variable timing basis; across the board occupational differences, etc. Describe increases in terms of percent and cents per hour increases;

(*2*) Basis of cost of living adjustments, limitations on adjustments, formula for adjustments, total as well as time-weighted estimates of these adjustments, cents per hour increases in effect during current and immediately prior year, and length of time each increase has been or will be in effect;

(*3*) Individual occupational rate changes resulting from consideration of factors such as rate inequities, job evaluation plan changes, skill or craft rate adjustments, etc.;

(*4*) Changes affecting rates of pay or costs under production incentive programs;

(*5*) Progression program increase changes such as accelerated step changes or accelerated automatic changes between job levels, etc.; and

(*6*) Reduction in scheduled hours worked which affects the base rate.

* * * * *

[FR Doc.73-25875 Filed 12-3-73;1:04 pm]

[Phase IV Price Ruling 1973–15]

DEFINITION OF PROMPT SCRAP MATERIALS

Effective Date of Ruling 1973–2

Facts: Firm A, a stainless steel producer, Firm B, a paper company, and Firm C, a textile manufacturer, all sell excess materials that remain after the fabrication of their primary products. Firm D, a railroad company, cuts old rails into three foot sections and sells them as scrap to be reprocessed. Firm E is a junk dealer who purchases these materials from A, B, C, and D and resells them to other firms which reprocess or recycle the materials and use them in their own manufacturing processes. Firm F purchases remnants and imperfect fabrics from C for sale in F's chain of discount fabric stores.

Before the issuance of Cost of Living Council Phase IV Price Ruling 1973–2 on October 30, 1973, some of these firms operated on the assumption that their transactions had been exempt from regulation. They are now unclear to what extent Price Ruling 1973–2 applies to them. If it does apply, these firms argue that the ruling should only be effective prospectively because they had previously relied in good faith on rulings which indicated that certain prompt scrap sales were exempt.

Issue: What constitutes prompt scrap and to what extent are transactions involving prompt scrap materials controlled by Part 150 of the CLC Regulations?

Ruling. Prompt or new scrap is any industrial by-product or remnant that results from or remains as excess material after any other process of manufacture or fabrication. It also includes any product, or part of a product, that is removed or rejected from the manufacturing process for imperfections, or testing. The presumption is that any material that results from or is left after another manufacturing process is prompt scrap material and is therefore not exempt under 6 CFR 150.54(e). The burden of proving that any such material is exempt as a used or damaged product is on the firm which asserts it.

The Council issued several Rulings during Phase II covering used and scrap materials. (See Cost of Living Council Rulings 1972–3, 1972–5, 1972–14, 1972–15, 1972–19, and 1972–23). The thrust of each of those Rulings was that the damaged and used product exemption only applied in those cases in which a used or damaged product was resold to a subsequent purchaser who bought it in form suitable for re-use in its originally intended manner. The exemption did not apply in those cases in which the product was sold or purchased as a raw material to be used in some other manufacturing process. CLC Phase IV Price Ruling 1973–2 was not intended to change the basic policy established in these Phase II rulings.

CLC Ruling 1972–15, however, also indicated that the controlling test to be applied in each transaction for purposes of applying the exemption is to determine the form of the materials or product. If the materials or products sold were not repackaged or processed in some way, the sale was held to be exempt, without making any distinction between prompt and obsolete scrap. CLC Phase IV Price Ruling 1973–2 is intended to supersede CLC Ruling 1972–15 in this regard and to draw a distinction between prompt and obsolete scrap. In the case of prompt scrap, the absence of any processing is not controlling on the issue of whether the exemption for damaged or used goods applies. The determining factor as to whether the sale of the materials or products which result from or remain as excess material after any other process of manufacture or fabrication is nonexempt as prompt scrap or exempt as a used or damaged product is the ultimate use of the material. Where it is clear from all the circumstances of the situation that the material is being sold for ultimate reprocessing, the fact that the material was not immediately changed in form is not controlling.

The presumption that any material remaining after the process of manufacturing or fabrication is prompt scrap would apply to all sales of scrap from A, B, and C to E. The fact that E does not process the scrap would not cause the sales to be exempt, because it is clear that scrap will ultimately be resold for processing. However, the sale of the factory "seconds" from C to F would be exempt since F is clearly purchasing a damaged good and is not intending to reprocess it in any way.

A different test applies in the case of obsolete scrap materials which have already had a useful life and are capable of further use for their originally-intended purpose such as used automobiles. Such scrap is a damaged or used product within the meaning of § 150.54(e) until it has been processed. See Phase IV Price Ruling 1973–2. The three foot rail sections sold by D are used materials (obsolete scrap) rather than prompt scrap, but the sale is not exempt. Since the rail sections are too short to be used for the originally intended purpose, Firm D has processed them by altering their character as rails.

Because CLC Ruling 1973–2 supersedes CLC Ruling 1972–15 and persons may have previously carried on business in good faith reliance that the interpretation of the Phase II regulations found in CLC Ruling 1972–15 would apply to the Phase IV regulations, CLC Ruling 1973–2 shall only be effective from October 30, 1973, the date of issuance. However, the base prices and adjusted freeze prices for the sales by A, B, C and D must still be established pursuant to the provisions of Subpart F and § 150.72, and any price increase above the higher of the base price or adjusted freeze price must be fully cost justified in accordance with the provisions of Subpart E.

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

NOVEMBER 29, 1973.

[FR Doc.73-25805 Filed 12-3-73;9:29 am]

Title 7—Agriculture

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

SUBCHAPTER I—DETERMINATION OF PRICES

[Docket No. SH–318]

PART 873—SUGARCANE; FLORIDA

Fair and Reasonable Prices for 1973 Crop

The Sugar Act requires producers who also process sugarcane grown by other

producers to pay prices determined by the Secretary of Agriculture to be fair and reasonable as one of the conditions for receiving Sugar Act payments on their own production.

Such determination may not be made until after investigation and opportunity for interested persons to testify on the fair and reasonable prices to be paid under either purchase or toll agreements. A public hearing was held in Belle Glade, Florida, on June 19, 1973.

The determination, which is applicable to the 1973 crop of Florida sugarcane, continues most of the basic provisions of the 1972 crop determination. Changes include an adjustment in the basis for making molasses payments to producers to reflect the most recent five-year average recovery of blackstrap molasses per net ton of sugarcane; and a limitation on the overhead expenses which a processor is permitted under certain circumstances to charge producers when the processor furnishes labor, materials, or services used in harvesting, loading, or transporting the producer's sugarcane.

The changes in the determination do not alter the rate at which producers and processors share in the returns from sugar and molasses.

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948 (7 U.S.C. 1131(c)(2)), as amended (herein referred to as "act"), after investigation and due consideration of the evidence presented at the public hearing held in Belle Glade, Fla., on June 19, 1973, the following determination is hereby issued.

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

Sec.
873.31 General requirements.
873.32 Definitions.
873.33 Basic price.
873.34 Conversion of net sugarcane to standard sugarcane.
873.35 Molasses payment.
873.36 Other related specifications.
873.37 Toll agreements.
873.38 Applicability.
873.39 Subterfuge.
873.40 Processor mill procedures and checking compliance.

AUTHORITY: Secs. 301, 403, 61 Stat. 929, as amended, 932 (7 U.S.C. 1131, 1153).

§ 873.31 General requirements.

A producer of sugarcane in Florida who is also a processor of sugarcane, to which this part applies as provided in § 873.38 (herein referred to as "processor"), shall have paid or contracted to pay for sugarcane of the 1973 crop grown by other producers and processed by him, or shall have processed sugarcane of other processors under a toll agreement, in accordance with the following requirements.

§ 873.32 Definitions.

For the purpose of this part, the term:

(a) "Price of raw sugar" means the daily spot quotation of raw sugar of the New York Coffee and Sugar Exchange No. 10 domestic contract, except that if the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, determines that such price does not reflect the true market value of raw sugar, because of inadequate volume or other factors, he may designate the price to be effective under this part which he determines will reflect the true market value of raw sugar.

(b) "Season's average price of raw sugar" means (1) the weighted average price of raw sugar for the months in which 1973-crop sugar is delivered to the purchaser determined by weighting the simple average of the daily prices of raw sugar for each month in which sugar is delivered to the purchaser by the quantity of 1973-crop raw sugar or raw sugar equivalent delivered during each corresponding month, or (2) the average price of raw sugar received by a processor who disposes of all of his sugar under a single contract with a refiner or a cooperative sales organization composed of processors.

(c) "Raw sugar" means raw sugar, 96° basis.

(d) "Net sugarcane" means the gross weight of sugarcane delivered by a producer to a processor minus a deduction equal to the average percentage weight of trash delivered with all sugarcane ground at each mill operated by a processor. If the mill receives both hand-cut and machine-cut cane, the average percentage weight of trash delivered with cane harvested by hand shall be computed separately from that harvested by machine and the applicable trash deduction applied to the gross weight of cane harvested by each method.

(e) "Trash" means green or dried leaves, sugarcane tops, dirt, and all other extraneous material delivered with sugarcane.

(f) "Standard sugarcane" means net sugarcane containing 12.5 percent sucrose in the normal juice.

(g) "Salvage sugarcane" means sugarcane containing less than 9.5 percent sucrose in the normal juice.

(h) "Average percent sucrose in normal juice" means (1) the average percent crusher juice sucrose of the producer's sugarcane multiplied by a factor representing the ratio of factory normal juice sucrose to factory crusher juice sucrose at the processor's mill; or (2) the average percent sample mill juice sucrose of the producer's sugarcane multiplied by a factor representing the ratio of factory normal juice sucrose to the average sample mill juice sucrose analyses of producers' sugarcane.

(i) "Average percent crusher juice sucrose" means the percentage of sucrose in undiluted crusher juice as determined by direct analysis in accordance with standard procedures.

(j) "Factory normal juice sucrose" means the percentage of sucrose in undiluted juice extracted by a mill tandem as determined by multiplying factory dilute juice purity by factory normal juice Brix.

(k) "Factory crusher juice sucrose" means the percentage of sucrose in undiluted crusher juice as determined by direct analysis.

(l) "Average percent sample mill juice sucrose" means the percentage of sucrose solids in juice extracted from samples of each producer's sugarcane by the sample mill.

(m) "Factory normal juice Brix" means the percentage of soluble solids in undiluted juice extracted from sugarcane by a mill tandem as determined by multiplying factory crusher juice Brix by a dry milling factor representing the ratio of factory normal juice Brix to factory crusher juice Brix.

(n) "Factory crusher juice Brix" means the percentage of soluble solids in undiluted crusher juice as determined by direct analysis.

(o) "Factory dilute juice purity" means the ratio of factory dilute juice sucrose to factory dilute juice Brix which are determined by direct analysis.

(p) "State office" means the Florida State Agricultural Stabilization and Conservation Service Office, 401 Southeast First Avenue, Gainesville, FL 32601.

(q) "State committee" means the Florida State Agricultural Stabilization and Conservation Committee.

§ 873.33 Basic price.

(a) The basic price for standard sugarcane shall be not less than $1.12 per ton for each one-cent per pound of the season's average price of raw sugar.

(b) The basic price for salvage sugarcane shall be as agreed upon between the processor and producer, subject to the approval of the State office.

§ 873.34 Conversion of net sugarcane to standard sugarcane.

Net sugarcane (except salvage sugarcane) shall be converted to standard sugarcane by multiplying the total quantity of net sugarcane delivered by each producer by the applicable quality factor in accordance with the following table:

Average percent sucrose in normal juice:	*Standard sugarcane quality factor* [1]
9.5	0.70
10.0	.75
10.5	.80
11.0	.85
11.5	.90
12.0	.95
12.5	1.00
13.0	1.05
13.5	1.10
14.0	1.15
14.5	1.20
15.0	1.25
15.5	1.30

[1] The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 15.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

§ 873.35 Molasses payment.

The processor shall pay to the producer for each ton of net sugarcane

delivered an amount equal to the product of 6.0 gallons times one-half of the excess above 4.75 cents per gallon of the weighted average net sales price per gallon of blackstrap or final molasses, basis, f.o.b. tank truck or railroad car at mill, sold during the 12-month period ending May 31, 1974.

§ 873.36 Other related specifications.

(a) If the processor furnishes labor, materials, or services used in harvesting, loading, or transporting the producer's sugarcane from the field to the delivery point(s) on the farm, the charge made for such labor, materials, or services may be as agreed upon between the two parties if the producer has the option of performing such operations himself or by contract with a third party. If contractual arrangements between the processor and producer preclude the producer from performing such operations himself or by contract with a third party, the charge made by the processor shall be limited to the actual direct costs of labor, materials, or services plus applicable overhead expenses which are properly apportionable under generally accepted accounting principles: *Provided*, That the charge for overhead shall not exceed 10 percent of the actual direct costs of labor, materials, or services.

(b) The price for sugarcane established by this part is applicable to sugarcane loaded on carts or trucks at the farm, or if sugarcane is transported by railroad, loaded in railroad cars at the railroad siding nearest the farm, and the processor is required to bear the cost of transporting sugarcane (gross weight) from such points to the mill. If sugarcane is transported a distance of more than 14.9 miles to the mill by railroad or other common carrier, the producer may be required to bear the additional cost of transporting such sugarcane (based upon published tariffs). If the processor transports, in his own conveyance, or arranges for the transportation of sugarcane with other than a common carrier, he may charge the producer 5 cents per ton for each mile such sugarcane is transported in excess of 14.9 miles, or if the producer transports sugarcane to the mill by other than railroad or other common carrier the processor shall pay the producer 5 cents per ton for each mile such sugarcane is transported, but not in excess of 14.9 miles.

(c) Deductions for frozen sugarcane, fiber content determinations and deductions, definitions of delivery schedules and similar specifications employed in connection with the purchase of 1973-crop sugarcane shall be substantially in accordance with the general practices in Florida and as agreed upon between the producer and the processor.

(d) Nothing in paragraph (c) of this section shall be construed as prohibiting modification of customs and practices which may be necessary because of unusual circumstances, any such modification to be reported in writing by the processor to the State office.

(e) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose test of the sugarcane, payment for such sugarcane may be made as agreed upon between the producer and the processor subject to the written approval of the State office upon a determination by the State committee that the payment is fair and reasonable.

(f) The processor shall submit to the State office for approval (1) a statement setting forth the weighted average price of raw sugar upon which settlements with producers are based; (2) a statement setting forth the gross proceeds and the handling and delivery expenses deducted in arriving at the weighted average net sales price of blackstrap molasses; and (3) if subject to the limitation set forth in paragraph (a) of this section, a statement setting forth for each producer the direct costs of labor, materials, and services, plus applicable overhead expenses, used in harvesting, loading, or transporting the producer's sugarcane from the field to the farm delivery point.

§ 873.37 Toll agreements.

The rate for processing sugarcane produced by a processor and processed under a toll agreement by another processor shall be the rate they agree upon.

§ 873.38 Applicability.

The requirements of this part are applicable to all sugarcane purchased from other producers and processed by a processor who produces sugarcane (a processor-producer is defined in 7 CFR 821.1); and to sugarcane purchased by a cooperative processor from non-members. The requirements are not applicable to sugarcane processed by a cooperative processor for its members.

§ 873.39 Subterfuge.

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

§ 873.40 Processor mill procedures and checking compliance.

The procedures to be followed by processors in determining net sugarcane, trash, average percent sucrose in normal juice, average percent crusher juice sucrose, factory normal juice sucrose, factory crusher juice sucrose, average percent sample mill juice sucrose, and other related mill procedures and required reports are set forth in Handbook 9–SU entitled "Sampling, Testing, and Reporting for Florida Sugar Processors," copies of which have been furnished each processor. The processors shall maintain on file for a period of 5 years records of the original data compiled for the reports required by Handbook 9–SU. The procedures to be followed by the State office in checking compliance with the requirements of this part are set forth under the heading "Fair Price Compliance" in Handbook 3–SU, issued by the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service. Handbooks 9–SU and 3–SU may be inspected at County ASCS offices and copies may be obtained from the Florida State ASCS Office, 401 Southeast First Avenue, Gainesville, FL 32601.

STATEMENT OF BASES AND CONSIDERATION

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

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

1973-crop price determination. This determination differs from the 1972-crop determination in the following respects: (1) The molasses payment to producers is to be based on 6.0 gallons of blackstrap molasses per ton of sugarcane, instead of 5.8 gallons, reflecting the most recent 5-year average recovery; and (2) the charge for overhead expenses related to harvesting charges is limited to 10 percent. Other provisions of the prior determination continue unchanged.

A public hearing was held in Belle Glade, Fla., on June 19, 1973, at which interested persons were afforded the opportunity to present testimony relating to fair and reasonable prices for 1973-crop Florida sugarcane. A representative of the Glades Association of Independent Sugar Cane Growers, Inc., recommended that the processor's alienation of warehouse stored sugar as collateral for loans be restricted to 40 percent; that the Department enter the controversy over harvesting costs existing between the independent growers and their processor; that processors be required to make trash determinations on an individual grower basis; and that out-of-field hauling mileage for which the mill is responsible be extended from its present 14.9 miles to 20 miles.

A representative of the Sugar Cane Growers Cooperative of Florida recommended that the same procedures for sampling of trash as contained in the 1972 determination remain in effect. A representative of the United States Sugar Corporation concurred with this viewpoint and stated that the present system for dividing mechanically-harvested and hand-harvested cane for sampling purposes is fair and equitable.

An independent producer of sugarcane recommended that the pricing factor for standard sugarcane be increased from $1.12 to $1.28 for the 1973 crop since the sharing ratio between producers and processor is 70–30 based on his estimates

of returns, costs, and investment ratios. He further recommended that the Department establish a direct cane analysis system in Florida and a core sampling requirement to eliminate trash and sampling problems.

Several supplemental briefs were filed subsequent to the hearing. Among them was a brief from the Glades Association of Independent Sugar Cane Growers, Inc., recommending that only parties making sworn statements at hearings be permitted to file briefs. The association also recommended that different criteria be used to evaluate the sharing relationship between the association members and their processor than are used for other Florida processors and their producers. The company that receives cane for processing from members of the growers association submitted a supplemental brief for the purpose of answering statements made by the association representative at the hearing concerning the company's relationship with the independent growers. With respect to money borrowed on warehoused sugar, the company stated that it uses such funds for the purpose of making advance payments to growers at the beginning of the crop and does not make a profit on these loans. They indicated a willingness to make changes in the existing procedures for handling warehoused sugar provided they are not required to bear the additional cost of any such requirements. They also stated that taking additional samples for individual grower trash analysis would greatly increase costs, and that any change should be carefully considered since it would offset the balance established in the division of proceeds and costs of sampling operations. An independent producer stated in a supplemental brief that the cost responsibility of season's average trash determinations is inequitable and financially burdensome to a producer who delivers cane with a low trash content.

Consideration has been given to the testimony and recommendations presented at the public hearing; [1] to data on the returns, costs, and profits of producing and processing sugarcane in Florida obtained by field survey for prior crops and recast in terms of price and production conditions likely to prevail for the 1973 crop; and to other pertinent information. Analysis of the relative positions of producers and processors indicates that the provisions of this determination will provide an equitable sharing of total returns based on sharing of total costs.

The recommendation that processors' alienation of warehouse stored sugar as collateral for loans be restricted to 40 percent has not been adopted. The Department continues to believe that it is unnecessary and inappropriate to include such a requirement. The mill in question has stated they have never used a disproportionate amount of their borrowing capability on warehoused sugar; that the mill makes advances to many growers which offset their interest in the warehoused sugar; that they have not made a profit on the interest charged on money borrowed against warehouse stored sugar when making such advance payments to growers; and that they are willing to discuss the matter with their independent growers.

The Glades Association of Independent Sugar Cane Growers, Inc., requested that the Department enter the controversy concerning charges made by the processor for harvesting, loading, and transporting the member producers' sugarcane. At the public hearing held in 1972 on fair prices for 1972-crop sugarcane, the Association made several recommendations concerning charges made by the processor for offshore labor expenses, infield hauling, and overhead. Since that time, the controversy over future charges for offshore labor expenses has been resolved. The independent growers desired that such expenses be prorated to the various producers—both independent and mill affiliated—as a flat charge per ton of sugarcane rather than as a percentage of each producer's direct harvesting labor costs. A ruling in March 1973 by the Florida State ASC Committee on the matter of settlement with producers required the processor in question to compute offshore labor expenses for the 1971–72 and subsequent crops on a per ton basis. The processor accepted the State committee's decision and agreed to comply with the ruling.

With respect to infield hauling charges, the mill accepting the independent growers' cane for processing customarily contracts with independent trucking firms to haul cane both in the field and over the road to the mill. Those trucking firms charge the processor a specific fee per ton of cane for the infield portion of the haul and a specific fee per ton-mile for the out-of-field portion. The Office of the Inspector General of the Department has indicated, as a result of an investigation of the processor's methods of charging the producer for labor, materials, and services, that infield hauling charges have been charged back correctly to the growers. In view of the Inspector General's findings and also of the Department's belief that the charges are actual direct costs, the independent growers' request of last year that infield hauling charges be reduced has not been adopted.

In further regard to the infield hauling controversy between the independent growers and the processor, the Department is aware that the processor has established several hauling zones as a means of charging growers for cane transportation. One zone is a so-called "free haul zone" which is close enough to the mill to permit the use of cane carts to transport the cane directly without further handling, while the cane in the other zones must be transported by truck because of distance from the mill or lack of enough equipment to haul additional cane by carts. Moreover, the processor considers the "free-haul zone" an extension of their cane yard, used to keep the mill in operation when cane supply from more distant fields is interrupted. The Department has never recognized these company-established hauling zones as a means of charging growers for cane transportation. The hauling zones were established by the processor on the basis of the type of equipment used to haul cane to the mill and the need for a steady flow of cane to the mill rather than on a geographic basis. The Department will not make a ruling which, in effect, would require the mill to purchase additional cane carts in order to transport independent grower cane included in an artificial geographical construction of the "free-haul zone". It is believed that the structure and definition of hauling zones is a matter for negotiation between the processor and producers.

In regard to overhead charged by the processor to the producer for services performed, the independent growers recommended last year that the processor be required to prorate applicable overhead expenses on a per ton basis rather than as a percentage of the total costs of harvesting, loading, and transporting sugarcane. The Department has found that contractual agreements between the processor in question and some of the independent growers prevent the charging of overhead as a flat fee per ton of cane. Such contracts stipulate that overhead will be charged at the rate of 10 percent of the total costs of services performed. Contractual agreements between the processor and other growers do not stipulate a specific rate. The Department has been aware, however, that these growers have been charged overhead at the rate of 10 percent of total costs even though their contracts with the processor do not specify that rate. In view of the contractual arrangements entered into by the processor and some growers and also of the Department's belief that the method used by the processor in apportioning overhead expenses is proper under generally accepted accounting principles, it is deemed inadvisable to require the processor to prorate overhead on a per ton basis. In view of the overhead costs actually being incurred by the processor, the Department has not taken exception to the 10 percent rate being charged to the growers, and by releasing Sugar Act payments to the processor-producer has tacitly approved such rate as fair and reasonable. However, it is deemed advisable to establish a maximum rate on the overhead expenses that may be charged back to the producer for services performed by the processor. Therefore, this determination establishes a rate of 10 percent of total costs as the limitation on overhead.

The recommendation that the out-of-field hauling distance for which the processor must bear the cost be extended from 14.9 miles to 20 miles has not been adopted. Prior determinations have required the processor, once he takes delivery of the sugarcane at the farm delivery point, to bear the cost of transporting the cane to the mill up to a distance of 14.9 miles. The producer may be re-

[1] Summaries of testimony and of supplemental briefs presented at the hearing are filed as part of the original document.

quired to bear the costs for distances in excess of 14.9 miles. The Department continues to believe that this provision is fair and equitable to both the producer and processor.

The notice of hearings on the matter of fair and reasonable prices for 1973-crop Florida sugarcane requested witnesses to offer testimony on the proposed change regarding trash determinations which the Department has had under consideration. The proposed action would place trash tests on mechanically harvested cane on an individual producer basis because it has been noted that the percentage of trash in cane harvested by different makes of mechanical harvesters varied widely during the 1972 crop. Despite opposition to the proposal at the public hearing, the Department remains convinced of the merits of determining the trash content of mechanically cut sugarcane on an individual producer basis in order to determine the net tonnage of sugarcane in their deliveries as accurately as possible. However, it is believed that adoption of the proposal should be delayed so that the matter can be studied further during the 1973 crop. Testimony and recommendations with regard to implementing the proposal will again be invited at the 1974-crop price hearing. Although mechanical harvesting is as yet not widespread in Florida, the potential is great for rapid expansion. The increasing usage of mechanical harvesters in the future, with their wider variation in trash content vis-a-vis hand cut cane, will make separate trash determinations imperative. It is believed desirable for the Florida industry to come to grips with the trash problem before it becomes an emergency at some future date.

This determination provides that the molasses payment to producers is to be based on 6.0 gallons of blackstrap molasses per net ton of sugarcane to reflect the most recent 5-year average recovery.

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

Effective date. This determination shall become effective on December 6, 1973 and is applicable to the 1973 crop of Florida sugarcane.

Signed at Washington, D.C. on November 30, 1973.

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

[FR Doc.73-25883 Filed 12-5-73;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATION

[FHA Instruction 471.1]

PART 1873—CERTIFICATE OF BENEFICIAL OWNERSHIP AND INSURED NOTES

Issuance and Redemption of Certificates by Reserve Bank

On pages 31447–31448 of the FEDERAL REGISTER of November 14, 1973, there was published a notice of proposed regulations for issuance, transfer, and redemption of Certificates of Beneficial Ownership issued by a Federal Reserve Bank. New Subpart B, "Book-Entry Procedure by FHA Securities—Issuance and Redemption of Certificates by Reserve Bank" permits issuance of certificates in bearer, registered, and book-entry form.

The references in § 1873.17 *Registered securities* has been corrected to read § 1873.13(a) and § 1873.13, and several editorial corrections have been made for clarification.

Proposed Subparts A, C, D, and E of Part 1873, published on pages 31012 to 31016 of the FEDERAL REGISTER of November 9, 1973, will be adopted after the expiration of the comment period and consideration of any comments that may be received. Comments on those subparts must be submitted on or before December 10, 1973.

Interested persons were given 15 days in which to submit comments, suggestions, or objections regarding the proposed Subpart B. No written objections were received and the proposed regulations are hereby adopted without change, and are set forth below.

Effective date. These regulations are effective on December 6, 1973.

Dated: November 30, 1973.

ARTHUR C. HARMAN, Jr.,
Acting Administrator, Farmers Home Administration.

Subpart B—Book-Entry Procedure for FHA Securities—Issuance and Redemption of Certificate by Reserve Bank

Sec.

AUTHORITY: 7 U.S.C. 1989, 42 U.S.C. 1480, delegation of authority by the Secretary of Agriculture, 38 FR 14944, 1498, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70.

Subpart B—Book-Entry Procedure for FHA Securities—Issuance and Redemption of Certificate by Reserve Bank

§ 1873.11 Definition of terms.

As used in this Subpart, the following definitions will apply:

(a) "Reserve Bank" means the Federal Reserve Bank of New York (and any other Federal Reserve Bank which agrees to issue Farmers Home Administration (FHA) securities in book-entry form) as fiscal agent of the United States acting on behalf of FHA and, when indicated, acting in its individual capacity.

(b) "FHA security" means a certificate representing beneficial ownership of notes, bonds, debentures or other similar obligations held by FHA under the Consolidated Farm and Rural Development Act and Title V of the Housing Act of 1949, issued in the form of a definitive FHA security or a book-entry FHA security.

(c) "Definitive FHA security" means a FHA security in engraved or printed form.

(d) "Book-entry FHA security" means a FHA security in the form of an entry made as prescribed in this subpart on the records of a Reserve Bank.

(e) "Pledge" includes a pledge of, or any other security interest in FHA securities as collateral for loans or advances, or to secure deposits of public monies or the performance of an obligation.

(f) "Date of call" is the date fixed in the official notice of call published in the FEDERAL REGISTER on which FHA will make payment of the security before maturity in accordance with its terms.

(g) "Member bank" means any national bank, state bank, or bank or trust company which is a member of a Reserve Bank.

§ 1873.12 Authority of Reserve Banks.

Each Reserve Bank is hereby authorized in accordance with the provisions of this subpart to:

(a) Issue book-entry FHA securities by means of entries on its records which shall include the name of the depositor, the amount, the securities title (or series) and maturity date.

(b) Effect conversions between book-entry FHA securities and definitive FHA securities.

(c) Otherwise service and maintain book-entry FHA securities.

(d) Issue a confirmation of transaction in the form of a written advice (serially numbered or otherwise) which specifies the amount and description of any securities (that is, the securities title (or series) and the maturity date) sold or transferred and the date of the transaction.

§ 1873.13 Scope and effect of book-entry procedure.

(a) A Reserve Bank as fiscal agent of the United States acting on behalf of FHA may apply the book-entry procedure provided for in this subpart to any FHA securities which have been or are hereafter deposited for any purpose in accounts with it in its individual capacity under terms and conditions which indicate that the Reserve Bank will continue to maintain such deposit accounts in its individual capacity notwithstanding application of the book-entry procedure to such securities. This paragraph shall be applicable but not limited to FHA securities deposited:

(1) As collateral pledged to a Reserve Bank (in its individual capacity) for advances by it.

(2) By a member bank for its sole account.

(3) By a member bank held for the account of its customers.

(4) In connection with deposits in a member bank of funds of States, Municipalities, or other political subdivisions.

(5) In connection with the performance of an obligation or duty under Federal, State, Municipal, or local law, or judgments or decrees of courts.

(b) The application of the book-entry procedure under paragraph (a) of this section shall not derogate from or adversely affect the relationships that would otherwise exist between a Reserve Bank in its individual capacity and its depositors concerning any deposit under this paragraph. Whenever the book-entry procedure is applied to such FHA securities the Reserve Bank is authorized to take all action necessary in respect of the book-entry procedure to enable such Reserve Bank in its individual capacity to perform its obligation as depositary with respect to such FHA securities.

(c) A Reserve Bank as fiscal agent of the United States acting on behalf of FHA may apply the book-entry procedure to FHA securities deposited as collateral pledged to the United States under Treasury Department Circular Nos. 92 and 176, both as revised and amended, and may apply the book-entry procedure, with the approval of the Secretary of the Treasury, to any other FHA securities deposited with a Reserve Bank as fiscal agent of the United States.

(d) Any person having an interest in FHA securities which are deposited with a Reserve Bank (in either its individual capacity or as fiscal agent of the United States) for any purpose shall be deemed to have consented to their conversion to book-entry FHA securities pursuant to the provisions of this subpart and in the manner and under the procedures prescribed by the Reserve Bank.

(e) No deposits shall be accepted under this section on or after the date of maturity or call of FHA securities.

§ 1873.14 Transfer or pledge.

(a) A transfer or pledge of book-entry FHA securities to a Reserve Bank (in its individual capacity or as fiscal agent of the United States), or to the United States, or to any transferee or pledgee eligible to maintain an appropriate book-entry account in its name with a Reserve Bank under this subpart is effected and perfected, notwithstanding any provision of law to the contrary, by a Reserve Bank making an appropriate entry in its records of the securities transferred or pledged. The making of such an entry in the records of a Reserve Bank shall:

(1) Have the effect of a delivery in bearer form of definitive FHA securities.

(2) Have the effect of a taking of delivery by the transferee or pledgee.

(3) Constitute the transferee or pledgee a holder.

(4) If a pledge, effect a perfected security interest therein in favor of the pledgee. A transfer or pledge of book-entry FHA securities effected under this paragraph shall have priority over any transfer, pledge, or other interest, theretofore or thereafter effected or perfected under paragraph (b) of this section or in any other manner.

(b) A transfer or pledge of transferable FHA securities, or any interest therein, which is maintained by a Reserve Bank (in its individual capacity or as fiscal agent of the United States) in a book-entry account under this subpart, including securities in book-entry form under § 1873.13(a)(3) is effected, and a pledge is perfected by any means that would be effective under applicable law to effect a transfer or to effect and perfect a pledge of FHA securities, or any interest therein, if the securities were maintained by the Reserve Bank in bearer definitive form. For purposes of transfer or pledge hereunder, book-entry FHA securities maintained by a Reserve Bank shall, notwithstanding any provision of law to the contrary, be deemed to be maintained in bearer definitive form. A Reserve Bank maintaining book-entry FHA securities, either in its individual capacity or as fiscal agent of the United States, is not a bailee for the purposes of notification of pledges of these securities under this paragraph, or a third person in possession for the purposes of acknowledgment of transfers thereof under this paragraph. Where transferable FHA securities are recorded on the books of a depositary (a bank, banking institution, financial firm, or similar party, which regularly accepts in the course of its business FHA securities as a custodial service for customers, and maintains accounts in the names of such customers reflecting ownership of or interest in such securities) for account of the pledgor or transferor thereof and such securities are on deposit with a Reserve Bank in a book-entry account hereunder, such depositary shall, for purposes of perfecting a pledge of such securities or effecting delivery of such securities to a purchaser under applicable provisions of law, be the bailee to which notification of the pledge of the securities may be given or the third person in possession from which acknowledgement of the holding of the securities for the purchaser may be obtained. A Reserve Bank will not accept notice or advice of a transfer or pledge effected or perfected under this paragraph and any such notice or advise shall have no effect. A Reserve Bank may continue to deal with its depositor in accordance with the provisions of this subpart, notwithstanding any transfer or pledge effected or perfected under this paragraph.

(c) No filing or recording with a public recording office or officer shall be necessary or effective with respect to any transfer or pledge of book-entry FHA securities or any interest therein.

(d) A Reserve Bank shall, upon receipt of appropriate instructions, convert book-entry FHA securities into definitive FHA securities and deliver them in accordance with such instructions. No such conversion shall affect existing interests in such FHA securities.

(e) A transfer of book-entry FHA securities within a Federal Reserve Bank shall be made in accordance with procedures established by the Reserve Bank not inconsistent with this subpart. The transfer of book-entry FHA securities by a Reserve Bank may be made through a telegraphic transfer procedure.

(f) All requests for transfer or withdrawal must be made prior to the maturity or date of call of the securities.

§ 1873.15 Withdrawal of FHA securities.

(a) A depositor of book-entry FHA securities may withdraw them from a Reserve Bank by requesting delivery of like definitive FHA securities to itself or on its order to a transferee.

(b) FHA securities which are actually to be delivered upon withdrawal may be issued in bearer or registered form.

§ 1873.16 Delivery of FHA securities.

A Reserve Bank which has received FHA securities and effected pledges, made entries regarding them, or transferred or delivered them according to the instructions of its depositor is not liable for conversion or for participation in breach of fiduciary duty even though the depositor had no right to dispose of or take other action in respect of the securities. A Reserve Bank shall be fully discharged of its obligations under this subpart by the delivery of FHA securities in definitive form to its depositor or upon the order of such depositor. Customers of a member bank or other depositary (other than a Reserve Bank) may obtain FHA securities in definitive form only by causing the depositor of the Reserve Bank to order the withdrawal thereof from the Reserve Bank.

§ 1873.17 Registered securities.

No formal assignment shall be required for the conversion to book-entry FHA securities of registered FHA securities held by a Reserve Bank (in either its individual capacity or as fiscal agent of the United States) on the effective date of this subpart for any purpose specified in § 1873.13(a). Registered FHA securities deposited thereafter with a Reserve Bank for any purpose specified in § 1873.13 shall be assigned for conversion to book-entry FHA securities.

The assignment which shall be executed in accordance with the provisions of Subpart F of 31 CFR 306, so far as

applicable, shall be to Federal Reserve Bank of _____, as fiscal agent of the United States acting on behalf of Farmers Home Administration, United States Department of Agriculture, for conversion to book-entry Farmers Home Administration securities.

§ 1873.18 Servicing book-entry FHA securities, payment of interest, payment at maturity or upon call.

Interest becoming due on book-entry FHA securities shall be charged to the general account of the Treasurer of the United States on the interest due date and remitted or credited in accordance with the depositor's instructions. Such securities shall be redeemed and charged to the same account on the date of maturity or call, and the redemption proceeds, principal, and interest shall be disposed in accordance with the depositor's instructions.

§ 1873.19 Issuance and redemption.

(a) In those instances where the Reserve Bank is acting as fiscal agent of the United States acting on behalf of FHA, the following subparts of Treasury Circular No. 300 (31 CFR Part 306), so far as applicable, shall apply to such certificates.

(1) Subpart B, Registration.
(2) Subpart C, Transfers, Exchanges and Reissues.
(3) Subpart D, Redemption or Payment.
(4) Subpart E, Interest.
(5) Subpart F, Assignments of Registered Securities-General.
(6) Subpart G, Assignments by or in Behalf of Individuals.
(7) Subpart H, Assignments in Behalf of Estates of Deceased Owners.
(8) Subpart I, Assignments by or in Behalf of Trustees and Similar Fiduciaries.
(9) Subpart J, Assignments in Behalf of Private or Public Organizations.
(10) Subpart K, Attorneys in Fact.
(11) Subpart L, Transfer Through Judicial Proceedings.
(12) Subpart M, Requests for Suspension of Transactions.
(13) Subpart N, Relief for Loss, Theft, Destruction, Mutilation, or Defacement of Securities.

[FR Doc.73-25884 Filed 12-5-73;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

PART 111—SYSTEM OF ACCOUNT CLASSIFICATIONS FOR SMALL BUSINESS INVESTMENT COMPANIES

Deletion of Part

Revision 5 of Part 107 of the Small Business Administration's regulations governing small business investment companies, as published on November 7, 1973 (38 FR 30836), no longer makes the system of account classifications for small business investment companies, heretofore published as Part 111 of the Small Business Administration's regulations, a requirement of these regulations, as was the case under Revisions 3 and 4. A footnote to § 107.1 of Revision 5 explains that it will henceforth be separately printed, and distributed by the Small Business Administration to all licensees and other interested parties. Accordingly, Part 111 is hereby repealed in its entirety, effective November 7, 1973.

Dated: November 29, 1973.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.73-25814 Filed 12-5-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-GL-47]

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

Designation of VOR Federal Airway and Revocation of VOR Federal Airways

On October 19, 1973, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (38 FR 29090) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new east alternate VOR Federal Airway between Indianapolis, Ind., and Kokomo, Ind., and revoke airways between Indianapolis and Marion, Ind., and between Cincinnati, Ohio, and York, Ky.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective 0901 G.m.t., January 31, 1974, as hereinafter set forth.

Section 71.123 (38 FR 307-5627-23322) is amended as follows:

1. In V-11, "Marion, Ind., including an E alternate via INT Indianapolis 060° and Marion 189° radials;" is deleted and "Marion, Ind.;" is substituted therefor.

2. In V-128 "York, Ky., including a S alternate via INT Cincinnati 120° and York 271° radials;" is deleted and "York, Ky.;" is substituted therefor.

3. V-285 is amended to read:

From Indianapolis, Ind., via Kokomo, Ind.; including an E alternate via INT Indianapolis 037° and Kokomo 182° radials; Goshen, Ind.; South Bend, Ind.; Kalamazoo, Mich.; INT Kalamazoo 014° and Grand Rapids, Mich., 167° radials; Grand Rapids; to White Cloud, Mich.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on November 29, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-25838 Filed 12-5-73;8:45 am]

[Airspace Docket No. 73-WE-14]

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

Alteration of Airway Floor

On October 15, 1973, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (38 FR 28572) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter VOR Federal Airway No. 257 between Grand Canyon, Ariz., and Bryce Canyon, Utah, by extending the 1,200 foot AGL floor of that airway segment from 7 miles north of Grand Canyon to 38 miles north of Grand Canyon.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 31, 1974, as hereinafter set forth.

Section 71.123 (38 FR 307) is amended as follows:

In V-257, "Grand Canyon; 7 miles, 71 miles 125 MSL, Bryce Canyon, Utah;" is deleted, and "Grand Canyon; 38 miles 12 AGL, 40 miles 125 MSL, 26 miles 12 AGL, Bryce Canyon, Utah;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on November 29, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-25839 Filed 12-5-73;8:45 am]

[Airspace Docket No. 73-GL-46]

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

Alteration of Transition Area

On page 28703 of the FEDERAL REGISTER dated October 16, 1973, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Crookston, Minnesota.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective January 31, 1974.

(Sec. 307(a), the Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Des Plaines, Illinois, on November 19, 1973.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

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

CROOKSTON, MINN.

That airspace extending upward from 700 feet above the surface with a 5½-mile radius of the Crookston Municipal Kirkwood Field Airport (latitude 47°50'30" N., longitude 96°-37'15" W.); within 3 miles each side of the 303° bearing from the airport extending from the 5½-mile radius area to 8 miles northwest of the airport; within 3 miles each side of the Grand Forks VORTAC 108° radial extending from the 5½-mile radius area to 7½ miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 55 mile arc southeast of the Grand Forks VORTAC between V430 and V171 excluding the portion which overlies the Grand Forks, ND transition area.

[FR Doc.73-25836 Filed 12-5-73;8:45 am]

[Reg. Docket No. 13381; Amdt. 95-240]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Part 95 of The Federal Aviation Regulations is amended, effective January 3, 1974 as follows:

1. By amending Subpart C as follows:

§ 95.5500 High altitude RNAV routes [Amended]

From/to; total distance; changeover point distance from geographic location; track angle; MEA; and MAA

J908R is amended to read in part:

Mina, Nev. W/P; Wheel, Nev. W/P; 167.3; 65.0; Mina, 064/244 to COP; 067/247 to Wheel, 18,000; 45,000.

Wheel, Nev. W/P; Greenwood, Colo. W/P; 94.8; 47.4; Wheel, 067/247 to COP; 068/248 to Greenwood, 18,000 and 45,000.

RNAV WAYPOINT NAME CHANGES

"Tank, Wyo." to "Tanks"; "Bordeau, Wyo." to "Borax"; "Quealy, Wyo." to "Quen"; "Slater, Wyo." to "Slate"; "Vermillion, Wyo." to "Veron"; "Clearmont, Wyo." to "Clear"; "Split Rock, Wyo." to "Split".

"Ruskin, Nebr." to "Ruski"; "Melton, Nebr." to "Melto"; "Sand, Nebr." to "Sands"; "Plum Creek, Nebr." to "Pluma"; "Angora, Nebr." to "Anglo"; "Cumminsville, Nebr." to "Cumin"; "Dry Creek, Nebr." to "Dries"; "Seneca, Nebr." to "Senca"; "Bonesteel, Nebr." to "Bones"; "North Star, Nebr." to "North"; "Trumbull, Nebr." to "Trump".

"Garden Grove, Iowa" to "Garde"; "Runnells, Iowa" to "Union"; "Danbury, Iowa" to "Elber"; "Corwith, Iowa" to "Corey"; "Kamrar, Iowa" to "Kamra"; "Ute, Iowa" to "Utero"; "Oranto, Iowa" to "Orato"; "Shipley, Iowa" to "Ships"; "West Union, Iowa" to "Union"; "Danbury, Iowa" to "Danny".

"Lark, N. Dak." to "Larks".

"Turtle Creek, S. Dak." to "Turts"; "Reva, S. Dak." to "Revas"; "Ash Creek, S. Dak." to "Ashey"; "Bonilla, S. Dak." to "Bonil"; "Mud Butte, S. Dak." to "Muddy".

"Sherwood, Oreg." to "Shero"; "Dayville, "Oreg." to "Dayah"; "Quartz, Oreg." to "Quart"; "Pauline, Oreg." to "Paula"; "Hemlock, Oreg." to "Hemlo".

"Bothell, Wash." to "Boths"; "Coulee, Wash." to "Coule"; "Sumner, Wash." to "Summa"; "Lowden, Wash." to "Lowes"; "Cumberland, Wash." to "Combo"; "Yacolt, Wash." to "Yacht".

"McCammon, Idaho" to "MaCam"; "Horseshoe, Idaho" to "Horse"; "Grays Lake, Idaho" to "Grays"; "Knox, Idaho" to "Knoxs"; "Chester, Idaho" to "Chess"; "Oreana, Idaho" to "Oriel"; "Grangeville, Idaho" to "Grani".

"Holter, Mont." to "Holte"; "Eden, Mont." to "Edens"; "Moulton, Mont." to "Moult"; "Brockway, Mont." to "Brock"; "Jeffers, Mont." to "Jeffe"; "Milligan, Mont." to "Mille"; "Lima, Mont." to "Limes"; "Big Horn, Mont." to "Biggs"; "Rockvale, Mont." to "Rocco"; "Brandenburg, Mont." to "Brink"; "Heidy, Mont." to "Hides".

"Goldfield, Colo." to "Gofel".

"Semora, N.C." to "Semol".

Section 95.6159 VOR *Federal airway* 159 is amended to read in part:

From; to; MEA

St. Joseph, Mo., VOR; Craig INT, Mo.; *2,800; *2,400—MOCA.

Craig INT, Mo.; Omaha, Nebr., VOR; *2,800; *2,500—MOCA.

Section 95.6277 VOR *Federal airway* 277 is amended to read in part:

Bristol INT, Ind.; Keeler, Mich., VOR; *2,700; *2,200—MOCA.

Section 95.6448 is amended to read in part:

Simcoe INT, Wash.; *Yakima, Wash., VOR; southwest-bound 12,000; northeast-bound 6,300. *9,600—MCA Yakima VOR, southwest bound.

Section 95.7177 *Jet route No.* 177 is added to read:

From; to; MEA and MAA

Humble, Tex., VORTAC; Houston, Tex., VORTAC; 18,000; 45,000.

Houston, Tex., VORTAC; United States-Mexican border; #37,000; 45,000. #MEA is established with a gap in navigation signal coverage.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued in Washington, D.C. on November 29, 1973.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.73-25688 Filed 12-5-73;8:45 am]

[Docket No. 13380; Amdt. No. 893]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective January 17, 1974.

Huron, S.D.—W. W. Howes Municipal Arpt., VOR Rwy 12, Amdt. 14

Indianapolis, Ind.—Indianapolis Municipal/Weir-Cook/Arpt., VOR Rwy 13R, Amdt. 16

Knoxville, Tenn.—Downtown Island Arpt., VOR-A, Orig.

Lancaster, S.C.—Lancaster Arpt., VOR/DME-A, Amdt. 2

Parkersburg, W. Va.—Wood County Airport, Gill Robb Wilson Field, VOR Rwy 21, Amdt. 9

Romeo, Mich.—Romeo Arpt., VOR/DME-A, Orig.

South Boston, Va.—William M. Tuck Arpt., VOR-A, Amdt. 4

Waukesha, Wisconsin—Waukesha County Arpt., VOR-A, Amdt. 7

2. Section 97.25 is amended by originating, amending, or canceling the fol-

lowing SDF-LOC-LDA SIAPs, effective January 17, 1974.

Denver, Colo.—Stapleton Int'l. Arpt., LOC (BC) Rwy 17, Amdt. 9
Huron, S.D.—W. W. Howes Municipal Arpt., LOC Rwy 12, Orig., Canceled
Indianapolis, Ind.—Indianapolis Municipal/ Weir-Cook/Arpt., LOC (BC) Rwy 13R, Amdt. 4
Indianapolis, Ind.—Indianapolis Municipal/ Weir-Cook/Arpt., LOC (BC) Rwy 22R, Amdt. 12
Juneau, Alas.—Juneau Municipal Arpt., LDA Rwy 08, Amdt. 2
San Antonio, Tex.—San Antonio Int'l. Arpt., LOC (BC) Rwy 30L, Amdt. 4, Canceled

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective January 17, 1974.

Denver, Colo.—Stapleton Int'l. Arpt., NDB Rwy 26L, Amdt. 31
Denver, Colo.—Stapleton Int'l. Arpt., NDB Rwy 26R, Amdt. 1
Huron, S.D.—W. W. Howes Municipal Arpt., NDB Rwy 12, Amdt. 14
Indianapolis, Ind.—Indianapolis Municipal/ Weir-Cook/Arpt., NDB Rwy 4L, Amdt. 12
Indianapolis, Ind.—Indianapolis Municipal/ Weir-Cook/Arpt., NDB Rwy 31L, Amdt. 5
Juneau, Alas.—Juneau Municipal Arpt., NDB-1, Rwy 8, Amdt. 4
Waukesha, Wisconsin—Waukesha County Arpt., NDB Rwy 10, Amdt. 3

* * * effective November 23, 1973:

Grand Marais, Minn.—Devils Track Municipal Arpt., NDB Rwy 27, Amdt. 3

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective January 17, 1974.

Binghamton, N.Y.—Broome County Arpt., ILS Rwy 34, Amdt. 16
Denver, Colo.—Stapleton Int'l. Arpt., ILS Rwy 26L, Amdt. 35
Huron, S.D.—W. W. Howes Municipal Arpt., ILS Rwy 12, Orig.
Indianapolis, Ind.—Indianapolis Municipal/ Weir-Cook/Arpt., ILS Rwy 4L, Amdt. 16
Indianapolis, Ind.—Indianapolis Municipal/ Weir-Cook/Arpt., ILS Rwy 31L, Amdt. 6
Newark, N.J.—Newark Int'l Arpt., ILS Rwy 4R, Amdt. 1
Parkersburg, W. Va.—Wood County Airport, Gill Robb Wilson Field, ILS Rwy 3, Amdt. 2
Philadelphia, Pa.—Philadelphia Int'l. Arpt., ILS Rwy 9R, Amdt. 1

5. Section 97.31 is amended by originating, amending, or canceling the following Radar SIAPs, effective January 17, 1974.

Denver, Colo.—Stapleton Int'l. Arpt., Radar-1, Amdt. 12
Indianapolis, Ind.—Indianapolis Municipal/ Weir-Cook/Arpt., Radar-1, Amdt. 19

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective January 17, 1974.

Columbus, Ind.—Bakalar Municipal Arpt., RNAV Rwy 22, Orig.
Indianapolis, Ind.—Indianapolis Municipal/ Weir-Cook/Arpt., RNAV Rwy 4L, Amdt. 2
Waukesha, Wisconsin—Waukesha County Arpt., RNAV Rwy 10, Orig.

Correction: In Docket No. 13377, Amendment 892, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER under Sections 97.23 and 97.33 effective November 19, 1973—Disregard procedures under Los Angeles, Calif.—Los Angeles Int'l. Arpt. VOR Rwy 25L, Amdt. 5; VOR Rwy 25R, Amdt. 5; and RNAV Rwy 25L, Amdt. 2. VOR Rwy 25L, Amdt. 4 and VOR Rwy 25R, Amdt. 4 dated October 11, 1973, and RNAV Rwy 25L, Amdt. 1 dated May 17, 1973, remain in effect.

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

Issued in Washington, D.C., on November 29, 1973.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

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

[FR Doc.73-25689 Filed 12-5-73;8:45 am]

Title 15—Commerce and Foreign Trade

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

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev., Export Regulations, Amdt.]

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

Discontinuance of Agricultural Exoort Monitoring Program and Monitoring of Fertilizers

I. DISCONTINUANCE OF AGRICULTURAL EXPORT MONITORING PROGRAM

The Department of Commerce reporting requirement on exports and anticipated exports of agricultural commodities is hereby discontinued. This action has been made possible by the Department of Agriculture's effective implementation of the reporting requirements in section 812 of the Agriculture and Consumer Protection Act of 1973, Public Law 93-86.

Supplements No. 1 and No. 2 [Deleted]

§ 376.3 [Deleted]

Accordingly, § 376.3 and Supplements No. 1 and No. 2 to Part 376 of the Export Administration Regulations are deleted.

Effective date: November 20, 1973.

II. MONITORING OF FERTILIZERS

Increasing concern over the supply-demand situation with respect to certain fertilizers and related chemicals has led the various Federal agencies involved in economic and agricultural policy to seek timely information with which to assess the supply and pricing of fertilizer materials. Adequate supplies of fertilizers for domestic users are considered essential to the Administration's goal of significantly expanding agricultural output and thereby stabilizing food prices. To provide the required information, a monitoring system [1] is hereby established to obtain information for selected commodities with respect to the following:

a. Production
b. Inventories
c. Shipments (foreign and domestic)
d. Foreign orders, including destinations and timing of anticipated foreign shipments
e. Prices

All the above information will be given confidential treatment. Data is to be furnished (in short tons) by producers and exporters of the following commodities:

Schedule B No.	*Commodity description*
271.3010	Florida phosphate hard rock and Florida land pebble.
513.3815	Phosphoric acid including super-phosphoric acid.
513.6110	Ammonia (anhydrous or in aqueous solution) fertilizer grade.
561.1005	Urea (fertilizer material).
561.1010	Ammonium nitrate and ammonium sulfonitrate, all grades.
561.1015	Ammonium sulfate, all grades.
561.2910	Concentrated superphosphate, 40 percent or more available phosphorous pentoxide.
561.9065A	Diammonium phosphate fertilizers.
561.9065B	Other ammonium phosphate fertilizers.
561.9070	Mixed chemical fertilizers, except ammonium phosphates.

Accordingly, the Export Administration regulations (15 CFR Part 376) are amended by adding a new § 376.5 and adding new Supplement No. 3 to Part 376, to read as follows:

§ 376.5 Monitoring of fertilizers.

(a) *Submission of reports.* Reports are to be submitted by producers, exporters and importers of the fertilizer materials listed in Supplement No. 3 to this Part 376. Reports shall be submitted on Form DIB-661P, "Report by Fertilizer Exporter," with respect to export information, and Form DIB-662P, "Report by Fertilizer Producer or Importer," with respect to domestic information.[2]

Reports may be hand-carried to Room 1613, Main Commerce Department Building, 14th and E Streets, N.W., Washington, D.C.; sent by Telex (892536) or TWX (710-822-0181); or mailed to:

Office of Export Administration
P.O. Box 7138
Ben Franklin Station
Washington, D.C. 20044

---

[1] The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

[2] Forms are available from any Department of Commerce District Office or from the Office of Export Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C.

All envelopes are to be marked "Fertilizer Report." If Telex or TWX is used, the message must certify that confirmation on a Form DIB–661P or DIB–662P (as appropriate) will be mailed to the above address. A confirmation form shall be marked "Confirmation of Telex (or TWX) Report." Each report is to be completed in full; each item of information is to be filled in even if there is no change from the previous report.

(b) *Reporting period and deadlines.* The reporting period for domestic information and imports is the calendar month. For export information, the reporting period is semi-monthly. If the records necessary for domestic reports are maintained on the basis of monthly periods other than the calendar month, such monthly period may be used provided it does not end more than seven calendar days prior to or later than the end of the calendar month. Export reports are to be compiled for the period ending as of the close of business on the last business day of each semi-monthly period, i.e., the 1st through the 15th and the 16th through the end of each month. Reports must be physically received in the Office of Export Administration by close of business on the eighth working day after the day on which a reporting period ends. If an accounting system is used that is incompatible with the reporting periods and deadlines specified, the specific details should be reported promptly to the Office of Export Administration for a determination as to whether an exception from these requirements can be granted. If an eight day deadline has been satisfied through the use of a Telex or TWX submission, a confirmation form must be submitted to the Office of Export Administration, within 24 hours (by mail as evidenced by a U.S. Postal Service postmark or actual delivery).

(c) *Report by producers and importers.* Each producer or importer of one or more commodities listed in Supplement No. 3 to this Part 376 (except mixed chemical fertilizers, Schedule B No. 561.9070) shall submit a report monthly on Form DIB–662P, beginning with a report with respect to the month of November 1973. The reports shall specify, for each commodity: (1) inventories at the beginning and end of the month; (2) production and imports during the month; (3) shipments for both domestic and foreign consumption during the month, and (4) the average price per short ton (except with respect to those commodities for which Supplement No. 3 states that price may be omitted). The report submitted for the month of November 1973 shall be accompanied by an affidavit signed by an authorized representative of the producer or importer which shall certify for each commodity subject to price reporting, such producer's or importer's price (as hereinafter defined) on both June 1 and September 1, 1973, for domestic and foreign consumption. Such affidavit shall be treated as confidential under section 7(c) of the Export Administration Act of 1969, as amended.

(d) *Report by exporters.* Each exporter of one or more commodities listed in Supplement No. 3 to this Part 376 shall twice each month submit reports on Form DIB–661P, beginning with a report covering the period November 16 through 30, 1973. The reports shall provide, on a separate form for each commodity, the quantity in short tons and average price per short ton (except with respect to those commodities for which Supplement No. 3 states that price may be omitted) of: (1) Unfilled accepted export contracts on hand for shipment through 1974 as of the beginning of the semi-monthly reporting period; (2) new export contracts accepted during the reporting period for shipment through 1974; (3) export contracts cancelled during the reporting period (omit average price); (4) export shipments during the reporting period; and (5) unfilled accepted export contracts on hand for shipment through 1974 as of the end of the semimonthly reporting period. In addition, the reports shall detail for each export contract the country of ultimate destination, the shipments against the contract during the reporting period, and the quantity expected to be shipped during the unexpired portion of the current calendar quarter and each of the remaining calendar quarters through the end of 1974. In any case in which the exporter's total amount of export shipments of any listed commodity during a semi-monthly reporting period is 25 short tons or less, a report of exports of such commodity need not be submitted. An exporter's first report shall be accompanied by an affidavit signed by an authorized representative of the exporter which shall certify for each commodity subject to price reporting, such exporter's average export price (as hereinafter defined) on both June 1 and September 1, 1973. Such affidavit shall be treated as confidential under section 7(c) of the Export Administration Act of 1969, as amended.

(e) *Definitions and concepts.* For purposes of this section and the Reporting Forms—

(1) *Producer.* The term "producer" means a party who manufactures any of the fertilizers or fertilizer materials listed in Supplement No. 3 and/or furnishes raw materials to another firm for processing in a case where the finished fertilizer product is returned to the original firm (toll agreements). Companies that solely produce mixed fertilizer (Schedule B No. 561.9070) from purchased fertilizer materials are not considered producers for the purposes of this section. If a party is not producing for sale, but rather is processing material owned by another party on a contract basis, e.g. tolling, the reporting responsibility for both raw materials and the converted product falls to the party owning the material.

(2) *Production.* The term "production" means the quantity of a listed commodity produced during the reporting month by a producer. Any amount of a reportable commodity produced on a "tolling" basis should be reported by the owner of the material, who would be considered the producer.

(3) *Inventory.* The term "inventory" means a listed commodity held and owned by a reporting producer, whether as raw material or as a result of the reporter's production. Commodities are considered to be in inventory until such time as they are processed into another reportable commodity (at which point the new reportable commodity is reported in inventory under its Schedule B number), they are processed into a nonreportable commodity, or they leave the corporate accounting structure by virtue of being sold, swapped, or lost. All changes in physical inventory are to be reported regardless of the reason for the change.

(4) *Importer.* The term "importer" means a party who brings listed commodities into the United States on a U.S. Customs Service consumption entry. All producers subject to these reporting requirements must report their imports. However, any nonproducer whose imports during any calendar month of any one of the reportable commodities are less than 500 short tons, is not required to report such commodity for such month.

(5) *Domestic price.* The term "domestic price" means price per short ton bulk f.o.b. the plant at which the commodity being reported is produced. The f.o.b. plant basis is to be used for reports on Form DIB–662P, whether the material is sold for domestic consumption or sold to an exporter for foreign consumption. In cases where a sale is on terms other than f.o.b. plant, the price must be converted to f.o.b. plant equivalent.

(6) *Domestic shipments.* The term "domestic shipments" includes all shipments by the producer except those with respect to which the producer is the actual exporter (as hereafter defined). Domestic shipments shall be reported at the point the commodity is treated on the producer's books as having left its inventory as the result of a sale. "Shipments for domestic consumption" shall include all reportable domestic shipments that are not reported under "Shipments for foreign consumption." "Shipments for foreign consumption" shall include any domestic shipment that the producer has reason to know will be exported for foreign consumption. In no case should domestic shipments reported on Form DIB–662P include export shipments for which the producer is the exporter. Such export shipments are to be reported on Form DIB–661P.

(7) *Sales not subject to reporting.* Resales of commodities that, subsequent to their purchase by the reporting producer, have not been processed, mixed, or treated in a manner that would change their Schedule B classification, shall not be reported as domestic shipments. (The reporting requirement is on producers, hence a sale of a commodity, even though

the commodity was properly reported as being in inventory, that is not produced by one otherwise filing reports should not be reported by him.)

(8) *Exporter.* The term "exporter" means the principal U.S. party in interest in the export transaction, i.e., the party controlling the movement of the commodity out of the country. Unless otherwise determined on an individual basis by the Office of Export Administration, the exporter is the party submitting the Shipper's Export Declaration (Commerce Form 7525–V). The exporter has the sole responsibility of reporting, whether the exporter employs a freight forwarder to handle the shipping of the material or delivers the material to a carrier for export out of the country.

(9) *Export shipments.* The term "export shipments" includes all shipments out of the United States (as defined in § 370.2 of the Export Administration Regulations) by a producer or other party who is the actual exporter as defined above. In no case should export shipments reported on Form DIB–661P include shipments for foreign consumption for which the reporter is not the actual exporter. Such shipments shall be reported on Form DIB–662P.

(10) *Export price.* The term "export price" means the price per short ton at the U.S. port of export. This is the same as the value required on Form 7525–V, *Shipper's export declaration*, reduced to a per-short ton basis. This is the price basis to use in reporting on Form DIB–661P.

(11) *Export contract.* The term "export contract" means an agreement in writing or other legally binding commitment containing a fixed price or fixed mechanism for determining price under which an exporter agrees to export a listed commodity by December 31, 1974. Merely hoped-for sales, unaccepted orders, or volume commitments that do not contain a fixed price or a fixed basis for price are not considered contracts and should not be reported. An "unfilled export contract" is that portion of an export contract that has not been shipped as of the close of a reporting period. No contracts should be reported unless the reporter will be the exporter (as defined above) when the commodity is shipped.

(12) *Country of ultimate destination.* The term "country of ultimate destination" means the country to which a commodity is being exported for ultimate use. An intermediate country being used for transshipment, bagging, or other operation that does not materially alter the essential nature of the commodity should not be reported as the country of ultimate destination.

(13) *Date of export.* The term "date of export" means the day on which the exporting carrier is scheduled to depart the United States.

SUPPLEMENT NO. 3—FERTILIZER MATERIALS SUBJECT TO MONITORING

Schedule B No.	Commodity description	Report price [1]
To be reported by producers, importers, and exporters:		
271.3010	Florida phosphate hard rock and Florida land pebble.	Yes
513.3815	Phosphoric acid including superphosphoric acid.	No
513.6610	Ammonia (anhydrous or in aqueous solution), fertilizer grade.	Yes
561.1005	Urea (fertilizer material)	Yes
561.1010	Ammonium nitrate and ammonium sulfonitrate, all grades.	No
561.1015	Ammonium sulfate, all grades	No
561.2610	Concentrated superphosphate, 40 percent or more available phosphorous pentoxide.	Yes
561.9065A	Diammonium phosphate fertilizers.	Yes
561.9065B	Other ammonium phosphate fertilizers.	No
To be reported by exporters only:		
561.9070	Mixed chemical fertilizers, except ammonium phosphate fertilizers.	No

[1] Prices are to be reported on forms DIB–661P and DIB–662P when "Yes" is indicated for a commodity in the "Report Price" column. When "No" is indicated, prices should not be reported.

SUBMISSION OF REPORTS

Producers and Importers. Complete forms DIB–662P for the period ending with the last business day of each month, starting with November 1973.

Exporters. Complete forms DIB–661P for the period ending with the last business day of each semi-monthly period, i.e., the 1st through 15th and the 16th through the end of each month, starting with the period November 16–30, 1973.

All reports must be received in the Office of Export Administration no later than the eighth business day after the end of the period being reported. (See § 376.5 for details.)

Effective date: November 30, 1973.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.73-26919 Filed 12-5-73;8:45 am]

[13th Gen. Rev., Export Regs., Amdt.]

PART 377—SHORT SUPPLY CONTROLS

First Quarter 1974 Ferrous Scrap Export Licensing System

The Department of Commerce has intensely reviewed the supply/demand situation with respect to ferrous scrap and has determined that continuing shortage, abnormal foreign demand, and the resultant inflationary impact necessitate continuation of controls on exports of ferrous scrap, at least through the first quarter of 1974.

The present contract method of licensing ferrous scrap exports shall be superseded by quotas established on a per country basis. It is felt that the quota system is the most appropriate method with which to provide an equitable distribution of export licenses in the period beginning in 1974. Exports of stainless steel scrap (Schedule B No. 282.0060) will not be subject to quota restriction.

The overall quota for the first quarter of 1974 will be 2,100,000 short tons. Of this amount, 100,000 short tons will be set aside for contingencies and hardships, with a specific portion reserved for non-historic exporters.

The remaining 2,000,000 short tons will be divided among destinations as follows:

	Short tons
Argentina	34,800
Canada	200,300
European Community (Belgium, Denmark, France, Ireland, Italy, Luxembourg, Netherlands, United Kingdom, and West Germany	197,400
Greece	22,800
Japan	823,300
Korean Republic	123,700
Mexico	165,000
Spain	182,000
Taiwan	100,700
Thailand	14,800
Turkey	27,600
Venezuela	50,000
All other countries	57,600
Total, all countries	2,000,000

[1] Forms are available from all Department of Commerce District Offices or from the Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230. The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

In order to receive shares of the quotas, an exporter must submit a statement on Form DIB–664P to the Office of Export Administration (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230. The statement must be hand delivered to such Office no later than December 17, 1973 or submitted as otherwise provided in § 377.4A(a).[1] Such statement shall indicate (separately for each country) the quantities of each category of ferrous scrap (other than stainless steel scrap) which the exporter exported to each such country during each calendar month during the period July 1, 1970 to June 30, 1973.

The statement must be signed by an authorized representative of the exporter. The statement will be treated as confidential information under section 7(c) of the Export Administration Act of 1969, as amended.

Exporters are cautioned that the Office of Export Administration may compare statements of past participation against Shipper's Export Declarations on file with the U.S. Bureau of the Census for confirmation of exporter identity as well as the data with respect to destinations, export quantities, and the Schedule B classification of past exports. In appropriate cases, audits will be made of exporter records including the firm's copies of Shipper's Export Declarations and other documents.

The method of export licensing against the quotas will be announced shortly in a subsequent document. Exporters are advised that while no decision has been made to continue a licensing system after the first quarter of 1974, they should recognize the risks inherent in making export commitments that anticipate

what policy might be adopted beyond the first quarter.

The establishment of the above quota system for exports of ferrous scrap eliminates the need for the monitoring system established with respect to actual exports of ferrous scrap. Effective immediately the reporting requirement with respect to Form IA-1094 is terminated. However, the reporting requirement with respect to anticipated exports (Form-632P) remains in full force and effect.

Outstanding 1973 licenses. In appropriate cases upon a showing of delay due to the difficulties of arranging shipment or other sufficient cause, licenses issued for export of ferrous scrap during 1973 will be extended through January 31, 1974, upon request by the exporter to permit export shipment during the first quarter of 1974.

Accordingly, the Export Administration Regulations (15 CFR Part 377) are amended:

§ 377.1 [Amended]

1. By deleting paragraph (c) (1) (iii) of § 377.1;

§ 377.4 [Amended]

2. By revising the heading of § 377.4 to read "Ferrous Scrap Export Licensing System for 1973."; and

3. By adding a new § 377.4a to read as follows:

§ 377.4a Ferrous Scrap Export Licensing System for First Quarter 1974.

(a) *Statement of past participation.* In order to receive shares of the quotas, an exporter must submit a statement of past participation on Form DIB-664P to the Office of Export Administration (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230. The statement to be eligible for consideration must be either—(1) mailed to the above address by certified mail, bearing a postmark by the U.S. Postal Service which is prior to December 15, 1973, or (2) hand delivered (with a receipt being retained) to the Office of Export Administration, Room 1613, Main Department of Commerce Building, 14th and E Streets, NW, Washington, D.C. 20230, no later than December 17, 1973. Such statement shall indicate (separately for each foreign country of destination, including countries which are members of the European Community) the quantities (in short tons) of each category of ferrous scrap (other than stainless steel scrap) by Schedule B number, which the exporter exported to each such country during each calendar month during the period July 1, 1970 to June 30, 1973. Such statement must be signed by an authorized representative of the exporter. The statement will be treated as confidential information under section 7(c) of the Export Administration Act of 1969, as amended. A separate Form DIB-664P shall be submitted for each of the nine Schedule B classifications for which the exporter is seeking a quota share. For purposes of the statement, a party normally shall be considered to have been the exporter with respect to those shipments during the base period for which such party was named as the exporter on the Shipper's Export Declaration (Commerce Form 7525-V) filed in accordance with Part 386 of this Chapter.

(b) [Reserved]

Effective date: November 30, 1973.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.73-25918 Filed 12-5-73;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

PART 1508—REQUIREMENTS FOR FULL-SIZE BABY CRIBS

Banning of Hazardous Full-size Baby Cribs; Establishment of Safety Requirements

Correction

In FR Doc. 73-24687 appearing at page 32129 in the issue of Wednesday, November 21, 1973, the seventh line of § 1508.3 (a) on page 32132 should read "most surfaces of the crib end panels".

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 73-333]

PART 153—ANTIDUMPING

Polychloroprene Rubber From Japan

DECEMBER 3, 1973.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160 (a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that polymerized chlorobutadiene, commonly known as polychloroprene rubber, from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201 (a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of August 2, 1973 (38 FR 20630).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on October 31, 1973, it notified the Secretary of the Treasury that an industry in the United States is being or is likely to be injured by reason of the importation of polychloroprene rubber from Japan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of November 6, 1973 (38 FR 30583).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to polychloroprene rubber from Japan.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Polychloroprene rubber	Japan	73-333

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.25970 Filed 12-5-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES AND PROCEDURES

CFR Correction

In § 2.120 appearing on page 74 of 21 CFR Ch. I, revised as of April 1, 1973, paragraphs (b) and (c) were inadvertently omitted. Paragraphs (b) and (c) of § 2.120 are reinstated and the source note corrected to read as follows:

§ 2.120 Delegations from the Secretary and Assistant Secretary.

* * * * *

(b) The Assistant General Counsel in charge of the Division of Food, Drug, and Environmental Health has been authorized to report apparent violations to the Department of Justice for the institution of criminal proceedings, pursuant to section 305 of the Federal Food, Drug, and Cosmetic Act, section 4 of the Federal Import Milk Act, section 9(b) of the Federal Caustic Poison Act, and section 4 of the Federal Hazardous Substances Act.

(c) The Assistant Secretary for Administration has redelegated (34 FR 18049, 35 FR 607) to the Commissioner of Food and Drugs, with authority to redelegate, the authority: To certify true copies of any books, records, papers, or other documents on file within the Department, or extracts from such; to certify that true copies are true copies of the entire file of the Department; to certify the complete original record or to certify the nonexistence of records on file within the Department; and to cause the Seal of the Department to be affixed to such certifications and to agreements, awards, citations, diplomas, and similar documents.

[35 FR 14768, Sept. 23, 1970, as amended at 38 FR 6668, Mar. 12, 1973]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-140R-1]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Pascagoula River, Miss.

The amendment which added regulations for the U.S. 90 drawbridge across

the Pascagoula River to permit overhaul of operating machinery was first issued on July 12, 1973 and provided that they would begin on October 8, 1973 and end on January 4, 1974.

It was subsequently determined that insufficient time was provided for the performance of this work. A new time frame to begin December 1, 1973 and end on April 15, 1974 provides this time.

This rule is issued without notice of proposed rulemaking. The Coast Guard has found that good cause exists for taking this action on the basis that it would be contrary to the public interest to delay this work.

Accordingly, 33 CFR Part 117 is amended by adding the following statement to § 117.495 to read as follows:

§ 117.495 Pascagoula River, Mississippi U.S. 90 bridge.

* * * From December 1, 1973 through April 15, 1974 from 8:30 a.m. to 12:30 p.m. and 1:30 p.m. to 5:30 p.m., Mondays through Fridays except national holidays, the draw need not open for the passage of vessels.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall be effective from December 1, 1973, through April 15, 1974.

Dated: November 30, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-25879 Filed 12-5-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 122]

SELECTION OF ARCHITECTS AND ENGINEERS

This amendment of the Federal Procurement Regulations implements Public Law 92-582 dated October 27, 1972, which amended the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.). The amendment prescribes policies and procedures concerning the selection of firms and individuals to perform architectural, engineering, and incidental services that members of these professions and those in their employ may logically or justifiably perform.

PART 1-1—GENERAL

Subpart 1-1.10—Publicizing Procurement Actions

Section 1-1.1003-3 is amended as follows:

§ 1-1.1003-3 Special areas of negotiation.

* * * * *

(b) *Personal and professional (other than architect-engineer) services.* Advance notice or procurements for personal or professional services shall be published in the Synopsis when it is feasible and practicable and in the best interest of the Government.

(c) *Architect-engineer and related services with fees over $10,000.* For each contract for which the fee is expected to exceed $10,000, a notice of intention to contract for architect-engineer services shall be published in the Synopsis. The notice shall be prepared in accordance with § 1-1.1003-7(b)(9) and shall solicit submission of Standard Form 251, U.S. Government Architect-Engineer Questionnaire, from persons or firms that are eligible for consideration and that do not have current data on file with the procuring agency or office. The notice will be published sufficiently in advance to afford the architect-engineer firms an adequate opportunity to submit to the procurement office a general statement of qualifications and performance data applicable to the expected requirements of that procurement office. Synopses of contract awards shall be in accordance with § 1-1.1004.

(d) *Architect-engineer and related services with fees $10,000 and under.* Agencies may employ the procedures in paragraph (c) above. In the alternative, however, agencies may publicize each contract estimated to be $10,000 and under only in the area where the project is to be performed. Copies of the announcement shall be publicly displayed at the procuring office and appear in at least one daily newspaper circulated in the local area. Written notification to affected professional societies in the area of project consideration should also be made.

Section 1-1.1003-7(b) is amended as follows:

§ 1-1.1003-7 Preparation and transmittal.

* * * * *

(b) * * *

(9) *Architect-engineer services project notice.* Each notice publicizing procurement of architectural and/or engineering services shall be headed "R. Architect-Engineer Services." The project shall be listed with a brief statement concerning its location, scope of service required, and, where applicable, the construction cost limitation, type of contract proposed and the estimated start and completion dates. Appropriate statements shall be made concerning any specialized qualifications, security classifications, and limitations on eligibility for consideration. Qualifications or performance data required from architect-engineer firms shall be described. This data shall be followed by statements similar to the following: "Architect-engineer firms which meet requirements described in this announcement are invited to submit a complete Standard Form 251, U.S. Government Architect-Engineer Questionnaire, and any supplemental data, to the procurement office shown below. Firms having a current Standard Form 251 already on file with this procurement office and those responding to this announcement before _____ will be considered for selection, subject to any limitations indicated with respect to size and geographic location of firm, specialized technical expertise or other requirements. No other general notification to firms under consideration for this project will be made, and no further action beyond submission of Standard Form 251 and photographs is required or encouraged. Following an initial evaluation of the qualifications and performance data described on the Standard Form 251, three or more firms considered to be the most highly qualified to provide the services required will be chosen for interview. This is not a request for a proposal. See also Numbered Note 63 on annual statements." The name of the responsible procurement office shall then be shown complete with the full address and telephone number. The numbered note will appear in each issue of the Commerce Business Daily as follows: "63. Procurement of architectural and/or engineering services shall be made by negotiation. Selection of architect-engineer firms for negotiation shall be based on demonstrated competence, qualifications necessary for the satisfactory performance of the type of professional services required and any other requirements set forth by the individual procurement agency. Firms desiring automatic consideration for all future projects administered by the procurement office (subject to specific requirements for individual projects) are encouraged to submit annually a statement of qualifications and performance data, utilizing Standard Form 251, U.S. Government Architect-Engineer Questionnaire."

PART 1-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Part 1-4 is amended by adding and reserving new subparts 1-4.7, 1-4.8, 1-4.9, and by adding subpart 1-4.10 as follows:

Subpart 1-4.7—[Reserved]

Subpart 1-4.8—[Reserved]

Subpart 1-4.9—[Reserved]

Subpart 1-4.10—Architect-Engineer Services

Sec.

§ 1-4.1000 Scope of subpart.

This subpart contains the general policies and procedures for the procurement of professional architect-engineer services, either individually or together, by contract.

§ 1-4.1001 General policy.

Pursuant to Public Law 92-582 dated October 27, 1972, which amended the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471, et seq.), it is the policy of the Federal Government to publicly announce all requirements for architect-engineer services, and to negotiate contracts for architect-engineer services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

§ 1-4.1002 Definitions.

(a) "Firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the professions of architecture or engineering.

(b) "Agency head" means the Secretary, Administrator, or head of a department, agency, or bureau of the Federal Government.

(c) "Architect-engineer services" are those professional services associated with research, development, design and construction, alteration, or repair of real property, as well as incidental services that members of these professions and those in their employ may logically or justifiably perform: Including studies, investigations, surveys, evaluations, consultations, planning, programming, conceptual designs, plans and specifications, cost estimates, inspections, shop drawing reviews, sample recommendations, preparation of operating and maintenance manuals, and other related services.

§ 1-4.1003 Public announcements.

To ensure the broadest publicity concerning the Government's interest in obtaining architect-engineer services, each agency head shall develop notices in accordance with § 1-1.1003 with respect to individual projects.

§ 1-4.1004 Selection.

§ 1-4.1004-1 Establishment of architect-engineer evaluation boards.

(a) Each agency head shall establish one or more permanent or ad hoc architect-engineer evaluation boards to be composed of an appropriate number of members who, collectively, have experience in architecture, engineering, construction, and related procurement matters. Members shall be appointed from among highly qualified professional employees (intra-agency and interagency) and private practitioners (if provided for by agency procedures) engaged in the practice of architecture, engineering or related professions. One Government member of each board shall be designated as the chairman.

(b) No firm or organization shall be eligible for consideration for a contract where its principals or associates participated as a member of the evaluation board in the selection process for that project.

§ 1-4.1004-2 Functions of the evaluation boards.

Under the general authority of the agency head's technical staff, the agency architect-engineer evaluation boards shall perform the following functions:

(a) Collect and maintain current data files on architect-engineer firms, including information on the qualifications of their members and key employees and past experience on various types of construction projects. Standard Form 251, U.S. Government Architect-Engineer Questionnaire, supported by required photographs shall be used for this purpose. Information from other sources (such as other clients, other members of the profession, managers or occupants of facilities previously designed, assessments by the procuring agency itself on prior projects awarded to a firm) may also be included in the files;

(b) When procurement of architect-engineer services is proposed, the board shall review the data files on eligible firms, including files established on receipt of Standard Form 251 in response to the public notice of a particular contract, and evaluate the firms in accordance with § 1-4.1004-3. After making this review and technical evaluation, the board shall hold discussions with not less than three of the most highly qualified firms regarding anticipated concepts and relative utility of alternative methods of approach for furnishing the required services; architect-engineer fees shall not be considered in these discussions; and

(c) Prepare a report for submission to the agency head or his authorized representative recommending no less than three firms that are considered most highly qualified to perform the required services. This report shall include in sufficient detail the extent of the evaluation and review and the considerations upon which the recommendations were based.

§ 1-4.1004-3 Evaluation criteria.

In evaluating architect-engineer firms, the architect-engineer evaluation board shall apply the following criteria, other criteria established by agency regulation, and any criteria set forth in the public notice on a particular contract:

(a) Specialized experience and technical competence of the firm (including a joint venture or association) with the type of service required;

(b) Capacity of the firm to perform the work (including any specialized services) within the time limitations;

(c) Past record of performance on contracts with Government agencies and private industry with respect to such factors as control of costs, quality of work, and ability to meet schedules; and

(d) Familiarity with the area in which the project is located.

§ 1-4.1004-4 Action by agency head or his authorized representative.

(a) The agency head (or the responsible official to whom the authority has been delegated) shall review the recommendations of the architect-engineer evaluation board and shall, in concert with appropriate technical and staff representatives, develop and approve, in order of preference, a listing of not less than three firms considered the most highly qualified based upon the criteria in § 1-4.1004-3.

(b) The agency head or his authorized representative shall inform the board of his decision which will serve as an authorization for the contracting officer to commence negotiation.

§ 1-4.1004-5 Procedure for procurements estimated not to exceed $10,000.

When authorized by the agency head, one of the procedures set forth in paragraphs (a) and (b) of this section may be used in lieu of the procedures prescribed by § 1-4.1004-2(b) and (c) and actions prescribed by § 1-4.1004-4.

(a) *Selection by the board.* After reviewing and evaluating architect-engineer firms in accordance with § 1-4.1004-2(b), the board shall prepare a report for submission to the contracting officer listing in the order of preference, a minimum of three firms which are considered the most highly qualified to perform the required services. This report shall include sufficient details of the extent of the evaluation and review made and the considerations upon which the selection is based. Further, the report shall serve as an authorization to the contracting officer to commence negotiation with the highest qualified firm.

(b) *Selection by the chairman of the board.* When, in the judgment of the board, it is considered that board action is not required in connection with a particular selection of architect-engineer firms, the following procedures shall be followed:

(1) The chairman of the board shall perform the functions required under § 1-4.1004-2(b);

(2) The chairman of the board shall prepare a report in the same manner as prescribed by § 1-4.1004-2(c) except that the report shall be submitted to the agency head's representative for concurrence;

(3) The agency head's representative shall review the report and concur with the selection or return the report to the chairman for such action as he may consider necessary; and

(4) Upon receipt of an approved report, the chairman of the board shall furnish the contracting officer a copy of the report which will serve as an authorization to commence negotiation.

§ 1–4.1005 Negotiation procedures.

§ 1–4.1005–1 General.

(a) Each agency head is responsible for negotiation of contracts for architect-engineer services. This responsibility may be delegated to a contracting officer. The contracting officer shall use the services of technical, legal, auditing, pricing, and other specialists in the agency to the extent deemed appropriate (see §§ 1–3.801–2 and 1–3.801–3). Negotiations shall be directed toward:

(1) Making certain that the architect-engineer has a clear understanding of the essential requirements;

(2) Determining that the architect-engineer will make available the necessary personnel and facilities to accomplish the work within the required time;

(3) Determining, where applicable, whether the architect-engineer can provide a design that will permit construction of the facility at a construction cost not to exceed the limit established for the project; and

(4) Reaching mutual agreement on the provisions of the contract, including a fair and reasonable price for the required work.

(b) The amount of the fee (price) that may be paid to an architect-engineer firm under a cost-reimbursement contract for the production and delivery of the designs, plans, drawings, and specifications may not exceed 6 percent of the estimated construction cost of the project, exclusive of the amount of the fee (see 41 U.S.C. 254). The statutory limitation shall apply also to the fee paid to an architect-engineer for the performance of such services under a fixed-price contract. This limitation shall be applied on an individual project basis.

§ 1–4.1005–2 Conduct of negotiations.

Negotiations shall be conducted initially with the architect-engineer firm given first preference under the procedures set forth in § 1–4.1004. If a mutually satisfactory contract cannot be negotiated with that firm, the contracting officer shall obtain a best and final offer, in writing, from the contractor, and with the assistance of his technical staff formally terminate the negotiation and notify the firm. Negotiations then shall be initiated with the subsequently listed firm in the order of preference and this procedure shall be continued until a mutually satisfactory contract has been negotiated. If negotiations fail with the listed firms, additional firms shall be selected in accordance with § 1–4.1004 and negotiations shall continue in the manner described above.

§ 1–4.1005–3 Independent Government estimate.

Prior to the initiation of negotiations, the procurement agency shall develop an independent Government estimate of the cost of the required architect-engineer services based on a detailed analysis of the costs expected to be generated by the work. Consideration shall be given to the estimated value of the services to be rendered, the scope, complexity, and the nature of the project. The independent Government estimate shall be revised as required during negotiations to reflect changes in or clarification of the scope of the work to be performed by the architect-engineer. On construction projects, a fee estimate based on the application of percentage factors to project cost estimates of the various segments of the work involved may be developed for comparison purposes, but such a cost estimate shall not be used as a substitute for the independent Government estimate.

§ 1–4.1005–4 Architect-engineer's proposal.

The contracting officer shall request the selected architect-engineer firm to submit its proposal with supporting cost or pricing data in accordance with §§ 1–3.807–3 and 1–3.807–4. Revisions of the proposal and supporting cost or pricing data may be made as required during negotiations to reflect changes in or clarification of the scope of the work to be performed by the architect-engineer or findings derived from preaward audits conducted pursuant to § 1–3.809.

§ 1–4.1005–5 Contract price.

Subject to the provisions of § 1–4.1005–1(b), the contracting officer shall negotiate a price considered fair and reasonable based on a comparative study of the independent Government estimate and the architect-engineer's proposal. Significant differences between elements of the two figures and between the overall figures shall be discussed and the contracting officer shall ascertain the reasons therefor.

§ 1–4.1005–6 Record of negotiation.

Promptly at the conclusion of each negotiation, a memorandum setting forth the principal elements of the negotiations shall be prepared in accordance with the requirements of § 1–3.811, for use by the reviewing authorities and for inclusion in the contract file. The memorandum shall contain sufficient detail to reflect the significant considerations controlling the establishment of the price and other terms of the contract.

§ 1–4.1006 Limitation on contracting with architect-engineer firms for construction work.

§ 1–4.1006–1 Policy.

The award of a contract for architect-engineer services for a particular project and the award of a contract for the related construction work to the same firm, a parent firm, or its subsidiaries or affiliates is prohibited except as otherwise provided by § 1–18.112.

§ 1–4.1006–2 Procedure.

An architect-engineer firm selected for negotiation of an architect-engineer services contract shall be informed of the policy set forth in § 1–4.1006–1 prior to the initiation of negotiations. If the firm possesses construction capabilities either within its own organization or through a parent firm, subsidiaries or affiliates, the firm shall have the option of either:

(a) Declining to enter into contract negotiations so that its parent firm, subsidiaries, or affiliates will be eligible to compete for the related construction contract; or

(b) Entering into contract negotiations with the clear understanding that, if such negotiations are successful, its parent firm, subsidiaries, or affiliates will be ineligible to compete for the related construction contract.

§ 1–4.1007 Small business.

The policy of the Government that a fair proportion of contracts for services be awarded to small businesses is applicable without qualification to the award of contracts for architect-engineer services. In complying with this requirement, the provisions of Subpart 1–1.7 shall be followed.

PART 1–18—PROCUREMENT OF CONSTRUCTION

The table of contents for Part 1–18 is amended by the addition of the following new entry:

Sec.
1–18.113 Architect-engineer services contracts.

Subpart 1–18.1—General Provisions

Section 1–18.113 is added as follows:

§ 1–18.113 Architect-engineer services contracts.

Policies and procedures applicable to architect-engineer services contracts are set forth in Subpart 1–4.10 of this Title 41.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective January 14, 1974, but may be observed earlier.

Dated: November 29, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.73-25913 Filed 12-5-73;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[Amdt. E-136]

PART 101–25—GENERAL

Office Furniture and Furnishings

This regulation clarifies the definition of correspondence filing cabinets, updates the use standards for executive type office furniture and furnishings, and establishes eligibility criteria for furniture, carpeting, and draperies under the Office Excellence Program.

The table of contents for Part 101–25 is amended by adding the following entry.

Sec.
101–25.302–8 Office Excellence.

Subpart 101–25.1—General Policies

1. Section 101–25.104–2 is revised to read as follows:

§ 101–25.104–2 Purchase of new filing cabinets.

On the basis of the moratorium declared by the President, executive agencies shall not purchase new correspondence filing cabinets for use in the 50 States and the District of Columbia prior to receiving approval from GSA (see § 101–26.308). This restriction includes conventional drawer-type cabinets and pull out shelf-type cabinets with side filing; it does not apply to fire resistant insulated file cabinets and those required for storage of classified records designated as security file cabinets by GSA. When agency needs for filing cabinets have been established and approved, acquisition may be accomplished through GSA (see § 101–26.308).

Subpart 101–25.3—Use Standards

2. Section 101–25.302–1 is amended to read as follows:

§ 101–25.302–1 Executive type office furniture and furnishings.

(a) The use of executive type wood (traditional or modern) office furniture, whether new or rehabilitated, shall be limited to personnel in grade GS–18 and above or the equivalent thereto, including military rank. This furniture may be provided to personnel of lower grade, but not below grade GS–15, if the agency head or his designee determines that a particular position and responsibilities justify the use. Appropriate furnishings matching this type of office furniture shall be limited to these personnel, except that carpeting may be supplied for use of other personnel when it is determined to be justified in accordance with the provisions of § 101–25.302–5. This type of office furniture includes items listed in the GSA Supply Catalog and Federal Supply Schedule, FSC Group 71, Parts II, VI, VIII, and XII, and the executive office furniture (Allenwood) available from Federal Prison Industries, Inc.

(b) The use of unitized wood furniture shall be limited to personnel in grade GS–15 and above or the equivalent thereto, including military rank. This furniture may be provided to personnel of lower grade, but not below Grade GS–14, if the agency head or his designee determines that a particular position and responsibilities justify the use. Appropriate furnishings matching this type of office furniture shall be limited to these personnel except that carpeting may be supplied for use of other personnel when it is determined to be justified in accordance with provisions of § 101–25.302–5. This type of furniture is included in the GSA Supply Catalog and Federal Supply Schedule, FSC Group 71, Part VIII, and the unitized furniture (Allenwood) available from Federal Prison Industries, Inc.

* * * * *

3. Section 101–25.302–8 is added to read as follows:

§ 101–25.302–8 Office excellence.

The Office Excellence concept of office design emphasizes open planning through use of free-standing screens in lieu of fixed partitions, a less formalized alignment of furniture, and increased attention to coordinated color schemes. The desks, files, and other units involving drawers or other compartments in the Office Excellence stock are of steel construction. The related curvilinear and other movable partitions available through GSA sources are of noncombustible materials meeting the firesafety requirements established for movable partitions in § 101–19.109–7. These features are important (to insuring firesafety) in open planning concepts. The criteria established by each agency for the use of furniture identified with this Program shall be in consonance with the guidelines provided in this § 101–25.302–8.

(a) Three lines of furniture including correlative accent pieces are available from GSA stock under the Office Excellence Program. Each of the lines includes desks, credenzas, carrels, lateral and verticle files, chairs, and other related furniture. The three lines are:

(1) *General office line.* This line of furniture features desks with either walnut textured or white leather pattern plastic-laminated tops with varied colored components, chairs with matching or accentuating color fabrics and vinyls, and other items of furniture also in colors. Individuals below the middle management level are authorized to use this line of furniture.

(2) *Middle management line.* This line is a deluxe version of the general office line with distinguishing features such as bright polish chrome legs and hardware, reveal accent strips, flush end panel inserts, choice of wood-textured plastic-laminate wood tops for desks and other case pieces, and double shell plastic chairs with matching or accentuating color fabrics. Middle management officials are authorized to use this line of furniture. As used in this § 101–25.302–8 a "middle management official" is an individual who is normally in charge of a branch or lower organizational unit; i.e., section, group, or the equivalent thereof. Depending on organizational grade structure; e.g., central office as opposed to field offices, usually persons below the grade GS–15, including the equivalent military ranks, are considered to be in this category.

(3) *Executive line.* This line of furniture features walnut, oak or teak wood tops and panels of steel construction, bright chrome-plated legs and hardware, reveal accent strips, and distinctive design chairs with matching or accentuating color fabrics. Executive level officials are authorized to use this line of furniture. As used in this § 101–25.302–8 an "executive level official" is an individual who is normally in charge of a division or higher organizational unit. Persons in grades GS–15 and above, including the equivalent military ranks, are considered to be in this catagory. A GS–14 may be considered in this level, if the agency head or his designee determines that the individual's particular position and responsibilities justify inclusion in the executive level.

(b) The use of carpeting and draperies to provide the complete color treatment and desired acoustic qualities under the Office Excellence Program shall conform with the provisions of §§ 101–25.302–5 and –7.

(c) The procurement of filing cabinets shall conform with the provisions of §§ 101–25.104–2, 101–25.302–2, and 101–26.308.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)))

Effective date. This amendment is effective on December 6, 1973.

Dated: November 29, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.73–25833 Filed 12–5–73;8:45 am]

Title 43—Public Lands: Interior

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5362]
[Oregon 7878]

OREGON

Withdrawal for National Forest Reservoir and Recreation Area

Correction

The land description for Public Land Order 5362 in FR Doc. 73–15650 appearing at page 20327 in the issue for Tuesday, July 31, 1973, and corrected at page 22002 in the issue for Wednesday, August 15, 1973, should read as set forth below:

WHITMAN NATIONAL FOREST

WILLAMETTE MERIDIAN

Balm Creek Dam, Reservoir, and Recreation Area

T. 7 S., R. 42 E.,
Sec. 1, SE¼SE¼SE¼;
Sec. 12, E½NE¼NE¼ and NE¼SE¼NE¼.
T. 7 S., R. 43 E.,
Sec. 6, lot 7, NW¼SE¼SW¼, S½SE¼SW¼, and S½SW¼SW¼SE¼;
Sec. 7, lots 2, 3, and 4, W½NE¼, N½SE¼SW¼, N½NW¼SE¼, and SW¼NW¼SE¼.

The area described aggregates 383.62 acres in Baker County.

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 73–1237]

PART 0—COMMISSION ORGANIZATION

Cable Television Bureau

In the matter of amendment of part 0, subpart A of the Commission's rules and regulations concerning organization of the Cable Television Bureau.

1. On June 13, 1973, the Commission adopted a formal organization for Cable Television Bureau without, however, describing functions for the approved divisions. It was intended that detailed divisional functional statements would be developed after the bureau has had some experience functioning under the new organization.

2. This order is issued to set forth the functions for the four divisions.

3. Because this amendment relates to internal Commission organization and practice, the prior notice provisions of section 4 of the Administrative Procedure Act, 5 U.S.C., 553, do not apply, and the amendment can be made effective immediately.

4. Authority for the amendment adopted herein is contained in sections 4(f) and (i) and 5(b) of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That effective December 12, 1973, Part 0 of the Commission's rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

Adopted: November 28, 1973.

Released: November 30, 1973.

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

In 47 CFR Ch. I, Part 0 is amended as follows:

1. Section 0.85 is redesignated 0.84 and revised to read as follows:

§ 0.84 Functions of the Bureau.

The Cable Television Bureau develops, recommends, and administers policies and programs with respect to the regulation of cable television systems and related private microwave radio facilities. The bureau implements the Commission's cable television regulatory program, and performs the work and activities involved in the licensing and regulation of cable television relay stations, in coordination with the Broadcast Bureau.

2. Section 0.86 is redesignated 0.85.

§ 0.85 Units in the Bureau.

The Cable Television Bureau is divided into the following units:

(a) Office of the Bureau Chief;

(b) Certificates of Compliance Division;

(c) Special Relief and Microwave Division;

(d) Policy Review and Development Division;

(e) Research Division.

3. Sections 0.86 to 0.90 are added, to read as follows:

§ 0.86 Office of the Chief of the Bureau.

The immediate office of the Bureau Chief is responsible for planning, developing, directing and executing all the functions of the bureau.

§ 0.87 Certificate of Compliance Division.

The Certificate and Compliance Division is responsible for the following:

(a) Plan, develop, and direct the activities of the Division.

(b) Process applications for certificates of compliance.

(c) Represent the Bureau in adjudicatory hearings pertaining to certificate of compliance matters.

(d) Coordinate with the Special Relief and Microwave Division on procedural changes in the Records and Systems Management Branch to improve initial processing of applications for Certificates of Compliance.

(e) Coordinate with the Special Relief and Microwave Division on the processing of petitions for special relief related to application for Certificates of Compliance.

§ 0.88 Special Relief and Microwave Division.

The Special Relief and Microwave Division is responsible for the following:

(a) Plan, develop, and direct the activities of the Division.

(b) Process special relief petitions, requests for interpretive rulings, applications in the Cable Television Relay Services, and show cause petitions; and coordinate with the Common Carrier Bureau on Section 214 applications, and with the Certificate of Compliance Division on related special relief petitions.

(c) Represent the Bureau in adjudicatory hearings pertaining to non-Certificate of Compliance matters.

(d) Develop and implement systems for controlling all incoming applications and petitions, maintaining program data and records, and provide a reference service to the public.

(e) Coordinate with the Research Division on the engineering aspects of Cable Television Relay Services applications.

§ 0.89 Policy Review and Development Division.

The Policy Review and Development Division is responsible for the following:

(a) Plan, develop, and direct the activities of the Division.

(b) Formulate and recommend to the Bureau new or revised policies and regulations concerning cable television.

(c) Process petitions for rule makings; prepare rule making proposals; analyze and summarize responses to proposals, and prepare recommended reports and orders.

(d) Review legislation affecting cable television industry and the cable regulatory program and prepare appropriate recommendations thereon.

(e) Staff special advisory committees.

(f) Participate in Congressional hearings, meetings and conferences with representatives of Federal agencies and State and local governments, and industry organizations and public groups concerned with problems relating to cable television systems.

(g) Participate in other projects involving broad policy review and development.

§ 0.90 Research Division.

The Research Division is responsible for the following:

(a) Plan, develop, and direct the activities of the division.

(b) Compile and analyze information from Commission reporting forms to develop comprehensive and current data pertaining to the cable television industry for use, in planning and policy formulation.

(c) Revise existing or develop new reporting forms to obtain data and information required in the regulation of cable television.

(d) Conduct continuous studies to analyze trends and relationships in the cable television industry.

(e) Design and implement selective studies to measure and assess effectiveness of regulatory program, economic and sociopolitical impact, and other technical problems.

(f) Assist the Policy Review and Development Division in determining potential impact of policy proposals.

(g) Keep abreast of current and future technical developments and engineering aspects of cable television matters and advises the Bureau and the Commission on these matters.

(h) Develop and recommend technical standards for the cable television industry.

(i) Analyze engineering aspects of Cable Television Relay Service applications and advise the Special Relief and Microwave Division accordingly.

(j) Confer with government and industry groups interested in economic and technical problems relating to cable television systems.

[FR Doc.73-25888 Filed 12-5-73;8:45 am]

[Docket No. 19737, et al.; FCC 73-1251]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Lebanon, Missouri; Poteau, Oklahoma; and Gulfport, Mississippi)

1. The Commission here considers the three unrelated FM assignment proposals upon which notice of proposed rule making was released herein on May 14, 1973 (FCC 73-491, 38 FR 13029), in response to petitions. The petitioners and the FM assignments they seek are as follows:

RM-1937—Channel 221A to Lebanon, Missouri (Lebanon Broadcasting Company)
RM-1952—Channel 250 to Poteau, Oklahoma, in place of Channel 252A at Poteau (Le Flore County Broadcasting Company)
RM-1957—Channel 244A to Gulfport, Mississippi (Don Partridge and Houston L. Pearce)

In discussing these proposals individually below, all population information is from the 1970 U.S. Census Reports unless otherwise indicated.

RM-1937, LEBANON, MISSOURI

2. Channel 221A is proposed for a second FM assignment to Lebanon (population, 8,616), the largest community and seat of Laclede County (population 19,944) by Lebanon Broadcasting Company, licensee of Station KLWT, a Class IV AM broadcast station at Lebanon. The only FM assignment at Lebanon and in

Laclede County at present, Class C Channel 279, is occupied by Station KJEL-FM, authorized to Risner Broadcasting, Inc. (Risner). Risner is also permittee of Station KJEL, a daytime-only AM broadcast station, the only other AM station at Lebanon and in Laclede County.[1] Supporting comments and reply comments received from Lebanon Broadcasting on the proposal affirm its intention to apply for the requested FM channel immediately upon its assignment to Lebanon and, if authorized, to proceed expeditiously to construct and place a new station in operation. Opposing comments and reply comments on the proposal were filed by Risner, who also opposed rule making on it.

3. A community the size of Lebanon would not normally qualify for a second FM assignment or, since it has a Class C assignment, for a Class A assignment under our FM assignment guidelines. These guidelines are not so rigidly applied, however, as to foreclose an assignment which would be more compatible with the public interest and our objectives for a fair, efficient, and equitable distribution of the available FM channels throughout the country. Having now considered the Channel 221A proposal for Lebanon further in light of all the comments directed to it by the proponent and opponent, we are persuaded that, in the circumstances presented, this is an appropriate case for not applying the guidelines to block opportunity for Lebanon to have a second local FM outlet and that the requested assignment is warranted.

4. The original comments of Lebanon Broadcasting convincingly argued that the proposed Channel 221A assignment to Lebanon would serve a need and demand there and in Laclede County for a choice of locally-oriented FM service and an improved second nighttime aural broadcast service. Its showing indicated that a Lebanon Channel 221A station would be able to serve an area of 642 square miles, containing 19,218 people, and to provide nighttime service to Lebanon and 90.5 percent of the residents of Laclede County, and that this would be significantly more nighttime service than its Class IV AM station is able to provide in the county. It further indicated that, while there is no available Class C channel which could be assigned to Lebanon without changing existing assignments, the proposed Channel 221A assignment would be technically feasible and require no other changes in assignments. The preclusionary effect of the proposed Lebanon Class A assignment on future assignments elsewhere also appeared unobjectionable since, in the areas where future assignments would be foreclosed on Channels 218, 219, 220 and 221A, it was shown that other available FM channels could be assigned to meet any developing needs of the relatively small communities in those areas. With respect to intermixing Class A and C assignments at Lebanon, Lebanon Broadcasting persuasively urged that, notwithstanding the technical competitive advantage the local Class C station has for wide-area coverage over a Class A station, the proposed Class A assignment to Lebanon should be made since no available Class C channel can be assigned; it is willing to invest its money to build a station to operate on the requested Class A assignment since, in light of the improved nighttime service it could provide to Laclede County, it believes it can be operated to compete effectively with the local Class C station; and the public stands to benefit from having a choice of local FM service and an improved nighttime aural broadcast service. Risner's opposition to rule making on the proposal was based on claims that there is no need or support for a second FM station at Lebanon and that preclusion considerations, as well as the Commission's assignment policies against the assignment of two FM channels to communities of this size and the intermixture of different classes of assignments in the same community, dictate denial of the request and proposal. The Risner showing in support of its claims, however, was insufficient to be persuasive.

5. Risner's further showing in the opposing comments it filed herein on the proposal also contains nothing of substance which is persuasive. It again argues that our rationale in denying Lebanon Broadcasting's previous request for rule making in 1966 on a proposal to assign a second Class C channel to Lebanon should be controlling in this case. We disagree. The assignment of even one Class C channel to a community the size of Lebanon is an exception to our general policy of assigning wide-coverage Class B or C channels to the large cities and metropolitan areas and Class A channels to the smaller communities and was made in conformity with our policy to make exceptions in those instances where the small community is the center of a large rural area and relatively far removed from population centers and a Class C channel is needed in order to permit coverage of unserved areas which cannot obtain service from other cities. Justification for the proposed second Class C assignment to Lebanon obviously could not be made on the same ground or on the basis of its size, and the particular Class C assignment proposed would have foreclosed needed FM assignments elsewhere, including a proposed assignment to a community (Harrisonville, Missouri) lacking local FM service and without other opportunity for an available Class A or C assignment. In the circumstances, we decided that rule making on the proposal would not serve the public interest. That decision (cited in footnote 1, *supra*) did not, however, foreclose opportunity for Lebanon to be considered for a second FM assignment by another proposal if, despite its size and our assignment guides, it is found to be warranted in the public interest to serve a need and demand and the assignment proposed is not objectionable for preclusionary or other reasons.

6. In again discussing a claimed lack of need for a second FM outlet at Lebanon, Risner points out that, in addition to its daytime-only AM station and its Class C FM station, and the full-time Class IV AM station of Lebanon Broadcasting, Lebanon has a daily newspaper, owned by the principals of Lebanon Broadcasting. In its view, these are sufficient outlets for local self expression in a community the size of Lebanon and to assure effective competition there, and it urges that the competitive balance would be disturbed if Lebanon Broadcasting were to have a Class A FM outlet at Lebanon also. In reply, Lebanon Broadcasting points out that the Risner principals also own Station KRMS, a daytime-only AM station, and Class C Station KRMS-FM (Channel 279) at Osage Beach, approximately 34 miles from Lebanon, in Camden County, Missouri, which is contiguous to Laclede County in which Lebanon is located. It contends that the Risner principals, with their two daytime-only AM stations and two Class C FM stations, would still have considerably more control over the media for news dissemination to the public in these contiguous counties than it would have with its fulltime Class IV FM station, its local daily newspaper at Lebanon, and the proposed Class A FM station. In any case, regardless of who the occupant of the proposed Class A station might be, since there is but one aural broadcast station in Laclede County—the Lebanon Class C FM station—which has the coverage capability of providing a nighttime broadcast service throughout the county at present, we think it would serve a public need and be more likely to increase rather than to decrease the possibilities for a healthy, competitive environment for broadcast-

[1] The Risner FM and AM stations at Lebanon, for which construction permits have been outstanding since December 27, 1971, have only recently commenced operation under program test authority, granted October 1 and 2, 1973, respectively. Lebanon Broadcasting initially was also a competing applicant for the Lebanon Class C Channel 279 assignment, and its application and that of Risner's for the channel were designated for comparative hearing in 1967 (10 F.C.C. 2d 936). Subsequently, however, the Lebanon Broadcasting application was, at its request, dismissed on January 31, 1968, with prejudice. Before these competing applications were designated for hearing, Lebanon Broadcasting in 1966 also requested rule making on the proposed assignment of a second Class C FM channel to Lebanon in order to eliminate the need for comparative hearing on the competing applications for Channel 279 at Lebanon. Its request was denied because we did not believe that Lebanon was of a size to merit two wide-coverage Class C assignments and because its proposal would have precluded FM assignments to communities lacking assignments in other areas and, in some cases, without other opportunity for an available FM assignment (FCC 66-1033, 8 Pike & Fischer R.R. 2d 1625 (1966)). On reconsideration, its request was again denied (8 Pike & Fischer R.R. 2d 1719).

ing in Lebanon and Laclede County to provide opportunity at Lebanon for a Class A FM outlet also. While a Lebanon Class A station could not provide the wide-area coverage of the local Class C FM station outside of Laclede County, in the county it could provide significantly more nighttime service than the local Class IV AM station, with its limited nighttime service area, is able to provide. It would also have a coverage capability in Laclede County nearly comparable to that of the Lebanon Class C FM station and adequate to provide over 90 percent of the county residents with a choice of locally-oriented radio service at night and to permit more effective competition in the county for the nighttime radio audience and revenues.

7. At some length Risner again also argues that the adverse preclusionary effect of the proposed Channel 221A assignment proposal for Lebanon makes it objectionable. It takes issue with the conclusion reached from our prior study of the preclusionary effect of the proposal that, while the proposed Lebanon Channel 221A assignment would foreclose future assignments on Channels 218, 219, 220 and 221A, there are other available FM channels which could be assigned in the affected areas to meet any developing needs for FM outlets which could be reasonably expected in the relatively small communities in those areas, including an available assignment to each of the eight larger of the small Missouri communities lacking assignments in the affected areas mentioned by Risner.[2] Risner asserts that while there may be other FM channels available to portions of the extremely wide area in Missouri affected, those available are clearly inadequate in number to meet the possible future needs of all of some 50 communities lacking FM assignments in the preclusion area. Examination of the Risner exhibit reveals, however, that more than one-half of the 50 communities shown within the precluded area for Channel 221A are not listed in the U.S. Census, and that, other than the eight communities previously mentioned, the other communities without an FM assignment have populations of less than 1,000 persons. While it is possible, as Risner submits, that some of the small communities in the precluded area may experience tremendous growth in the future and have a need for an FM assignment, it furnishes no basis for an assumption that such growth may take place in any of them in the foreseeable or even distant future. We adhere to the view that sufficient other channels are available to meet any developing needs of the small communities that can reasonably be expected in the precluded areas and that the Lebanon Channel 221A proposal is not objectionable for preclusionary reasons.

[2] The eight Missouri communities lacking FM assignments mentioned by Risner are Buffalo (pop. 1,915); Marshfield (pop. 2,961); Ozark (pop. 2,384); Ava (pop. 2,961); Richland (pop. 1,783); Dixon (pop. 1,387); Mansfield (pop. 1,056); and Licking (pop. 1,002). Marshfield and Ava each have an AM station, and Buffalo has an FM educational station.

8. Considering the above, it is our view that Channel 221A is a warranted assignment for Lebanon, notwithstanding our population and intermixture guidelines for FM assignments, since we are satisfied that the proposal is not unsatisfactory for technical or preclusionary reasons; that it would not affect any existing assignment or station; that it holds benefits for the public in the area by way of not only making a choice of local FM service available to Lebanon and in Laclede County, but by also meeting the need for a second locally oriented nighttime broadcast service in substantial areas of the county now limited to one service; and that, notwithstanding the size of Lebanon and its local Class C FM and AM outlets, the proposed Class A assignment is likely to be used since it is requested by a local AM licensee who, being fully aware of the broadcast situation in the Lebanon area, has expressed a desire and intention to take the risk of operating on the requested Class A assignment, if authorized, in competition with the local Class C station.

RM–1952, Poteau, Oklahoma

9. The petitioner, Le Flore County Broadcasting Company (Le Flore), proposes the substitution of Class C Channel 250 for Channel 252A at Poteau, upon which it operates Station KLCO–FM. Le Flore also is licensee of a daytime-only AM station (KLCO) at Poteau. Poteau (population, 5,500), the largest city and seat of Le Flore County (population, 32,137), is located in southeast Oklahoma, approximately 30 miles southwest of Ft. Smith, Arkansas. Besides the Le Flore AM and FM stations, Poteau has a Class C FM outlet, Station KINB, licensed to Indian Nation Broadcasting Company (Indian Nation), which operates on Class C Channel 297, the only FM channel other than Channel 252A presently assigned to Poteau and in Le Flore County. Supporting comments and reply comments on the Poteau Class C proposal were filed by Le Flore. In its comments, Le Flore, in response to the Show Cause order contained in the Notice, restated its desire to have its license for Station KLCO–FM modified to specify operation on Channel 250 instead of Channel 252A at Poteau and its intention, if authorized, to commence operation on Channel 250 promptly. Opposing comments on the proposal were filed by Indian Nation, who also opposed rule making on it.

10. Communities the size of Poteau are normally assigned Class A rather than Class B or C channels designed for wider coverage than Class A channels, and no more than one FM assignment. However, in 1967, after consideration in rule making, we decided that, while Poteau had a Class A channel assigned and we would not ordinarily assign two FM channels to Poteau, it would serve the public interest to assign the Class C channel proposed (297). This decision was reached since the Class C channel could be assigned without deleting any other assignments and without adverse effect on the possible future needs of other communities and since, by using the Class C assignment at some distance from Poteau in order to make the greater antenna height proposed feasible (due to the available mountain sites southwest of Poteau), it would serve large areas without FM service and additional areas which would not be served by a Class A station on the subsequently-activated Poteau Channel 252A assignment.[3] The subject proposal raises the question of whether a second Class C assignment to Poteau in place of its Class A assignment is also warranted, notwithstanding its size and our Class C assignment guidelines.

11. Le Flore seeks the proposed Class C assignment in place of the Poteau Class A assignment upon which it operates to enable it to provide needed service to existing areas without FM service and to better serve the remaining coverage area, as well as to eliminate the technical and competitive disparity resulting from two stations in the same community operating on Class A and C channels. In its comments Le Flore restates its intention, if authorized, to operate on the requested Class C assignment, to market its AM and FM facilities as totally separate packages, to provide separate programming from that provided by its AM station, and to bring a totally new and distinct FM broadcast service to southeastern Oklahoma. It states that it will provide its audience with a first stereo broadcast service and will open a second, part-time studio in Stigler, Oklahoma (1970 population, 2,347), approximately 30 miles northwest of Poteau, where there is no aural broadcast outlet and, in its view, a need for a localized FM service, as evidenced by the letters which accompanied its prior showing.[4]

12. We felt that Le Flore's proposal warranted further consideration in rule making since, while more information was needed, and was called for in the Notice, to assess its preclusionary impact upon other assignments and its potential for providing a second FM service in the surrounding area, it appeared that the proposal was technically feasible and would not only enable Poteau and Le Flore County residents to gain a second technically comparable local FM outlet and nighttime aural service but would also enable large areas to gain a first and second FM service. The objections raised by Indian Nation, the local Class C licensee, to rule making on the proposal, based on contentions that a second Class C station at Poteau was not needed, would adversely affect the economic viability of its Class C station, would have an adverse preclusionary impact upon assignments elsewhere, and would not provide a first FM service to any significant area, were not supported by a showing to permit a meaningful determination or be persuasive.

13. The Le Flore present and prior showings indicate that Poteau is in a relatively isolated, mountainous area of

[3] 9 F.C.C. 2d 805 (1967).

[4] Stigler is presently within the 1 mV/m contour of the Poteau Class C station but not of Le Flore's Class A station.

southeastern Oklahoma where the population is dispersed thoughout the area in scattered, rural pockets[5]; That Poteau, being the county seat and largest community in Le Flore County, serves as the cultural, economic and social center for much of southeastern Oklahoma; and that Poteau and the surrounding area have experienced considerable population growth in recent years[6], with substantial further growth projected because of the opening of the Arkansas River project which affords the Poteau area an inexpensive means of marketing its coal deposits, other minerals, and agricultural and paper products.

14. Le Flore claims that, due to the terrain and population distribution in this southeastern Oklahoma area, neither the limited service which its Class A station at Poteau can provide nor that which the Poteau Class C station provides (operating from a transmitter located across the Oklahoma border in Bates, Arkansas, some 15 miles from Poteau) can adequately serve this area. This is reflected, it submits, by the existing unserved or so-called "white" area, depicted in the exhibit accompanying its petition which would be eliminated by use of Channel 250 at Poteau. Its showing, prepared in accordance with the Roanoke Rapids-Goldsboro criteria which we have approved for use[7], demonstrates that a Poteau Channel 250 station, operating with power of 100 kW and 1800 feet HAAT, would provide a first FM service to an area of 410 square miles, with a population of 1,049 persons. It also shows that it would serve an area of 12,100 square miles, with a population of 348,320 persons, as compared to a Poteau Channel 252A station, operating with maximum facilities (3 kW and 300 feet HAAT), which would serve an area of but 660 square miles with a population of 17,222. A further engineering showing as to the area and population which would be provided with a second service from a Poteau Channel 250 facility, also prepared in accordance with the Roanoke Rapids-Goldsboro criteria, and called for by the Notice herein, accompanied the Le Flore comments on the proposal. It shows that a Poteau Class C station, operating with power of 100 kW and 1800 feet HAAT, would provide a second FM service to 84,462 persons located in an area of 3,180 square miles. Le Flore notes that the area receiving a second service would constitute 26.3 percent of the land area and contain 24.2 percent of the population in the service area of a Class C Channel 250 station.

15. In its opposing comments, Indian Nation again contends that, based on a survey it made by entering homes and making listening tests of its Class C station, the area and population that could be expected to receive a first FM service (white area) from a Poteau Channel 250 station is de minimis at best and that no more than approximately 427 persons instead of the claimed 1,049 persons, based on the Le Flore study, would receive a first FM service, most of whom, it states, are in an area that consists in large part of a game preserve. However, as we pointed out before, Indian Nation furnishes no data as to the types of receivers, the level of the signal received, or other information to permit evaluation of its claimed survey results, and the petitioner's showing, made in accordance with criteria which are considered reasonable and which we have approved for use, is the more convincing.

16. Our further study of the technical aspects of Channel 250 for a Poteau assignment in light of the record confirms our prior conclusion that it would be a technically feasible replacement for Channel 252A at Poteau and would not affect channel assignments elsewhere. It also convinces us that the proposal is not objectionable for preclusionary reasons. As pointed out in the Notice, a Poteau Channel 250 assignment would foreclose other assignments on Channels 249A and 250. The preclusion on Channel 249A would include areas in Arkansas, Oklahoma and Texas where there appear to be but two communities without an FM assignment where a Class A channel could be assigned: Atoka, Oklahoma (population 3,345); and Clarksville, Texas (population 3,346), each of which has a daytime-only AM outlet. As Indian Nation argues, it is important in considering the subject Class C proposal for Poteau, to judge the effect of the preclusion on these communities. It was for that reason we asked for a showing in the Notice as to whether other Class A assignments would be available to meet their needs. While none was submitted by Indian Nation, an additional engineering study was submitted by Le Flore with its comments which allays our concern in this regard. It shows that Channel 288A could be assigned to Atoka and Channel 292A to Clarksville without requiring other changes in assignments should a demand and interest for an FM assignment develop in these communities in the future.

17. As for the preclusion on Channel 250, as stated in the Notice, it would occur in Arkansas in areas where there are no communities which would normally qualify for a Class C assignment. Indian Nation again points out that Fayetteville, Arkansas (population 30,729) and Springdale, Arkansas (population 16,783) are within the Channel 250 precluded area. However, there is no basis for assuming that they would be adversely affected by a Poteau Channel 250 assignment or would warrant a Class C assignment since, as previously pointed out, Fayetteville has two occupied Class A FM and two daytime-only AM stations, and Springdale has an occupied Class A FM assignments and two daytime-only AM stations, and Springfield has an occupied Class A FM assignment and two AM station, one a daytime-only facility and the other, an unlimited-time Class IV operation. In addition, there are other AM and FM stations within 20 to 25 miles of both communities at Rogers, Arkansas (population 11,050) and at Siloam Springs, Arkansas (population 6,009), each of which has both an AM and FM outlet. Indian Nation also suggests that, in any case, there might be advantages to keeping Channel 250 in reserve to meet possible future needs in the preclusion area rather than in assigning it to Poteau. There would be none if, as Le Flore urges, it would have the effect of leaving Channel 250 lying fallow indefinitely, and this record provides no basis for assuming otherwise. The record does provide a basis, however, for our view that there would be public interest advantages in replacing the existing Class A assignment at Poteau with the proposed Class C channel.

18. Considering the mountainous terrain and scattered population in the relatively isolated rural area surrounding Poteau, a Class C channel is unquestionably technically superior to a Class A channel for serving the area, and considering the size of communities in this area and the availability of one Class C service from the Poteau Indian Nation station, it appears that there is merit in Le Flore's claim that unless a second Class C channel is assigned to Poteau the needs of the public in a substantial part of the surrounding area for a first FM service or choice of FM services might not otherwise be met. Its showing convinces us that the Class C assignment proposed would meet these needs and have public interest value over the existing Class A assignment at Poteau.

19. Indian Nation has repeated its prior claims that the Poteau market area cannot support two independently programmed and operated Class C stations and that a second Class C station at Poteau would cause economic injury to its Class C operation there sufficient to curtail its ability to serve the area. It submitted no showing, however, which would warrant either conclusion or a determination that the alleged adverse economic impact would be likely to cause diminution or destruction of overall program service to the public. In the absence of such a showing, we would not deny an application for a new station or an assignment proposal on economic impact grounds, for, as we stated in the Notice, it is not our function to place artificial restraints upon competition unless the overall public interest would be adversely affected thereby. In addition, these claims are disputed by the proponent, also an experienced radio broadcaster in the area, who has made the business judgment that there is sufficient economic potential in the Poteau area at this time to warrant operation with improved technical facilities so as to

[5] Le Flore points out that the U.S. Census characterizes Le Flore County as 68.4 percent rural; adjoining Sequoyah County, 79 percent rural; and adjoining Latimer County, 100 percent rural.

[6] The U.S. Census shows that from 1960 to 1970 Poteau had a 24.2 percent population increase (from 4,428 to 5,500); Le Flore County, a 10.4 percent population increase (from 29,106 to 32,137); Sequoyah County, a 29.8 percent population increase (from 18,001 to 23,370), and Latimer County, a 11.2 percent population increase (from 7,738 to 8,601.)

[7] See In re Roanoke Rapids and Goldsboro, N.C., 9 F.C.C. 2d 672 (1967).

provide the Poteau area with a more effective and comparable outlet for competition and serving the area. The information which it has furnished concerning the characteristics of the Poteau area and its growth potential lends support for its optimism.

20. On balance, since the proposed channel substitution is technically feasible, and we are now satisfied that it would have no significant adverse preclusionary impact upon needed future assignments elsewhere, we are persuaded that it should be made since a second Class C facility at Poteau would provide a first or second FM service to substantial areas and population in this mountainous area which might otherwise be likely to remain unserved or underserved and the public interest and our FM objectives would be served thereby. In making this assignment, a footnote will be entered in the Table of Assignments to provide that it will be used with facilities at least equivalent to those upon which Le Flore's claim for needed service is based (100 kW 1800 feet HAAT).

RM–1957, GULFPORT, MISSISSIPPI

21. The petitioners, Don Partridge and Houston L. Pearce, propose the assignment of Channel 244A to Gulfport, Mississippi, for a third Class A FM assignment for which they can apply. Their comments affirm their intention to apply for the proposed assignment promptly once it is made. No opposing or other comments on the proposal were received.

22. As mentioned in the Notice, Gulfport (population 40,791), the seat of Harrison County (population 134,582), is located on the southern coast of Mississippi, approximately 10 miles west of Biloxi (population 48,488), also in Harrison County, and is part of the Biloxi-Gulfport Standard Metropolitan Statistical Area (population 134,582). The two Gulfport Class A FM assignments are occupied by Station WTAM (Channel 272A) and Station WROA–FM (Channel 296A). Gulfport also has two AM broadcast stations (WGCM and WROA), both unlimited-time operations. The three Biloxi aural broadcast stations, two AM stations (Station WLOX, an unlimited-time operation, and Station WVMI, a daytime-only operation) and a Class C FM station (WVMI–FM), which occupies Channel 229, the only Biloxi FM assignment, are the only other aural broadcast stations in Harrison County.

23. The prior technical showing of the petitioners indicated that Channel 244A is technically feasible for a Gulfport assignment since it could be assigned and used there in conformity with all separation and other technical requirements of the rules and without disturbing any other assignment or station. It also showed that Channel 244A would not be technically feasible for assignment and use in a community other than Gulfport without additional changes in the FM assignment table. Further, it indicated that the proposed Gulfport assignment would not be objectionable for preclusionary reasons since, while future assignments on Channels 243 and 244 would be foreclosed, the affected areas appear to be either sparsely populated, with no communities (the lower portion of Plaquemines Parish, Louisiana), or uninhabited (the Chandeleur Islands, off the coast of Louisiana, which fall within the Brenton National Wildlife Reserve).

24. It further appeared from the information furnished by the petitioners, which has already been adequately discussed in the Notice issued on their proposal, that Gulfport is a growing industrial area which during the 1960–1970 period had a population growth of over 35 percent, an over 50 percent increase in the number of local businesses, and an over 450 percent increase in retail sales; and that prospects are favorable for its continued growth in population—a population growth to 59,000 by 1985 is projected for Gulfport by a Gulfport Housing Authority study—and in its economy since Gulfport possesses a strategic port location, has diversified manufacturing and service industries, an established tourist business, and there are a number of large military and government installations in the area.

25. In view of the above, notwithstanding that our population guidelines for FM assignments provide for no more than two FM assignments to cities, such as Gulfport, with 1970 populations under 50,000, we believe that adoption of this unopposed FM assignment proposal for Gulfport is warranted. As mentioned in the Notice, these guidelines are not immutable standards and are but one of many considerations to be weighed in determining what action best serves the public interest and our FM objectives in a given case. In this case, the proposed assignment presents no technical or preclusionary problem and cannot be used elsewhere without other changes in FM assignments. Therefore, in these circumstances, and, in light of Gulfport's past growth and the favorable prospects for its future growth, we believe that the public interest and our FM objectives will be better served in thus enabling the public in the growing Gulfport area to have additional local aural broadcast service from another source.

26. In view of the foregoing, and pursuant to the authority contained in sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, *It is ordered*, That effective January 11, 1974, the FM Table of Assignments, § 73.202(b) of the rules, is amended to read as follows for the cities listed below:

City	*Channel No.*
Lebanon, Mo	221A, 279
Poteau, Okla	250 [1], 297
Gulfport, Miss	244A, 272A, 296A

[1] Any application for this channel must specify at least an effective radiated power of 100 kW and antenna height of 1800 feet above average terrain or equivalent.

27. *It is further ordered*, That, effective January 11, 1974, and pursuant to Section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Le Flore County Broadcasting Company for Station KLCO–FM, Poteau, Oklahoma, IS MODIFIED to specify operation on Channel 250 in lieu of Channel 252A, subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than January 11, 1974, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by January 31, 1974, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station KLCO–FM on Channel 250 at Poteau, Oklahoma.

(c) The licensee may continue to operate on Channel 252A under its outstanding authorization until it is ready to operate on the new frequency. Ten days prior to commencing operation on Channel 250, the licensee shall submit the same measurement data normally required in an application for an FM broadcast station license.

(d) The licensee shall not commence operation on Channel 250 until the Commission specifically authorizes it to do so.

28. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

Adopted: November 28, 1973.

Released: December 3, 1973.

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

[FR Doc.73–25889 Filed 12–5–73;8:45 am]

Proposed Rules

DEPARTMENT OF STATE

Bureau of Security and Consular Affairs

[22 CFR Part 41]

[Docket No. SD-104]

DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Issuance of Nonimmigrant Visas

Notice is hereby given that the Department of State proposes to amend 22 CFR §§ 41.120(b) and 41.125(g) to terminate the existing procedure under which nonimmigrant visas under sections 101(a)(15) (E), (H), (I), and (L) of the Immigration and Nationality Act, as amended, may be issued in the United States in certain circumstances and under which nonimmigrant visas under sections 101(a)(15) (F) and (J) of the Immigration and Nationality Act, as amended, may be revalidated in the United States in certain circumstances.

Section 41.120(b) authorizes the Director of the Visa Office and such other officers of the Department of State as he may designate for such purpose to issue nonimmigrant visas in certain nonimmigrant classifications to aliens who meet certain requirements set forth in that section. Similarly, § 41.125(g) authorizes the Director of the Visa Office and such other officers of the Department of State as he may designate for such purpose to revalidate nonimmigrant visas in certain nonimmigrant classifications for aliens who meet certain requirements set forth in that section.

The original purpose of the authority conferred by both such sections was to provide nonimmigrant visa services to foreign government officials and to international organization aliens. The volume of applications for nonimmigrant visa services received by the Department of State from other aliens in the United States has increased to the point that it interferes with the orderly and expeditious processing of requests for such services by foreign government officials and international organization aliens. In addition, because of the greatly increased volume of such applications and since most such applications are submitted by mail, frequently from locations in the United States distant from Washington, D.C., it is generally impossible to interview the applicants in person, thus cutting off a source of information of paramount importance in the proper adjudication of such applications.

Interested persons may submit to the Director of the Visa Office, Room 800, State Annex 2, 515 22nd Street, N.W., Washington, D.C. 20520, written data, comments, views or arguments, in duplicate, relative to this proposed rule. Submission of such material may not be made orally. All relevant material received on or before December 28, 1973, will be considered.

1. Section 41.120 would be amended as follows:

§ 41.120 **Authority to issue visas.**

* * * * *

(b) *Issuance in the United States in certain cases.* * * *

(2) Other qualified aliens who—

(i) Are properly classifiable under subparagraph (A) or (G) of section 101(a)(15) of the Act or under the visa symbols NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, NATO-6, or NATO-7;

* * * * *

2. Section 41-125 is amended as follows:

§ 41.125 **Revalidation of visas.**

* * * * *

(g) *Revalidation in the United States in certain cases.* * * *

(2) Other qualified aliens who—

(i) Are properly classifiable under subparagraph (A), (E), (G), (H), (I), or (L) of section 101(a)(15) of the Act or under the visa symbols NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, NATO-6, or NATO-7;

* * * * *

For the Secretary of State.

Dated: November 27, 1973.

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs, Department of State.

[FR Doc.73-25895 Filed 12-5-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-WA-7]

PITTSBURGH, PA. TERMINAL CONTROL AREA

Supplemental Notice of Proposed Adoption

On August 15, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 22043) proposing the adoption of a Group II Terminal Control Area (TCA) at Pittsburgh, Pa.

This Supplemental NPRM contains an amended proposal that differs from the airspace configuration specified in the original NPRM.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before January 7, 1974, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Rules Docket, Room 916, 800 Independence Avenue S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

One comment, which made no objection, was received in response to the NPRM. However, subsequent investigation discovered that the glide slope to runway 10L and the projected departure profiles from runways 10R and 28R would not be contained at or above the TCA floors. By extending Area B from 10 to 11 miles in the area of the extended runway centerlines, these flight paths will be contained within TCA airspace.

In consideration of the foregoing and for the reasons stated in the NPRM (38 FR 22043), it is proposed to amend Part 71 of the Federal Aviation regulations by adding the following to § 71.401(b) Group II Terminal Control Areas.

PITTSBURGH, PA., TERMINAL CONTROL AREA

PRIMARY AIRPORT

Greater Pittsburgh Airport (Latitude 40°29'37" N., Longitude 80°13'54" W.).

Boundaries. (Based on Imperial VORTAC (IRL) (Latitude 40°29'12" N., Longitude 80°14'03" W.).

Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within the Pittsburgh, Pa. (Greater Pittsburgh), Control Zone.

Area B. That airspace extending upward from 2,500 feet MSL to and including 8,000 feet MSL within a 10 mile radius of the IRL VORTAC, and between the 10 and 11 mile radii of the IRL VORTAC extending from the 076° T (061° M) radial cockwise to the 106° T (111° M) radial and from the 259° T (264°M) radial clockwise to the 288° T (293° M) radial; excluding Area A.

Area C. That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL within a 20 mile radius of IRL VORTAC and between the 20 and 30 mile radii of the IRL VORTAC extending from

the 076° T(081° M) radial clockwise to the 106° T (111° M) radial and from the 259° T(264° M) radial clockwise to the 288° T (293° M) radial; excluding Areas A and B.

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

Issued in Washington, D.C., on November 30, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air, Traffic Rules Division.

[FR Doc.73-25837 Filed 12-5-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

CHLORDIMEFORM

Tolerances and Exemptions for Pesticide Chemicals in or on Raw Agricultural Commodities

NOR-AM Agricultural Products, Inc., 1275 Lake Avenue, Woodstock, IL 60098 and CIBA-GEIGY Corp., Greensboro, NC 27409 jointly submitted a petition (PP 4E1433) proposing establishment of a tolerance for combined residues of the insecticide chlordimeform (*N'*-(4-chloro-*o*-tolyl)-*N,N*-dimethylformamidine) and its metabolites containing the 4-chloro-*o*-toluidine moiety (calculated as chlorodimeform) in or on the raw agricultural commodity tomatoes at 1 part per million.

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

1. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

2. The proposed tolerance will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), it is proposed that § 180.285 be amended by adding a new paragraph "1 part per million * * *" after the paragraph "2 parts per million * * *" as follows:

§ 180.285 **Chlordimeform; tolerances for residues.**

* * * * *

1 part per million in or on tomatoes.

* * * * *

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before January 7, 1973, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons may, on or before January 7, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

Dated: November 30, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-25797 Filed 12-5-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 81, 87, 89, 91, 93, 94]

[Docket Nos. 19869 et al.; FCC 73-1162 et al.]

PRIVATE OPERATIONAL-FIXED MICROWAVE RADIO SERVICE

Memorandum Opinion and Order and Notice of Proposed Rule Making

In the matter of amendment of the Commission's rules to establish a Private Operational-Fixed Microwave Radio Service (Part 94), Docket No. 19869; amendment of Parts 7, 9, 10, 11, and 16 [now 81, 87, 91 and 93] of the Commission's rules to provide for the assignment of frequencies in the bands above 952 MC to operational fixed stations in such services upon a showing that harmful interference will not be caused to existing stations, [16 F.R. 6034] Docket 14179; petition for rulemaking filed by the National Association of Manufacturers to Amend Part 91, RM-1862; petition for rulemaking filed by the Utilities Telecommunications Council to amend Part 2, RM-339; petition for rulemaking from American Petroleum Institute to Amend Parts 2, 81, 87, 89, 91, and 93, RM-2272.

1. Notice of proposed rulemaking is hereby given in the above-entitled matter. It is proposed to revise provisions and to establish a separate rule part (Part 94) in the Commission's rules to govern licensing and operating private operational-fixed microwave systems in frequency bands above 952 MHz. The specific frequency bands involved in these proposals are 952–960, 1850–1990, 2130–2150, 2150–2160, 2180–2200, 2500–2690, 6575–6875, and 12,200–12,700 MHz, all of which may be authorized for operational-fixed systems; and 2450–2500, 13,200 MHz and above, which permit mobile operations in addition to operational-fixed systems.

BACKGROUND

2. Private microwave systems are now regulated under interim rules in various Safety and Special Radio Services that have been developed essentially on the basis of findings made in 1959, in Docket 11866 (27 FCC 359). That proceeding considered "the adequacy of the supply of microwave frequencies and the terms and extent to which radio station authorizations may be made to private users," and the Commission determined that private users of microwave systems should be regularly accommodated on certain frequency bands above 890 MHz.[1] A number of rule making actions followed that implemented Docket 11866 findings, notably Docket 13083 (Report and Order released July 20, 1960, FCC 60-891) which provided interim technical standards for use of microwave frequencies. Over the past decade, these rules have contributed to the development of microwave systems. Today, however, the rules need to be revised and updated to meet the demands of current and future developments. The number of private microwave stations has more than tripled to nearly 10,000 stations since 1960. Many of these stations tend to concentrate in microwave corridors producing "pockets" of congestion. At the same time, the need for frequencies for private microwave systems is increasing. This points to the necessity and timeliness for adoption of both stringent interference-prevention criteria and more realistic approaches to bandwidth assignments. There is also the impact of new techniques that have advanced to the point where performance of present-day microwave systems often exceeds rule requirements. New standards in this area are required which take into consideration advances in the state-of-the-art.

THE PRIVATE OPERATIONAL-FIXED RADIO SERVICE

3. In consideration of these factors, we propose to establish a separate radio service to standardize and consolidate rules to cover fixed operations above 952 MHz in a comprehensive format. The new service would be designated as the Private Operational-Fixed Microwave Radio Service. Basically, it provides changes that relate application and licensing procedures specifically to microwave systems; including elimination of some restrictions on interservice sharing,[2] permissible communications are clarified; frequency assignment criteria are incorporated; the bands are channelized; and technical standards are geared to minimizing intersystem interference. Further, additional uses are proposed for certain microwave bands below 10 GHz. For example, local area and business radio users are now restricted to use of bands above 10 GHz. Local area users would be permitted under these changes to use all microwave bands, and business radio users operating long-haul systems would be given access to the 2 and 6 GHz bands. The proposals are not concerned, however, with frequency reallocation matters, with the authorization of innovative operational techniques, or with uses that involve competitive or

[1] Subsequent rule making actions have reallocated the segment 890–947 MHz for land-mobile operations. First Report and Order in Docket 18262, 25 FCC 2nd 764 (1970). We are here concerned only with operations above 952 MHz.

divergent interests. These latter areas are to be explored in separate rule making actions. Nor do we propose extensive modifications of presently authorized private microwave systems, and we have specifically included "grandfather" provisions in our proposals so that the impact on existing systems would be minimal.

CRITERIA FOR FREQUENCY ASSIGNMENTS

4. The requirement for continuous radiation of transmitters to provide the full-period service needed in most microwave systems does not normally permit time-sharing of frequencies by different systems. As a result, to provide the requisite frequencies, including those necessary for full-duplex communications, a planned program of channelization involving frequency pairing and channel spacing is a first consideration. Present rules make no provision for this type of channel assignment in the microwave bands with the exception of the 952–960 MHz band. Informally, however, the Commission has followed a channelling plan for the 1850–1990, 2130–2150, 2180–2200, 6575–6875, and 12,200–12,700 MHz bands. We propose to formalize these plans and, further, we propose channelling plans for all other microwave bands permitting fixed station operations.

5. Related to increasing the number of useful frequencies is the amount of emission bandwidth which will be authorized. Applicants have a choice of bandwidths ranging from 0.1 MHz at 952–960 to 20 MHz at 12,200–12,700 MHz and above. At 1850–1900 MHz, we are proposing an increase from 8 MHz to 10 MHz for maximum authorized bandwidth as being more consistent with the operations generally conducted in that band. Applicants will be required to match their requirements to an appropriate band and application procedures for demonstration of actual channel needs will have to be followed.

6. We have proposed, also, rules limiting an applicant to only one transmit frequency per path, per direction, to preclude acquisition of a wider bandwidth than a frequency band provides. As noted, requirements for bandwidths greater than 10 MHz are intended to be met above 10 GHz. We are aware, however, of some of the long-haul systems which may have bandwidth requirements in excess of 10 MHz. Applicants for these long-haul systems argue that the frequencies above 10 GHz are not suitable for their systems and that they require additional bandwidths in the 2 or 6 GHz bands. The Commission has, in the past, granted these applications based upon special showings of need. We are aware also of the present rule exception as to bandwidth applicable to closed circuit intercity educational television systems. To meet some of these special requirements, we propose to permit assignment of one or more additional transmitting frequencies when an applicant shows that the additional frequencies are required for his present or planned communication requirements and that technical factors preclude use of bands affording greater bandwidth (see proposed § 94.15(d)). In addition, to help offset this additional spectrum demand, at least in the 6 GHz band, we feel consideration should be given to adding the sparsely utilized mobile segment 6525–6575 MHz to the operational fixed band 6575–6875. Comments on this allocation are requested, and suggestions are invited as to possible channelizing plans and/or retainment of some portion of the new band for mobile-only operations.

7. We have also proposed to limit the number of frequencies (not paths) an applicant may be granted at a single location to prevent a single licensee from blocking or restricting use of a particular site to other users of the same band. We view this restriction as being particularly necessary in metropolitan centers and in certain geographical mountain-top locations where, due to a combination of circumstances, the location offers unique advantages to microwave system planners.

8. To help achieve effective point-to-point service from microwave frequencies, there must be isolation between potentially interfering systems. Much of this isolation can be provided by geographical separation since microwave transmission is limited essentially to line-of-sight propagation. The use of highly directive antennas also provides effective isolation even to the point that, in certain configurations, co-channel operation at the same or near-same location by separate systems is possible. However, as private microwave usage has increased, with the concomitant demand for increased channel capacities and system reliability, the need for establishing different or at least updated criteria for the amount of isolation between systems has increased. It is generally accepted in this regard that the amount of interference which one microwave system can tolerate from another system is related to the level of such interference. The level of interference is dependent, among other things, upon the transmitter power and frequency stability, spectral distribution of the transmitted signal, type of multiplexing, antenna characteristics, and in the case of adjacent or near adjacent channel separations, the amount of such separation, i.e., the channel plan. This proposed rule-making addresses itself to microwave technical standards primarily as they relate to these areas. We are fully aware of the impact of receiver stability and selectivity characteristics upon the level of interference. However, microwave receiver specifications are not presently regulated by the Commission on a direct basis. Indirectly of course, these characteristics are regulated and affected by the specifications and within the environment of the other standards being considered.

9. As noted, a key factor affecting interference on co-channel and adjacent channel operation is the frequency stability of the interfering carrier. However, because the Commission has not heretofore specified stability for microwave transmitters and such a specification involves complications with regard to definition and enforcement, it is proposed to limit the specification to transmitter frequency tolerances. Consistent with the need to reduce the level of interference, we are proposing frequency tolerances that are substantially more rigid than present rules provide, and thus indirectly tighten frequency stability. However, most of the equipment currently being offered employs tolerances on this proposed order so that the more rigid standards should not be a burden to new licensees.[3]

10. The effect of modulation upon level of interference has also been considered, but we have determined not to limit the types of modulation of the radio frequency carrier. Most systems in service today employ frequency modulation, but there are systems still employing pulse modulation, amplitude modulation, or combinations of these. Nor do we intend to limit the type of multiplexing employed to modulate the main radio frequency carrier. While most systems use frequency division multiplexing of the single - sideband - suppressed - carrier (SSB-SC) type, there are still systems in service employing frequency-division-multiplex of the FM and AM varieties. Similarly, there are systems in service that use time-division multiplexing and recent trends indicate a resurgence of interest in this technique.[4] Thus, it would seem premature and unduly restrictive to limit either the type of modulation of the RF carrier or the multiplexing at this time. Data with respect to digitally modulated systems has been solicited by the Commission for use in formulating rules and interference criteria for stations licensed under Part 21.[4] To the extent that digital systems in the private services may differ from those in the common carrier bands, additional comments and recommendations are solicited.

11. The power and antenna limitations proposed represent a substantial departure from present rules. The rules now specify a maximum transmitter power but no limitation on the maximum effective radiated power. The proposed rules

[2] Note, however, that cooperative sharing of all private radio facilities is under consideration in Docket No. 19309, "Notice of proposed rule making and inquiry into certain arrangements for cooperative use of private microwave systems," 31 FCC 766 (1971).

[3] Any manufacturer or licensee having equipment which he believes to be capable of compliance with all pertinent requirements without modification, or persons desiring to modify equipment for compliance with the new standards may submit to the Commission measurement data taken in accordance with the type acceptance procedures set forth in Part 2 of the Commission's rules.

[4] See Digital Modulation Techniques in Microwave Radio, notice of inquiry, Docket No. 19311, 36 FR 18660 (September 18, 1971), 31 FCC 2d 716 (1971); and Digital Transmission of Microwave Radio, notice of proposed rule making, Docket No. 19311, 38 FR 12750 (May 15, 1973), 40 FCC 2d 938 (1973).

place an upper limit on this value. The values proposed as maximum should normally preclude diffraction or troposcatter propagation modes and yet not require the reduction in transmitter power of any presently authorized systems. Present rules also limit the minimum size of directional antenna systems (except where omni-directional transmission is authorized) by specifying maximum beamwidth permitted. These beamwidth provisions do not, however, satisfactorily meet the requirements in areas of heavy concentration of microwave systems. As was amply demonstrated in testimony submitted in connection with Docket 11866, narrower beamwidths greatly increase the number of systems that can be accommodated in a given area. Accordingly, this rulemaking proposes narrower beamwidths than the present rules provide for. In addition, directional antenna standards are proposed which specify limitations on the permissible radiation at angles from the center-line of the main beam. Two categories of antennas are proposed: Category A and Category B. The Category A standards provide for antennas with high front-to-back discrimination which can be particularly effective in permitting more systems to be accommodated in areas of high concentration of microwave stations. In areas of lower concentration of microwave stations, it is proposed to permit antennas meeting the Category B standard until such time as the growth of the microwave station population would require a change to the Category A antenna. In conjunction with these antenna standards, it is also proposed to authorize the polarization of the transmitted signal which is not now the case. This is in keeping with the application of interference criteria since it is necesasry to know the polarization of the signal in order to determine antenna discrimination.

12. Periscope antenna systems will continue to be authorized only when meeting the proposed directional antenna standards. Admittedly, the periscope has its advantages in some systems but these do not outweigh the disadvantages stemming from the present inability to predict the radiation pattern. Lacking this information, it is impossible to apply the interference criteria. The situation is rendered even more complex when there is a multiple installation of periscope reflectors on a single tower and they are illuminated by not only the radiation from the associated parabolic antenna but also the spillover from adjacent parabolic antennas. Existing systems employing a periscope system which does not meet the proposed directional antenna standards will be permitted to continue until January 1, 1980.

13. Passive repeaters will continue to be allowed. In fact we encourage their use when possible on the basis that more efficient use is made of the spectrum when a passive rather than an active repeater is used. However, a problem in this respect is related to having sufficient knowledge of the parameters of the passive repeater in the Commission's files to provide the information needed to perform an interference analysis. Presently, applicants file information regarding location of a passive repeater but rarely do they file details as to size or configuration. Accordingly, we are proposing to require applicants to furnish, in addition to the location now filed, details regarding size, orientation, re-radiated power, beamwidth, and other relevant factors. Comments are requested on this approach and as to whether passive repeaters should be treated in the Commission's files as a separate station for interference analysis purposes.

14. Compliance with the interference criteria being proposed is primarily dependent upon the availability of information regarding existing and pending private microwave systems. This information would be used by applicants to analyze potential interference to existing systems by new microwave operations. So that applicants can acquire the necessary data for their evaluation in this respect the Commission plans to establish a data base as to the technical details of all microwave systems. The information will be developed from present records, from replies by applicants furnished on a revised version of the private microwave application Form 402, and from replies to a special questionnaire which the Commission intends to send to present licensees. The type of information to be developed will include, in addition to technical information now covered in Form 402, further details as to antenna parameters and polarization, median received signal level, frequency stability, channel capacity, pre-emphasis, passive repeaters, and such other details as relate to analysis of interference potential. This information will be made available to applicants through Commission offices. It is also proposed to require technical information filings for application reference for certain receivers and antennas in addition to the type acceptance now required for transmitters. Inasmuch as application of the interference criteria requires knowledge of the receiver and antenna characteristics, information about these characteristics would appear to assure uniform and readily available data to those needing the information. On the other hand, industry has been applying interference criteria in the design of systems, obtaining the data from the equipment manufacturers. Collecting and managing this additional data would represent additional cost to the Commission. Comments are thus invited as to the merits of the Commission having the data available, or each user obtaining the data from the original equipment manufacturer.

15. On the basis of the information which will be available to applicants, the Commission proposes to require that applicants for point-to-point private microwave facilities submit a certification that the proposed system will comply with the interference protection criteria, that all affected systems have been considered, and that such licensees should not, under normal propagation conditions be expected to receive interference from the proposed operations above the specified levels. It is not administratively practical, nor should it be necessary, for the Commission to verify each of these showings. Thus, although a certain amount of spot-checking is contemplated, the basic responsibility will be with the applicants and each license will be conditioned upon the validity of an applicant's representations with respect to interference.

SUMMARY

16. In accordance with the foregoing, the attached Appendix sets forth specific rule changes proposed for private operational-fixed microwave systems and basically establishes a new Part 94 in the Safety and Special Radio Services which is intended to cover present licensing and operation of these facilities as well as new uses which can be anticipated in the future. Base and mobile private microwave operations will continue to be covered by existing rules. Parts 81, 87, 89, 91 and 93 would be amended as required at such time as the Commission takes final action in this proceeding. Part 94 rules would include procedural and substantive rules for an independent radio service. The new rules would contain a liberalized approach to permissible communications, consistent with the nature and demands of private point-to-point microwave operations. The key, however, to adding new uses in microwave bands lies, we believe, in our proposals for optimizing the use which can be made of the frequencies available. To this end, we plan to establish a data base as to existing microwave operations that can be used by applicants to design their systems; applicants would be required to match their frequency requirements to appropriate frequency bands; a channeling plan is proposed that includes frequency pairing, channel spacing, and updated bandwidth requirements; and we are proposing non-interference criteria related to power, transmitter frequency tolerances, and antenna limitations which would be applied by applicants to afford protection to existing microwave operations.

17. As can be seen, these proposals are by no means a complete program for private microwave operations, nor are they so intended. However, within the limited framework of this proceeding, we believe that these rule changes are timely and, in the public interest, would promote the orderly and compatible growth of microwave systems. For the foregoing reasons, Notice of proposed rule making is hereby given to establish a new Part 94 as the Private Operational-Fixed Microwave Radio Service. In so doing, specific rules contained in the proposed Part 94 cover the proposals submitted in a petition (RM–339) from the National Committee for Utilities Radio (NCUR) which seeks to relieve Power Radio Service licensees of complying with the requirement for local area microwave users to operate above 10,000 MHz. Also covered is the rule change proposed by the National Association of Manufacturers (NAM) in its

petition (RM-1862) for expanded permissible communications for microwave stations in the Manufacturers Radio Service. To the extent, therefore, that the proposals herein are consistent with the objectives of the petitioners, their petitions are granted, but, in all other respects inconsistent herewith, their petitions are denied. Further, the proposed rule changes set forth in Docket 14179—"In the matter of amendment of Parts 7, 9, 10, 11, and 16 [now 81, 87, 89, 91 and 93] of the Commission's Rules to provide for the assignment of frequencies in the bands above 952 MC to operational fixed stations in such services upon a showing that harmful interference will not be caused to existing stations"—are covered by proposals herein and that Docket, therefore, is terminated. Finally, RM-2272, a petition filed by the American Petroleum Institute recommending redesignation of the band 6525-6575 for operational fixed purposes, is also included within the context of this proceeding.

18. Authority for these proposed amendments, as set forth below, is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

19. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules interested persons may file comments on or before February 28, 1974, and reply comments on or before March 29, 1974. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

20. In accordance with the provisions of § 1.419 of the Commission's rules an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: November 14, 1973.

Released: November 26, 1973.

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

In 47 CFR ch. I a new Part 94 is proposed to be added as follows:

PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE

Subpart A—General Information

Subpart B—Applications, Authorizations, and Notifications

Subpart C—Microwave Technical Standards

Subpart D—Station Operating Requirements

Subpart E—Developmental Operation

AUTHORITY: Secs. 4(i) and 303(r) of the Federal Communications Act of 1934.

Subpart A—General Information

§ 94.1 Basis and purpose.

(a) The basis for the rules following in this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party. The rules in this part are issued pursuant to the authority contained in Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions and to issue licenses for radio stations.

(b) The purpose of the rules in this part is to prescribe the manner in which operational-fixed radio facilities may be licensed and operated in the microwave spectrum above 952 MHz.

§ 94.3 Definitions.

For the purpose of this part, the following definitions shall be applicable. For other definitions, refer to Part 2 of this chapter, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations.

Antenna input power—the radio frequency peak or RMS power, as the case may be, supplied to the antenna from the antenna transmission line and its associated impedance matching network.

Control station—a fixed station whose transmissions are used to control automatically the emissions or operations of another radio station in the mobile services at a specific location.

Effective radiated power (ERP)—the power supplied to the antenna multiplied by the relative gain of the antenna in a given direction, over that of an isotropic radiator. For purposes of this part, expressed decibels, referenced to 1 milliwatt, (dBm), in the direction of the radiation main lobe.

Fixed relay station—an operational-fixed station associated with one or more stations in the mobile service, established to receive radio signals directed to it and to retransmit them automatically on a fixed service frequency.

Fixed service—a service of radiocommunication between specified fixed points.

Fixed station—a station in the fixed service.

Frequency tolerance—the maximum permissible departure by the center frequency of the frequency band occupied by an emission from the assigned frequency, or by the characteristic frequency of an emission from the reference frequency. The tolerance is expressed in parts per million or in hertz.

Long haul system—a system in which the total of the tandem path lengths exceeds 250 miles.

Microwave—for purposes of this part, frequencies above 952 MHz.

Necessary Bandwidth—For a given class of emission, the minimum value of the occupied bandwidth sufficient to insure the transmission of information at the rate and with the quality required for the system employed, under specific conditions. Emissions useful for the good functioning of the receiving equipment, as, for example, the emission corresponding to the carrier of reduced carrier systems, shall be included in the necessary bandwidth.

Note: The necessary bandwidth may be determined by methods outlined in paragraph 2.202 of this chapter.

Occupied Bandwidth—the frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total mean power radiated by a given emission. In some cases, for example multi-channel frequency division systems, the percentage of 0.5 percent may lead to certain difficulties in the practical application of the definitions of occupied and necessary bandwidth; in such cases a different percentage may prove useful.

Operational-fixed station—a fixed station not open to public correspondence,

operated by and for the sole use of those persons or agencies operating their own radiocommunication facilities. (This term includes all stations licensed in the fixed service under this part.)

Passive repeater—a passive antenna element or elements, located so as to reflect or redirect the radiation from or to a directional transmitting or receiving antenna in a horizontal or near horizontal plane to a horizontal or near horizontal plane.

Periscope antenna system—a passive antenna element located so as to reflect or redirect the radiation from or to a directional transmitting antenna from the vertical or near vertical plane to the horizontal or near horizontal plane.

Rated power output—the term "rated power output" of a transmitter means the normal radio frequency power output capability (Peak or Average Power) of a transmitter, under optimum conditions of adjustment and operation, specified by its manufacturer.

Short haul system—a system in which the total of the tandem path lengths is 250 miles or less.

§ 94.5 Eligibility.

Any person, association, or governmental entity or agency that is eligible for licensing in any radio service covered under Parts 81, 87, 89, 91, and 93, is eligible to hold an authorization in this service.

§ 94.7 General citizenship restrictions.

A station license may not be granted to or held by:

(a) Any alien or the representative of any alien;

(b) Any foreign government or the representative thereof;

(c) Any corporation organized under the laws of any foreign government;

(d) Any corporation of which any officer or director is an alien;

(e) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by: Aliens or their representatives, a foreign government or representative thereof, or any corporation organized under the laws of a foreign country;

(f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by: Aliens or their representatives, a foreign government or representative thereof, or any corporation organized under the laws of a foreign government, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

§ 94.9 Permissibility of communications.

(a) Except as provided in paragraph (b) of this section, stations in this radio service are authorized to transmit:

(1) The licensee's own communications;

(2) The communications of other parties in accordance with § 94.17 of this part;

(3) Communications with other licensees required for coordination of activities;

(4) Emergency communications in accordance with § 94.11 of this part.

(b) The radio facilities shall not be used for any of the following purposes:

(1) Rendition of a communications common carrier service;

(2) Transmission of program material for use in connection with broadcasting, except that: the facilities of closed circuit educational television systems that have been licensed to educational institutions may be utilized for the transmission of program material to noncommercial educational television broadcast stations, provided that the use of facilities exclusively for carrying such program material shall be less than 50 percent of their total use during any one year of the license period, no charge either direct or indirect shall be made for such use, and licensees shall submit reports with their applications for renewals showing the breakdown of usage in terms of primary and alternate uses during each year of the license term.

(3) For relay of television, standard, or FM broadcast signals to community antenna television systems (CATV), except for operations of this nature authorized prior to February 1, 1976, pursuant to § 94.25(g).

§ 94.11 Points of communication.

(a) Stations authorized in this service may communicate with associated operational-fixed stations and fixed receivers and with units of associated stations in the mobile service licensed under Safety and Special rule parts. In addition, intercommunication is permitted wth other licensed stations and with U.S. Government stations in those cases which require cooperation or coordination of activities or when cooperative use arrangements in accordance with § 94.17 are contemplated: *Provided, however,* That where communication is desired with stations authorized to operate under the authority of a foreign jurisdiction, prior approval of this Commission must be obtained: *And provided further,* That the authority under which such other stations operate does not prohibit the intercommunication.

(b) During a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, stations may be used for emergency communications unrelated to the licensee's activities in accordance with the following:

(1) As soon as possible, after the beginning of such emergency use, notice must be sent to the Commission in Washington, D.C., and to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the emergency and the use to which the station is being put;

(2) The emergency use of the station must be discontinued as soon as substantially normal communication facilities are again available, and the Commission in Washington, D.C., and Engineer in Charge must be notified immediately when such special use of the station is terminated; and,

(3) The Commission may at any time order discontinuance of such special use of the authorized facilities.

§ 94.13 Interconnection with common carrier facilities.

Stations authorized under this part may be interconnected with the facilities of common carriers subject to applicable tariffs.

§ 94.15 Policy governing the assignment of frequencies.

(a) Frequencies in this service are assignable to provide the full-period service required in most private systems, and assignments shall be protected from interference in the manner and to the extent prescribed in this subpart. However, where full-period service is not needed by the licensee, the same frequencies may be assigned to another licensee in the same area on a scheduled, time-sharing basis.

(b) An applicant for new or modified facilities shall show that his proposed stations will not cause interference to existing authorized stations beyond that permitted by the interference criteria prescribed in this subpart, or that the licensees of the existing stations have agreed, in writing, to a different degree of interference.

(c) All applicants shall make an engineering analysis of the potential interference between the proposed facilities and previously authorized and filed facilities. The applicant shall include as supplemental information with the application, a statement containing: (1) A certification to the effect that, based upon the frequency engineering analysis, the potential interference to existing and previously proposed facilities shall not exceed that prescribed by the interference criteria in this subpart; or (2) If the potential interference is to exceed that prescribed by § 94.63, a statement to the effect that all the parties affected have agreed to accept the higher level of interference. In either case, the applicant shall furnish the names of the licensees of the stations which were considered in conducting the engineering analysis. Further, applicants and licensees shall cooperate promptly and fully in the exchange of technical information necessary to performing frequency engineering analyses, and in the event of technical differences, cooperate in resolving these differences.

(d) Applicants shall select the frequency band having available frequencies where the assignable bandwidth is most consistent with the proposed communication requirements. Applications shall contain supplemental information showing the basis for frequency band selection, the basis for the bandwidth requested, and the proposed schedule for implementation of bandwidth utilization.

Consistent with this policy, each applicant normally will be authorized one transmit frequency per path in each direction where full duplex operation is required. Additional frequencies per path may be authorized only upon a showing that: (1) The additional frequencies are required to accommodate the applicant's present and planned communications requirements, and technical factors preclude use of the bands affording greater assignable bandwidths (For the purposes of this requirement, technical factors to be considered in determining whether a frequency band is suitable for a proposed operation include: reasonable reliability objectives of the applicant; propagation characteristic of the band; atmospheric conditions in the proposed area of operation, such as rain fall and extreme temperature changes that may affect propagation outages; total path length of the proposed system; availability of radio equipment (but not its cost); and the relative availability of frequencies in the band where frequencies are requested and in the band where greater assignable bandwidth is available.); or (2) Expansion of previously authorized systems beyond the capacity originally contemplated is required.

(e) Applicants will normally be assigned the frequencies listed in § 94.65 of this part. Operation on other than the listed frequencies may be authorized where it is shown that the interference criteria requirements prescribed in § 94.63 could not otherwise be met, or where amplitude modulation techniques are authorized. Additionally, on frequency bands above 10,000 MHz, multiple transmitting frequencies may be authorized on a case-by-case basis within a single standard bandwidth.

(f) Frequencies will normally be assigned in pairs for those stations employing full-duplex transmission, with one of the frequencies designated as the station transmit frequency and the other as the receive frequency. Provision is made in some bands for non-paired frequencies for systems employing half-duplex transmission. However, operation on frequencies not paired in accordance with the frequency pairing plans of this part will be authorized only upon a showing that the interference criteria of this part could not be met without a departure from these plans.

(g) Applicants requiring more than one pair of frequencies at a single station location will normally be required to employ one end of the frequency band selected for all Transit frequencies at that location and the other end of the band for all Receive frequencies at that location.

(h) Applicants for new stations requiring multiple transmit frequencies employed on separate paths from a single station location will be authorized not more than one-fourth of the paired transmit frequencies available in the band.

§ 94.17 Cooperative use of stations.

(a) Licensees and persons eligible to become licensees of stations under this part may make cooperative use of such licensed facilities under the conditions and subject to the limitations specified in this section.

(b) The cooperative use of licensed facilities is authorized only on frequencies for which all participants would be separately eligible for assignment.

(c) Licensed facilities may be cooperatively used under this section only (1) without cost to any of the participants in its use, or (2) on a non-profit, cost-sharing basis pursuant to a written contract between the parties involved which provides that the licensee shall have control of the licensed facilities and that contributions to capital and operating expenses are accepted only on a cost-sharing, non-profit basis, prorated equitably, among all participants using the facilities, or (3) on a reciprocal basis (i.e., use of one licensee's facilities in exchange for the use of another licensee's facilities) without charge for either capital or operating expense, pursuant to a written contract between the licensees involved.

(d) Each licensee sharing its facilities under this section shall maintain records showing the cost of the facilities and their operation and use, the charges made to and payments made by each of those using the facilities or contributing to their capital cost or operating expense, and the information specified below, and such records shall be available for inspection by the Commission.

(e) Each licensee sharing its facilities under this section shall file a notification with the Commission 30 days prior to the use of its facilities by any other person that has not been specified in its license application or in a prior notification to the Commission, containing the following information:

(1) Name and description of the licensee;

(2) Call sign of the station or stations;

(3) The radio service in which the station is licensed;

(4) The names of all prospective participants in the cooperative use of the station and a description of each participant sufficient to show its eligibility for participation under this section and its eligibility to use the frequencies assigned to the station; and,

(5) A copy of the contract between the parties for the cooperative use of the facilities.

(f) The licensee may institute the service described in the notification filed pursuant to paragraph (e) of this section 30 days after filing unless the Commission during that period notifies the licensee that the information supplied is inadequate or that the proposed service is not authorized under these regulations, and the licensee shall then have the right to amend or to file another notification to remedy the inadequacy or defect and to institute service 30 days thereafter, or at such earlier date as the Commission may set upon finding that the inadequacy or defect has been remedied.

(g) Each licensee sharing its facilities under this section on a non-profit, cost-sharing basis shall file an annual report with the Commission, using FCC Form 402-A, within 90 days of its fiscal year, containing:

(1) A financial statement of operations during the preceding fiscal year in sufficient detail to show compliance with the requirements of this section;

(2) The names of those who have shared the use of the facilities during the preceding fiscal year;

(3) A brief statement as to the use of the facilities made by each person sharing the use and an estimate of the approximate percentage of use by each participant during the preceding fiscal year; and

(4) Any change in the items previously reported to the Commission, concerning such facilities or their use in the application for the license or in a notification of this section.

(h) When radio facilities are shared under the provisions of this section without charge and without any other consideration from any other participants, or on a reciprocal basis, or when the facilities are shared solely by governmental entities, in lieu of the statements required to be filed by paragraph (g) of this section, the licensee shall file with the Commission within 90 days after the close of his fiscal year a statement advising the Commission of that fact.

(i) The licensee shall inform the Commission whenever the cooperative use of any of its facilities in accordance with this section is permanently discontinued.

Subpart C—Applications, Authorizations, and Notifications

§ 94.23 Station authorization required.

No radio transmitter shall be operated in this service except under and in accordance with a proper station authorization granted by the Federal Communications Commission.

§ 94.25 Filing of applications.

(a) Persons desiring to install and operate radio transmitting equipment must submit an application for a radio station authorization. To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to the private operational-fixed radio stations are described in § 94.27, and may be obtained from the Washington, D.C. office of the Commission, or from any of its engineering field offices. Concerning matters where no standard form is applicable, the informal application procedure outlined in § 94.27 should be followed.

(b) Every application for a radio station authorization, and all correspondence relating thereto, shall be submitted to the Commission's office at Washington, D.C. 20554. Each application shall be accompanied by the fee prescribed in Subpart G of Part 1 of the Commission's rules.

(c) Unless otherwise specified, an application shall be filed at least sixty days prior to the date on which it is desired that Commission action thereon be completed.

(d) Applications involving operation at temporary locations:

(1) An application for authority to operate a fixed station at temporary locations shall specify the general geographic area within which the operation will be confined. The area specified may be a city, a county or counties, or a state or states. Sufficient data must be submitted to show the need for the proposed area of operation.

(2) If an operational-fixed station is authorized to be operated at temporary locations and actually remains, or is to remain, at the same location for a period of over a year, application for a separate authorization specifying the fixed location, shall be made as soon as possible but not later than 30 days after the expiration of the one-year period.

(e) Applicants proposing to construct a radio station on a site located on land under the jurisdiction of the U.S. Forest Service, U.S. Department of Agriculture, or the Bureau of Land Management, U.S. Department of the Interior, must supply the information and must follow the procedure prescribed by § 1.70 of this chapter.

(f) In order to minimize possible harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, W. Va., and at the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, W. Va., any applicant for a station authorization other than mobile, temporary base, or temporary-fixed seeking a station license for a new station or to modify an existing station in a manner which would change either the frequency, power, antenna height or directivity, or location of such a station within the area bounded by 39°15′ N. on the north, 78°30′ W. on the east, 37°30′ N. on the south, 80°30′ W. on the west shall at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, Post Office Box No. 2, Green Bank, W. Va., 24944, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity, if any, proposed frequency, type of emission and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of twenty (20) days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the 20-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

(g) Applications for authorizations to construct new microwave operational-fixed radio stations for relaying television, standard, or FM broadcast signals to community antenna television (CATV) systems, will not be accepted. Existing systems authorized prior to November 22, 1965, may continue to be authorized under this part until not later than February 1, 1976, or until an earlier date if the Commission determines that the frequencies in the 12200–12700 MHz band are needed for operational-fixed stations, subject to the following:

(1) No additional stations or frequencies will be authorized;

(2) Replacement of equipment may be authorized only if the new equipment is type accepted for operation in the 12700–12950 MHz band;

(3) Authorizations and renewals thereof may be granted for a term not exceeding one year;

(4) Authorizations and renewals shall contain the condition that such cable television systems shall operate in compliance with the provisions of Part 76 (Cable Television Service) of this chapter.

(5) Applications shall contain a statement that the applicant has notified the licensee or permittee of any television broadcast station within whose predicted Grade B contour the cable television system served or to be served operates or will operate; the licensee or permittee of any 100-watt or higher power television translator station licensed to the community of the system; and any local or state educational television authorities, of the filing of the application. Such statement of the applicant shall be supported by copies of the letters of notification. The notice shall include the fact of intended filing by the applicant, the name and mailing address of each cable television system served or to be served under the authorization sought, the community and area served or to be served by each cable television system, and the television signals to be carried by each cable television system.

NOTE: As used in this paragraph (a) (5) the term "predicted Grade B contour" means the field intensity contour defined in § 73.683 (a) of this chapter, the location of which is determined exclusively by means of the calculations prescribed in § 73.684 of this chapter.

§ 94.27 Application and standard forms.

(a) A separate application shall be submitted on FCC Form 402 for the following:

(1) New station authorization for private operational-fixed microwave station.

(2) New station authorization for a fixed station to be operated at temporary locations in this service.

(3) Modification of station license.

(4) Assignment of an authorization (see paragraph (b) of this section and § 94.47).

(b) When the holder of a station authorization desires to assign to another person the privilege to use a radio station, he shall submit to the Commission a letter setting forth his desire to assign all right, title, and interest in and to such authorization, stating the call sign and location of station. This letter shall also include a statement that the assignor will submit his current station authorization for cancellation upon completion of the assignment. Enclosed with this letter shall be an application for Assignment of Authorization on FCC Form 402, prepared by and in the name of the person to whom the station is being assigned.

(c) A separate application shall be submitted on FCC Form 703 whenever it is proposed to change, as by transfer of stock ownership, the control of a licensee.

(d) Informal application—an application not submitted on a standard form prescribed by the Commission is considered to be an informal application. Each informal application, normally in letter form, properly signed, shall be clear and complete within itself as to the facts presented and the action desired.

(e) FCC Form 456 "Notification of Completion of Radio Station Construction," may be used to advise the Engineer-in-Charge of the local district office that construction of the station is complete and that operation will begin.

(f) Application for renewal of station license shall be submitted on FCC Form 405A. Applications for renewal must be made during the license term and should be filed within 90 days, but not later than 30 days prior to the end of the license term. In any case in which the licensee has, in accordance with the provisions of this chapter, made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

§ 94.29 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant if the applicant is an individual; by one of the partners if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible governmental entities shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall, in that event, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge) he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of

fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

§ 94.31 Supplemental information to be submitted with application.

Each application for station authorization shall be accompanied by the supplemental information listed below.

(a) Any statements or showings required by the applicable subpart of this part, in connection with the use of a frequency requested, (see § 94.63);

(b) A functional system diagram and a detailed description of the manner in which the interrelated stations will operate when the station is, or will be, part of a system involving two or more stations at different fixed locations;

(c) Copies of all agreements and statements which may be required under § 94.17 if operation is desired in connection with any cooperative use of the proposed radio communication facilities;

(d) Statements required by the rules in connection with developmental operation (see Subpart E of this part);

(e) Data required by the rules in connection with operation of fixed stations at temporary locations (see § 94.27(a)(2));

(f) Any statements or other data required under special circumstances as set forth in this part, or required upon request by the Commission;

(g) Information required by § 1.70 of this chapter;

(h) Information required by Part 17 of the Commission's Rules "Construction, Marking, and Lighting of Antenna Structures" as required.

§ 94.33 Preliminary processing of applications.

(a) Applications received for filing are given a file number. The assignment of a file number to an application is merely for administrative convenience and does not indicate the acceptance of the application for filing and processing.

(b) Applications which are incomplete with respect to answers, supplementary statements, execution, or other matters of a formal character shall be deemed to be defective and may be returned to the applicant with a brief statement as to such defects. In addition, if an applicant is requested by the Commission to file any additional documents or information not included in the prescribed application form, failure to comply with such request will be deemed to render the application defective, and such application may be dismissed. Applications will also be deemed to be defective and may be returned to the applicant in the following cases:

(1) Statutory disqualification of applicant, e.g., aliens under section 310 of the Communications Act of 1934, as amended;

(2) Proposed use or purpose of station would be unlawful;

(3) Requested frequency is not allocated for assignment for the service proposed.

(c) Applications which are not in accordance with the provisions of this chapter, or other requirements of the Commission, will be considered defective and may be dismissed unless accompanied by a request of the applicant for waiver of, or exception to, any rule, regulation, or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired, and set forth the reasons in support thereof to include a showing that unique circumstances are involved and that there is no reasonable alternative solution within existing rules. Applications may be dismissed if the accompanying petition for waiver of rules does not set forth reasons which, sufficient if true, would justify a waiver or exception.

§ 94.35 Amendment or request for dismissal of application.

(a) Any application, except for mutually exclusive applications or those against which a petition to deny has been filed, may be amended as a matter of right at any time prior to the time the application is granted or designated for hearing. Each amendment to an application shall be signed and submitted in the same manner as required for the original application. The procedures for amending applications mutually exclusive under this part, applications against which a petition to deny has been filed, and applications designated for hearing are set forth in § 1.918 of this chapter.

(b) Any application may, upon written request signed by the applicant or his attorney, be dismissed without prejudice as a matter of right prior to the time the application is granted or designated for hearing.

§ 94.37 Grant of application without hearing.

(a) The Commission will grant without a hearing an application for a station authorization if it is proper upon its face and if the Commission finds from an examination of such application and supporting data, any pleading filed, or other matters which it may officially notice, that:

(1) There are no substantial and material questions of fact;

(2) The applicant is legally, technically, financially, and otherwise qualified;

(3) A grant of the application would not involve modification, revocation, or non-renewal of any existing license;

(4) A grant of the application would not preclude the grant of any mutually exclusive application; and

(5) A grant of the application would serve the public interest, convenience, and necessity.

(b) If a petition to deny an application has been filed pursuant to § 1.962 and the Commission grants such application pursuant to paragraph (a) of this section, the Commission will deny the petition and issue a concise statement of the reason for such denial and disposing of all substantial issues raised by the petition. (See § 1.973 of this chapter, as to applications designated for hearing.)

§ 94.39 License term.

(a) Licenses for stations in this service will normally be issued for a term of five years from the date of original issuance, modification, or renewal, except that, in some instances, a term of from one to five years will be applied, the term varying as may be necessary to permit the orderly scheduling of renewal applications.

(b) Authorizations for stations engaged in developmental operation under subpart E of this part will be issued upon a temporary basis for a specific period of time, but in no event to extend beyond one year from date of grant.

§ 94.41 Partial grant of applications.

Where the Commission, without a hearing, grants any application in part, or with any privileges, terms or conditions other than those requested, or subject to any interference that may result to a station if designated application or applications are subsequently granted, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 30 days from the date on which such grant is made or from its effective date if a later date is specified, file with the Commission a written request rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and set the application for hearing in the same manner as other applications are set for hearing. (See § 1.973 of this chapter as to applications designated for hearing.)

§ 94.43 Procedure for obtaining special temporary authority.

Authorizations in this service are granted in accordance with procedures set forth in this subpart. Therefore, temporary authorizations which depart from these procedures will not normally be considered except as specified below:

(a) Special temporary authorization may be granted upon a written request (See requirements for informal applications in § 94.27(d).) in the following circumstances:

(1) In emergency situations;

(2) To permit restoration or relocation of existing facilities to continue communication services;

(3) To conduct tests to determine necessary data for the preparation of an application for regular authorization;

(4) For a temporary non-recurring service where a regular authorization is not appropriate.

(b) The public notice requirements of § 1.962 of this chapter do not apply to the following requests:

(1) To a non-renewable special temporary authorization for 30 days where an application for regular operation is not contemplated;

(2) To a non-renewable special temporary authorization for 60 days pending or after the filing of an application for regular operation.

NOTE: These temporary authorizations may not be extended unless the public notice requirements have been met.

(c) When an application for regular operation has been filed and is subject to the public notice requirements of § 1.962 of this chapter, then, notwithstanding such requirement, if the grant of such application is otherwise authorized by law and there are extraordinary circumstances requiring emergency operations in the public interest and delay in the institution of such emergency operations would seriously prejudice the public interest, grant of a temporary authorization may be for a period not exceeding ninety days, except that, upon like findings, such temporary authorization may be extended for an additional period not to exceed ninety days.

(d) Request for special temporary authority shall contain the following information:

(1) Name, address, and citizenship status of applicant.

(2) Need for special action, including a description of any emergency or damage to equipment.

(3) Type of operation to be conducted.

(4) Purpose of operation.

(5) Time and date of operation desired.

(6) Class of station and nature of service.

(7) Location of station and points with which station will communicate.

(8) Equipment to be used, specifying manufacturer, model number, and number of units.

(9) Frequency(s) desired.

(10) Azimuth and beamwidth of major lobe of transmitting antenna and ERP.

(11) Type of emission.

(12) Description of antenna to be used, including height.

§ 94.45 Changes in authorized stations.

(a) Prior Commission approval is required before the following changes are made in authorized stations:

(1) Any addition or change in frequency (except deletion of a frequency);

(2) Any change in antenna azimuth;

(3) Any change in antenna beamwidth;

(4) Any change in antenna location greater than 5 seconds;

(5) Any change in antenna location of less than 5 seconds but also involving a requirement for special aeronautical study;

(6) Any change in antenna polarization;

(7) Any increase in antenna height;

(8) Any change in the size of passive reflectors or repeaters associated with the facilities of an authorized station;

(9) Any increase in emission bandwidth beyond that authorized;

(10) Any change in the type of emission;

(11) Any increase in authorized power in excess of a 2-to-1 ratio;

(12) Substitution of equipment having different stability.

(b) When the name of the licensee is changed (without changes in the ownership, control, or corporate structure), or when the mailing address is changed (without changing the authorized location of the base fixed station or the area of operation of mobile stations) a formal application for modification of license is not required. However, the licensee shall notify the Commission promptly of these changes. The notice, which may be in letter form, shall contain the name and address of the licensee as they appear in the Commission's records, the new name and/or address as the case may be, the call signs and classes of all radio stations authorized to the licensee under this part and the radio service in which each station is authorized. The notice shall be sent to: (1) Secretary, Federal Communications Commission, Washington, D.C. 20554, and (2) the Engineer in Charge of the radio district in which the station is located, and a copy shall be maintained with the license of each station until a new license is issued.

§ 94.47 Transfer and assignment of station authorization.

A station authorization, and the rights therein granted by such authorization shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly disposed of by transfer of control of any corporation holding such authorization, to any person, unless the Commission shall, after securing full information, decide that said transfer is in the public interest. (See § 94.27(b) for standard forms and procedures required for assignment of station licenses.)

§ 94.49 Report of temporary location.

The Engineer in Charge of each radio district wherein temporary operation by an operational fixed station is authorized shall be notified of such inter-district operating authority only at such time as the initial or modified authorization for such operation is granted by the Commission.

§ 94.51 Time in which station must be placed in operation.

The station authorized must be placed in operation within eight months from the date of grant or the authorization shall be invalid and must be returned to the Commission for cancellation. Requests for extension may be granted upon a showing of good cause, setting forth in detail the applicants' reasons for failure to place the facility in operation in the prescribed eight-month period. Such requests must be submitted no later than 30 days prior to the end of the eight-month period.

§ 94.53 Discontinuance of station operation.

In case of permanent discontinuance of operation of a station licensed under this part, the licensee shall forward the station license to the Washington, D.C., office of the Commission for cancellation. A copy of the request for cancellation of the license shall be forwarded to the Commission's Engineer in Charge of the district in which the station is located. For purposes of this section, a station which is not operated for a period of one year is considered to have been permanently discontinued.

§ 94.54 Notification of station being placed in operation or being discontinued.

The Engineer in Charge of each radio district in which an operational-fixed station is located and the Commission in Washington, D.C. shall be notified when the station has been initially placed in operation, and when operation is permanently discontinued.

§ 94.55 Continued operation subsequent to modification.

Operation in accordance with the provisions of an authorization which has been modified may be continued until such modifications can be implemented: *Provided*, That the provisions of §§ 94.51 and 94.53 are met.

Subpart C—Microwave Technical Standards

§ 94.61 Applicability.

(a) The technical standards contained in this subpart shall govern, effective _____, the issuance of authorizations for private operational-fixed stations operating in the microwave bands above 952 MHz. Except as provided in § 94.65(j), stations authorized prior to this date not meeting the provisions of this subpart may continue to be authorized under previous technical standards until January 1, 1980.

(b) The frequency bands to which this subpart apply are as follows:

Frequency band (MHz)	*Class of stations*
952–960	Operational-fixed.
1850–1990 [1]	Do.
2130–2150	Do.
2150–2160	Do.
2180–2200	Do.
2450–2500 [2] [3]	Fixed, Mobile Radio.
2500–2690	Operational-fixed.
6575–6875 [1]	Do.
12,200–12,700	Do.
13,200–13,250 [4]	Mobile fixed.
17,700–19,700 [4]	Do.
21,200–22,000 [4]	Do.
22,000–23,600 [4]	Do.
31,000–31,200 [4]	Do.
38,600–40,000 [4]	Do.

[1] Except for those persons employing long-haul systems as defined in this part, this band is not available for operations by persons where sole basis for eligibility in this service is established under the eligibility requirements of § 91.551(a) for licensing in the Business Radio Service.

[2] Subject to no protection from Industrial, Scientific and Medical (ISM) equipment on 2450 MHz.

[3] Classes of stations other than operational-fixed may be authorized in this frequency band under rules set forth in other Safety and Special Radio Services.

[4] Limited to developmental operation only with the assigned frequency and particulars of operation specified in each authorization. (See subpart E of this part.)

§ 94.63 Interference protection criteria.

(a) Existing or previously authorized stations in this service shall be afforded protection from interference by applicants for new or modified facilities to the extent provided herein.

(b) Before filing an application for new or modified facilities, the applicant shall perform a frequency enginering analysis to ascertain that the facilities will not expose existing or previously authorized facilities to interference of a magnitude greater than that specified in the applicable criteria, unless otherwise agreed to in accordance with the provisions of § 94.15(c). Further, the applicant is responsible for analyzing the potential interference to his proposed facilities from those existing or previously authorized facilities.

(c) The interference protection criteria which the existing or previously authorized microwave relay system shall be afforded is as follows:

(1) *Long-haul FM–FDM.* Analog systems in which the total of the tandem path lengths exceeds 250 miles, and where the system employs a frequency modulated radio, and frequency division multiplexing (FM–FDM) is employed to provide multiple voice channels; the allowable interference level per exposure:

(i) Due to sideband-to-sideband interference shall not exceed 5 pwpO.[1]

(ii) Due to carrier beat interference shall not exceed 50 pwpO per exposure.[1]

(2) *Short-haul FM–FDM.* Analog systems in which the total of the tandem path lengths is 250 miles or less, and where the system employs a frequency modulated radio and frequency division multiplexing (FM–FDM) is employed to provide multiple voice channels; the allowable interference level per exposure:

(i) Due to sideband-to-sideband interference shall not exceed 25 pwpO.[1 2]

(ii) Due to carrier beat interference shall not exceed 50 pwpO.[1 2]

(3) *FM–TV.* Analog systems employing frequency modulated radio modulated by a standard television (visual) signal; the allowable interference level per exposure shall not exceed the levels which would apply to a long-haul or short-haul FM–FDM system, as outlined in (c)(2) or (3) above for a system with 600 voice channel capacity.

(4) *Time Division Multiplexing (TDM).* Systems where the radio is modulated by time division multiplexing to provide multiple voice channels; the allowable interference level per exposure shall be equivalent to that specified in (c)(1) or (2) above.

(d) In addition to the requirements of 94.63(c), the adjacent channel interference protection criteria which the existing or previously authorized microwave relay system shall be afforded, regardless of system length, or type of modulation, multiplexing, or frequency band, shall be such that the interfering signal shall not produce more than a 1.0 db degradation of the practical threshold of the protected receiver.

(e) The criteria specified in paragraph (c) of this section shall be applied by calculating the ratio in dB, between the desired (carrier) signal and the undesired (interfering) signal (C/I ratio) appearing at the input to the receiver under investigation (victim receiver). The development of the C/I ratios from the criteria and the methods employed to perform path calculations shall follow procedures contained in EIA Bulletin 10, "Interference Criteria for Microwave Systems in the Safety and Special Radio Services." (Published by the Electronics Industries Association Engineering Department, 2001 Eye Street, NW., Washington, D.C. 20006). Where the applicants proposed facilities are of a type not included in paragraph (c) of this section or where the development of the carrier to interference (C/I) ratio is not covered by EIA Bulletin 10, the applicant shall, in the absence of criteria or a developed C/I ratio, employ the following C/I protection ratios:

(1) Co-channel interference: both sideband and carrier beat, applicable to all bands; the existing or previously authorized system shall be afforded a carrier to interfering signal protection ratio of at least 90 dB, except in the 952–960 MHz band where it shall be 65 dB.

(2) Adjacent channel interference: applicable to all bands; the existing or previously authorized system shall be afforded a carrier to interfering signal protection ratio of at least 56 dB, except in the 952–960 MHz band where it shall be 43 dB.

§ 94.65 Frequencies.

Frequencies normally available for assignment in this service are set forth with applicable limitations in the following tables:

(a) *952–960 MHz.*

TABLE I

PAIRED FREQUENCIES

Transmit (or receive)	*Receive (or transmit)*
956.4[1]	952.8
956.5[1]	952.9
956.6	953.0
956.7	953.1
956.8	953.2
956.9	953.3
957.0	953.4
957.1	953.5
957.2	953.6
957.3	953.7
957.4	953.8
957.5	953.9
957.6	954.0
957.7	954.1
957.8	954.2
957.9	954.3
958.0	954.4
958.1	954.5
958.2	954.6
958.3	954.7
958.4	954.8
958.5	954.9
958.6	955.0
958.7	955.1
958.8	955.2
958.9	955.3
959.0	955.4
959.1	955.5
959.2	955.6
959.3	955.7
959.4	955.8
959.5	955.9
959.6	956.0
959.7	956.1
959.8[1]	956.2
959.9[1]	956.3

UNPAIRED FREQUENCIES

952.1[2]	952.5[2]
952.2[2]	952.6[2]
952.3[2]	952.7[2]
952.4[2]	

[1] Picowatts (pwpO) of absolute noise power, psophometrically weighted, appearing in an equivalent voice band channel of 300–3400 Hertz.

[2] 250 pwpO in the 952–960 MHz band.

[3] 1000 pwpO in the 952–960 MHz band.

[1] Available for duplex operation on the paired frequencies with omnidirectional operation on the higher frequency of the pair and directional operation on the lower frequency of the pair, for purposes other than the control of traffic signals.

[2] Available for simplex operation, for purposes other than control of traffic signals, with omnidirectional operation authorized at one station and directional operation at all others.

[3] Available only for omnidirectional usage to control traffic signals.

(b) *1850–1990 MHz.*

TABLE II

PAIRED FREQUENCIES

Transmit (or receive)	*Receive (or transmit)*
1855.0	1935.0
1865.0	1945.0
1875.0	1955.0
1885.0	1965.0
1895.0	1975.0
1905.0	1985.0

UNPAIRED FREQUENCIES[1]

1915.0 1925.0

[1] Available for systems employing half-duplex (one-way) transmission.

(c) *2130–2150 MHz; 2180–2200 MHz.*

TABLE III

PAIRED FREQUENCIES

2130–2150 MHz	2180–2200 MHz
Receive (or transmit)	*Transmit (or receive)*
2130.8	2180.8
2131.6	2181.6
2132.4	2182.4
2133.2	2183.2
2134.0	2184.0
2134.8	2184.8
2135.6	2185.6
2136.4	2186.4
2137.2	2187.2
2138.0	2188.0
2138.8	2188.8
2139.6	2189.6
2140.4	2190.4
2141.2	2191.2
2142.0	2192.0
2142.8	2192.8
2143.6	2193.6
2144.4	2194.4
2145.2	2195.2
2146.0	2196.0
2146.8	2196.8
2147.6	2197.6
2148.4	2198.4
2149.2	2199.2

(d) *2150–2160 MHz.* Specific frequency of operation to be set forth in authorization. Omnidirectional transmission only

may be authorized, subject to providing protection from harmful interference to previously authorized stations in this service and in other services sharing this band.

(e) *2450–2500 MHz.* This band is shared with base, mobile, and radiolocation stations and is subject to no protection from interference from Industrial, Scientific and Medical devices operating on 2450 MHz.

TABLE IV

PAIRED FREQUENCIES

Transmit (or receive)	Receive (or transmit)
2451.9	2476.3
2452.7	2477.1
2453.5	2477.9
2454.3	2478.7
2455.1	[1] 2479.5
2455.9	2480.3
2456.7	2481.1
2457.5	2481.9
2458.3	2482.7
2459.1	2483.5
2459.9	2484.3
2460.7	2485.1
2461.5	2485.9
2462.3	2486.7
2463.1	[1] 2487.5
2463.9	2488.3
2464.7	2489.1
2465.5	2489.9
2466.3	2490.7
2467.1	2491.5
2467.9	2492.3
2468.7	2493.1
2469.5	2493.9
2470.3	2494.7
2471.1	[1] 2495.5
2471.9	2496.3
2472.7	2497.1
2473.5	2497.9
2474.3	2498.7
2475.1	2499.5

[1] Consideration will be given on a case-by-case basis to assigning these frequencies to systems employing wide-band (8.0 MHz) transmissions provided that such transmissions will not result in harmful interference to previously authorized systems operating in this band.

(f) *2500–2690 MHz.* The television channels 2650–2656 MHz 2662–2668 MHz, and 2674–2680 MHz and the corresponding response frequencies 2686.9375 MHz, 2687.9375 MHz and 2688.9375 MHz may be assigned for operational fixed stations. Such assignments are subject to the condition that all operational fixed stations must comply with the technical standards applicable to stations in the Instructional Television Fixed Service (ITFS) contained in Subpart I of Part 74 of this chapter. All other frequencies in this band are available for assignment only to stations in the Instructional Television Fixed Service. Stations authorized in this band as of July 16, 1971, which do not comply with the above provisions may continue to operate on their presently assigned frequencies. Request for subsequent license renewals or modifications of existing licenses will be considered; however, expansion of systems comprised of such stations will not be permitted.

Table V

2650–2656 [1]	2686.9375 [2]
2662–2668 [1]	2687.9375 [2]
2674–2680 [1]	2688.9375 [2]

[1] Available for operational fixed stations employing television transmissions.

[2] Response frequencies; when authorized, they are paired respectively with the bands 2650–2656, 2662–2668 and 2674–2680 MHz, and used in accordance with the technical standards prescribed for ITFS response stations in Part 74, Subpart I, of this chapter.

(g) *6575–6875 MHz.*

TABLE VI

PAIRED FREQUENCIES

Transmit (or receive)	Receive (or transmit)
6585.0	6745.0
6595.0	6755.0
6605.0	6765.0
6615.0	6775.0
6625.0	6785.0
6635.0	6795.0
6645.0	6805.0
6655.0	6815.0
6665.0	6825.0
6675.0	6835.0
6685.0	6845.0
6695.0	6855.0
6705.0	6865.0

UNPAIRED FREQUENCIES [1]

6715.0	6735.0
6725.0	

[1] Available for systems employing half-duplex (one-way) transmission.

(h) *12,200–12,700 MHz.*

TABLE VII

PAIRED FREQUENCIES

Transmit (or receive)	Receive (or transmit)
12,210	12,470
12,230	12,490
12,250	12,510
12,270	12,530
12,290	12,550
12,310	12,570
12,330	12,590
12,350	12,610
12,370	12,630
12,390	12,650
12,410	12,670
12,430	12,690

UNPAIRED FREQUENCIES [1]

12,450

[1] Available for systems employing half-duplex (one-way) transmission.

(i) *Bands above 12,700 MHz.* Available for developmental operation with frequency to be specified in authorization.

(j) Licensees holding valid authorizations as of _____, which do not meet the provisions of this section may continue to be authorized.

§ 94.67 Frequency tolerance.

(a) Stations in this service shall maintain the carrier frequency of each authorized transmitter to within the following percentage of the assigned frequency.

Frequency band in MHz	Tolerance as percentage of assigned frequency
952 to 960	0.0005
1850 to 1990	0.002
2130 to 2150	0.001
2150 to 2160	0.001
2180 to 2200	0.001
2450 to 2500	0.001
2500 to 2690	[1]
6575 to 6875	0.005
12,200 to 12,700	0.005
Above 12,700	[2]

[1] In accordance with the technical standards contained in Subpart I, Part 74 of this chapter.

[2] To be specified in authorization.

§ 94.69 Types of emission.

(a) Subject to the limitations of paragraph (b), stations in this service will be authorized any type of emission, method of modulation, and transmission characteristic, except that:

(1) Type B, damped wave emission will not be authorized;

(2) Stations in the 2500–2690 MHz band shall employ emission in accordance with the technical standards contained in Subpart I, Part 74 of this chapter.

(b) The Commission may require an applicant to make appropriate technical changes, should it appear that the proposed method of modulation is unduly wasteful of emission bandwidth in relation to the information bandwidth the applicant proposes to transmit.

§ 94.71 Emission limitations.

(a) Each authorization issued to a station operating in this service will show, as a prefix to the emission classification, a figure specifying the maximum authorized bandwidth.

(b) The maximum bandwidth (necessary or occupied, whichever is greater) which will be authorized per frequency assigned, is as follows:

Frequency Band MHz	Maximum Authorized Bandwidth
952–960 MHz	100 kHz
1850–1990 MHz	10 MHz [1]
2130–2150 MHz	800 kHz
2150–2160 MHz	10 MHz [1]
2180–2200 MHz	800 kHz
2450–2500 MHz	800 kHz [2]
2650–2680 MHz	6 MHz [3]
2686.9375–2688.9375 MHz	3 kHz [3]
6575–6875 MHz	10 MHz [1]
12,200–12,700 MHz	20 MHz [1]
Above 12,700	[4]

[1] For stations employing television or video transmission and which are not part of a multi-hop tandem system, the maximum bandwidth which will be authorized is 6.0 MHz.

[2] 8.0 MHz on a case-by-case basis.

[3] In accordance with technical standards governing the Instructional Television Fixed Service as contained in Subpart I, Part 74 of this chapter.

[4] To be specified in authorization.

(c) The mean power of emissions shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:

(1) On any frequency removed from the assigned frequency by more than 50 percent up to and including 100 percent of the authorized bandwidth, at least 25 decibels;

(2) On any frequency removed from the assigned frequency by more than 100 percent up to and including 250 percent of the authorized bandwidth, at least 35 decibels;

(3) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth at least 43 plus 10 Log_{10} (mean output power in watts) decibels or 80 decibels, whichever is the lesser attenuation.

(d) When a spurious emission results and causes harmful interference, the Commission may require appropriate technical changes in equipment to alleviate the interference.

(e) The emission of an unmodulated carrier is prohibited except for test purposes as required for proper station and system maintenance.

§ 94.73 Power limitations.

On any authorized frequency, the average power delivered to an antenna in this service shall be the minimum amount of power necessary to carry out the communication desired, but in no event shall the average effective radiated power (ERP) as referenced to an isotropic radiator, exceed the values specified below. Further, the output power of a transmitter on any authorized frequency in this service shall not exceed 20 watts (43 dBm).

Frequency band	Maximum allowable ERP [1]
952-960 MHz	75 dBm [2]
1850-2690 MHz	80 dBm
6575-6875 MHz	86 dBm
12,200-12,700 MHz	88 dBm
Above 12,700	To be specified in authorizations.

[1] Peak envelope power shall not exceed five times the average power.

[2] Except when an omnidirectional transmitting antenna is authorized, the maximum shall be 60 dBm.

94.75 Antenna limitations.

(a) Except where omnidirectional operation is specifically provided for under this part, each station in this service shall employ directional antennas with center of the major lobe of radiation directed toward the receiving station with which it communicates or, if the path employs a passive repeater, to the center of that reflector.

(b) Directional antennas shall meet the performance standards indicated in the following tables:

ANTENNA STANDARDS

Frequency band	Maximum beamwidth to 3 dB points	Category [1]	Minimum radiation suppression at angle in degrees from center line of main beam, in dB: 5 up to 10	10 up to 15	15 up to 20	20 up to 30	30 up to 175	175 up to 180
952 to 960 MHz [2]	10 degrees	A	5	10	12	15	20	25
	20 degrees	B	----------	4	6	10	15	20
1850 to 2690 MHz [3]	5 degrees	A	8	18	22	23	30	45
	8 degrees	B	8	18	22	23	25	36
6575 to 6875 MHz	1.5 degrees	A	25	30	35	42	48	65
	2.0 degrees	B	23	28	32	35	39	45
12,200 to 12,700 MHz	1.0 degrees	A	27	30	38	40	46	65
	1.5 degrees	B	25	28	37	39	45	50
Above 12,700 MHz	To be specified in authorization.							

[1] Stations in this service may employ directional antennas meeting the performance standards of Category B except that antennas meeting the performance standards of Category A must be employed when, at any time, frequency engineering analysis, performed in accordance with § 94.63, determines that frequency interference could result to other licensees.

[2] Except for the frequencies 952.1, 952.2, 952.3, 952.4, 952.5, 952.6, 952.7, 956.4, 956.5, 959.8, 959.9 MHz, where the maximum beamwidth is 360 degrees.

[3] Except for 2150-2160 MHz, where the maximum beamwidth is 360 degrees.

(c) Authorizations for stations in this service will specify the use of horizontal, vertical or, in the case of polarization diversity, both vertical and horizontal polarization of the transmitted signal, as appropriate for the system involved. Polarization of other than vertical or horizontal will not be authorized.

(d) New periscope antenna systems will be authorized upon a certification that the radiation, in a horizontal plane, from an illuminating antenna and reflector combination meets or exceeds the antenna standards of this section and, at locations where multiple periscope antennas are employed, that the cross-coupling between periscope antennas is suppressed by an amount equal to or greater than the radiation suppression specified in the standards for angles from the main beam of 175–180 degrees for the particular band and antenna category selected.

(e) The provisions of this section shall apply to passive repeaters employed to re-direct or repeat the signal from a station's directional antenna system, but these passive repeaters will be distinguished from periscope antenna systems on the basis that they deflect the radiation of a directional antenna system from horizontal or near horizontal to the horizontal or near horizontal. In such instances, the center lobe of radiation from the directional transmitting antenna shall be directed to the center of the passive repeater; and the major lobe of the re-radiation from the reflector shall be directed toward the center of the receiving antenna with which this station communicates.

(f) Intentional design of systems employing diffraction or scattering modes are specifically prohibited.

§ 94.81 Type acceptance and technical information filings of microwave equipments.

(a) Except for equipment used under a developmental authorization, equipment listed below shall have received either type acceptance by the Commission for use under applicable rules of this subpart or technical information for application reference shall have been submitted to the Commission, as appropriate.

(1) Type acceptance by the Commission is required for all transmitters employed in this Service.

(2) Technical Information for Application Reference shall be filed with the Commission for each receiver in this Service when the output of the receiver is employed directly or indirectly to modulate a transmitter in this Service.

(3) Technical Information for Application Reference shall be filed with the Commission for each antenna employed in this Service.

(b) Requirements for obtaining Type Acceptance by the Commission and in submitting Technical Information for Application Reference to the Commission are contained in Subpart F, Part 2 of this Chapter.

94.83 Transmitter control requirements.

Each transmitter shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

94.85 Transmitter measurements.

(a) The licensee of each station shall employ a suitable procedure to determine that the carrier frequency of each transmitter is maintained within the tolerance prescribed in this part. This determination shall be made, and the results thereof entered in the station records, when the transmitter is initially installed and when any change is made in the transmitter which may affect the carrier frequency or the stability thereof.

(b) The licensee of each station shall employ a suitable procedure to determine that the power delivered by the transmitter to the antenna and the maximum effective radiated power (ERP) does not exceed the limitations specified in the microwave station authorization. Such a procedure may consist of measuring the power output of the transmitter, recording the measurements, and determining the power delivered to the antenna and the ERP. This determination shall be made, and the results thereof entered in the station records when the transmitter is initially installed; and when any change is made which would increase the power delivered to the antenna or the ERP.

Subpart D—Station Operating Requirements

§ 94.101 Suspension of transmissions required.

The radiation of the transmitter shall be suspended immediately upon detection or notification of a deviation from the technical requirements of the station authorization until such deviation is corrected, except for transmissions concerning the immediate safety of life or property, in which case the transmissions shall be suspended as soon as the emergency is terminated.

§ 94.103 Operator requirements.

(a) All transmitter adjustments or tests during or coincident with the installation, servicing or maintenance of a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment.

(b) An unlicensed person, with the consent or authorization of the licensee, may employ stations in this service for the purpose of telecommunications.

(c) The provisions of this section authorizing unlicensed persons to operate stations shall not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain control over the stations licensed to them (including all transmitter units thereof), or for the proper functioning and operation of those stations (including all transmitter units thereof) in accordance with the terms of the licenses of those stations.

(d) Notwithstanding any other provisions of this section, unless the transmitter is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, and unless the transmitter is so installed that all controls which may cause improper operation or radiation are not readily accessible to the person operating the transmitter, such transmitter shall be operated by a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission being used, issued by the Commission.

(e) Each person required to have an operator's license under this section shall post, or have immediately available at a place he is normally based or on duty, the original of his license, except that when he is performing duty at a station where he is not normally based, he shall have on his person a valid license identification card (FCC Form 785-F).

§ 94.105 Station identification.

(a) Stations in this service are exempt from the requirement to identify these transmissions by call sign.

§ 94.107 Posting of station authorization and transmitter identification cards, plates, or signs.

(a) The original of each transmitter authorization in this service shall be posted or be immediately available at the address named in the authorization.

(b) A clear and legible copy of the current transmitter authorization shall be posted or be immediately available at the transmitter location.

(c) A Transmitter Identification Card (FCC Form 452-C) indicating the transmitter call sign and the licensee's name and address shall be affixed to each transmitter. A plate of metal or other durable substance may be substituted for the Form 452-C provided it contains the required information.

(d) Where a station in this service is normally unattended during its operation, a sign indicating the transmitter call sign, and licensee's name and address shall be affixed to the gate, door, or entrance to the premises housing the transmitter together with the telephone number of the licensee's representative who could make the station available for inspection.

§ 94.109 Inspection of station and station records.

All stations and records of stations in this service shall be made available at any reasonable time for inspection by an authorized representative of the Commission.

§ 94.111 Inspection and maintenance of tower marking and associated control equipment.

The licensee of any radio station which has an antenna structure required to be painted or illuminated pursuant to the provisions of section 303(q) of the Communications Act of 1934, as amended, and/or Part 17 of this chapter, shall operate and maintain the tower marking and associated control equipment in accordance with the following:

(a) The tower lights shall be observed at least once each 24 hours, either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or, alternatively, there shall be provided and properly maintained an automatic alarm system designed to detect any failure of the tower lights and to provide indication of such failure to the licensee.

(b) Any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure, shall be reported immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation Administration. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) All automatic or mechanical control devices, indicators, and alarm systems associated with the tower lights shall be inspected at intervals not to exceed three months, to insure that such apparatus is functioning properly.

(d) All lighting shall be exhibited from sunset to sunrise unless otherwise specified in the instrument of station authorization.

(e) A sufficient supply of spare lamps shall be maintained for immediate replacement purposes at all times.

(f) All towers shall be cleaned or repainted as often as is necessary to maintain good visibility.

§ 94.113 Station records.

Each licensee of a station in this service shall maintain records as required elsewhere in this part and in accordance with the following:

(a) For all stations, the results and dates of the transmitter measurements required by § 94.85 and the name of the person or persons making the measurements.

(b) For all stations, when service or maintenance duties are performed, which may affect their proper operation, the responsible operator shall sign and date an entry in the station record concerned, giving:

(1) Pertinent details of all duties performed by him or under his supervision;

(2) His name and address and the class, serial number, and expiration date of his license, provided that this information, so long as it remains unchanged, is not required to be repeated in the case of a person who is regularly employed as operator on a full-time basis at the station.

(c) When a station in this service has an antenna structure which is required to be illuminated, appropriate entries shall be made as follows:

(1) The time the tower lights are turned on and off each day, if manually controlled.

(2) The time the daily check of proper operation of the tower lights was made.

(3) In the event of any observed or otherwise known failure of a tower light:

(i) Nature of such failure.

(ii) Date and time the failure was observed or otherwise noted.

(iii) Date, time, and nature of the adjustments, repairs, or replacements made.

(iv) Identification of Flight Service Station (Federal Aviation Administration) notified of the failure of any code or rotating beacon light not corrected within 30 minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Flight Service Station (Federal Aviation Administration) that the required illumination was resumed.

(4) Upon completion of the 3-month periodic inspection required by § 94.111(c):

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators, and alarm systems.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

(d) The records shall be kept in an orderly manner, and in such detail that the data required are readily available. Key letters or abbreviations may be used if proper meaning or explanation is set forth in the record.

(e) Each entry in the records of each station shall be signed by a person qualified to do so, having actual knowledge of the facts to be recorded.

(f) No record or portion thereof shall be erased, obliterated, or willfully destroyed within the required retention period. Any necessary correction may be made only by the person originating the entry, who shall strike out the er-

roneous portion, initial the correction made and indicate the date of correction.

(g) Records required by this part shall be retained by the licensee for a period of at least one year.

Subpart E—Developmental Operation

§ 94.151 Eligibility.

An authorization for developmental operation in this service may be issued for the purpose of developing a radiocommunication service or technique which offers reasonable promise of substantial contribution to the expansion or extension of the radio art, along lines not already investigated.

§ 94.153 Showing required.

Each application for developmental operation shall be accompanied by a showing that:

(a) The applicant has an organized plan of development leading to a specific objective;

(b) A point has been reached in the program where actual transmission by radio is essential to the further progress thereof;

(c) The program will be conducted by qualified personnel;

(d) The applicant is legally and financially qualified; and possesses adequate technical facilities for conduct of the program as proposed; and,

(e) The public interest, convenience, or necessity will be served by the proposed operation.

§ 94.155 Limitations on use.

Stations used for developmental operation shall be constructed and used in such a manner as to conform with all of the technical and operating requirements of Subparts C and D of this part, unless deviation therefrom is specifically provided in the instrument of authorization.

§ 94.157 Frequencies available for assignment.

Stations engaged in developmental operation may be authorized to use a frequency, or frequencies, available for the service in which they propose to operate. The number of channels assigned will depend upon the specific requirements of the developmental program itself, and the number of frequencies available in the particular area where the station will be operated.

§ 94.159 Interference.

The operation of any station engaged in developmental work shall be subject to the condition that no harmful interference is caused to the operation of stations licensed on a regular basis under any part of the Commission's rules.

§ 94.161 Special provisions.

(a) The developmental program as described by the applicant in the application for authorization shall be substantially followed unless the Commission shall otherwise direct.

(b) Where some phases of the developmental program are not covered by the general rules in this chapter and the rules in this part, the Commission may specify supplemental or additional requirements or conditions in each use, and deemed necessary in the public interest, convenience, or necessity.

(c) The Commission may, from time to time, require a station engaged in developmental work to conduct special tests which are reasonable and desirable to the authorized developmental program.

§ 94.163 Required supplementary statement.

Every application for authority to engage in developmental operation shall be accompanied by a statement signed by the applicant in which it is agreed that any authorization issued pursuant thereto will be accepted with the express understanding of the applicant that it is subject to change in any of its terms or to cancellation in its entirety at any time, upon reasonable notice but without a hearing, if, in the opinion of the Commission, circumstances should so require.

§ 94.165 Report of operation.

(a) A report on the results of the developmental program shall be filed with and made a part of each application for renewal of authorization or in cases where no renewal is requested, such report shall be filed within 60 days of the expiration of such authorization. Matters which the applicant does not wish to disclose publicly may be so labeled; they will be used solely for the Commission's information, and will not be publicly disclosed without permission of the applicant.

(b) The report shall include comprehensive and detailed information on the following:

(a) The final objective.

(b) Results of operation to date.

(c) Analysis of the results obtained.

(d) Copies of any published reports.

(e) If continued operation is desired, the need therefor.

(f) Number of hours of operation on each frequency.

[FR Doc.73-25795 Filed 12-5-73;8:45 am]

[47 CFR Parts 2, 89]

[Docket No. 19880; FCC 73-1238]

EMERGENCY MEDICAL SERVICES

Expansion of Radio Communications

In the matter of amendment of Parts 2 and 89 of the Commission's rules and regulations relating to communications for emergency medical services.

1. The Commission has been studying the expanding radio communications requirements for emergency medical service (EMS) which have long been matters of vital concern. In recent years, particular attention has been given to providing spectrum and a regulatory framework for meeting requirements for various hospital and ambulance radio communications services, including such specific problems as eligibility for nonprofit health clinics, auditory training devices for the partially deaf, and biomedical ambulance-to-hospital telemetering.

2. With increasing national efforts to improving delivery of emergency medical services to the public, even more intensive review of medical communications requirements has been in process in recent months by the Commission as well as by others involved in this important area. As part of this effort, Advanced Technology Systems, Inc. (ATS), under a Commission study contract, is examining the needs for emergency medical communication systems and the adequacy of present rule provisions for meeting these requirements. An interim report developed in the contract study has been submitted (attached as Appendix A).[1] This report reviews the communication requirements of the medical community and has developed a number of conclusions that appear to indicate the necessity for new approaches to achieve effective medical communications.

3. The Commission has also received a report on this subject from the Office of Telecommunications Policy (OTP).[2] This report (attached as Appendix B[1]) makes a number of major specific recommendations for rule changes. Basically, it is contemplated that a separate category of the rules be established for medical radio services, with dedicated frequencies related to various medical functions. Under this plan, "national calling" frequencies would be designated in the VHF and UHF bands, and specified channels would be provided for paging, command and control, telemetry, hospital-to-hospital, and general medical services. To supplement the limited spectrum available for these purposes, the report further proposes the reallocation of three military frequencies and three other frequencies now shared by the Amateur Radio Service and the Federal Government for shared Government/non-Government medical services use; that four pair of radio call box frequencies now allocated to the Local Government Radio Service be reallocated for medical services; that the use of UHF bio-medical telemetry frequencies be broadened to include other medical services; and that three presently unallocated frequencies be made available by the Commission. Under the program, all spectrum designated would be shared by Government/non-Government stations under regionalized, coordinated medical communications plans.

4. The findings and recommendations in the OTP and ATS reports are both extensive and urgent. It is determined, therefore, that it is in the public interest

---

[1] Appendices A and B filed as part of the original document. For information on obtaining copies contact: Public Information Officer, Federal Communications Commission, 1919 M St. NW., Wash., D.C. 20554.

[2] "Report of the Interdepartmental Radio Committee to the Office of Telecommunications Policy on Emergency Medical Service (EMS) Communications."

that careful and prompt consideration be given to these reports in an effort to meet the communication requirements for emergency medical service. However, before taking action on these reports, we believe it is desirable to obtain comments on the findings and recommendations from interested persons. Accordingly, Notice of Inquiry is hereby given and comments are solicited on these proposals. It should be noted that on the basis of these reports and the comments received in response to this inquiry, we may adopt amendments of Parts 2 and 89 of the Commission's Rules concerning medical services communications.

5. Recently, the Commission has received inquiries and requests for waiver of the rules to authorize medical communications systems that are not permitted by the present rules but are oriented towards the types of systems contemplated either in the OTP or ATS reports, or for licensing of medical operations such as bio-medical telemetry in services such as Class A and Class C Citizens, which the applicants believe are desirable for their particular operations. While some of these requests have merit, we believe it is premature to authorize, on a waiver basis, or in the Citizens Radio Service, new medical communications systems before we take a comprehensive look into this matter. Accordingly, aside from exceptionally unique situations, action on such application requests or for rule waivers will be postponed until after the conclusion of this proceeding.

6. Authority for these actions is contained in sections 4(i) and 303(r) and 403 of the Communications Act of 1934, as amended. In accordance with applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before January 10, 1974, and reply comments on or before January 25, 1974. Pursuant to § 1.419(b) of the Commission's rules, an original and fourteen copies of all statements, briefs, and comments filed shall be furnished the Commission. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken. The Commission may also take into account other pertinent information before it in addition to specific comments invited by this notice. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: November 28, 1973.

Released: December 4, 1973.

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

[FR Doc.73-25891 Filed 12-5-73;8:45 am]

[47 CFR Part 87]

[DOCKET NO. 19881; FCC 73-1240]

AIRCRAFT IDENTIFICATION

Proposed Abbreviated Methods

In the matter of amendment of § 87.115 of the Commission's rules to provide an abbreviated method of aircraft identification during organized flying activity of short duration.

1. Notice of proposed rule making is hereby given.

2. The Commission has regularly been receiving requests for waiver of § 87.115 (e) of the rules regarding aircraft identification. These requests arise from the fact that abbreviated identification methods are used during flying activity of short duration, such as air races and glider competitions.

3. During such flying activities, participants prefer not to use the registration or "N" number of the aircraft because of its relative length. Consequently, abbreviated identifiers have been used in the past and appear to be workable.

4. The system hereby proposed requires the sponsoring organization of such flying activities to obtain approval from the Commission in advance of the event. The sponsoring organization will be required to notify the Commission of the participating aircraft.

5. The proposed amendment as set forth below, is issued pursuant to the authority contained in section 303 of the Communications Act of 1934, as amended.

6. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before January 11, 1974, and reply comments on or before January 22, 1974. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission. All comments received in response to this notice of proposed rule making, will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C.

Adopted: November 28, 1973.

Released: November 30, 1973.

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

Section 87.115 of 47 CFR Ch. I is amended by adding a new paragraph (e) (1) (iii), as follows:

§ 87.115 Station Identification.

* * * * *

(e) * * *

(1) * * *

(iii) An aircraft identification approved in advance by the Commission after coordination with the FAA for use by aircraft stations participating in an organized flying activity of short duration. The Commission shall be advised in advance of each event of the registration marking (N number) of each participating aircraft.

NOTE: Approval of the identification method permitted by § 87.115(e)(1)(iii) will be expedited when the requesting organization coordinates with FAA Headquarters, Washington, D.C., prior to submitting the request to the Commission.

[FR Doc.73-25890 Filed 12-5-73;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part I]

PROCEDURES FOR IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Proposed Revision

The Federal Trade Commission invites comments and suggestions from interested parties with respect to the following proposed revisions of the Commission's rules of practice and procedure, §§ 1.81–1.85 (proposed §§ 1.81–1.86).

Comments are invited on or before January 21, 1974. After consideration of the comments and views of interested parties, the Commission will make revisions it deems appropriate and will codify these rules in final form in 16 CFR Ch. I.

Sections 1.81 to 1.86 would be revised to read as follows:

§ 1.81 Authority and definition.

(a) This subpart is issued pursuant to § 102(2)(C) of the National Environmental Policy Act of 1969, Pub. Law 91-190 (NEPA), as implemented by Executive Order 11514 and by "Preparation of Environmental Impact Statements: Guidelines," issued by the Council on Environmental Quality (CEQ), 40 CFR 1500.1, et seq. (1973) (CEQ Guidelines).

(b) As used in this subpart, "environmental impact statement" means a detailed statement, as provided for in NEPA, Executive Order 11514, and CEQ Guidelines, on:

(1) The environmental impact of a proposed action;

(2) Any adverse environmental effects which cannot be avoided should the proposal be implemented;

(3) Alternatives to the proposed action;

(4) The relationship between local short-term uses of man's environment and enhancement of long-term productivity; and

(5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

§ 1.82 Declaration of policy.

(a) No Commission rule or guide which is a major action significantly affecting the environment will be promulgated unless an environmental impact

statement has been prepared for consideration in the decisionmaking, and

(b) No Commission legislative proposal or Commission legislative report on a proposal in an area in which the Commission has primary responsibility, concerning a matter significantly affecting the environment, will be submitted to Congress without an accompanying environmental impact statement, except that

(c) An environmental impact statement will not be prepared when the Commission finds that expeditious action is in the public interest. In such instance, the Commission will consult with CEQ and develop a statement promptly after the action, in accordance with CEQ Guidelines, 40 CFR 1500.11(e).

(d) Nothing in this procedure shall be construed as stating or implying that section 102(2)(C) of NEPA applies to: any investigation made by the Commission for law enforcement purposes; any process or order issued by the Commission in connection with any type of investigation; any agreement of voluntary compliance or consent decree entered into by the Commission; or any adjudicatory proceedings commenced by the Commission.

§ 1.83 Draft environmental impact statements: Availability and comment.

(a) Staff proposals recommending the initiation of a rule or guide proceeding, as well as staff evaluations of legislative proposals and legislative reports in an area in which the Commission has primary responsibility, shall include an assessment of the anticipated environmental impact, based on CEQ Guidelines, 40 CFR 1500.6 (a), (b).

(b) Upon the determination of the Commission that a matter subject to paragraph (a) of this section is a major action having a significant effect on the quality of the human environment, it shall prepare a draft environmental impact statement. In legislative matters, a copy of the draft environmental impact statement, together with the legislative proposal, shall be submitted to the Office of Management and Budget (OMB), in accordance with applicable provisions of OMB Circular No. A-19. In rule or guide proceedings, and in legislative matters not subject to OMB Circular No. A-19, the draft environmental impact statement shall be:

(1) Transmitted to CEQ for listing in the weekly FEDERAL REGISTER notice of draft environmental impact statement;

(2) In rule or guide proceedings, placed in the public record to which it pertains; in legislative matters, placed in a public record to be established, containing the legislation or legislative report to which it pertains; these will be available to the public through the Office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission, Washington, D.C. 20580;

(3) Published in full with the appropriate proposed rule, guide, legislation, or legislative report in the FEDERAL REGISTER;

(4) Forwarded to the Environmental Protection Agency's Office of Federal Activities (EPA) and to the National Technical Information Service of the Department of Commerce, Springfield, Virginia 22151 (NTIS);

(5) Circulated to appropriate Federal, State, and local agencies with jurisdiction by law or special expertise, by means, where appropriate, of Office of Management and Budget (OMB), clearinghouse mechanism No. A-95 (revised);

(6) Circulated to appropriate private organizations and individuals;

(7) In the case of legislation, transmitted to Congress together with the proposed legislation or report to which it pertains.

(c) Forty-five (45) days will be allowed for comment on the draft environmental impact statement, calculated from the date of inclusion in CEQ's weekly FEDERAL REGISTER list of draft environmental impact statements. Comments on draft environmental impact statements may be in any reasonable form, addressed to the Office of the Secretary, Federal Trade Commission, Washington, D.C. 20580, with copies to CEQ as it shall direct. Upon request by a commenting party, the Commission may in its discretion grant an extension of up to fifteen (15) days, or such longer period as the complexity of the issues may warrant.

(d) A public list will be maintained in the Office of the Secretary of all draft and all final environmental impact statements, and will be forwarded quarterly to CEQ.

§ 1.84 Final environmental impact statements.

(a) After the close of the comment period, the Commission will consider the comments received on the draft environmental impact statement and will put the draft environmental impact statement into final form, attaching the comments received (or summaries if response was exceptionally voluminous).

(b) Upon Commission approval of the final environmental impact statement and the matter for which it was prepared, the final environmental impact statement will be:

(1) Forwarded to all parties which commented on the draft environmental impact statement and to other interested parties, if practicable;

(2) Placed in the public record of the rule or guide proceeding or legislative matter to which it pertains;

(3) Forwarded to EPA, NTIS, and CEQ;

(4) Distributed in any other way which the Commission, in consultation with CEQ, deems appropriate;

(5) Published in the Federal Register, together with the final rule or guide, or legislative proposal or report;

(6) In legislative matters, transmitted to Congress.

(c) In rule and guide proceedings, thirty (30) days will be allowed for comment on the final environmental impact statement, calculated from the date of inclusion in CEQ's weekly FEDERAL REGISTER list of final environmental impact statements. In no event will a final rule or guide be promulgated prior to ninety (90) days after notice of the draft environmental impact statement, except where emergencies make such time periods impossible.

§ 1.85 Implementing procedures.

(a) The General Counsel is designated the official responsible for the Commission's environmental impact statements and for otherwise coordinating the Commission's efforts to improve the environmental quality. He will provide assistance to the staff in determining when an enviromental impact statement is needed and in its preparation, and after review he will refer environmental impact statements to the Commission with recommendations.

(b) The Commission will determine finally whether an action complies with NEPA.

(c) The Directors of the Bureaus of Consumer Protection and Competition will establish procedures for their bureaus to assure that every proposed rule and guide is reviewed to assess the need for an environmental impact statement and that, where need exists, an environmental impact statement is developed.

(d) The General Counsel will establish procedures to assure that every legislative proposal and legislative report on a matter for which the Commission has primary responsibility is reviewed to assess the need for an environmental impact statement and that, where need exists, an environmental impact statement is developed.

§ 1.86 Effect on prior actions.

With respect to proceedings already in progress, the Commission recognizes that it will not be possible to comply fully with the procedures here outlined and, in particular, that it will not be possible in every instance to include within the record all of the material relating to the environmental impact of the contemplated action which might otherwise be developed. Nonetheless, it is the policy of the Commission to apply these procedures to the fullest extent possible to proceedings which are already in progress.

All comments and suggestions should be in writing and submitted before January 22, 1974, addressed to the Secretary, Federal Trade Commission, Washington, D.C. 20580.

By direction of the Commission dated November 29, 1973.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-25845 Filed 12-5-73;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-93]

DEPARTMENT OF STATE ADVISORY COMMITTEE ON SCIENCE AND FOREIGN AFFAIRS

Notice of Meeting

The Department of State Advisory Committee on Science and Foreign Affairs will meet on December 14 and 15, 1973 at 9:30 a.m. in Room 7516, Department of State, 2201 "C" Street, NW., Washington, D.C. 20520.

The Committee exists to provide the Department of State with a source of outside expertise and counsel on a wide range of foreign policy problems and opportunities created by or involving scientific and technological developments. The subjects to be discussed at the forthcoming meeting will include security and other policy aspects of uranium enrichment and technology transfer, with particular reference to the matter of what position the United States should adopt with respect to cooperation with foreign nations in expanding uranium enrichment capacity in the world and the question of what consequences might be expected to flow from efforts to control the export of United States technology for economic as well as security reasons.

In accordance with section 10(d) of the Advisory Committee Act (P.L. 92-463) it has been determined that the above meeting will necessarily involve discussion of matters concerned with those recognized as not subject to public disclosure under 5 U.S.C. 522(b)(1), and that the public interest requires that such activities be withheld from disclosure. The meeting will therefore be closed to the public.

Any questions concerning the meeting should be directed to J. Kenneth Mansfield, Executive Secretary, Department of State Advisory Committee on Science and Foreign Affairs. (202-632-3624)

Dated: November 30, 1973.

J. KENNETH MANSFIELD,
Executive Secretary, Advisory Committee on Science and Foreign Affairs.

[FR Doc.73-25886 Filed 12-5-73;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that a closed meeting of the DIA Scientific Advisory Committee will be held at the Pentagon, Washington, D.C. on:

THURSDAY, DECEMBER 13, 1973

This meeting commencing at 9 a.m. will be to discuss classified matters.

MAURICE W. ROCHE,
Director, Directorate for Correspondence and Directives OASD (Comptroller).

DECEMBER 3, 1973.

[FR Doc.73-25907 Filed 12-5-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

KOKHANOK VILLAGE

Final Eligibility of Native Village; Correction

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs by Subpart 2651.2(a)(2) of subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on pages 14222 and 14223 of the May 30, 1973, issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Public Law 92-203, 92nd Congress, 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, pursuant to the authority contained in said Act of December 18, 1971, and Subpart 2651.2 of said regulations, notice is hereby given that the following is a final decision determining the eligibility of a certain Native village in Alaska listed in section 11(b)(1) of said Act. Notice of proposed eligibility was published on pages 19255, 19256 and 19257 of the July 19, 1973, issue of the FEDERAL REGISTER. Said notice was also published in one or more newspapers of general circulation in Alaska and a copy was mailed to each affected village; all villages located in the Native region in which the affected village is located; all Native regional corporations within the State of Alaska; and the State of Alaska. Interested parties were allowed until August 20, 1973, to file protests to the proposed decisions.

In the notice published on pages 26217, 26218 and 26219 of the FEDERAL REGISTER on September 19, 1973, the Native Village of Kokhanok (Kakhonak), Bureau of Land Management Serial No. AA-6673, was incorrectly listed in the FEDERAL REGISTER as Kongiganok (Kongiganak).

No protests having been received as a result of the notice published in the FEDERAL REGISTER on July 19, 1973, the proposed decision now becomes final.

The Director, Juneau Area Office, Bureau of Indian Affairs will issue a certificate of eligibility for land benefits under the act to the above listed village of Kokhanok (Kakhonak) and will certify the record and the final decision to the Secretary. A copy of this final decision and a certification of eligibility will be mailed to the eligible village; each other village located in the same region as the eligible village; all regional corporations within the State of Alaska; and the State of Alaska.

This is a correction of the first of several notices that final decisions have been made as to the eligibility of listed villages. Future notices will be issued as to the final eligibility of villages when and if such eligibility becomes established.

JOHN A. MOORE,
Acting Director.

NOVEMBER 30, 1973.

[FR Doc.73-25898 Filed 12-5-73;8:45 am]

PAULOFF HARBOR (SANAK), ALASKA

Administrative Determination on Ineligibility as Native Village

This is a written decision on a protest filed pursuant to 43 CFR, Part 2650 by the Aleut Corporation by and through its attorneys, Kay, Miller, Libbey, Kelly, Christie and Fuld, hereinafter referred to as protestant, First National Building, Suite 500, Anchorage, Alaska 99501. The protest of the Aleut Corporation was dated October 29, 1973, and it was received on October 30, 1973, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant objects to the Native Village of Pauloff Harbor (Sanak) being determined to be ineligible because protestant contends that the village does meet the requirements of 43 CFR 2651.2(b).

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(2) of the Act is quoted as follows: "Within two and one-half years from the date of enactment of this Act, the Secretary shall review all of the villages listed in subsection (b)(1) hereof, and a village shall not be eligible for land benefits under subsections 14 (a) and (b), and any withdrawal for such village shall expire, if the Secretary determines that—

(a) Less than twenty-five Natives were residents of the village on the 1970 census enumeration date as shown by the census or *other evidence satisfactory to the Secretary*, who shall make findings of fact in each instance; * * *." (Emphasis ours.)

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. Part 43 of 25 CFR provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 Census date) as well.

Subpart 2651.2 of Title 43 CFR contains the authority for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of November 8, 1973, 11 Natives had been certified for enrollment in the Native Village of Pauloff Harbor (Sanak). On August 16, 1973, a field investigation was completed off Pauloff Harbor (Sanak) and at that time only three Natives who used the village for a period of time in 1970 had been certified for enrollment to this village. Since only 11 Natives had been certified for enrollment to Pauloff Harbor (Sanak) on November 8, 1973, this number is less than the number of Natives required by Subpart 2651.2 (b) (1) and (2) of the regulations.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protest together with his record of findings of fact and proposed decision, and does hereby render a decision determining that the Native Village of Pauloff Harbor (Sanak) is ineligible for land benefits under said Act.

The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, on or before January 7, 1974.

Appellant shall have not more than 15 days from the filing date of his notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days be allowed for the filing in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval.

JOHN MOORE,
Acting Director.

NOVEMBER 30, 1973.

[FR Doc.73-25896 Filed 12-5-73;8:45 am]

UNGA, ALASKA

Administrative Determination on Eligibility as Native Village

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by Joseph C. Manga, P.O. Box 844, Fairbanks, Alaska 99707. Azel L. Crandall, c/o O.M.S.P.O. Box 487, Fairbanks, Alaska 99707, and Keith A. Christenson, P.O. Box 424, Eagle River, Alaska 99577, hereinafter referred to as protestants. The protest of Mr. Manga was dated October 25, 1973, and received on October 29, 1973, by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of Mr. Crandall was dated October 30, 1973, and received on November 1, 1973, by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of Mr. Christenson was dated October 31, 1973 and received on November 2, 1973, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestants Manga and Crandall Object to the Native Village of Unga being added to the list of proposed eligible Native Villages on the grounds it is a "Ghost Town" and it is not eligible to receive lands under the Alaska Native Claims Settlement Act.

Protestant Christenson states "That the town of Unga is devoid of any permanent population and was abandoned some time prior to his first visit there."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(2) of the Act is quoted as follows: "Within two and one-half years from the date of enactment of this Act, the Secretary shall review all of the villages listed in subsection (b)(1) hereof, and a village shall not be eligible for land benefits under subsections 14 (a) and (b), and any withdrawal for such village shall expire, if the Secretary determines that—

(a) Less than twenty-five Natives were residents of the village on the 1970 census enumeration date as shown by the census or *other evidence satisfactory to the Secretary*, who shall make findings of fact in each instance; * * *." (Emphasis Ours.)

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 census date) as well.

Subpart 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of November 17, 1973, 43 Natives had been certified for enrollment in the Village of Unga. On August 16, 1973, a field investigation was completed of Unga and at that time nineteen Natives who use the village for a period of time in 1970 had been certified for enrollment to this village.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protest together with his record of findings of fact and proposed decision, and does hereby render a decision determining that the Native village of Unga, is eligible for land benefits under said Act. The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, on or before January 7, 1974. Appellants shall have not more than 15 days from the date of filing of his notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval.

JOHN A. MOORE,
Acting Director.

NOVEMBER 28, 1973.

[FR Doc.73-25897 Filed 12-5-73;8:45 am]

Bureau of Land Management

SAFFORD DISTRICT ADVISORY BOARD

Notice of Meeting

Meeting of the Advisory Board for the Safford District will be held at 9 a.m. on January 15, 1974, at the Safford District Office, 1707 Thatcher Boulevard, Safford, Arizona. The agenda will include considering and recommending action on the following: (1) Reorganization of the Board, (2) grazing applications for the 1974 Season, (3) allotment Management Plans, (4) status of current programs, and (5) proposed rule making.

The meeting will be open to the public insofar as seating is available. Time will be available for brief statements from members of the public but those wishing to make an oral statement must inform the chairman in writing prior to the meeting. Interested persons may file a written statement with the board for its consideration. They should be sent to the Chairman, District Advisory Board, c/o District Manager, Bureau of Land Man-

agement, 1707 Thatcher Boulevard, Safford, Arizona 85546.

Dated: November 28, 1973.

WILLIAM S. EARP,
District Manager.

[FR Doc.73-25894 Filed 12-5-73;8:45 am]

M-3 MILES CITY DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Advisory Board for the Powder River Grazing District Number 3 will meet January 9, 1974 at 10:00 a.m. in the conference room of the Miles City Community College in Miles City, Montana. The agenda for the meeting will include election of board officers, review of minutes of the previous meeting, recommendations on applications for: 1974 grazing licenses, term grazing permits, transfers of grazing privileges and range improvement permits. Other agenda topics are: proposed rule making for branding of licensed horses and burros, the Bureau planning system, policy on range improvements, and review of proposed projects for fiscal year 1975.

The meeting will be open to the public insofar as space is available. Time will be available for brief statements from members of the public but those wishing to make an oral statement must inform the chairman in writing prior to the meeting of the board. Any interested persons may file a written statement with the board for its consideration. Written statements and requests to give oral statement to the board should be submitted to Elmer O. Allen, Vice-Chairman, c/o District Manager, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301.

A second meeting is scheduled on February 12, 1974 (same time and place) to consider protests from actions recommended and agenda topics not covered in the January 9, 1974 meeting.

CHARLES R. KNIGHT,
Acting District Manager.

[FR Doc.73-25842 Filed 12-5-73;8:45 am]

M-2 MILES CITY DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Advisory Board for the Big Dry Grazing District Number 2 will meet January 10, 1974 at 10:00 a.m. in the conference room of the Miles City Community College in Miles City, Montana. The agenda for the meeting will include election of board officers, review of minutes of the previous meeting, recommendations on applications for: 1974 grazing licenses, term grazing permits, transfers of grazing privileges and range improvement permits. Other agenda topics are: proposed rule making for branding of licensed horses and burros, the Bureau planning system, policy on range improvements, and review of proposed projects for fiscal year 1975.

The meeting will be open to the public insofar as space is available. Time will be available for brief statements from members of the public but those wishing to make an oral statement must inform the chairman in writing prior to the meeting of the board. Any interested persons may file a written statement with the board for its consideration. Written statements and requests to give oral statement to the board should be submitted to J. Stewart Wright, Chairman, c/o District Manager, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301.

A second meeting is scheduled on February 13, 1974 (same time and place) to consider protests from actions recommended and agenda topics not covered in the January 10, 1974 meeting.

CHARLES R. KNIGHT,
Acting District Manager.

[FR Doc.73-25843 Filed 12-5-73;8:45 am]

National Park Service

SOUTHWEST REGIONAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that the organizational meeting of the Southwest Regional Advisory Committee will be held on Thursday and Friday, December 13, and 14, 1973. On December 13, the meeting will commence at 9 a.m. at the Regional Office of the Southwest Region, National Park Service, Old Santa Fe Trail, Santa Fe, New Mexico. On December 14, the Committee will assemble at 8:30 a.m. at Pecos National Monument, Pecos, New Mexico, for an inspection of the area.

The Committee was established pursuant to Public Law 91-383 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Southwest Region of the National Park Service.

The members of the Committee are as follows:

Mr. Charles T. Bernard, Earle, Arkansas
Mr. Leslie Bowling, New Orleans, Louisiana
Mr. Bob Burleson, Temple, Texas
Dr. Neil Compton, Bentonville, Arkansas
Dr. Bertha P. Dutton, Santa Fe, New Mexico
Mr. Claude B. Duval, Houma, Louisiana
Mr. Sam R. Powell, Muskogee, Oklahoma
Mr. J. R. Singleton, Austin, Texas
Mr. David R. Strickland, Muskogee, Oklahoma

The purpose of the meeting is to attend to the organizational requirements of the Committee, to receive activity reports on matters affecting the Southwest Region of the National Park Service, and a field inspection of Pecos National Monument.

The meeting will be open to the public. Transportation will not be provided members of the public for the field inspection of Pecos National Monument. Members of the public may participate in the field inspection by providing their own transportation. Any person may file with the Committee a written statement concerning the matters to be discussed.

Persons who wish to file a written statement, or who want further information concerning this meeting, may contact Frank Mentzer, at the Southwest Regional Office, National Park Service, Old Santa Fe Trail, P.O. Box 728, Santa Fe, New Mexico 87501 (Area Code 505, 982-3375). Minutes of the meeting will be available for public inspection three weeks after the meeting at the Southwest Regional Office, Santa Fe, New Mexico.

Dated: November 30, 1973.

ROBERT M. LANDAU,
Liaison Officer, Advisory Commissions, National Park Service.

[FR Doc.73-25867 Filed 12-5-73;8:45 am]

[Order No. 1]

ADMINISTRATIVE CLERK, GRAN QUIVIRA NATIONAL MONUMENT

Delegation of Authority

Sec. 1 *Administrative Clerk.* The Administrative Clerk may issue purchase orders not in excess of $300 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

(National Park Service Order No. 77 (38 FR 7478, dated March 22, 1973), as amended; Southwest Region Order No. 5, (37 FR 7722), as amended.)

Dated: November 1, 1973.

BYRON A. HAZELTINE,
Superintendent, Gran Quivira National Monument.

[FR Doc.73-25802 Filed 12-5-73;8:45 am]

[Order No. 3]

ADMINISTRATIVE OFFICER ET AL., HOT SPRINGS NATIONAL PARK

Delegation of Authority

Sec. 1 *Administrative Officer.* The Administrative Officer may execute and approve contracts not in excess of $10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

Sec. 2 *Clerk (Typing), GS-5.* The Clerk may issue purchase orders not in excess of $300 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

Sec. 3 *Supervisory Park Rangers.* Supervisory Park Rangers may issue purchase orders not in excess of $300 for supplies or equipment in accordance with applicable regulations and statutory authority and subject to availability of appropriated funds.

Sec. 4 *Maintenance Supervisor.* The Maintenance Supervisor may issue purchase orders not in excess of $300 for supplies, equipment, or services in con-

formity with applicable regulations and statutory authority and subject to availability of appropriated funds.

Sec. 5 *Revocation.* This Order supersedes Order No. 2, Hot Springs National Park, dated May 19, 1972, and published July 25, 1972. (37 FR 14821.)

(National Park Service Order No. 77, 38 FR 7478 dated March 22, 1973), as amended; Southwest Region Order No. 5, 37 FR 7722, as amended).

Dated: October 26, 1973.

BERNARD GOODMAN,
Superintendent,
Hot Springs National Park.

[FR Doc.73-25803 Filed 12-5-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

INLAND STEEL CO.

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for a Land for Land Exchange Proposed by Inland Steel Company in the Superior National Forest, USDA-FS-DES(Adm)74-43.

The environmental statement concerns a proposed land exchange between Inland Steel Company and the United States.

This draft environmental statement was filed with CEQ on November 29, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
Eastern Region
633 W. Wisconsin Avenue
Milwaukee, Wisconsin 53203

USDA, Forest Service
Superior National Forest
Federal Building
Duluth, Minnesota 55801

USDA, Forest Service
Virginia Ranger District
Virginia, Minnesota 55792

USDA, Forest Service
Aurora Ranger District
Aurora, Minnesota 55705

A limited number of single copies are available upon request to Forest Supervisor, Superior National Forest, P.O. Box 338, Duluth, Minnesota 55801.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ Guidelines.

Written comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Written comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Superior National Forest, P.O. Box 338, Duluth, Minnesota 55801. Written comments must be received by January 13, 1974 in order to be considered in the preparation of the final environmental statement.

GENE S. BERGOFFEN,
Acting Deputy Chief,
Forest Service.

NOVEMBER 30, 1973.

[FR Doc.73-25911 Filed 12-5-73;8:45 am]

PROPOSED SANDIA MOUNTAIN LAND USE PLAN

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for a Proposed Sandia Mountain Land Use Plan, Cibola National Forest, USDA-FS-DES(Adm) 74-44.

The environmental statement considers probable environmental effects of the proposed land use plan.

The draft environmental statement was filed with CEQ on November 30, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
14th & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
Southwestern Region
517 Gold Avenue, SW
Albuquerque, New Mexico 87102

Cibola National Forest
10308 Candelaria, NE
Albuquerque, New Mexico 87112

A limited number of single copies are available upon request to the Forest Supervisor, Cibola National Forest, 10308 Candelaria, NE, Albuquerque, New Mexico 87112.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151; and Colorado Plateau Environmental Advisory Council, P.O. Box 1389, Flagstaff, Arizona 86001. Please refer to the name and number of the environmental statement above where ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Cibola National Forest, 10308 Candelaria, NE, Albuquerque, New Mexico 87112. Comments must be received 45 days after filing with CEQ in order to be considered in the preparation of the final environmental statement.

GENE S. BERGOFFEN,
Acting Deputy Chief, Forest Service.

NOVEMBER, 30, 1973.

[FR Doc.73-25912 Filed 12-5-73;8:45 am]

BIGHORN NATIONAL FORE3T GRAZING ADVISORY BOARD

Notice of Meeting

The Bighorn National Forest Grazing Advisory Board will meet at 1:00 p.m. on January 8, 1974, at the Northern Hotel in Billings, Montana.

The purpose of the meeting is to consider and discuss:

1. Improved range management practices on National Forest lands.

2. Wildlife winter range relationships between National Forest and private lands.

3. The composition of Advisory Board, representation of members, and current procedures and requirements for the functioning of the Board.

The meeting will be open to the public. Persons who wish to attend should notify Leonard Masters, Ranchester, Wyoming 82839 (Phone 307-655-2536). Written statements may be filed with the Advisory Board before or after the meeting.

JAMES R. MATHERS,
Acting Forest Supervisor.

[FR Doc.73-25841 Filed 12-5-73;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, and Executive Order 11686, notice is hereby given that the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 10 a.m. to 1 p.m. on Wednesday, December 19, 1973, in Room B-225, Building 225 of the National Bureau of Standards in Gaithersburg, Maryland.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal information processing standards.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Institute for Computer

Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (Phone 301-921-3551).

Dated: November 30, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-25834 Filed 12-5-73;8:45 am]

Office of the Secretary

[Dept. Organization Order 10-3]

ASSISTANT SECRETARY FOR DOMESTIC AND INTERNATIONAL BUSINESS

Authority and Functions

This order effective November 11, 1973, supersedes the material appearing at 37 FR 25555 of December 1, 1972; and 38 FR 4278 of February 12, 1973.

SECTION 1. *Purpose.* This order prescribes the scope of authority of the Assistant Secretary for Domestic and International Business and prescribes the general functions of the Domestic and International Business Administration (DIBA). The organizational structure of DIBA and the assignment of functions therein are prescribed in Department Organization Order 40-1.

SEC. 2. *Administrative designation.* The position of Assistant Secretary of Commerce, established by Public Law 80-191 (15 U.S.C. 1505), shall continue to be designated the Assistant Secretary for Domestic and International Business. The Assistant Secretary is appointed by the President by and with the advice and consent of the Senate.

SEC. 3. *Scope of authority* .01 The Domestic and International Business Administration (DIBA) is hereby continued as a primary operating unit of the Department of Commerce.

.02 The Assistant Secretary of Commerce for Domestic and International Business shall be the head of the Domestic and International Business Administration.

.03 The Assistant Secretary for Domestic and International Business shall be assisted by the Deputy Assistant Secretary for Domestic and International Business who shall perform such duties as the Assistant Secretary shall assign, and shall assume the duties of the Assistant Secretary during the latter's absence. In addition, the Assistant Secretary shall be assisted by the following DIBA officials in carrying out his responsibilities:

a. The Deputy Assistant Secretary for International Economic Policy and Research.

b. The Deputy Assistant Secretary for Domestic Commerce.

c. The Deputy Assistant Secretary for International Commerce who shall also be the National Export Expansion Coordinator.

d. The Deputy Assistant Secretary for Resources and Trade Assistance.

e. The Deputy Assistant Secretary for East-West Trade.

f. The Deputy Assistant Secretary for Administrative Management, DIBA.

.04 DIBA's International Economic Policy and Research Staff shall be headed by a Deputy Assistant Secretary who shall report and be responsible to the Assistant Secretary, DIB.

.05 The Bureau of International Commerce, the Bureau of Domestic Commerce, the Bureau of Resources and Trade Assistance, the Bureau of East-West Trade, and the Directorate of Administrative Management shall be the mainline components of DIBA and shall be headed by Deputy Assistant Secretaries who shall be directors of these respective component units and who shall report and be responsible to the Assistant Secretary, DIB.

SEC. 4. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce, and subject to such policies and directives as the Secretary may prescribe, the Assistant Secretary, DIB is hereby delegated the authority of the Secretary of Commerce under:

a. The Act of February 14, 1903 (15 U.S.C. 1512 et seq.; 15 U.S.C. 171 et seq.) as amended, to foster, promote, and develop the foreign and domestic commerce of the United States, and related provisions;

b. The Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), conferred on the Secretary under Executive Order 10480, dated August 14, 1953, as amended, including authority to issue or modify orders restricting surface transportation and discharge of certain commodities or for the prohibition of movement of American carriers to certain designated destinations, which authority has heretofore been implemented by the issuance of Transportation Order T-1 and T-2, except the authority to create new agencies within the Department of Commerce;

c. Headnote 2, Subpart B, part 6, schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 1202) relating to the development, maintenance, and publication of a list of bona fide motor-vehicle manufacturers, and authority to promulgate rules and regulations pertaining thereto under Section 501(2) of Title V of the Automotive Products Trade Act of 1965 (19 U.S.C. 2031);

d. Executive Order 11490 of October 28, 1969, as it relates to the development of national emergency preparedness plans and programs concerning production functions and to the regulation and control of exports and imports under the jurisdiction of the Department, in support of national security, foreign policy, and economic stabilization objectives;

e. The National Security Act of 1947 (50 U.S.C. 401 et seq.) as amended, as it relates to mobilization preparedness responsibilities assigned thereunder;

f. The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h), as amended, with respect to the acquisition of stocks of materials for defense purposes;

g. Executive Order 11179 of September 22, 1964, with respect to the establishment and training of the National Defense Executive Reserve;

h. Executive Order 10421 of December 31, 1952, providing for the physical security of facilities important to the national defense;

i. The Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 et seq.), and Section 302 of Executive Order 10973 of November 3, 1961, issued pursuant thereto, relating to drawing the attention of private enterprise to investment opportunities abroad;

j. The delegation of authority, dated June 25, 1962, from the United States Information Agency under Section 5(e) of Executive Order 11034 of June 25, 1962, as amended by Executive Order 11380 of November 8, 1967, insofar as said delegation pertains to U.S. participation in trade missions abroad under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.);

k. The Act of October 18, 1962, as amended (46 U.S.C. 1122b), which authorized mobile trade fairs;

l. The China Trade Act of 1922, as amended (15 U.S.C. 141 et seq.);

m. Section 4221 of the Internal Revenue Code of 1954, as amended, and the Tariff Act of 1930, as amended (19 U.S.C. 1309), insofar as they relate to findings with respect to exemptions from taxes and import duties on supplies and equipment for aircraft;

n. Section 402 of the Act of June 30, 1949 (40 U.S.C. 512) as it relates to the authority of the Secretary of Commerce with respect to the importation of foreign excess property, Section 601 of the Act of June 30, 1949 (40 U.S.C. 473) relating to the importation into the U.S. of surplus property sold in foreign areas before July 1, 1949, as delegated to the Secretary of Commerce pursuant to F.L.C. Reg. 8 (44 CFR 308.15);

o. The Educational Scientific and Cultural Materials Importation Act of 1966 (19 U.S.C. 1202);

p. Headnote 6(d) of Schedule 7, part 2, subpart E of the Tariff Schedules of the United States (19 U.S.C. 1202), added by Public Law 89-805, pertaining to the allocation of quotas for duty-free importation into the customs territory of the United States of watches and watch movements, among producers located in the Virgin Islands, Guam, and American Samoa, respectively;

q. The Trade Expansion Act of 1962 (19 U.S.C. 1801 et seq.) and Executive Order 11075 of January 15, 1963, as amended by Executive Order 11106 of April 18, 1963;

r. The Export Administration Act of 1969 (50 U.S.C. App. 2401 et seq.), as amended and extended by the Equal Export Opportunity Act (Public Law 92-412), the administration of which was delegated to the Secretary of Commerce by Executive Order 11533 of June 4, 1970 and 11683 of August 29, 1972, except that the following power, authority, and discretion shall be reserved to the Secretary:

(1) The determinations required by Section 7(c) with respect to the publication or disclosure of confidential information obtained under the provisions of the Act, and

(2) The submission of reports to the President and to the Congress required by Section 10 of the Act;

s. The Trade Fair Act of 1959 (19 U.S.C. 1751–1756) relating to the certification and promotion of domestic trade fairs;

t. The Act of May 27, 1970 (22 U.S.C. 2801 et seq.) relating to participation of the United States in international expositions;

u. Executive Order 10978 of December 5, 1961 regarding the Presidential "E" Award, "E" Certificate of Service, and "E Star" Award, except final selection of recipients;

v. Executive Order 11322 of January 5, 1967 and Executive Order 11419 of July 29, 1968 as relates to exportation from the United States of commodities or products to or on behalf of Southern Rhodesia;

w. Executive Order 11651 of March 3, 1972 regarding Textile Trade Agreements;

x. The Act of October 27, 1972 (Public Law 92–598; 84 Stat. 271) relating to the participation of the U.S. in the International Exposition on the Environment to be held in Spokane, Washington, in 1974; and

y. The Acts of February 19, 1966 (Public Law 89–355) and October 27, 1966 (Public Law 89–697) regarding the participation of the U.S. in the Inter-American Cultural and Trade Center in Dade County, Florida (Interama) conferred on the Secretary by E.O. 11286 of June 10, 1966.

.02 The Assistant Secretary may exercise other authorities of the Secretary as applicable to performing the functions assigned in this order.

.03 The Assistant Secretary may redelegate his authority, subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 5. *Functions.* The Assistant Secretary acting as such and as head of DIBA shall be the principal officer of the Department to conduct Commerce activities aimed at promoting progressive business policies and growth and at strengthening the international economic position of the United States. In this respect he shall:

a. Propose general Federal policies for the Secretary to establish for promoting the business economy;

b. Develop and implement new programs to accomplish national objectives for improving and expanding the economic strength of the United States;

c. Conduct Commerce programs involving: the expansion of international commerce, including research, analysis and the development of policy initiatives in the areas of international trade, finance and investment; the expansion of East-West trade and other commercial relations; promotion of business-consumer relations; competitive assessment; energy programs; import quota administration; export administration; trade adjustment assistance; the collection, analysis, and dissemination of selected information on various industries, commodities, and markets; the preparation and execution of plans for industrial mobilization readiness; and Federal recognition of and participation in international expositions and trade fairs;

d. Consult with and encourage cooperation and participation of the business community in the Department's domestic and international business programs;

e. Coordinate the Department's domestic and international business programs with other Federal agencies; and

f. Provide executive secretariat services and administrative support to the Foreign-Trade Zones Board.

HENRY B. TURNER,
Assistant Secretary for Administration.

[FR Doc.73-25902 Filed 12-5-73;8:45 am]

[Dept. Administrative Order 216-6]

STATEMENTS ON PROPOSED FEDERAL ACTIONS AFFECTING THE ENVIRONMENT

Policies and Procedures

This order effective November 27, 1973, supersedes the material appearing at 36 FR 21368 of November 6, 1971, including all attachments.

SECTION 1. *Purpose* .01 This order prescribes the policies and procedures to be followed throughout the Department in the preparation of statements and comments on proposals for legislation and other major actions significantly affecting the quality of the environment. This order is intended to supplement present Council on Environmental Quality Guidelines which are attached as Attachment A.[1]

0.2 This revision reflects changes issued in the guidelines of the Council on Environmental Quality. It also contains additional information and procedures that should assist the Department in meeting the requirements of the National Environmental Policy Act of 1969.

SEC. 2. *Statutory background*—.01 Section 102(2)(C) of the National Environmental Policy Act of 1969 (the "Act") requires all Federal agencies to include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment a detailed statement by the responsible official on:

a. The environmental impact of the proposed action;

b. Any adverse environmental effects which cannot be avoided;

c. Alternatives to the proposed action;

d. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and,

e. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

[1] Attachment A: See 38 FR 20550, August 1, 1973.

.02 The section of the Act cited above further prescribes that prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement, and the comments and views of the appropriate Federal, State, and local agencies which are authorized to develop and enforce environmental standards, shall be made available to appropriate officials, as well as to the public, and shall accompany the proposal through the existing agency review processes.

SEC. 3. *Scope and Definitions*—.01 *Inclusions.* For the purposes of this order, the term "major actions" shall include:

a. Legislative actions including:

1. Recommendations or favorable reports relating to legislation including that for appropriations initiated by the Department.

2. Favorable recommendations or reports by the Department on legislative proposals initiated outside the Department and for which the Department has or would have primary authority.

3. See also Section 1500.12 of Attachment A.

b. Projects and continuing activities. Such projects and continuing activities include those directly undertaken by the Department or supported in whole or in major part by the Department through technical assistance, contracts, grants, cost sharing, subsidies, loans or other forms of funding support. They include grants and loans for public works and development facilities, economic development planning assistance, or economic development technical assistance, as provided in Attachment D to OMB Circular A-95 revised (July 26, 1971).

c. Policy changes or new procedures that may have a significant impact on the environment, including rules and regulations affecting the environment.

d. Research projects and activities when:

1. Research is to be conducted in a manner which would have direct impact on the environment, however localized such impact may be (e.g., cloud seeding experiments), or

2. Research is intended to form the basis for development of future projects which would be considered major actions under this order.

e. Projects in series. Where a series of related projects under a program have substantial similar environmental impacts, the program, rather than the individual projects, may be considered as a major action for the purposes of this order, unless the proposed projects are to be conducted under widely varying geographic or environmental conditions. When a program environmental statement is prepared, supplemental statements still may be required for specific actions.

.02 *Exclusions.* The dollar and physical size of a project are not necessarily a re-

liable guide to determine whether it is a "major" action. The following shall not be considered major actions under this order:

a. Legislative proposals, program or budget proposals, or actions which provide for the continuation of existing programs at approximately current levels and without material change in their environmental impact and for which a statement has previously been prepared.

b. Normal housekeeping functions including personnel actions, procurement of general supplies and contracts for personal services.

c. Licenses granted under export control procedures unless there is significant environmental impact.

d. Amendments to actions, including increases in cost, which do not alter the environmental impact of the actions.

e. Other actions specifically determined by the Deputy Assistant Secretary for Environmental Affairs not to fall under the requirement of this order.

.03 *Definitions.* a. Significant impact. The term "significant impact" shall include major actions of the Department which may have both a beneficial and detrimental effect, even if, on balance, they are believed to have a beneficial effect. A significant environmental impact may exist depending upon the extent to which there is a potential for: (1) an alteration of an ecosystem, (2) measurably affecting existing or future population of man or other forms of life, or (3) a major commitment of natural resources or major change in land use. See section 1500.6(b) of Attachment A.

b. Cumulative impact. Actions which, in themselves, would not involve significant environmental impact as contemplated in this order nonetheless shall be considered as having a significant impact if they can reasonably be expected to set a precedent for a series of actions which, when considered cumulatively, would involve a significant impact. Also, several Federal actions in a specific area may result in a significant impact from the aggregate activity.

SEC. 4. *Policies.* .01 The Department shall, to the maximum extent possible, cooperate fully in the national effort to improve environmental quality, including extending its services to other Federal, State, and local agencies for assistance in evaluating the impact of Federal actions on the environment.

.02 As a general policy, the Department will only review draft environmental impact statements submitted by, or with the concurrence of, the Federal agencies having lead agency assignments for preparation of statements. In other cases, operating units should consult with the Deputy Assistant Secretary for Environmental Affairs (DAS/EA) in regard to appropriate handling of requests for review of environmental impact statements.

.03 No major action, including legislative matters, shall be taken or approved within the Department that significantly affects the environment unless a detailed environmental statement has been prepared and approved, as provided herein.

.04 The Department is responsible for the preparation of environmental statements on those actions related to responsibilities formally delegated or assigned to the Department. Where an agency within the Department relies upon an applicant or contractor to submit initial environmental information, the agency must specify the type of information required and the agency must independently evaluate the environmental issues and take responsibility for the scope and content of the environmental statement. The development of a position on the environmental issues may not be delegated and the views of a contractor or applicant may not be adopted without independent evaluation. Environmental impact statements shall normally not be prepared in support of matters which are the primary responsibility of other agencies.

.05 The CEQ Guidelines state "Proposed major actions, the environmental impact of which is likely to be highly controversial, should be covered in all cases." A proposed action shall be considered controversial where a substantial number of persons are known to question or dispute the size, effect, etc., of the proposed action or where actions of a similar nature have been opposed on environmental grounds in the past.

SEC. 5. *Responsibilities* .01 *Assistant Secretary for Science and Technology.* Pursuant to the provisions of Department Organization Order 10–1 the Office of the Assistant Secretary for Science and Technology shall:

a. Prepare, review, evaluate, and approve both draft and final environmental statements and transmit approved statements and related material to CEQ in accordance with Council guidelines;

b. Conduct Departmental coordination and clearance of environmental impact statements. Draft and final environmental impact statements shall be so designated only after Departmental review and clearance are completed;

c. Arrange for draft environmental impact statements to be made available to other agencies and to the public;

d. Receive for review draft environmental statements prepared by other agencies and referred to the Department for that purpose; and whenever appropriate prepare the DoC comments;

e. Interpret and supplement guidelines established by the Council, and otherwise provide guidance to operating units in preparing and commenting on environmental statements;

f. Supplement procedures for preparation, review and coordination of statements contained in this order or issued by the Council and the Office of Management and Budget, except as noted in paragraph .03 below; and

g. Determine, in conjunction with other agencies, which is the "lead agency" in a particular case. See section 1500.7(b) of Attachment A.

.02 *Heads of Operating Units.* In addition to following the procedures set forth in Section 6 of this order, Heads of Operating Units shall:

a. Review statements prepared by other agencies which have been referred to them for that purpose. See section 1500.9(e) of Attachment A;

b. Keep the DAS/EA advised of (1) future actions that will have or be likely to have a significant impact on the environment and (2) other matters that affect the Assistant Secretary's assigned responsibilities in the environmental area;

c. Maintain, and submit quarterly to the Office of Environmental Affairs in accordance with the provisions of Section 8 of this order, a list of administrative actions for which environmental statements are being prepared. Negative determinations in regard to preparation of environmental impact statements should be included when required by the special conditions listed in section 1500.6 (e) of Attachment A; and

d. Forward promptly to the DAS/EA any request for comments received directly from other agencies. However, this does not preclude field offices from providing a preliminary response to an impact statement received locally, if it is made clear that the official DoC position will be forthcoming at a later date.

.03 *The General Counsel.* Pursuant to the functions in Departmental Organization Order 10–6, and the provision of DAO 218–1, supplementary procedures for the preparation, review and coordination of environmental statements required in connection with legislative proposals or reports shall be prescribed, as necessary, by the General Counsel of the Department.

.04 *Assistant Secretary for Administration.* Pursuant to the functions in Department Organization Order 10–5 and the provisions of DAO 203–1, supplementary procedures for the preparation, review, and coordination of environmental statements required in connection with budget materials shall be prescribed, as necessary, by the Assistant Secretary for Administration.

SEC. 6. *Procedures* .01 It shall be the responsibility of Heads of Operating Units to:

a. Prepare, at the earliest practicable time, a discussion paper for any proposed action which may have a potential environmental impact. The discussion paper should consider whether the proposed action constitutes a "major Federal action" which will have a potential significant environmental impact under the terms of NEPA. These discussion papers should primarily contain relevant factual information and include economic and technical considerations as well as environmental values;

b. Submit the discussion paper to DAS/EA for circulation within the Department.

c. Assist DAS/EA in determining whether a draft environmental impact statement or a negative declaration should be prepared.

d. Announce publicly that an environmental statement is to be prepared. This announcement shall be sent to the CEQ, and other Federal, State, and Municipal agencies as appropriate, and it shall be publicly posted. The announcement shall request comments which may be helpful in the preparation of the draft environmental statement. As required by section 8 of this Order, a current list of admin-

istrative actions for which environmental impact statements are being prepared will be available for public inspection upon request.

e. Prepare and maintain a list of the names and addresses of members of the public who have shown an interest in prior actions.

f. Prepare, for the signature of DAS/EA, letters transmitting the draft environmental statement to other government agencies and members of the public (See Attachments B and C).[1]

g. Prepare and circulate statements with ample lead time for comments to be received and reviewed prior to the first significant point of decision in the agency review process. In the case of legislative items, the statement should be prepared prior to its submission to OMB. The statement should accompany the other relevant documents through the review process. The timing should recognize the review times required by section 1500.11(b) of Attachment A.

h. Determine with the DAS/EA whether a public hearing is to be authorized. If the DAS/EA authorizes a public hearing, it will be convened by the head of the operating unit or his representative and will be conducted according to such procedures as he deems appropriate. Such a hearing will not be held sooner than fifteen days after the draft statement is made available to the public. Upon completion of the public hearing, the head of the operating unit will prepare a report to DAS/EA stating where and when the hearing was held, who was in attendance and what positions were taken.

i. Insure that draft enviornmental impact statements include all the information required in paragraph 1500.8(a). Draft environmental impact statements should be as short as feasible and easily understood. Where possible, appendices and footnotes are to be preferred to extensive textual discussions of detailed information not of general interest.

.02 The Deputy Assistant Secretary for Environmental Affairs:

a. Will circulate discussion papers within the Department and determine in cooperation with heads of operating units when an environmental impact statement shall be prepared.

b. Supervise the preparation of the draft statement, and authorize public hearings as appropriate.

c. Circulate the draft and final environmental impact statement to CEQ, the Environmental Protection Agency, other Federal agencies, State and Local agencies and appropriate members of the public.

d. Assist the agencies in obtaining adequate public notice both of the preparation and of the availability of draft environmental impact statements.

SEC. 7. *Implementation of actions requiring departmental statements.* To the maximum extent practicable, no actions subject to Section 102(2)(C) of the Act are to be taken sooner than ninety (90) days after a draft environmental statement has been announced as available to the public by CEQ in the FEDERAL REGISTER, or sooner than thirty (30) days after the final environmental statement has been made available to the CEQ. When actions must be taken sooner than the above guidance permits, a full explanation should be prepared to supplement the environmental impact statement and the CEQ should be consulted in advance whenever possible.

SEC. 8. Reporting requirements .01 In order to comply with section 1500.6(e) of the revised CEQ Guidelines, all operating units should submit to the Office of Environmental Affairs a listing of administrative actions for which environmental statements are being prepared. This listing should be updated by revised submissions due on the last working day of each calendar quarter. The list should also include with appropriate explanations those actions where a negative determination has been made on the preparation of environmental impact statements when:

a. Such actions would normally require preparation of a statement;

b. Statements have been prepared for similar actions;

c. A previous announcement has been made that a statement would be prepared; or

d. The CEQ has made a specific request that preparation of a statement be considered.

.02 A consolidated listing will be furnished by the Office of Environmental Affairs to the CEQ for publication in the FEDERAL REGISTER.

HENRY B. TURNER,
Assistant Secretary for Administration.

[FR Doc.73-25903 Filed 12-5-73;8:45 am]

[1] Attachments B and C are filed as part of original document.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-494; NADA Nos. 10-964v and 12-553v]

DIETHYLSTILBESTROL

Order Denying Hearing to Vineland Laboratories, Inc., and Hess & Clark

Correction

In FR Doc. 73-22745 appearing on page 29510 in the issue of Thursday, October 25, 1973, the fourth line of the first column on page 29514 should read "*Richardson*, 453 F. 2d 803 (C.A. 8, 1972);".

Office of Education

HIGHER EDUCATION PERSONNEL FELLOWSHIPS

Proposed Criteria for Funding of Applications for Fiscal Year 1974; Notice of Cutoff Date for Filing Applications

Correction

In FR Doc. 73-25340, appearing on page 32962 in the issue for Thursday, November 29, 1973, in the first sentence of paragraph "2.", the date "January 3, 1973" should read "January 3, 1974".

DEPARTMENT OF TRANSPORTATION

Coast Guard

NELBRO PACKING CO., WASH.

[CGD 73-264N]

Qualification as a Citizen of the United States

This is to give notice that pursuant to 46 CFR 67.23-7, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883-1), Nelbro Packing Company of 657 N.E. Northlake Way, Seattle, Washington 98105, incorporated under the laws of the State of Washington, did on November 5, 1973, file with the Commandant, United States Coast Guard, in duplicate, an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in Form CG-1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, United States Coast Guard, having found this oath to be in compliance with the law and regulations, on November 5, 1973, issued to Nelbro Packing Company a certificate of compliance on Form CG-1262, as provided in 46 CFR 67.23-7. The certificate and any authorization granted thereunder will expire three years from the date thereof unless there first occurs a change in the corporate status requiring a report under 46 CFR 67.23-7.

Dated: December 3 1973.

D. H. CLIFTON,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.73-25878 Filed 12-5-73;8:45 am]

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Notice of Public Meeting

On December 12 and 13, 1973, the National Motor Vehicle Safety Advisory Council will hold open meetings in the DOT Headquarters Building, 400 Seventh Street SW., Washington, D.C. The Advisory Council is composed of 22 mem-

bers, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The Advisory Council makes recommendations to the Secretary of Transportation on motor vehicle safety and property loss reduction programs carried out by the National Highway Traffic Safety Administration.

The following meetings are subject to the approval of the Secretary of Transportation.

On December 12 at 9:00 a.m. in room 4238 the Crashworthiness Committee will meet with the following agenda:

Air Bag Fleet Tests.
Fire Hazards in Motor Vehicle Accidents.
Crash Speed for Research Safety Vehicle.
Safety Defects: Seat Design/Anchorage and Occupant Protection.
New Business.

At 1:30 p.m. on December 12 the Accident Avoidance and Operating Systems Committee will meet along with the Motorcycle Safety Subcommittee in room 4238 with the following agenda:

Standards Applicable to Multi-Purpose Vehicles and Light Duty Trucks.
Review of Vehicle-In-Use Standards.
Overview of Title III—Motor Vehicle Information and Cost Savings Act.
Underride Protection for Heavy Duty Trucks.
Status of Proposed Motorcycle Standards.
Status Report on Bi-Level Motorcycle Studies.
Status of Motorcycle Helmet Standard.
Briefing on Quick Rejection Project.
Motorcycle Defects.
New Business.

On December 13 at 9:00 a.m. in room 4238 the Consumer and Public Information Committee will meet with the following agenda:

Use of Mass Media in Highway Safety.
Title II—Motor Vehicle Information and Cost Savings Act.
Publicizing Benefits of Motor Vehicle Safety Standards.
New Business.

This notice is given pursuant to section 10(a)(2) of Pub. L. 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

For further information contact the NHTSA Executive Secretary, room 5215, 400 Seventh Street SW., Washington, D.C., telephone 202-426-2872.

Issued: December 4, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73-25983 Filed 12-5-73;8:45 am]

ATOMIC ENERGY COMMISSION

HIGH ENERGY PHYSICS ADVISORY PANEL

Notice of Meeting

NOVEMBER 30, 1973.

On December 17-18, 1973, there will be a meeting of the Atomic Energy Commission's High Energy Physics Advisory Panel at the Central Laboratory Building, the Stanford Linear Accelerator Center, Stanford, California. Below is that portion of the Panel's meeting practical considerations may require alterations in the agenda or schedule.

(1) MONDAY, DECEMBER 17, 1973

9:00 a.m. National Acceleratory Laboratory Status Report—J. Sanford/R. Wilson.
9:30 a.m. National Accelerator Laboratory Electron Target—Presentation and Panel Discussion.
10:45 a.m. Role of Zero Gradient Synchrotron in High Energy Physics Program; R. G. Sachs.
11:30 a.m. Report on AEC Energy Activities; J. Teem.
1:30 p.m. Presentation of Stanford Linear Accelerator Center Program.
5:00 p.m. Discussion of Stanford Linear Accelerator Center Presentation.

(2) TUESDAY, DECEMBER 18, 1973

12:00 noon Cooperation Between United States and Union of Soviet Socialist Republics.
1:00 p.m. Discussion of Long Range Planning Required for New Construction Projects.
3:00 p.m. Discussion of Health of High Energy Physics:
—Present Physics Outlook; F. Low.
—Output Indicators.
—Report of Science and Technology Policy Office.

In addition to the above agenda items, the Panel will hold executive sessions on Tuesday, December 18, 1973, in the morning and late afternoon. I have determined, in accordance with subsection 10(d) of Public Law 92-463, that these executive sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close these portions of the meeting to protect the free interchange of internal views and to avoid undue interference with Agency or Committee operation.

The Chairman of the High Energy Physics Advisory Panel is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items listed above, the following requirements shall apply:

(a) Persons wishing to submit written statements on those agenda items may do so by mailing 25 copies thereof, postmarked, if possible, no later than December 10, 1973, to George W. Wheeler, Acting Executive Secretary, Division of Physical Research, U.S. Atomic Energy Commission, Washington, D.C. 20545. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such request shall accompany the written statement, and shall set forth reasons justifying the need for such oral statement and its usefulness to the Panel. To the extent that the time available for the meeting permits, the Panel will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Acting Executive Secretary.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Acting Executive Secretary of the Panel, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on December 10, 1973, to the Acting Executive Secretary of the Panel (phone: 301-973-3367) between 9:00 a.m. and 4:30 p.m. Eastern Time.

(e) Seating for the public will be available on a first-come, first-served basis.

(f) Copies of minutes of public sessions will be made available for copying, following their acceptance by the Panel at its next meeting, in accordance with the Federal Advisory Committee Act, at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., upon payment of all charges required by law.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.73-25819 Filed 12-5-73;8:45 am]

[Docket No. 50-382A]

LOUISIANA POWER AND LIGHT CO.

Notice of Receipt of Attorney General's Advice

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated November 27, 1973, a copy of which is attached as Appendix A.

The Department of Justice advice letter with regard to this matter, dated August 18, 1972, has been withdrawn and the Department of Justice's proposal for license conditions in the matter is rescinded.

For the Atomic Energy Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust & Indemnity Directorate of Licensing.

APPENDIX "A"

Louisiana Power and Light Company, Waterford Generating Station Units 3 and 4, AEC Docket Nos. 50-382A and 50-383A, Department of Justice File 60-415-39.

In our letter of December 14, 1971, the Department of Justice informed the Commission that our review of the above-captioned application had raised antitrust questions concerning which we had been in communication with the Applicant and that the Applicant had asked the Department to continue discussions in the hope that adverse antitrust advice could be avoided.

As a result of protracted discussions, on August 18, 1972, we were able to inform the Commission that the Applicant had agreed to accept conditions to the Commission's issuance of a construction permit for the Waterford Units. We indicated that, in our opinion, the conditions were "calculated to provide immediately, and on reasonable terms, access to a number of the coordinating arrangements which are most urgently

needed by those who have complained about Applicant's previous conduct." While we noted that our investigation of possible antitrust violations and our consideration of the possible need for additional antitrust relief would continue, our advice was that the Commission need not hold an antitrust hearing.

In our letter of March 30, 1973 the Department informed the Commission that after the Department's letter of advice was published in the FEDERAL REGISTER, the Department learned, to its surprise, that the Applicant's interpretation of its commitments differs widely from the Department's interpretation. These differences were explained more fully in our March 30 letter. After meeting with the Applicant on March 21, 1973 in an effort to resolve the differences, and explaining the Department's position to the Atomic Safety and Licensing Board at its hearing on March 26, 1973, the Department concluded in its letter of March 30, 1973 as follows:

Unless Applicant is willing to agree to license conditions in substantially the form attached hereto, [the March 30, 1973 letter] the Commission should deem there are no "proposed license conditions" upon which agreement exists between the Department and the Applicant. In that event, the basis for the Department's "no hearing" recommendation would no longer exist.

Since that date we have received no indication that the Applicant is willing to agree with our interpretation of the proposed license conditions. Accordingly, the Department has filed with the Licensing Board a notice of the Department's intention to be a party in any further proceedings.

I hereby inform the Commission that the Department's advice letter of August 18, 1972 is withdrawn, and that the Department's proposal for license conditions in the matter is rescinded. I regret having to take this step at this time. We have tried very hard to resolve this matter without a hearing. However, the Applicant's position leaves the Department with no choice under the statute.

The Department finds that the activities of the Applicant under the requested license may create or maintain a situation inconsistent with the antitrust laws, and that therefore a hearing pursuant to section 105c of the Atomic Energy Act should be held.

[FR Doc.73-25820 Filed 12-5-73;8:45 am]

NUCLEAR POWERED CARDIAC PACEMAKERS

Notice of Meeting

The Atomic Energy Commission has invited businesses and individuals involved in developing nuclear powered cardiac pacemakers and related components to attend a presentation by the regulatory staff which will be held December 18, 1973, in the Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland. The meeting will begin at 9:00 a.m. in Room P-118.

The agenda for the meeting will cover the following topics: Licensing of Investigational Programs; Considerations for Licensing of Wide-Scale Use; and Preparation of Environmental Impact Statements.

The meeting will be open to the public to the extent of available seats. Persons desiring to attend are therefore requested to notify James C. Malaro, Chief, Materials Branch, Directorate of Licensing, telephone number 973-7718, who will advise whether seating accommodations remain available.

Dated at Bethesda, Maryland, this 30th day of November 1973.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials Directorate of Licensing.

[FR Doc.73-25822 Filed 12-5-73;8:45 am]

MATERIALS AND PLANT PROTECTION GUIDES

Issuance and Availability

The Atomic Energy Commission has issued two guides in its Regulatory Guide series. The Regulatory Guide series has been developed to describe and to make available to the public methods acceptable to the AEC Regulatory staff for 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 information needed by the staff in its review of applications for permits and licenses.

The new guides are in Division 5, "Materials and Plant Protection." Regulatory Guide 5.13, "Conduct of Nuclear Material Physical Inventories," describes techniques and procedures for the conduct of measured nuclear material physical inventories in compliance with criteria specified in Part 70 of Title 10 of the Code of Federal Regulations. Regulatory Guide 5.14, "Visual Surveillance of Individuals in Material Access Areas," describes operational measures and physical features which are adequate for the implementation of visual surveillance.

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 the issued guides (which may be reproduced) 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.

Other Division 5 Regulatory Guides currently being developed include the following:

Organization for Materials and Plant Protection
Management Review of Materials and Plant Protection Programs and Activities
Standards for Physical Barrier Construction
Guards and Watchmen: Training, Equipping, and Qualifying
Special Nuclear Material Doorway Monitors: Performance and Use
Selection and Use of Seals
Tamper Indicating Devices
Safe Secure Trailer (Interim Guide)
Truck Identification Markings
Communication with Transport Vehicles
Coordination of Response Plan with Law Enforcement Authority
Monitoring Transfers of Special Nuclear Material
Selection of Material Balance Areas
Internal Transfers of Nuclear Material
Material Control in Unirradiated Scrap Recovery Facilities
Minimizing Nuclear Material Holdup in Process Equipment (wet processes)
Minimizing Nuclear Material Holdup in Process Equipment (dry processes)
Dynamic Inventory Techniques
Verification of Nuclear Material Physical Inventories
Assessment of the Assumption of Normality
Limit of Error Concepts and Principles of Calculation in Nuclear Materials Control
Evaluation of Material Unaccounted For (MUF)
Evaluation of Shipper and Receiver Data
Resolution of Shipper-Receiver Differences
Acceptable Methods for the Accounting for Nuclear Grade PuO_2 Powder, Sinterable
General Guide to a Measurement Control Program
Training and Qualifying Measurement Control Personnel
Accountability Measurements of $Pu(NO_3)_4$ Solutions
Accountability Measurements of PuO_2 Powder
Chemical, Nuclear, and Radiochemical Analysis of $UO_2(NO_3)_2$ Solutions
Standard Methods for Chemical, Nuclear & Radiochemical Analysis of Pu Metal and Nitrate
Guide for Mass and Scales Calibration
Guide to Mixing and Sampling Nuclear Materials
Guide to Making Working Standards from Production Material
Radiometric Calibration Techniques
Calorimetric Assay of Pu-Bearing Solids
Nondestructive Assay of Low Enrichment Uranium Fuel Rods
Nondestructive Assay of Plutonium Bearing Fuel Rods by Gamma-Ray Spectroscopy
Nondestructive Assay of High Enrichment Uranium Fuel Plates
Nondestructive Assay of Plutonium Residue in Process Equipment
Nondestructive Plutonium Scrap and Waste Assay by Spontaneous Fission Detection
Nondestructive Uranium-235 Enrichment Assay by Gamma-Ray Spectrometry
Nondestructive Assay of High-Enriched Uranium Scrap by Active Neutron Interrogation
Nondestructive Assay of Uranium Residue in Process Equipment

(5 U.S.C. 552(a))

Dated at Bethesda, Maryland this 29th day of November 1973.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-25823 Filed 12-5-73;8:45 am]

POWER REACTOR GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued a new guide in its Regulatory Guide series. This series has been de-

veloped 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.

The new guide is in Division 1, "Power Reactor Guides." Regulatory Guide 1.68, "Preoperational and Initial Startup Test Programs for Water-Cooled Power Reactors," describes a method acceptable to the AEC Regulatory staff for complying with the Commission's regulations with regard to preoperational and initial startup testing programs for water-cooled nuclear power plants.

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 1 Regulatory Guides currently being developed include the following:

Availability of Electric Power Sources
Requirements for Instrumentation to Assess Nuclear Power Plant Conditions During and Following an Accident for Water-Cooled Reactors
Shared Emergency and Shutdown Power Systems at Multi-Unit Sites
Physical Independence of Safety Related Electric Systems
Isolating Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary
Assumptions for Evaluating a Control Rod Ejection Accident for Pressurized Water Reactors
Assumptions for Evaluating a Control Rod Drop Accident for Boiling Water Reactors
Requirements for Collection, Storage, and Maintenance of Quality Assurance Records for Nuclear Power Plants
Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake
Qualification Tests of Electric Valve Operators for Use in Nuclear Power Plants
Fire Protection Criteria for Nuclear Power Plants
Protective Coatings for Nuclear Reactor Containment Facilities
Inservice Surveillance of Grouted Prestressing Tendons
Seismic Input Motion to Uncoupled Structural Model
Primary Reactor Containment (Concrete) Design and Analysis
Preservice Testing of In-Situ Components
Category I Structural Foundations
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems
Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel
Fracture Toughness Requirements for Vessels Under Overstress Conditions
Applicability of Nickel-base Alloys and High Alloy Steels
Material Limitations for Component Supports
Protection Against Postulated Events and Accidents Outside of Containment
Design Basis Tornado for Nuclear Power Plants
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants
Assumptions used for Evaluating the Potential Radiological Consequences of a Boiling Water Reactor Gas Holdup Tank Failure
Quality Assurance Requirements for Procurement of Equipment, Materials, and Services
Quality Assurance Requirements for Lifting Equipment
Maintenance and Testing of Batteries
Qualification of Class I Electrical Equipment
Type Tests for Class I Cables and Connectors Installed Inside the Containment
Seismic Qualification of Class I Electric Equipment
Fracture Toughness Requirements for Materials for Class 2 and 3 Components
Maintenance of Water Purity in PWR Secondary Systems
Plastic Piping Material Properties
Concrete Radiation Shields for Nuclear Power Plants
Main Steam Line Sealing System Design Guidelines for Boiling Water Reactors

(5 U.S.C. 552(a))

Dated at Bethesda, Maryland this 26th day of November, 1973.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-25821 Filed 12-5-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 73-11-149]

ASIATIC FORWARDERS, INC.

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of November, 1973.

Temporary relief of Asiatic Forwarders, Inc. to perform household goods services for the Department of Defense.

Application of Asiatic Forwarders, Inc. for international air freight forwarder authority.

Temporary relief from provisions of the Federal Aviation Act to permit certain unauthorized air carriers to transport household goods for Department of Defense (DOD), granted to Asiatic Forwarders, Inc. and others, was to expire 180 days after the Board's decision in the Household Goods Air Freight Forwarder Investigation, Docket 20812, became final[1] or upon Board disposition of the carrier's application for forwarder authority whichever occurred first.[2]

In addition to being one of the first carriers to provide such service for DOD, as well as one of the original carriers to obtain the temporary relief, Asiatic Forwarders has on file an application for interstate and international air freight forwarder operating authorization.[3] The authority has not been granted since the applicant is owned by Domestic Air Express (DAX), an authorized interstate air freight forwarder, and is an affiliate of Intra Mar Shipping Corporation, an authorized international air freight forwarder.[4]

Since DAX is in bankruptcy under Chapter XI of the Bankruptcy Act and Asiatic Forwarders is its best source of revenue, the Board has determined that it would not be in the public interest to require divestiture of Asiatic Forwarders by DAX in order to issue an authorization to Asiatic Forwarders. Furthermore, DAX is not in a position to surrender its domestic operating authorization. Thus, in order to allow DAX to retain its domestic authority, Intra Mar to retain its international authority, and to permit Asiatic Forwarders to continue to serve DOD, the Board extended Asiatic Forwarders' temporary relief for a period of two years, to April 2, 1975.[5] It appeared that such action would give DAX an opportunity to rehabilitate itself with the bankruptcy court and allow DAX and Asiatic Forwarders to order their affairs.

By letter dated October 11, 1973, Intra Mar offers to surrender its international authority for revocation and Asiatic Forwarders requests that (1) international operating authorization be issued in the name Asiatic Forwarders, Inc.[6] and (2) Asiatic Forwarders' temporary relief, henceforth encompassing only its interstate carriage of household goods for DOD personnel, be extended until April 2, 1975.

In our view, issuance of international authority to Asiatic Forwarders, upon surrender of Intra Mar's authorization, and extension of Asiatic Forwarders' temporary relief to provide interstate transportation of household goods for DOD personnel will not run contrary to the Board's policy against issuance of multiple authorizations. In fact, the combined authority of DAX and its affiliates

[1] Order 72-10-59, dated October 16, 1972.
[2] Order 71-10-56, dated October 13, 1971.
[3] Having such application on file was a prerequisite to obtaining temporary relief.
[4] The Board maintains a policy against issuing more than one interstate or international authorization to firms controlled by a single person. The Board has approved DAX's acquisition of Asiatic Forwarders (Order 69-2-117, February 24, 1969) and Intra Mar (Order 69-6-173, June 30, 1969).
[5] Order 73-3-133, dated March 30, 1973.
[6] Asiatic Forwarders has submitted a complete and satisfactory application for forwarder authority and the international authorization may be granted upon completion of incidental prerequisites thereto.

will be less under the new arrangement than previously held. Moreover, such action will allow Asiatic Forwarders to expand its international operations to include property other than household goods. We consider it in the public interest to allow Asiatic Forwarders to expand its operations to the fullest extent possible without conflicting with Board policy, since it is an active forwarder [7] as well as DAX's best source of revenue. Our action will allow the continuation of important public benefits, including the provision of a valuable public service for personnel of DOD as well as an immediate development of international carriage of general commodities by Asiatic Forwarders and continuation of domestic air freight forwarder operations by DAX under its bankruptcy reorganization plan.

Accordingly, it is ordered:

1. That Order 73-3-133, dated March 30, 1973 be and it hereby is revoked;

2. That pursuant to sections 101(3) and 204 of the Federal Aviation Act of 1958, as amended, Asiatic Forwarders, Inc. is hereby relieved from provisions of Title IV of the Act to the extent necessary to transport by air, in interstate transportation only, used household goods [8] of personnel of DOD upon tender by that Department;

3. That the relief granted herein to Asiatic Forwarders shall terminate on April 2, 1975; [9]

4. That Asiatic Forwarders' application for international air freight forwarder operating authorization is hereby approved and, upon completion of incidental prerequisites thereto,[10] the authorization be issued;

5. That, in the event DAX is discharged from bankruptcy or severs its control of Asiatic Forwarders during the term of the relief granted herein, Asiatic Forwarders shall report such discharge or severance within 30 days of such occurrence;

6. That this order may be amended or revoked at any time in the discretion of the Board without hearing; and

7. That ordering paragraphs one, two, and three of this order shall become effective upon the effective date of Asiatic Forwarders' international air freight forwarder authorization.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-25905 Filed 12-5-73;8:45 am]

[Docket 26036]

J. V. AVIATION LTD.

Postponement of Prehearing Conference and Hearing

Notice is hereby given that the prehearing conference and hearing in the above-entitled proceeding have been postponed from December 4, 1973 (38 FR 31330, November 14, 1973), to December 11, 1973, at 10 a.m. (local time) in Room 701, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before December 7, 1973.

Dated at Washington, D.C., December 3, 1973.

[SEAL] HYMAN GOLDBERG,
Administrative Law Judge.

[FR Doc.73-25906 Filed 12-5-73;8:45 am]

[Docket 25954; Order 73-11-150]

PAN AMERICAN WORLD AIRWAYS, INC.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of November, 1973.

By tariff revisions filed August 16, 1973 [1] Pan American World Airways, Inc. (Pan American), proposed to increase its transatlantic B-707 midweek and weekend charter rates $.25 per plane mile in both directions, effective September 15, 1973. Pan American also proposed increases of $.25 in midweek and weekend charter prices in the Pacific area and in weekend charter rates to Latin America, effective November 1, 1973.[2] Additionally, the carrier proposed a $.25 per plane mile increase in ferry rates in all areas, a corresponding increase in B-707 split charter rates, and other minor changes in the definitions of seasonal and midweek/weekend periods.

In its justification, Pan American states that the revenue impact of the increased rate, excluding ferry charges, is expected to be a $2.74 million increase, or 6.2 percent, in revenues in the transatlantic market, and $3.75 million (including ferry charges) or 5.4 percent system wide. The carrier contends that even with the increase, it expects to incur losses in charter service in every area except the Pacific totaling $3.2 million.

World Airways, Inc. (World) has filed a complaint [3] requesting investigation and suspension of the rates as unjust and unreasonable.[4] World states that, although the new rates represent an increase over previous levels, Pan American, by its own computations, anticipates a $4.7 million pre-tax loss in transatlantic B-707 charter services in 1974; and that Pan American concedes the new rates will be deficient inasmuch as it will experience a loss in charter service in every area, save the Pacific, totaling $3.2 million and a 1.4 percent negative return on investment in commercial passenger charter service. The carrier also contends that as a result of the failure of the carriers to reach agreement on minimum transatlantic charter rates in Board authorized negotiations this summer, the Board recently issued a proposed statement of policy [5] whereby any North Atlantic charter rate set below 2.2 and 2.4 cents per mile for midweek and weekend charters, respectively, would be regarded as prima facie unjust and unreasonable; that Pan American's existing transatlantic B-707 mileage tariff was singled out by the Board in this notice as "clearly inadequate to cover fully allocated costs of service"; and that Pan American has already stated that the minimum rates proposed "are probably too low and should be raised."

In responding to World's complaint, Pan American asserts that it represents another example of the supplemental carriers' attitude towards competition and their irresponsibility in charter pricing. At the same time World complains that Pan American's effort to increase charter prices is insufficient, it is allegedly quoting peak season charter prices to tour operators of 1.8 cents per seat mile, which undercuts Pan American's entire peak and off-peak structure. While recognizing its new rate structure is not fully compensatory, Pan American maintains the increases are a responsible effort toward a more cost-related charter rate structure given the competitive milieu in which it must contend, espe-

---

[7] Recent reports filed by Intra Mar show no forwarding activities.

[8] The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling, when a part of the equipment or the supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments, and (2) objects of art (other than personal effects), displays and exhibits.

[9] Two years from service date of Order 73-3-133. Relief granted herein incorporates and supercedes the relief granted to Asiatic Forwarders by Order 73-3-133.

[10] Including surrender of Intra Mar's operating authorization for revocation.

[1] See International Air Traffic Tariffs Corp., Agent, Tariff C.A.B. No. 65; 9th Revised Page 8-C, 1st Revised Page 8-F, and 134th Revised Page 9. A 10th Revised Page 8-C was filed September 10, 1973 to correct a ferry charge listing.

[2] Pan American's filing also includes increases in domestic charter rates of $.75 and $.50 per plane mile for weekends and midweek respectively.

[3] On October 5, 1973, World filed a motion for leave to make a late filing which will be granted. Pan American has filed a motion for leave to file an unauthorized document in response to World's complaint which will also be granted.

[4] World specifically directs its comments to the charter prices filed for transatlantic service; however, it contends that rates proposed for other geographic areas appear equally lacking in economic justification and requests suspension, pending investigation, of these rates as well.

[5] PSDR-37, Docket 25875, of September 7, 1973: Part 399—Statements of General Policy; Notice of Proposed Rule Making.

cially the transatlantic market where the overall charter industry yield is only 2.35 cents. The carrier notes that the Board has recognized in its proposed rule making the intense competition in this area, and the resultant excess capacity which has made economic charter pricing impossible, and has served notice of its intention to intervene after establishing a minimum charter rate policy; that intervention in advance of its final rule making by suspending one carrier's rates as requested by World and requiring that one carrier to charge higher noncompetitive rates would be unreasonable and unfair; and that while it would be reasonable for the Board to suspend all carriers' rates below a given level, World is asking the Board to compel one carrier—Pan American—to surrender its charter market and, therefore, is seeking competitive advantage which the Board cannot lawfully give.

Upon consideration of the tariff, the complaint and the answer thereto, and all relevant matters, the Board finds that the complaint does not state facts which warrant investigation and the request therefor, and consequently the request for suspension, will be denied and the complaint dismissed.

As indicated, the Board has pending a notice of Proposed Rulemaking (PSDR–37, in Docket 25875) which proposes minimum North Atlantic charter rates of 2.2 and 2.4 cents per seat mile for midweek and weekend charters respectively, and contemplates that tariff filings below these levels would be considered prima facie unreasonable and subject to suspension in the absence of the most convincing justification. Comments in response to this proposal have been received from a number of interested parties and are presently being evaluated by the Board. In the meantime, a number of carriers presently have in effect transatlantic charter rates at per seat-mile levels below those proposed by the Board as minimums. In these circumstances, we are unable to conclude that suspension of the rates in question is warranted. Moreover, such action would only result in reinstating the pre-existing and lower rates. For the same reason, we have decided that suspension of the rates applicable in other areas would be inappropriate, pending resolution of the issues now pending in the rulemaking proceeding.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. The motion of World Airways, Inc. for leave to file a complaint is granted;

2. The motion of Pan American World Airways, Inc. for leave to file an unauthorized document in response is granted; and

3. The complaint of World Airways, Inc. in Docket 25954 is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-25904 Filed 12-5-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Listing of Statements Received

Environmental impact statements received by the Council on Environmental Quality from November 26 through November 30, 1973.

NOTES 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

East Bradfield Timber Sale, Tongass National Forest, November 27: The statement refers to the proposed timber sale of 80 million board feet of over-mature Sitka spruce and western hemlock from 2,076 acres. Removal will be on an even-aged management basis. The sale area is within the Tongass National Forest, on the mainland along the East Fork of the Bradfield River 38 miles southeast of Wrangell. Adverse impact would include the loss of wilderness character along part of the East Bradfield River. (ELR Order No. 31845) (NTIS Order No. EIS 73 1845D.)

Proposed Land Exchange, Superior National Forest, Minn., St. Louis, Lake, and Cook counties, November 30: Proposed is an exchange of lands between the Inland Steel Company and the Federal government. Inland Steel would receive 3,060 acres of National Forest lands, which would be used for overburden waste dumps and a tailings basin for its taconite mining operation. The Forest Service would receive 6,500 acres, which will aid in Forest consolidation (84 pages). (ELR Order No. 31882.) (NTIS Order No. EIS 73 1882D.)

SOIL CONSERVATION SERVICE

Draft

Red Deer Creek Watershed Project, Texas, Gray, Hemphill, and Roberts counties, November 26: The statement refers to a proposed project on the 39,010 acre watershed. The project is intended to protect against erosion, increase the efficiency of irrigation water, reduce flooding in Miami and Canadian, and improve wildlife habitat. Project measures will include land treatment and 20 floodwater retarding structures. A total of 2,775 acres of land will be committed to the project. Four hundred and sixty-six acres will be used for sediment pools, and an additional 2,079 acres will be occasionally inundated (35 pages). (ELR Order No. 31827.) (NTIS Order No. EIS 73 1827D.)

Final

Mendota Watershed, Ill., LaSalle and Bureau counties, November 26: The statement refers to a proposed watershed protection project which would include land treatment measures, five flood water retarding structures, and 0.9 mile of channel works. The program is intended to reduce erosion and flood damage. Approximately 52 acres would be inundated by the project; an additional 50 acres would be used for spoil deposit and structure sites (45 pages). Comments made by: COE, HEW, DOI, DOT, EPA, state agencies. (ELR Order No. 31834.) (NTIS Order No. EIS 73 1834F.)

Flathead National Forest, Mont., several counties, November 28: The statement refers to a three year road program which will complement the Timber Management Plan for the Forest. Approximately 163 miles of new roadway will be constructed, and 75 miles of existing roadway will be reconstructed. Approximately 1,400 acres will be stripped of vegetative cover, 40% of it permanently. Increased hunting and recreation pressures will develop, and an unspecified amount of big game habitat will be lost. Temporary air pollution will occur with the burning of debris (49 pages). Comments made by: DOI, EPA, state and local agencies and concerned citizens. (ELR Order No. 31852.) (NTIS Order No. EIS 73 1852F.)

DEPARTMENT OF COMMERCE

Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202–967–4335.

Shore Facility for Oily Waste Treatment, Va.; York County, November 27: Proposed is the leasing to the Virginia Port Authority of a surplus U.S. Navy complex, Cheatham Annex, for use as a facility for processing oily waste from ship's tanks, bilges, and ballast operations. The proposed project will increase traffic on the York River (103 pages). Comments made by: USDA, EPA, DOI, HEW, COE, USN, state and local agencies, and concerned citizens. (ELR Order No. 31850.) (NTIS Order No. EIS 1850F.)

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, S.W., Washington, D.C. 20314, 202–693–7168.

Draft

Saw Mill River at Ardsley, November 26: The statement refers to a proposed flood control project on the Saw Mill River at Ardsley. Project measures will include channel improvements, levees, walls, a stilling basin, and drainage facilities. Construction of the project will result in a decrease of natural fish and wildlife habitat (New York District.) (41 pages.) (ELR Order No. 31840.) (NTIS Order No. EIS 73 1840D.)

Perdido Pass Channel, Ala., Baldwin County, November 28: The statement refers to the proposed maintenance dredging of the Perdido Pass Channel. Adverse impact will include loss of benthic organisms and emergent salt marsh vegetation (25 pages). (ELR Order No. 31870.) (NTIS Order No. EIS 73 1870D.)

Anchorage Harbor Navigation Dredging, Alaska, November 28: The statement refers to the proposed maintenance dredging of 60,000 cu. yds. of spoil annually from the Anchorage Harbor. Adverse impact will include disruption to marine biota and to the water-land interface (Anchorage District) (69 pages). (ELR Order No. 31854) (NTIS Order No. EIS 73 1854D.)

Pinole Shoal Channel, San Pablo Bay, Calif., November 28: The statement refers to the proposed maintenance dredging of 500,000 cu. yds. of shoal material from Pinole Shoal Channel, and the disposal of the spoil at the Black-and-White Buoy site in San Pablo Bay. Adverse impact will be to marine biota (38 pages). (ELR Order No. 31851.) (NTIS Order No. EIS 73 1851D.)

Noyo Harbor Maintenance Dredging, Calif., County: Mendocino County, November 28: The statement refers to the proposed maintenance dredging of 60,000 cu. yds. of material from the harbor. The spoil will be deposited at a land disposal site, where five acres of grassland will be covered with spoil. Additional impact will be to marine biota. (San Francisco District.) (22 pages). (ELR Order No. 31855.) (NTIS Order No. EIS 73 1855D.)

Jacksonville Harbor, Supplement, Fla., November 27: The purpose of this supplement is to update the environmental impact statement previously prepared and filed on Sections 1 and 2 of the Jacksonville Harbor Deepening Project. The project consists of new upland disposal areas (12 pages). (ELR Order No. 31849.) (NTIS Order No. EIS 73 channel widening and the addition of four 1849D.)

Escambia River, Escambia Bay, Fla., November 28: The statement refers to the proposed maintenance dredging of the 10 x 100 feet channel from Escambia Bay to Escambia River Mile 7, a total distance of 12.5 miles. Spoil will be deposited on upland sites. (Mobile District.) (38 pages.) (ELR Order No. 31863.) (NTIS Order No. EIS 73 1863D.)

East Pass Channel, Choctawhatchee Bay, Fla., Okaloosa County, November 28: The proposed project involves the maintenance dredging of a 12 feet deep by 180 feet wide navigation channel for 8000–9000 feet from the Gulf of Mexico to Choctawhatchee Bay through East Pass at Destin. A second channel, 6 feet by 100 feet, will also be dredged, from East Pass into Old Pass Lagoon. Marine biota will suffer some adverse impact from the project. (Mobile District.) (31 pages.) (ELR Order No. 31864.) (NTIS Order No. EIS 73 1864D.)

Buford Dam and Lake Sidney Lanier, Ga., Gwinett and Forsyth Counties, November 26: The project involves the operation and maintenance of an existing multipurpose dam and reservoir located on the Chattanoochee River in Gwinett and Forsyth Counties. The project provides flood control, navigation, hydroelectrical power and recreational opportunities. Adverse environmental effects include flooding of tributary mouths downstream because of releases in peak power generation, and discharges from the project in late summer containing low dissolved oxygen levels. (Mobile District.) (29 pages.) (ELR Order No. 31831.) (NTIS Order No. EIS 73 1831D.)

Allatoona Dam and Lake, Ga., Bartow, Cherokee and Cobb Counties, November 26: The project involves the continuation and maintenance of an existing multipurpose dam and reservoir located on the Etowah River in Bartow, Cherokee and Cobb Counties. The project provides flood control, hydroelectrical power generation, recreational opportunities and regulation of stream flow for navigation. Adverse impacts include those of large releases of water for short periods of time as a result of peak power production, and of discharges in late summer containing low dissolved oxygen levels and causing concern downstream. (Mobile District.) (29 pages.) (ELR Order No. 31832.), (NTIS Order No. EIS 73 1832D.)

Flood Control, Navigation, Little Calumet River, Ind., November 30: The project will provide protection from flooding, through main stream channel alterations and levees, along the Little Calumet River. Also provided will be 2,500 acres of recreational space created by constructing nodes located at intervals along the river. Limited destruction of wetlands will occur in the path of the widened river. There will be a short-term water quality degradation during construction (60 pages). (ELR Order No. 31880.) (NTIS Order No. EIS 73 1880D.)

Rockland Harbor, Maine, November 28: The statement refers to the proposed maintenance dredging of the Federal navigation channel at Rockland Harbor. Approximately 95,000 cu. yds. of spoil will be excavated and deposited at an ocean dump area in Penobscot Bay. Marine biota will be adversely affected by the project. (Waltham District. (31 pages.) (ELR Order No. 31856.) (NTIS Order No. EIS 73 1856D.)

Fairport Harbor, Ohio, Lake County, November 28: The statement refers to the proposed development of a harbor of refuge for small craft on Lake Erie. The harbor will be located at the Village of Fairport Harbor; development by the Corps will consist of a dredged approach channel, an L-shaped dock channel, three stone breakwaters, and a stone revetment. Approximately 4.7 acres of bottom habitat will be damaged during construction activities. (Buffalo District.) (76 pages.) (ELR Order No. 31867.) (NTIS Order No. EIS 73 1867D.)

North Hartland Lake, Vt., November 27: The statement evaluates the continued operation and maintenance of the existing flood control reservoir of 220 acres. Recreation facilities are located on project lands. (Waltham District.) (44 pages.) (ELR Order No. 31846.) (NTIS Order No. EIS 73 1846D.)

North Springfield Lake Operation, Vt., November 28: The statement refers to the annual operation and maintenance of the North Springfield Lake flood control project, with its permanent 100 acre pool and permanent 65 acre subimpoundment, both of which provide opportunities for recreation activities. Flooding at certain times could have serious effects on the reproduction of some fish and wildlife species. (Waltham District.) (37 pages.) (ELR Order No. 31873.) (NTIS Order No. EIS 73 1873D.)

Seattle Harbor Navigation Project, Wash., King County, November 28: The statement refers to the proposed maintenance dredging of 150,000 cu. yds. of material annually from the Duwamish River, Seattle Harbor. Adverse impact of the project will be to water quality. (Seattle District.) (38 pages.) (ELR Order No. 31869.) (NTIS Order No. EIS 73 1869D.)

Final

Richmond Inner Harbor, Calif., Contra Costa County, November 26: The statement refers to the proposed maintenance dredging of the harbor, with 150,000 cu. yds. of spoil to be dumped at Alcatraz. Marine life will be adversely affected (61 pages). Comments made by: EPA, DOI, DOC, HEW, USDA, state agencies, and concerned citizens. (ELR Order No. 31830.) (NTIS Order No. EIS 73 1830F.)

Humboldt Harbor and Bay, Calif., Humboldt County, November 28: The statement refers to a project which involves the maintenance dredging of navigation channels in the Bay and the rehabilitation of jetties at its entrance. Marine life will be adversely affected by dredging operations. (68 pages.) Comments made by: USDA, DOC, DOI, EPA, state, and local agencies, and concerned citizens. (ELR Order No. 31859.) (NTIS Order No. EIS 73 1859F.)

Guilford Harbor Dredging, Conn., November 28: The project involves maintenance dredging of Guilford Harbor. Adverse environmental impacts are that some marine organisms will be destroyed in the dredge/spoil areas. Water quality will temporarily suffer degradation. Heavy metals from the spoil material may have long-term effects on the developing eggs of larvae of the plankton in the harbor and on the benthic life at the spoil site. (Wattham District.) (63 pages.) Comments made by: DOI, DOC, EPA, State and local agencies, and concerned citizens. (ELR Order No. 31860.) (NTIS Order No. EIS 73 1860F.)

Kahului Harbor, Maui, Hawaii, November 28: Proposed is a shoreline protection and beach restoration project, which will consist of groin, revetment and breakwater construction, and sand placement. Adverse impact will be to marine biota. (Pacific Ocean Division.) (32 pages.) Comments made by: DOC, DOI, EPA, HEW, DOT, state agencies. (ELR Order No. 31862.) (NTIS Order No. EIS 73 1862F.)

Evansville Local Protection Project, Ind., Vanderburgh County, November 28: Proposed in the continued construction of the flood protection work at Evansville. The Pigeon Creek Section (Unit 2) is the last portion of the project to be completed at this time. Protection works consist of earthen levees, concrete walls, pumping plants, and associated interior drainage facilities. Adverse effects of the action are changes in land use; alteration of the natural terrain and obstruction of river view; and the relocation of 65 families on 203 acres of land (50 pages). Comments made by: DOI, EPA, USDA, DOT, State agencies and concerned citizens. (ELR Order No. 31865.) (NTIS Order No. EIS 73 1865F.)

West Hickman, Ky., Fulton County, November 27: The project recommends the construction of a pumping station and control gate designed to alleviate flooding. Clearing of approximately 2.8 acres of willow trees will occur. Adverse impact stemming from the project includes increased turbidity in Bayou du Chien (29 pages). Comments made by: USDA, DOI, EPA, HUD. (ELR Order No. 31847.) (NTIS Order No. EIS 73 1847F.)

Michoud Canal, La., November 28: The statement refers to the proposed construction of the Mississippi River-Gulf Outlet, Michoud Canal. The purpose of the action is the improvement of navigation to industrial areas along the Canal. Approximately 2.5 miles of canal will be dredged to a depth of 36 feet mean low gulf, and a width of 250 feet. Wildlife habitat will be damaged at the sites of spoil deposit; aquatic life will be adversely affected (98 pages). Comments made by: DOI, EPA, USDA, DOC, DOT, State and local agencies. (ELR Order No. 31858.) (NTIS Order No. EIS 73 1858F.)

Port Sanilac Harbor, Mich., Sanilac County, November 27: The proposed project involves the construction of a 70-foot extension to the south breakwater of the harbor, in order to reduce the size of entering storm waves. Construction activities will adversely affect aquatic biota (56 pages). Comments made by: USDA, DOC, DOI, DOT, EPA, FPC, OEO, State and local agencies. (ELR Order No. 31848.) (NTIS Order No. EIS 73 1848F.)

Buttermilk Channel, N.Y., November 28: The statement refers to the proposed dredging of Buttermilk Channel between Governors Island and Brooklyn to its authorized dimensions. Five hundred thousand cubic yards of spoil will be dumped in the New York Bight. There will be some adverse impact to marine life (42 pages). Comments made by: USDA, DOC, USN, DOI, DOT, EPA, State agencies. (ELR Order No. 31872.) (NTIS Order No. EIS 73 1872F.)

Tarrytown Harbor, N.Y., November 26: The project involves maintenance action consisting of dredging the existing Federal navigation channel in Tarrytown Harbor to its authorized project dimensions. Adverse impacts include a temporary increase of turbidity during the dredging process; there will also be a negative effect on benthic life because of the removal of bottom materials. Finally, spoiling in the New York Bight would continue to contribute to the problems associated with ocean disposal. (New York District.) (25 pages.) Comments made by: DOI, DOT, USN, DOC, USDA, EPA, State and local agencies. (ELR Order No. 31829.) (NTIS Order No. EIS 73 1829F.)

Missouri River, Garrison Dam to Lake Oahe, N. Dak., several counties, November 28: The statement considers erosion protection measures (including the construction of revetments and dikes), along the Missouri River between Garrison Dam and Oahe Lake. Approximately 14,700 acres of agricultural land would be protected; an unspecified amount of wildlife habitat will be lost (62 pages).

Comments made by: USDA, HUD, DOT, EPA, DOI, State and local agencies. (ELR Order No. 31866.) (NTIS Order No. EIS 73 1866F.)

Huron Harbor, Ohio, Erie County, November 28: The proposed project is the construction of a diked disposal area to receive polluted harbor sediment resulting from annual dredging operations. The action is intended to eliminate a source of pollution to Lake Erie (96 pages). Comments made by: EPA, DOI, State agencies. (ELR Order No. 31857.) (NTIS Order No. EIS 73 1857F.)

Lake City Power Plant, Pa., Erie County, November 26: The project involves the construction of an oil-fueled electric generating unit with intake and discharge structures, together with other appurtenances. Adverse impacts are the discharge of quantities of heat, air-borne emissions, liquid effluents and sound energy. The receipt and handling of the fuel oil are of potentially adverse impact. Removal of wooded areas and vegetation will result in increased surface runoff as well as disturbance to wildlife. (Buffalo District.) (277 pages.) Comments made by: DOT, DOC, EPA, DOI, FPC, State agencies and concerned citizens. (ELR Order No. 31828.) (NTIS Order No. EIS 73 1828F.)

Norfolk Harbor, Va., November 28: Proposed is the maintennnce dredging of harbor channels in Hampton Roads, Elizabeth River, and Southern Branch, involving the removal of 800,000 cu. yds. of material. Marine biota will be adversely affected (47 pages). Comments made by: EPA, DOC, DOI, State and local agencies. (ELR Order No. 31861.) (NTIS Order No. EIS 73 1861F.)

Channel to Newport News, Va., Newport News County, November 28: The proposed project is the maintenance dredging of a channel that extends 4.8 miles to Newport News from Norfolk. The project will increase turbidity and cause the disruption of benthic organisms (38 pages). Comments made by: EPA, DOC, DOI, State agencies. (ELR Order No. 31871.) (NTIS Order No. EIS 73 1871F.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets, NW., Washington, D.C. 20405, 202-343-4161.

Final

Federal Office Building-Courthouse, Elkins, W. Va., Randolph County, November 26: Proposed is the construction of a three story Federal Building, Post Office and Courthouse having 51,816 gross sq. ft. and providing 87 parking spaces. Inconvenience associated with construction will occur during demolition of existing structures on the site and construction of the new facility (35 pages). Comments made by: EPA, State agencies. (ELR Order No. 31833.) (NTIS Order No. EIS 73 1833F.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

NATIONAL PARK SERVICE

Draft

Proposed Wilderness, Big Bend National Park, Tex., November 26: The statement refers to the proposed legislative designation of 533,900 acres of the Big Bend National Park as wilderness within the National Wilderness Preservation System. Another 25,700 acres is to be designated for potential wilderness addition. Land use will be limited under the wilderness designation (110 pages). (ELR Order No. 31839.) (NTIS Order No. EIS 73 1839D.)

Final

John Day Fossil Beds National Monument, Oreg., November 26: The statement refers to the proposed legislative designation of a 14,402 acre area as a National Monument. Effects of the action will include the elimination of hunting on 7,127 acres; the restriction of agricultural activities (including grazing); and the displacement of one family (69 pages). Comments made by: USDA, DOI, HUD, DOT, FPC, COE, HEW, EPA, State and local agencies and concerned citizens. (ELR Order No. 31838.) (NTIS Order No. EIS 73 1838F.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Sitka Airport, Alaska, November 29: The project includes extending runways and lighting systems, relocating REIL and VASI navigation facilities, and enlarging the auto parking lot. The construction will commit to a single use nine acres of submerged land (23 pages). (ELR Order No. 31875.) (NTIS Order No. EIS 73 1875D.)

Eastman-Dodge County Airport, Ga., Dodge County, November 26: The project involves the improvement of the Eastman-Dodge Airport so that it will be better able to accommodate additional types of business jets. One runway will be expanded and a crosswind runway will be built. Additional terminal area facilities and a taxiway will also be constructed. Adverse impacts will be increased noise levels and air pollution due to aircraft. There will also be temporary negative environmental effects associated with construction (22 pages). (ELR Order No. 31835.) (NTIS Order No. EIS 73 1835D.)

Two Harbors Municipal Airport, Minn., Lake County, November 29: The project includes the extending and paving of a runway; the installation of medium intensity runway lights; and the grading and paving of taxiways. Adverse impacts are the increases in noise and air pollution due to more air traffic. Also, four acres of trees must be cleared completely and 18.2 acres of top trees must be destroyed (26 pages). (ELR Order No. 31876.) (NTIS Order No. EIS 73 1876D.)

Final

Albert J. Ellis Airport, N.C., Onslow County, November 28: The statement refers to the proposed expansion of the existing facility to accommodate aircraft of the Boeing 737 class. The project involves paving and lighting a 1,900 foot runway extension; strengthening the existing runway, taxiway and air carrier apron, installing REIL and VASI at both ends of the runway; installing perimeter fencing; and acquiring additional land (191 acres) for an instrument landing system. Noise and air pollution levels will increase due to operation of larger aircraft (51 pages). Comments made by: DOI, EPA, DOT, USDA, and State agencies. (ELR Order No. 31853.) (NTIS Order No. EIS 73 1833F.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Steese Highway, Alaska, November 26: The project involves the upgrading of 38 miles of the existing substandard road to Federal secondary standards. The project extends from mile 43.8 on the Steese Highway to Montant Creek near mile 82. One bridge will be constructed to replace an existing 82-foot structure. The only adverse impact that will be felt will be to vegetation and wildlife directly on the proposed route. The 4(f) statement deals with land used for recreation purposes (58 pages). (ELR Order No. 31841.) (NTIS Order No. EIS 73 1841D.)

Northwestern Highway, Michigan; Oakland County, November 30: The project involves the construction of a highway for 9.3 miles from Telegraph Road to M-275. Unavoidable impacts include the displacement of 39 families and 46 businesses, and the use of 490 acres of land. Air, water, and noise pollution will increase. Altered traffic patterns will be created which have the potential to detrimentally affect the remaining businesses along the existing facility (92 pages). (ELR Order No. 31881.) (NTIS Order No. EIS 73 1881D.)

I-35 Interchange, Minnesota, Steele County, November 26: The project involves the addition of an interchange to Interstate 35 west of Owatonna. The interchange is to provide freeway access to Bridge Street, which leads directly to an industrial park and the Owatonna central business district. Detrimental impacts are increased traffic, noise, and air pollution, and the necessity of using 20 to 50 acres for the interchange (54 pages). (ELR Order No. 31837.) (NTIS Order No. EIS 73 1837D.)

Final

Dayville Highway, Alaska, November 27: The project involves realineing a portion and upgrading the remaining parts of the existing Dayville Highway. The adverse environmental impacts are the temporary rising of levels of air and noise pollution during construction (41 pages). Comments made by: COE, DOI, USDA, DOC, and State agencies. (ELR Order No. 31844.) (NTIS Order No. EIS 73 1844F.)

US 20, Iowa, Webster County, November 30: The proposed project is the construction of 0.8 miles of US 20. Nine residences and eight businesses will be displaced. Numerous trees will be lost to right of way. Increases in noise and air pollution levels will occur (45 pages). Comments made by: HEW, HUD, USDA, DOI, EPA, COE, and State agencies. (ELR Order No. 31883.) (NTIS Order No. EIS 73 1883F.)

US 281 (Burlington Avenue), Nebraska, Adams County, November 28: The statement refers to the proposed repaving and widening of a 0.85 mile section of Burlington Avenue (US 281) beginning at 6th Street and ending at 15th Street in Hastings. Included in the improvement is the reconstruction of 7th Street and 12th Street for approximately two blocks east and west of Burlington Avenue. Adverse effects include adjustments to utilities and removal of 176 trees (42 pages). Comments made by: DOT, COE, USDA, HUD, DOI, EPA, and State agencies. (ELR Order No. 31868.) (NTIS Order No. EIS 73 1868F.)

US Highway 275, Nebraska, Cuming County, November 30: The proposed project consists of reconstructing a 1.7 mile segment of US 275 to provide a four-lane facility of high type pavement through the City of West Point. Approximately 196 trees, involving several species, will be removed. Two houses and one building will be displaced. Comments made by: COE, USDA, HUD, DOI, DOT, EPA, and State agencies. (ELR Order No. 31879.) (NTIS Order No. EIS 73 1879F.)

US 14 (Final Revision), South Dakota, Kingsbury County, November 30: The project involves the construction of 34 miles of four lane highway between Iroquoise and Arlington. The major adverse effect is the use of 600 acres of agricultural land. There will be increases in noise and air pollution levels. Wildlife will be forced to leave the area during construction. One business will be displaced (73 pages). Comments made by: EPA, HUD, HEW, DOI, and State agencies. (ELR

Order No. 31877.) (NTIS Order No. EIS 73 1877F.)

Clear Creek Canyon (I-70), Utah, Millard and Sevier Counties, November 26: The statement refers to the construction of 15 miles of 4-lane divided highway from the Summit of Clear Creek Canyon to 2 miles southeast of the hamlet of Joseph. The major design features consists of the roadway, three bridges and two interchanges. Effects of the action include modification of deer migration patterns, reduction of juniper vegetation and relocation of stream channels. Two families will be displaced (159 pages). Comments made by: DOI, USDA, EPA, and State agencies and concerned citizens. (ELR Order No. 31836.) (NTIS Order No. EIS 73 1836F.)

US 40, Utah, Wasatch County, November 30: The statement considers the reconstruction of 10 miles of 2-lane highway, from McGuire Canyon to Strawberry Reservoir. Siltation may occur at stream crossings (178 pages). Comments made by: EPA, USDA, DOI, and State agencies. (ELR Order No. 31878.) (NTIS Order No. EIS 73 1878F.)

Ogden—The 12th Street Corridor, Utah, Wabee County, November 27: The proposed project is the widening or realignment of the Ogden—12th Street Corridor. Length is 1.6 miles. The project will have an adverse effect upon schools: causing changes in school boundaries, disruption of classes by increased noise levels and the possible removal of Mound Fort Jr. High School. Other adverse effects will include a general disruption of the community (169 pages). Comments made by: USDA, DOI, EPA, HUD, DOC, HEW, DOT, State and local agencies. (ELR Order No. 31843.) (NTIS Order No. EIS 73 1843F.)

U.S. COAST GUARD

Captain Sidney A. Wallace, Commandant (AWEP-73), U.S. Coast Guard, Washington, D.C. 20590, 202-426-2010.

Draft

Destin Station, Santa Rosa Island, Florida, Okaloosa County, November 29: The statement refers to the proposed construction of a new 26-man U.S. Coast Guard Search and Rescue Station on the east end of Santa Rosa Island. The project will include a two story building, waterfront facilities, site work, and a dredged boat basin and channel. Adverse impact will result from construction activity, and will include some effects upon marine biota (13 pages). (ELR Order No. 31874.) (NTIS Order No. EIS 73 1874D.)

NEIL ORLOFF,
Counsel.

[FR Doc.73-25908 Filed 12-5-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

MOBIL CHEMICAL CO.

Establishment of Temporary Tolerances

Mobil Chemical Co., Post Office Box 240, Edison, NJ 08817, submitted a petition (PP 3G1362) requesting establishment of temporary tolerances for negligible residues of the herbicide bifenox (methyl 5 - (2',4' - dichlorophenoxy) - 2-nitrobenzoate) in or on the raw agricultural commodities field corn grain, field corn, fodder and forage, and soybeans and soybean hay at 0.05 part per million.

It has been determined that the temporary tolerances for negligible residues of bifenox in or on the aforementioned commodities at 0.05 part per million will protect the public health. They are therefore established as requested on condition that the herbicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Mobil Chemical Co. name.

These temporary tolerances expire November 30, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: November 30, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-25799 Filed 12-5-73;8:45 am]

UPJOHN CO.

Establishment of Temporary Tolerance

The Upjohn Co., Kalamazoo, MI 49001, submitted a petition (PP 4G1422) requesting establishment of a temporary tolerance for residues of the plant regulator cycloheximide (3-[2-(3,5-dimethyl - 2 - oxocyclohexyl)-2-hydroxyethyl] glutarimide) in or on the raw agricultural commodity group citrus fruits at 0.1 part per million.

It has been determined that this temporary tolerance will protect the public health. It is therefore established on condition that the plant regulator be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under The Upjohn Co. name.

This temporary tolerance expires November 30, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: November 30, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-25798 Filed 12-5-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 677]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

DECEMBER 3, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

11435-C2-AL-74, Alvin Associates Consent to Assignment of License from Alvin Associates, ASSIGNORS to Roger C. Werbel, ASSIGNEE. Station: KL7326, Los Angeles, California.

20579-C2-P-(3)-74, Arnold E. Anderson (NEW) C.P. for a new 2-way station to operate on 152.060 MHz to be located at West of San Angelo, 3 miles on Arden Road, San Angelo, Texas; repeater facilities to operate on 459.075 MHz to be located West of San Angelo, 3 miles on Ardin Road, San Angelo, Texas; and control facilities to operate on 454.975 MHz to be located at 211 South David Street, San Angelo, Texas.

20580-C2-P-74, W. O. Porter, d/b as Karnes Mobilradio (NEW) C.P. for a new 2-way station to operate on 152.18 MHz to be located 10 miles SE of Kenedy, Texas.

20581-C2-P-(4)-74, Mobile Radio Telephone Service, Inc. (NEW) C.P. for a new 2-way station to operate on 454.150, 454.250, 454.275, and 454.300 MHz to be located on Blue Mountain, 10 miles West of Campion, Colorado.

20582-C2-P-74, AAA Anserphone, Inc.—Jackson (KRH666) C.P. to change antenna location operating on 152.09 MHz located just off Liberty Road, 2.4 miles ESE of City Limits of Natchez, Mississippi.

20583-C2-P-74, James D. and Lawrence D. Garvey d/b as Radiofone (NEW) C.P. for a new 1-way station to operate on 152.24 MHz to be located 0.5 mile NNE, Houma, Louisiana.

20584-C2-P-74, AAA Answering Service, Inc. (KLB703) C.P. for additional facilities to operate on 152.06 MHz to be located at a new site described as Loc. No. 3: on Highway 45, 2.5 miles South of Meridian, Mississippi.

20585-C2-P-74, Frank C. Escue d/b as Telpage (NEW) C.P. for a new 1-way station to operate on 158.70 MHz to be located approx. 5 miles West of Bowling Green, Kentucky.

20586-C2-P-74, Mobilfone, Inc. (KMB309) C.P. for additional control facilities to operate on 75.46 MHz at Loc. No. 3: John Poole Building, Mt. Wilson, California.

20587-C2-P-74, Wisconsin Telephone Company (KSA807) C.P. to replace transmitter operating on 152.63 MHz located at 315 Algoma Boulevard, Oshkosh, Wisconsin.

20588-C2-P-74, Mobilfone, Inc. (KMA253) C.P. for additional facilities to operate on 152.03 MHz at Loc. No. 5: San Pedro Hill, San Pedro, California.

20589-C2-P-(2)-74, AAA Anserphone, Inc.—Jackson (KKV692) C.P. for additional facilities to operate on 454.050 and 454.125 MHz at Loc. No. 1: Deposit Guaranty Bank Bldgs., Corner Capitol and Lamar Streets, Jackson, Mississippi.

20590-C2-P-74, Tel-Missouri, Inc. (KRS636) C.P. for additional facilities to operate on 158.70 MHz to be located at a new site described as Loc. #2: 8th and Olive, St. Louis, Missouri.

20591-C2-P-74, Tel-Missouri, Inc. (KDN396) C.P. for additional facilities to operate on 35.58 MHz to be located at a new site described as Loc. #2: 8th and Olive, St. Louis, Missouri.

20592-C2-P-74, Simon Rubinsky d/b as No'Mis Paging Service (KRS640) C.P. for additional facilities to operate on 158.70 MHz at a new site described as Loc. #2: New Hampshire St., 0.5 mile West of US 77 & 83, Harlingen, Texas.

20593-C2-AL-(2)-74, The Midland Telephone Company Consent to Assignment of License from The Midland Telephone Company, ASSIGNOR to Continental Telephone Company of Utah, ASSIGNEE. Stations: KLF567, Bald Mesa, Utah and KOE515, Monticello, Utah.

20594-C2-AL-74, The Ashtabula Telephone Company Consent to Assignment of License from The Ashtabula Telephone Company, ASSIGNOR to Western Reserve Telephone Company, ASSIGNEE. Station: KFL920, Harpersfield, Ohio.

20595-C2-AL-74, The Geneva Telephone Company Consent to Assignment of License from The Geneva Telephone Company, ASSIGNOR to Western Reserve Telephone Company, ASSIGNEE. Station: KQA650, Geneva, Ohio.

MAJOR AMENDMENTS

20500-C2-P-74, The Offshore Telephone Company (NEW) Gulf of Mexico, South of Galveston, Tex. Amend frequency to show 35.62 MHz. All other particulars to remain as reported in PN No. 674 dated November 12, 1973.

CORRECTION

5621-C2-P-(4)-73, Columbia Telephone Answering Service, Inc. d/b as Able Paging Service (KFL947) Columbia, South Carolina. Should read: C.P. to change existing facility and add 152.15 MHz facility at Senate Plaza Apts., 1520 Senate Street. Also, to Change existing facility and add 152.21 MHz facility at 605 Mason Road.

RURAL RADIO SERVICE

60111-C6-AL-(12)-74, The Midland Telephone Company Consent to Assignment of License from Midland Telephone Company, ASSIGNOR to Continental Telephone Company of Utah, ASSIGNEE. Stations: KPQ62, Temp-fixed; KSV74, Halls Crossing, Utah; KSV78, Natural Bridges National Monument, Utah; KSV79, Cave Springs, Utah; KTQ59, Fry Canyon, Utah; KVD67, Near LaSal, Utah; WAY70, Bald Mesa, Utah; WAY71, Bullfrog Mesa, Utah; WHA81, Helper, Utah; WHT79, Tommy White Ranch, Utah; WOG84, Emeriy, Utah; and WSN29, San Juan, Utah.

60112-C6-P-74, Pacific Northwest Bell Telephone Company (NEW) C.P. for a new rural subscriber station to operate on 157.86 MHz to be located 8 miles SE of Bly, Oregon.

60113-C6-P/L-74, The Mountain States Telephone and Telegraph Company (NEW) C.P. for a new rural subscriber station to operate on 157.95 MHz to be located 30 miles S. of Escalante, Utah.

60114-C6-P/L-74, Penasco Valley Telephone Cooperative, Inc. (NEW) C.P. for a new rural subscriber station to operate on 157.80 and 157.98 MHz to be located at Patterson Ranch, 3½ miles NW of State Road 137, SW of Artesia, New Mexico.

POINT-TO-POINT MICROWAVE RADIO SERVICE

1794-C1-P-74, American Telephone and Telegraph Company (KQO68) 3.0 Miles NE of Amanda, Ohio. Lat. 39°41'17" N., Long. 82°-43'22" W. C.P. to add freq. 4030V MHz toward Columbus, Ohio, on azimuth 322°41'.

1795-C1-P-74, Same (KQO74) 11 North 4th St., Columbus, Ohio. Lat. 39°57'54" N., Long. 82°59'51" W. C.P. to add freq. 4070V MHz toward Amanda, Ohio, on azimuth 142°30'.

1796-C1-ML-74, Same (KCA44) Asnebumskit Mtn., Massachusetts. Mod. of License to change polarization from H to V on freq. 3710 MHz toward Bear Hill, Mass., on azimuth 80°20'.

1797-C1-P-74, Florida Telephone Corporation (KIO66) 425 North Third Street, Leesburg, Florida. Lat. 28°48'54" N., Long. 81°52'38" W. C.P. to change antenna system and replace transmitter on freqs. 6123.1V, 6004.1V MHz toward Oklahoma, Fla., on azimuth 348°25'.

1798-C1-P-74, Same (KIP43) 319 East Broadway, Ocala, Florida. Lat. 29°11'09" N., Long. 82°07'55" W. C.P. to change antenna system & replace transmitter on freq. 6197.2V, 6315.9V MHz toward Oklawaha, Fla., on azimuth 128°40'.

1799-C1-P-74, Same (KJC97) U.S. Route 27-441 (Alternate), Oklawaha, Florida. Lat. 29°02'36" N., Long. 81°55'50" W. C.P. to change antenna system, replace transmitter & change coordinates on freqs. 5945.2V, 6063.8V MHz toward Ocala, Fla., on azimuth 308°30'; freqs. 6375.2V, 6256.5V MHz toward Leesburg, Fla., on azimuth 168°21'.

1878-C1-P-74, American Telephone and Telegraph Company (KRS93) 5 Miles ESE of Dahlonega, Georgia. Lat. 34°30'49" N., Long. 83°30'49" W. C.P. to add freqs. 3850H, 3930H MHz toward Nelson, Ga., on azimuth 247°52'.

1879-C1-P-74, Same (WHT84) 5.5 Miles East of Nelson, Georgia. Lat. 34°23'15" N., Long. 84°16'13" W. C.P. to add freqs. 3810H, 3890H MHz toward Waleska, Ga., on azimuth 264°29'; freqs. 3810H, 3890H MHz toward Dahlonega, Ga.; on azimuth 67°39'.

1880-C1-P-74, Same (KIT26) 4 Miles NW of Waleska, Georgia. Lat. 34°21'35" N., Long. 84°36'39" W. C.P. to add freqs. 3850H, 3930H MHz toward Adairsville, Ga., on azimuth 259°54'; freqs. 3850H; 3930H MHz toward Nelson, Ga., on azimuth 84°17'.

1881-C1-P-74, Same (KIK32) 3.5 Miles SE of Adairsville, Georgia. Lat. 34°19'01" N. Long., 84°53'52" W. C.P. to add freqs. 3970H, 4150V MHz toward Chatsworth, Ga., on azimuth 201°03'; freqs. 3810H, 3890H MHz toward Waleska, Ga. on azimuth 79°44'.

1882-C1-P-74, American Telephone and Telegraph Company (KIV70) 4.8 Miles East of Chatsworth, Georgia. Lat. 34°46'12" N., Long. 84°41'16" W. C.P. to add freq. 4010V MHz toward Cleveland, Tenn., on azimuth 345°46'; freqs. 4010V, 4110V MHz toward Adairsville, Ga., on azimuth 201°03'.

1883-C1-P-74, Same (KIV71) 4 Miles NE of Cleveland, Tennessee. Lat. 35°12'41" N., Long. 84°49'27" W. C.P. to add freq. 3950H MHz toward Pikeville, Tenn., on azimuth 326°24'; freq. 3970V MHz toward Chatsworth, Ga., on azimuth 165°42'.

1884-C1-P-74, Same (KIV72) 4.5 Miles East of Pikeville, Tennesse. Lat. 35°34'54" N., Long. 85°07'32" W. C.P. to add freq. 3990H MHz toward Pikeville, Tenn., on azimuth 146°14'; freq. 3990H MHz toward Crossville, Tenn., on azimuth 15°46'.

1885-C1-P-74, Same (KIV73) 6 Miles NE of Crossville, Tennessee. Lat. 36°01'19" N., Long. 84°58'21" W. C.P. to add freq. 3950H MHz toward Pikesville, Tenn., on azimuth 195°51'; freq. 3950H MHz toward Jamestown, Tenn., on azimuth 130°04'.

1886-C1-P-74, Same (KIV74) 8 Miles NE of Jamestown, Tennessee. Lat. 36°30'12" N., Long. 84°50'03" W. C.P. to add freq. 3990H MHz toward Crosville, Tenn., on azimuth 193°09'; freq. 3990H MHz toward Wiborg, Ky., on azimuth 42°46'.

1887-C1-P-74, Same (KIV75) Wiborg, 5.5 Miles North of Whitley City, Kentucky. Lat. 36°48'29" N., Long. 84°28'59" W. C.P. to add freq. 3950H MHz toward Jamestown, Tenn., on azimuth 222°59'; freq. 3950V MHz toward Argyle, Ky., on azimuth 325°47'.

1888-C1-P-74, Same (KIV76) Argyle, 13.5 Miles NW of Somerset, Kentucky. Lat. 37°12'15" N., Long. 84°49'13" W. C.P. to add freq. 3990V MHz toward Wiborg, Ky., on azimuth 145°34'; freq. 3990H MHz toward Junction City, Ky., on azimuth 357°09'.

1889-C1-P-74, Same (KIV77) 2.5 Miles West of Junction City, Kentucky. Lat. 37°35'27" N., Long. 84°50'40" W. C.P. to add freq. 3950H MHz toward Argyle, Ky., on azimuth

177°08'; freq. 3950H MHz toward Versailles, Ky., on azimuth 9°10'.

1890–C1–P–74, Same (KIV78) 1.5 Miles SW of Versailles, Kentucky. Lat. 38°01'49" N., Long. 84°45'17" W. C.P. to add freq. 3990H MHz toward Junction City, Ky., on azimuth 189°14'; freq. 3990H MHz toward Oxford, Ky., on azimuth 40°08'.

1891–C1–P–74, Same (KIV79) 0.8 Mile NE of Oxford, Kentucky. Lat. 38°16'40" N., Long. 84°29'23" W. C.P. to add freq. 3950H MHz toward Versailles, Ky., on azimuth 220°18'; freq. 3950H MHz toward Williamstown, Ky., on azimuth 351°57'.

1892–C1–P–74, American Telephone and Telegraph Company (KIT94) 1.0 Mile South of Williamstown, Kentucky. Lat. 38°37'55" N., Long. 84°33'13" W. C.P. to add freq. 3990H MHz toward Oxford, Ky., on azimuth 171°54'.

1893–C1–P–74, Same (KRS93), 5 Miles ESE of Dahlonega, Georgia. Lat. 34°30'49" N., Long. 83°53'53" W. C.P. to add freq. 5945.2V MHz toward Lula, Ga., on azimuth 123°41'.

1894–C1–P–74, Same (KRS99) 0.5 Mile SE of Lula, Georgia. Lat. 34°21'54" N., Long. 83°39'35" W. C.P. to add freq. 6197.2H MHz toward Dahlonega, Ga., on azimuth 303°49'; freq. 6197.2H MHz toward Pocataligo, Ga., on azimuth 122°16'.

1895–C1–P–74, Same (KRT20) 1.0 Mile SW of Pocataligo, Georgia. Lat. 34°11'47" N., Long. 83°18'27" W. C.P. to add freq. 5945.2V MHz toward Lula, Ga., on azimuth 302°28'; freq. 5945.2V MHz toward Elberton, Ga., on azimuth 90°44'.

1896–C1–P–74, Same (KRS94) 5.0 Miles North of Elberton, Georgia. Lat. 34°11'28" N., Long. 82°53'00" W. C.P. to add freq. 6197.2H MHz toward Pocataligo, Ga., on azimuth 270°59'; freq. 6197.2H MHz toward Level Land, S.C., on azimuth 67°49'.

1897–C1–P–74, Same (KRT42) 0.2 Mile East of Intersection of State Hwy. #24 & #201, Level Land, South Carolina, Lat. 34°19'45" N., Long. 82°28'23" W. C.P. to add freq. 5945.2V MHz toward Elberton, Ga., on azimuth 248°03'; freq. 5945.2V MHz toward Hickory Tavern, S.C., on azimuth 53°47'.

1898–C1–P–74, Same (KRT41) 1.2 Miles South of Hickory Tavern, South Carolina. Lat. 34°30'21" N., Long. 82°10'52" W. C.P. to add freq. 6197.2H MHz toward Level Land, S.C., on azimuth 233°57'; freq. 6197.2V MHz toward Cross Keys, S.C., on azimuth 66°46'.

1899–C1–P–74, Same (KRT39), 1.8 Miles West of Cross Keys, South Carolina. Lat. 34°38'24" N., Long. 81°48'05" W. C.P. to add freq. 5945.2H MHz toward Hickory Tavern, S.C., on azimuth 246°59'; freq. 5945.2V MHz toward Shelton, S.C., on azimuth 113°32'.

1900–C1–P–74, Same (KRT44), 1.2 Miles East of Shelton, South Carolina. Lat. 34°29'44" N., Long. 81°24'09" W. C.P. to add freq. 6197.2H MHz toward Cross Keys, S.C., on azimuth 293°45'; freq. 6197.2V MHz toward White Oak, S.C., on azimuth 95°06'.

1901–C1–P–74, Same (KRT45), 2.5 Miles East of White Oak, South Carolina. Lat. 34°28'15" N., Long. 81°04'27" W. C.P. to add freq. 5945.2H MHz toward Shelton, S.C., on azimuth 275°17'; freq. 5945.2V MHz toward Heath Springs, S.C., on azimuth 65°23'.

1902–C1–P–74, American Telephone and Telegraph Company (KRT40), 3.2 Miles WNW of Heath Springs, South Carolina. Lat. 34°35'55" N., Long. 80°44'08" W. C.P. to add freq. 6197.2H MHz toward White Oak, S.C., on azimuth 245°35'; freq. 6197.2V MHz toward Pageland, S.C., on azimuth 60°19'.

1903–C1–P–74, Same (KRT43), 2.3 Miles SW of Pageland, South Carolina. Lat. 34°44'42" N., Long. 80°25'25" W. C.P. to add freq. 5945.2H MHz toward Heath Springs, S.C., on azimuth 240°30'; freq. 6197.2V MHz toward McFarlan, N.C., on azimuth 77°13'.

1904–C1–P–74, Same (KRT35), 1.0 Mile North of McFarlan, North Carolina. Lat. 34°49'36" N., Long. 79°58'59" W. C.P. to add freq. 5945.2H MHz toward Pageland, S.C., on azimuth 257°28'; freq. 5945.2V MHz toward Ellerbe, N.C., on azimuth 29°10'.

1905–C1–P–74, Same (KRT 33), 3.0 Miles NNW of Ellerbe, North Carolina. Lat. 35°07'08" N., Long. 79°47'04" W. C.P. to add freq. 6197.2H MHz toward McFarland, N.C., on azimuth 209°17'; freq. 6197.2V MHz toward Southern Pines, N.C., on azimuth 89°10'.

1906–C1–P–74, Same (KRT36), 3.5 Miles SSE of Southern Pines, North Carolina. Lat. 35°07'23" N., Long. 79°23'02" W. C.P. to add freq. 5945.2H MHz toward Ellerbe, N.C., on azimuth 269°23'; freq. 5945.2V MHz toward Pine View, N.C., on azimuth 56°48'.

1907–C1–P–74, Same (KRT 34), 3.5 Miles East of Pine View, North Carolina. Lat. 35°18'50" N., Long. 79°01'38" W. C.P. to add freq. 6197.2H MHz toward Southern Pines, N.C., on azimuth 237°00'; freq. 6197.2H MHz toward Coats, N.C., on azimuth 63°51'.

1908–C1–P–74, Same (KRT32), 3.8 Miles NNE of Coats, North Carolina. Lat. 35°27'59" N., Long. 78°38'46" W. C.P. to add freq. 5945.2V MHz toward Pine View, N.C., on azimuth 244°04'; freq. 5945.2V MHz toward Wendell, N.C., on azimuth 37°38'.

1909–C1–P–74, Same (KRT38) 2.8 Miles SSW of Wendell, North Carolina. Lat. 35°44'17" N., Long. 78°23'20" W. C.P. to add freq. 6197.2H MHz toward Coats, N.C., on azimuth 217°47'; freq. 6197.2V MHz toward Bunn, N.C., on azimuth 24°47'.

1910–C1–P–74, Same (KRT31) 3.8 Miles NE of Bunn, North Carolina. Lat. 36°01'33" N., Long. 78°13'31" W. C.P. to add freq. 5945.2H MHz toward Wendell, N.C., on azimuth 204°53'; freq. 5945.2V MHz toward Warrenton, N.C., on azimuth 359°00'.

1911–C1–P–74, American Telephone and Telegraph Company (KRT37) 5.0 Miles SW of Warrenton, North Carolina. Lat. 36°20'44" N., Long. 78°13'56" W. C.P. to add freq. 6197.2H MHz toward Bunn, N.C., on azimuth 178/59'; freq. 6226.9H MHz toward Boydton, Va., on azimuth 345°24'.

1912–C1–P–74, Same (KRT47) 5.0 Miles North of Boydton, Virginia. Lat. 36°44'37" N., Long. 78°21'40" W. C.P. to add freq. 5974.8H MHz toward Victoria, Va., on azimuth 12°30'; freq. 5974.8V MHz toward Warrenton, N.C., on azimuth 165°19'.

1913–C1–P–74, Same (KRT51) 3.8 Miles NW of Victoria, Virginia. Lat. 37°02'23" N., Long. 78°16'45" W. C.P. to add freq. 6226.9V MHz toward Amelia, Va., on azimuth 46°44'; freq. 6226.9V MHz toward Boydton, Va., on azimuth 192°33'.

1914–C1–P–74, Same (KRT46) 4.2 Miles South of Amelia, Virginia. Lat. 37°16'35" N., Long. 77°57'50" W. C.P. to add freq. 5974.8H MHz toward Powhatan, Va., on azimuth 19°40'; freq. 5974.8V MHz toward Victoria, Va., on azimuth 226°56'.

1915–C1–P–74, Same (KJH91) 4.0 Miles East of Powhatan, Virginia. Lat. 37°32'11" N., Long. 77°50'50" W. C.P. to add freq. 6226.9H MHz toward Coatsville, Va., on azimuth 36°49'; freq. 6226.9H MHz toward Amelia, Va., on azimuth 199°44'.

1916–C1–P–74, Same (KRT49) 4.2 Miles SE of Coatsville, Virginia. Lat. 37°51'40" N., Long. 77°32'25" W. C.P. to add freq. 5974.8H MHz toward Corbin, Va., on azimuth 22°17'; freq. 5974.8V MHz toward Powhatan, Va., on azimuth 217°00'.

1917–C1–P–74, Same (KRT50) 2.4 miles SW of Corbin, Virginia. Lat. 38°12'44" N., Long. 77°21'28" W. C.P. to add freq. 6226.9V MHz toward Faulkner, Md., on azimuth 53°00'; freq. 6226.9H MHz toward Coatsville, Va., on azimuth 202°24'.

1918–C1–P–74, Same (KGN87) 0.5 Mile SW of Faulkner, Maryland, Lat. 38°26'02" N., Long. 76°58'58" W. C.P. to add freq. 5974.8H MHz toward Corbin, Va., on azimuth 233°14'.

1919–C1–P–74, United Video, Inc. (New), Bald Hill, 8.25 Miles ENE of Preston, Oklahoma. Lat. 35°44'36" N., Long. 95°50'30" W. C.P. for a new station on freq. 11505V MHz toward Sand Springs, Okla., on azimuth 334°38'.

1920–C1–P–74, Pacific Teletronics, Inc. (KPQ99), Soda Mountain, 13 Miles SW of Ashland, Oregon. Lat. 42°03'54" N., Long. 122°28'39" W. C.P. to add freq. 6189.8H MHz toward Haymaker Mtn., Oreg., on azimuth 87°53'.

1921–C1–P–74, Same (KPR20) Haymaker Mountain, Oregon. Lat. 42°04'40" N., Long. 121°58'25" W. C.P. to add freq. 5952.6H MHz toward Loma Linda, Oreg., on azimuth 45°30'. (NOTE: A waiver of Section 21.701 (l) is requested by PTI.)

1922–C1–P–74, Trans-Muskingum, Inc. (KQO71), .4 Mile South of Tunnell, Ohio. Lat. 39°23'12" N., Long. 81°32'36" W. C.P. to change point of communication to Marietta, Ohio, on azimuth 66°52'.

1923–C1–P–74, American Satellite Corporation (New), Nuevo Earth Station, 3.2 Miles SSE of Lakeview, California. Lat. 33°47'46" N., Long. 117°05'12" W. C.P. for a new station on freqs. 11,285V, 11,365V, 11,445V, 11,525V, 11,605V, 11,645H, 11,685V MHz toward Lakeview, Calif., on azimuth 350°00'.

1924–C1–P–74, Same (New), 1.8 Miles SE of Lakeview, California. Lat. 33°49'10" N., Long. 117°05'29" W. C.P. for a new station on freqs. 10,715V, 10,755H, 10,835H, 10,875V, 10,915H, 11,035V MHz toward Nuevo Earth Station, Calif., on azimuth 170°00'; freqs. 10,755V, 10,835V, 10,915V, 10,995V, 11,035H, 11,075V, 11,155V MHz toward Glen Valley, Calif., on azimuth 273°36'.

1925–C1–P–74, Same (New), 2.5 Miles South of Glen Valley, California. Lat. 33°49'39" N., Long. 117°19'41" W. C.P. for a new station on freqs. 11,325V, 11,365H, 11,405V, 11,485V, 11,565V, 11,645V MHz toward Lakeview, Calif., on azimuth 93°30'; freqs. 11,285V, 11,325V, 11,365V, 11,445V, 11,525V, 11,605V, 11,685V MHz toward La Sierra, Calif., on Azimuth 298°06'.

1926–C1–P–74, Same (New), 2.5 Miles WSW of La Sierra, California. Lat. 33°54'40" N., Long. 117°30'46" W. C.P. for a new station on freqs. 10,715V, 10,795V, 10,875V, 10,955V, 11,035V, 11,115V MHz toward Glen Valley, Calif., on azimuth 118°00'; freqs. 10,755V, 10,835V, 10,915V, 10,955H, 11,075V, 11,155V MHz toward Pomona, Calif., on azimuth 295°54'.

1927–C1–P–74, Same (New), 3.1 Miles SSW of Pomono, California. Lat. 34°01'04" N., Long. 117°46'47" W. C.P. for a new station on freqs. 11,325V, 11,405V, 11,485V, 11,565V, 11,645V, 11,685H MHz toward La Sierra, Calif., on azimuth 115°42'; freqs. 11,245H, 11,325H, 11,365V, 11,405H, 11,485H, 11,565V, 11,685V MHz toward La Puente, Calif., on azimuth 267°54'.

1928–C1–P–74, Same (New), 3.2 Miles WSW of La Puente, California. Lat. 34°00'39" N., Long. 118°00'34" W. C.P. for a new station on freqs. 10,795V, 10,875V, 10,915H, 10,955V, 11,075H, 11,115V MHz toward Pomona, Calif., on azimuth 87°48'; freqs. 10,755V, 10,815H, 10,915V, 11,035H, 11,075V MHz toward Los Angeles, Calif., on azimuth 279°48'.

1929–C1–P–74, Same (New), Pacific Electric Bldg., 610 North Main Street, Los Angeles, California. Lat. 34°02.43" N., Long. 118°-14'56" W. C.P. for a new station on freqs.

11,325H, 11,365V, 11,445V, 11,565H, 11,605V, 11,685H MHz toward La Puente, Calif., on azimuth 97°48'.

2007–C1–P–74, Northwestern Bell Telephone Company WKAU66), 604 Ninth Street, Des Moines, Iowa. Lat. 41°35'17" N., Long. 93°-37'46" W. C.P. to add freq. 5945.2V MHz toward a new point of communication at Earlham, Iowa, on azimuth 257°37'.

2008–C1–P–74, Northwestern Bell Telephone Company (New), 3 Miles West of Earlham, Iowa. Lat. 41°29'50" N., Long. 94°10'18" W. C.P. for a new station on freq. 6197.2V MHz toward Adair, Iowa, on azimuth 268°50'.

2009–C1–P–74, Same (New), 0.5 Mile SE of Adair, Iowa. Lat. 41°29'21" N., Long. 94°38'06" W. C.P. for a new station on freq. 5945.2H MHz toward Elkhorn, Iowa, on azimuth 280°19'.

2010–C1–P–74, Same (New), 6.5 Miles SE of Moville, Iowa. Lat. 42°24'37" N., Long. 95°59'58" W. C.P. for a new station on freq. 4150.0V MHz toward Sioux City, Iowa, on azimuth 294°59'.

2011–C1–P–74, The Chesapeake & Potomac Telephone Company of West Virginia. (KVH88) 1135 6th Avenue, Huntington, West Virginia. Lat. 38°25'07" N., Long. 82°26'18" W. C.P. to change antenna location and increase tower height on freqs. 6041.6V, 10715V MHz toward Catlettsburg, Ky., on azimuth 252°28'.

2012–C1–P–74, American Telephone and Telegraph Company (KSA49), 3.5 Miles NNE of Lee, Illinois. Lat. 41°50'44" N., Long. 88°55'26" W. C.P. to add freq. 3730V MHz toward Newark, Ill., on azimuth 134°44'.

2013–C1–P–74, Same (KIL68), 2.5 Miles NE of Newark, Illinois. Lat. 41°33'04" N., Long. 88°31'45" W. C.P. to add freq. 3770V MHz toward Lee, Ill., on azimuth 315°00'; freq. 3770V MHz toward Verona, Ill., on azimuth 175°21'.

2014–C1–P–74, Same (KIL83), 1.8 Miles South of Verona, Illinois. Lat. 41°11'07" N., Long. 88°29'23" W. C.P. to add freq. 3730V MHz toward Newark, Ill., on azimuth 355°22'; freq. 3730V MHz toward Herscher, Ill., on azimuth 118°52'.

2015–C1–P–74, Same (KIM22), 4.5 Miles South of Herscher, Illinois. Lat. 41°00'13" N., Long. 88°03'24" W. C.P. to add freq. 3770H MHz toward Verona, Ill., on azimuth 299°09'; freq. 3770H MHz toward Onarga, Ill., on azimuth 165°01'.

2016–C1–P–74, Same (KIM23), 2.2 Miles NE of Onarga, Illinois. Lat. 40°44'15" N., Long. 87°57'47" W. C.P. to add freq. 3730H MHz toward Herscher, Ill., on azimuth 345°05'; freq. 3730V MHz toward East Lynn, Ill., on azimuth 156°12'.

2017–C1–P–74, Same (KIM29), 0.3 Mile NW of East Lynn, Illinois. Lat. 40°28'26" N., Long. 87°48'39" W. C.P. to add freq. 3770V MHz toward Onarga, Ill., on azimuth 336°18'; freq. 3770H MHz toward Williamsport, Ind., on azimuth 118°42'.

2018–C1–P–74, Same (KIM34), 2.9 Miles West of Williamsport, Indiana. Lat. 40°16'44" N., Long. 87°20'53" W. C.P. to add freq. 3770H MHz toward East Lynn, Ill.; freq. 3770H MHz toward Crawfordsville, Ind., on azimuth 129°42'.

2019–C1–P–74, American Telephone and Telegraph Company (KIM35), 2.1 Miles SW of Crawfordsville, Indiana. Lat. 40°01'07" N., Long. 86°56'29" W. C.P. to add freq. 3730H MHz toward Williamsport, Ind., on azimuth 309°58'; freq. 3730V MHz toward Montclair, Ind., on azimuth 127°17'.

2020–C1–P–74, Same (KSB67), 3.5 Miles NNW of Danville, Indiana. Lat. 39°47'56" N., Long. 86°34'06" W. C.P. to add freq. 3770V MHz toward Crawfordsville, Ind., on azimuth 307°32'; freq. 4110V MHz toward Cloverdale, Ind., on azimuth 201°19'.

2021–C1–P–74, Same (KIM41), 6.4 Miles South of Cloverdale, Indiana. Lat. 39°25'14" N., Long. 86°45'31" W. C.P. to add freq. 4150V MHz toward Montclair, Ind., on azimuth 21°12'; freq. 4150V MHz toward Freedom, Ind., on azimuth 213°48'.

2022–C1–P–74, Same (KIM42), 3.0 Miles West of Freedom, Indiana. Lat. 39°13'05" N., Long. 86°55'58" W. C.P. to add freq. 4110V MHz toward Cloverdale, Ind., on azimuth 33°41'; freq. 4110H MHz toward Marco, Ind., on azimuth 215°38'.

2023–C1–P–74, Same (KIM45), 2.3 Miles West of Marco, Indiana. Lat. 38°56'40" N., Long. 87°11'01" W. C.P. to add freq. 4150H MHz toward Freedom, Ind., on azimuth 35°28'; freq. 4150H MHz toward Montgomery, Ind., on azimuth 158°17'.

2024–C1–P–74, Same (KIM47), 3.8 Miles SSE of Montgomery, Indiana. Lat. 38°36'56" N., Long. 87°01'00" W. C.P. to add freq. 4110H MHz toward Marco, Ind., on azimuth 338°23'; freq. 4110V MHz toward Schnellville, Ind., on azimuth 145°35'.

2025–C1–P–74, Same (KIM51), 3.1 Miles SW of Schnellville, Indiana. Lat. 38°20'43" N., Long. 86°46'54" W. C.P. to add freq. 4150V MHz toward Montgomery, Ind., on azimuth 325°43'; freq. 4150V MHz toward Leopold, Ind., on azimuth 136°48'.

2026–C1–P–74, Same (KIM 52), 4.0 Miles NE of Leopold, Indiana. Lat. 38°07'27" N., Long. 86°31'09" W. C.P. to add freq. 4110H MHz toward Schnellville, Ind., on azimuth 316°58'; freq. 4150V MHz toward Payneville, Ky., on azimuth 128°06'.

2027–C1–P–74, Same (KIM60), 0.7 mile NW of Payneville, Kentucky. Lat. 38°00'06" N., Long. 86°19'19" W. C.P. to add freq. 4150V MHz toward Leopold, Ind., on azimuth 308°13'; freq. 3730V MHz toward Madrid, Ky.; change polarization from V to H on freqs. 3750, 3830, 3910, 3990, 4070, 4150, 4198 MHz toward Madrid, Ky.

2028–C1–P–74, Same (KIM66), 1.8 Miles NE of Madrid, Kentucky. Lat. 37°37'37" N., Long. 86°19'02" W. C.P. to add freq. 3770V MHz toward Payneville, Ky., on azimuth 359°26'; freq. 3770V MHz toward Brownsville, Ky., on azimuth 178°34'; change polarization from V to H on freqs. 3710, 3790, 3870, 3950, 4030, 4110, 4190 MHz toward Payneville, Ky.

2029–C1–P–74, American Telephone and Telegraph Company (KIM71), 3.5 Miles NNW of Brownsville, Kentucky. Lat. 37°13'09" N., Long. 86°18'16" W. C.P. to add freq. 3730V MHz toward Madrid, Ky., on azimuth 358°34'; freq. 3730H MHz toward Game, Ky., on azimuth 145°23'.

2031–C1–P–74, Same (KIM78), 4.0 Miles East of Flippen, Kentucky. Lat. 36°43'06" N., Long 85°46'58" W. C.P. to add freq. 3730H MHz toward Game, Ky., on azimuth 318°15'; freq. 3730H MHz toward Gainesboro, Tenn., on azimuth 159°52'.

2030–C1–P–74, Same (KIM72), 0.6 Mile North of Game, Kentucky. Lat. 36°56'47" N., Long. 86°04'12" W. C.P. to add freq. 3770H MHz toward Brownsville, Ky., on azimuth 325°31'; freq. 3770H MHz toward Flippen, Ky., on azimuth 138°06'.

2032–C1–P–74, Same (KIM86), 3.6 Miles SSE of Gainesboro, Tennessee. Lat. 36°18'42" N., Long. 85°37'55" W. C.P. to add freq. 3770H MHz toward Flippen, Ky., on azimuth 339°58'; freq. 3770H MHz toward Smithville, Tenn., on azimuth 200°12'.

2033–C1–P–74, Same (KIM90), 3.4 Miles NE of Smithville, Tennessee. Lat. 35°59'04" N., Long. 85°46'48" W. C.P. to add freq. 3730H MHz toward Gainesboro, Tenn., on azimuth 20°06'; freq. 3730V MHz toward Spencer, Tenn., on azimuth 141°21'.

2034–C1–P–74, Same (KIM91), 7.2 Miles South of Spencer, Tennessee. Lat. 35°39'35" N., Long 85°27'44" W. C.P. to add freq. 3770V MHz toward Smithville, Tenn., on azimuth 321°32'; freq. 3770H MHz toward Coalmont, Tenn., on azimuth 212°47'.

2035–C1–P–74, Same (KIN20), 1.0 Mile WNW of Coalmont, Tennessee. Lat. 35°21'00" N., Long. 85°42'20" W. C.P. to add freq. 3730H MHz toward Spencer, Tenn., on azimuth 32°39'; freq. 3730V MHz toward Orme, Tenn., on azimuth 189°48'.

2036–C1–P–74 Same (KIN23), 3.0 Miles North of Orme, Tennessee. Lat. 35°01'57" N., Long. 85°46'20" W. C.P. to add freq. 3770V MHz toward Coalmont, Tenn., on azimuth 09°46'; freq. 3770V MHz toward Rosalie, Ala., on azimuth 183°31'.

2037–C1–P–74, Same (KIN28), 1.8 Miles WSW of Rosalie, Alabama. Lat. 34°41'19" N., Long. 85°47'52" W. C.P. to add freq. 3730V MHz toward Orme, Tenn., on azimuth 03°30'; freq. 3730V MHz toward Collbran, Ala., on azimuth 176°44'.

2038–C1–P–74, Same (KIN34), 1.6 Miles South of Collbran, Alabama. Lat. 34°20'56" N., Long. 85°46'28" W. C.P. to add freq. 3770V MHz toward Rosalie, Ala., on azimuth 356°45'; freq. 3770V MHz toward Haney, Ga., on azimuth 131°56'; change polarization from V to H on freqs. 3710, 3790, 3870, 3950, 4030, 4110 MHz toward Haney, Ga.

2039–C1–P–74, American Telephone and Telegraph Company (KIN35), 1.0 Mile SSE of Haney, Georgia, Lat. 34°04'31" N., Long. 85°24'33" W. C.P. to add freq. 3730V MHz toward Buchanan, Ga., on azimuth 134°46'; freq. 3730V MHz toward Collbran, Ala., on azimuth 312°08'; change polarization from V to H on freqs. 3750, 3830, 3910, 3990, 4070, 4150 MHz toward Collbran, Ala.

2040–C1–P–74, Same (KIN39), 6.0 Miles ENE of Buchanan, Georgia. Lat. 33°49'59" N., Long 85°07'01" W. C.P. to add freq. 3770V MHz toward Haney, Ga., on azimuth 314°56'; freq. 3770H MHz toward Villa Rica, Ga., on azimuth 118°21'; change polarization from H to V on freqs. 3710, 3790, 3870, 3950, 4030, 4110 MHz toward Villa Rica, Ga., on azimuth 118°21'.

2041–C1–P–74, Same (KIT28), 1.8 Miles East of Villa Rica, Georgia. Lat. 33°43'43" N., Long. 84°53'09" W. C.P. to add freq. 3730H MHz toward Buchanan, Ga., on azimuth 298°29'; change polarization from H to V on freqs. 3750, 3830, 3910, 3990, 4070, 4150 MHz toward Buchanan, Ga.

2042–C1–P–74, Same (WGI24), 3.3 Miles East of Smyrna, Georgia. Lat. 33°54'47" N., Long. 84°27'25" W. C.P. to add freq. 3810H, 3890H MHz toward Tucker, Ga., on azimuth 102°05'; change polarization from H to V on freqs. 3750, 3830, 3910, 3990, 4070, 4150 MHz; change from V to H on freq. 3730 MHz toward Tucker, Ga.

2043–C1–P–74, Same (WG125), 2.0 Miles SE of Tucker, Georgia. Lat. 33°49'54" N., Long. 84°11'23" W. C.P. to add freqs. 3810H, 3890H MHz toward Smyrna, Ga., on azimuth 282°14'; change polarization from H to V on freqs. 3710, 3790, 3870, 4030, 4110 MHz; change from V to H on freq. 3770 MHz toward Smyrna, Ga.; add freq. 3850H, 3930H MHz toward Jersey, Ga., on azimuth 105°49'.

2044–C1–P–74, Same (KRS98), 2.2 Miles NE of Jersey, Georgia. Lat. 33°43'51" N., Long. 83°46'00" W. C.P. to add freqs. 3810H, 3890H MHz toward Tucker, Ga., on azimuth 286°03'; freqs. 3810H, 3890H MHz toward Monticello, Ga., on azimuth 179°58'.

2045–C1–P–74, Same (WGI26), 5.0 Miles NW of Monticello, Georgia. Lat. 33°20'16" N., Long. 83°45'59" W. C.P. to add freqs. 3850H, 3930H MHz toward Jersey, Ga., on azimuth 359°58'.

2046–C1–P–74, Microwave Transmission Corp. (KNK60), Cuesta Ridge, 5.5 Miles North of San Luis Obispo, California. Lat. 35°21'37" N., Long. 120°39'18" W. C.P. to change point of communication to San Luis Obispo, Calif., on azimuth 186°30'.

2047–C1–P–74, United Video, Inc. (New), Scullin, Oklahoma. Lat. 34°32'09" N., Long. 96°51'40" W. C.P. for a new station on freqs. 6286.2V, 6345.5V MHz toward Pauls Valley, Okla., on azimuth 297°38'. (INFOMATIVE: This application is a rein-

statement of service originally proposed in File No. 2958-C1-P-73.)

2048-C1-P-74, Western Tele-Communications, Inc. (New), Phoenix IS, Arizona. Lat. 33°27'05" N., Long. 112°04'22" W. C.P. for a new station on freq. 2178V MHz toward Phoenix, Ariz., on azimuth 309°31'.

2049-C1-P-74, Same (WOI83), Phoenix, Arizona. Lat. 33°29'08" N., Long. 112°04'22" W. C.P. to add freq. 2128.4V MHz toward a new point of communication at Phoenix IS, Ariz., on azimuth 129°29'. (INFORMATIVE: WTCI proposes to provide a carrier to carrier interconnect between itself and Western Union Telegraph Company.)

2050-C1-P-74, Continental Telephone Company of California (KMZ75), Horse Mountain, SW of Willow Creek, California. Lat. 40°58'25" N., Long. 123°37'47" W. C.P. to change location and size of passive reflector on freq. 3890H MHz toward Willow Creek, Calif., via Passive Reflector (Brannan Mtn.).

2051-C1-P-74, Same (KMZ76), Willow Creek, California. Lat. 40°56'28" N., Long. 123°-37'41" W. C.P. to change location and size of passive reflector on freq. 4170H MHz toward Horse Mountain, Calif., via Passive Reflector (Brannan Mtn.).

2052-C1-P-74, Western States Telephone Company (New), State Highway 44, San Ysidro, New Mexico. Lat. 35°33'20" N., Long. 106°47'36" W. C.P. for a new station on freqs. 11,504V, 11,645H MHz toward Jemez, N. Mex., on azimuth 339°16'.

1633-C1-P-74, The Western Union Telegraph Company (WJM71), 0.9 Mile SW of Middletown, Virginia. Lat. 39°01'04" N., Long. 78°17'28" W. C.P. to change points of communication on freq. 6123.1H MHz toward Mt. Weather, Va., on azimuth 78°35'.

1634-C1-P-74, Same (WHB46), Mt. Weather, 2.2 Miles SW of Bluemont, Virginia. Lat. 39°05'05" N., Long. 77°51'38" W. C.P. to change antenna system & antenna location on freq. 6345.5H MHz toward Middletown, Va., on azimuth 258°52'; freq. 6375.2H MHz toward Short Hills, Va., on azimuth 30°05'.

1635-C1-P-74, Same (KQO50), Short Hills, 2.5 Miles SE of Harpers Ferry, Virginia. Lat. 39°17'43" N., Long. 77°42'14" W. C.P. to change points of communication on freq. 6093.5H MHz toward Mt. Weather, Va., on azimuth 210°07'.

2055-C1-P-74, Pacific Teletronics, Inc. (KTG46), Mt. Bradley, 1.5 Miles West of Dunsmuir, California. Lat. 41°13'18" N., Long. 122°18'32" W. C.P. to add new point of communication. Freqs. (via power split) 6056.4V, 6219.5V MHz toward Mt. Shasta City, Calif., on azimuth 5°17.5'.

Major Amendments

4879-C1-P-66, Eastern Microwave, Inc. (KEM59), Sentinel Heights, New York. Lat. 42°56'40" N., Long. 76°07'08" W. Application amended to perform the following: (1) On KEM59, Camillus, N.Y. Path—Change Camillus coordinates to Lat. 43°02'58" N., Long. 76°13'05" W.; Change path azimuth to 325°18'; delete freq. 6108.3V MHz; (2) Delete freq. 6108.3V MHz toward Liverpool, N.Y.; (3) Delete freq. 6108.3V MHz toward Manlius, N.Y.

9989-C1-P-73, Same (KEM59), Sentinel Heights, New York. Lat. 42°56'40" N., Long. 76°07'08" W. Application amended to change point of communication to Camillus, New York, on azimuth 325°18'.

1846-C1-P-70, United Video, Inc. (New), 2.7 Miles SE of Woods, Oklahoma. Lat. 35°25'-00" N., Long. 97°14'27" W. Application amended to change points of communication to Britton, Okla., on freqs. 10,735V, 10,895V MHz on azimuth 305°53'; and to Carney, Okla., on freqs. 10,735H, 10,895H MHz on azimuth 24°27'.

3044-C1-P-73, Same (New), 1 Mile West of Britton, Oklahoma. Lat. 35°34'17" N., Long. 97°30'11" W. Application amended to change station location to above coordinates and to change freqs. to 11,385H, 11,305H MHz toward El Reno, Okla., on azimuth 263°18'.

1284-C1-P-74, United States Transmission Systems, Inc. (New), Evadale, Texas. Change distance to Starks, La., to 36.4 Km.

1286-C1-P-74, Same (New), Dayton, Texas. Change polarization of freq. 6197.2 and azimuth towards Houston, Tex., to Vertical and 218°11' respectively. (INFORMATIVE: These applications were filed October 19, 1973 and appeared on Public Notice, October 29, 1973.)

9985-C1-P-73, Eastern Microwave, Inc. (New), Scipio, New York. Lat. 42°48'28" N., Long. 76°33'34" W. Application amended to change station location to the above coordinates and change path azimuth toward Sentinel Hgts., N.Y., to 66°59'.

5179-C1-P-71, American Telephone and Telegraph Company (New), 3 Miles ESE of Hawley, Pennsylvania. Lat. 41°27'51" N., Long. 75°07'48" W. Change freqs. from 11,365H, 11,525H, to 11,245H, 11,645H MHz and delete freqs. 11,265, 11,345, 11,385, 11,505, 11,545, 11,585, 11,605, 11,625 MHz toward Rowland, Pa., and delete path toward Tafton, Pa.

5180-C1-P-71, Same (New), Change site location to 1.2 Miles WNW of Rowland, Pennsylvania. Lat. 41°28'42" N., Long. 75°03'49" W. Change freq. from 10,835 to 11,115V MHz and delete freqs. 10,775, 10,815, 10,855, 10,935, 10,975, 10,995, 11,015, 11,055, 11,075, & 11,135 MHz toward Hawley, Pa. Delete path toward Barryville, N.Y., and add freqs. 10,715V, 10,795V, 10,875V, 10,955V, 11,035V, 11,115V MHz toward new point of communication at Glenspey, N.Y.

5181-C1-P-71, American Telephone and Telegraph Company (New), Delete all particulars and C.P. for a new station located at 0.8 Mile NW of Glenspey, New York. Lat. 41°29'04" N., Long. 74°49'33" W. on freqs. 11,245V, 11,325V, 11,405, 11,485V, 11,565V, 11,645V MHz toward Rowland, Pa., and freqs. 11,245H, 11,325H, 11,405H, 11,485H, 11,565H, 11,645H MHz toward Colesville, N.J.

5182-C1-P-71, Same (KEE60), 2.5 Miles NW of Colesville, New Jersey. Lat. 41°18'14" N., Long. 74°40'25" W. Delete all freqs. and point of communication and add freqs. 10,715V, 10,795V, 10,875V, 10,955V, 11,035V, 11,115V MHz toward Glenspey, N.Y. (All other particulars same as reported in Public Notice #539, dated 4-12-71.)

Corrections

1513-C1-P-74, Indiana Bell Telephone Company (KSV86), Anderson, Indiana. Correct to Read: change freq. from 6241.7V to 6256.5H MHz toward Pt. Isabel, Ind., & change freq. from 11,285H to 10,955H MHz toward Muncie, Ind. (All other particulars same as reported on Public Notice #673, dated 11-5-73.)

1599-C1-P/L-74, American Telephone and Telegraph Company (KEA77), Cherryville, New Jersey. Correct file no. to read: 1599-C1-P/ML-74.

1600-C1-P/L-74, Same (KEA76), Iselin, New Jersey. CORRECT File No. to read: 1600-C1-P/ML-74.

1601-C1-P/L-74, Same (KEL79), New York. New York. CORRECT to Read: File No.: 1601-C1-P/ML-74. (All other particulars same as reported on Public Notice No. 674, dated 11-12-73.)

[FR Doc.73-25892 Filed 12-5-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

FIRST KANSAS FINANCIAL CORPORATION

Notice of Receipt of Application for Approval of Acquisition

DECEMBER 3, 1973.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the First Kansas Financial Corporation, Mission, Kansas, a company, for approval of acquisition of control of the General Savings Association, Mission, Kansas, and Franklin Savings Association, Ottawa, Kansas, insured institutions under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the acquisition of the stock of said insured institutions, in exchange for shares of First Kansas Financial Corporation. Following said exchange General Savings Association will be merged into Franklin Savings Association. Comments on the proposed acquisiton should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before January 7, 1974.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.73-25900 Filed 12-5-73;8:45 am]

FEDERAL MARITIME COMMISSION

EMPRESA LINEAS MARITIMAS ARGENTINAS SOCIEDAD ANONIMA AND MOORE-McCORMACK LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by December 26, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances

said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

EMPRESA LINEAS MARITIMAS ARGENTINAS SOCIEDAD ANONIMA AND MOORE-McCORMACK LINES, INCORPORATED

Notice of agreement filed by:
J. D. Straton, Manager,
Rates & Conferences,
Moore-McCormack Lines, Incorporated
2 Broadway, New York, New York 10004

Agreement No. 10098, between Empresa Lineas Maritimas Argentinas Sociedad Anonima and Moore-McCormack Lines, Incorporated, common carriers by water operating in the trade between U.S. Atlantic Coast ports and ports of Argentina, provides for the establishment of a cooperative working arrangement whereby the parties intend to confer with each other concerning the following matters:

(1) Preparation of a detailed study of the present, near future and long-term valuation and volume of containerized, unitized, break-bulk and neo-bulk requirements.

(2) Discussion of joint or mutual interest in common berthing, shore equipment, container equipment and facilities in United States and Argentina.

(3) Performance of joint surveys of trade needs, present and future.

(4) Consideration of Conference tariff actions that will best serve the identifiable trade requirements.

(5) Consideration of pooling of equipment to meet container needs of shippers.

(6) Planning of feeder and distribution systems.

(7) Rationalization of sailings and port call patterns.

(8) Cooperation with government agencies in evaluation and planning for long-term commitments.

The purpose of the agreement is to promote the commerce between the nations involved and to provide more efficient service for shippers. The agreement may be modified, amended or supplemented subject to any required governmental approvals.

By order of the Federal Maritime Commission.

Dated: December 3, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-25830 Filed 12-5-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-5716, *et al.*]

NORTHERN NATURAL GAS PRODUCING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

NOVEMBER 27, 1973.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 20, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-5716 ..... D 11-14-73	Northern Natural Gas Producing Company Three Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Northern Natural Gas Co., McKinney Field, Clark County, Kans.	(2)	.....
G-5716 ..... D 11-14-73	..... do	Northern Natural Gas Co., Hugoton Field, Stevens County, et al., Kans.	(2)	.....
G-12100 ..... D 11-14-73	Mobil Oil Corporation	Northern Natural Gas Co., Hugoton Field, Seward County, Kans.	(2)	.....
G-12101 ..... D 11-14-73	..... do	Cities Service Gas Co., Hugoton Field, Haskell County, Kans.	(2)	.....
G-12854 ..... D 11-16-73	..... do	United Gas Pipe Line Co., Pistol Ridge Field, Forrest County, Miss.	Depleted	.....
G-16782 ..... D 11-14-73	Northern Natural Gas Producing Co. (Operator) et al.	Northern Natural Gas Co., McKinney Field, Meade County, Kans.	(2)	.....
C165-407 ..... C 11-12-73	Texaco, Inc., P.O. Box 2100, Denver, Colo. 80201.	El Paso Natural Gas Co., Tocito Dome Field, San Juan County, N. Mex.	[4] 31.68	15.025
C167-248 ..... 11-12-73 [3]	Beacon Gasoline Co., P.O. Box 396, Minden, La. 71055.	Oakes Field, Claiborne Parish, La.	.....	.....
C172-822 ..... D 11-12-73	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., acreage in Ellis County, Okla.	(2)	.....
C173-513 ..... C 11-12-73 [7]	Pacific Lighting Gas Development Co., 720 West Eight St., Los Angeles, Calif. 90017.	Transwestern Pipeline Co., South Vici Field, Dewey County, Okla.	[4] 38.0	14.65
C174-293 ..... (C168-90) F 11-5-73	Guy M. Steele, Jr. (successor to Monsanto Co.), 1380 First National Center North, Oklahoma City, Okla. 73012.	Panhandle Eastern Pipe Line Co., Northeast Waynoka Field, Woods County, Okla.	[4] 18.0	14.65
C174-295 ..... A 11-8-73	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Grand Isle Block 43 (Deep) Field, offshore Louisiana.	[10] [11] 50.0	15.025
C174-296 ..... A 11-8-73	..... do	Columbia Gas Transmission Corp., Grand Isle Block 43, offshore Louisiana.	[11] [12] 50.0	15.025
C174-298 ..... A 11-8-73	Callery Properties, Inc., 1550 First City National Bank Bldg., Houston, Tex. 77002.	Columbia Gas Transmission Corp., Valentine Field, Lafourche Parish, La.	28.375	15.025
C174-302 ..... A 11-14-73	MAPCO, Inc., 1437 South Boulder Ave., Tulsa, Okla. 74119.	Northern Natural Gas Co., Granite Wash Field, Hemphill County, Tex.	[12] 50.0	14.65
C174-303 ..... (C162-827) B 11-6-73	Anadarko Production Co., P.O. Box 9817, Fort Worth, Tex. 76107.	Panhandle Eastern Pipe Line Co., Forgan and Greenough Northeast Fields, Beaver County, Okla.	[13]	.....
C174-304 ..... (G-19098) F 11-12-73	M & M Production & Operation (successor to Skelly Oil Co.), Lindrith Camp Counselor, N. Mex. 87018.	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	[12] 24.481	15.025
C174-305 ..... (R168-473) B 11-9-73	Robert L. Zinn (Operator) et al., 1910 C & I Bldg., Houston, Tex. 77002.	United Gas Pipe Line Co., West Tecolote Field, Jim Wells County, Tex.	Unproductive	.....

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C174-306 ..... A 11-13-73	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., East Rock Springs Area, Sweetwater County, Wyo.	[10] 16.0	14.65

[1] Acreage assigned to Glen E. Jeffery.
[2] Acreage assigned to Graham-Michaelis Corp.
[3] Acreage assigned to Amoco Production Co.
[4] Includes 7.68 cents per Mcf upward B.t.u. adjustment; rate subject to upward and downward B.t.u. adjustment.
[5] Applicant proposes to gather and transport natural gas for Lone Star Producing Co.
[6] Acreage released because the well and production therefrom do not meet the reserves requirements necessary for connection under the contract.
[7] Amendment to a pending application.
[8] Subject to upward and downward B.t.u. adjustment; initial upward adjustment estimated to be 5.1 cents per Mcf
[9] Subject to upward and downward B.t.u. adjustment; estimated upward adjustment is 0.521 cents per Mcf.
[10] Subject to upward and downward B.t.u. adjustment; initial upward adjustment estimated to be 1.30 cents per Mcf.
[11] Applicant is willing to accept a certificate conditioned to accordance with Commission Opinion No. 598.
[12] Subject to downward B.t.u. adjustment.
[13] Subject to upward and downward B.t.u. adjustment; initial upward adjustment estimated to be 11 cents per Mcf.
[14] The wells have ceased to produce gas in commercial quantities.
[15] Subject to upward and downward B.t.u. adjustment.

[FR Doc.73-25753 Filed 12-5-73;8:45 am]

[Docket Nos. RI74-71 and RI74-72]

AMOCO PRODUCTION CO. ET AL.

Hearing on and Suspension of Proposed Changes in Rates, To Become Effective Subject To Refund [1]

NOVEMBER 27, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

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

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI74-71 ...	Amoco Production Co.	611	1	El Paso Natural Gas Co. (Gonzales Mesa Verde Field, Rio Arriba County, N. Mex.) (Rocky Mountain Field).	$6,000	11-1-73	.....	5- 2-74	[1] 24.0	[1] 28.0	
	.....do.....	411	10	El Paso Natural Gas Co. (Ute Dome Paradox Field, San Juan County, N. Mex.) (Rocky Mountain Area).	20,000	10-31-73	.....	6- 1-74	[2] 22.0	[2] [3] 28.5	
RI74-72 ...	Sun Oil Co.	512	2	El Paso Natural Gas Co. (Gallegos Canyon Field, San Juan County, N. Mex.) (Rocky Mountain Area).	28	10-29-73	.....	4-29-74	[1] 24.0	[1] [3] 28.0	

*Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Subject to upward and downward B.t.u. adjustment from a base of 1,000 B.t.u.
[2] Subject to downward B.t.u. adjustment from a base of 950 B.t.u.
[3] Increase to the contract rate for wells completed on or subsequent to June 4, 1970.

The proposed increased rates involved here exceed the ceilings prescribed in Opinion No. 658 or Order No. 435, as applicable, and therefore they are suspended for five months.

[FR Doc.73-25754 Filed 12-5-73;8:45 am]

[Order 496; Docket No. RM-74-7]

NATION-WIDE FUEL EMERGENCY

Conservation of Petroleum and Natural Gas Fuel Resources by Electric Utilities

NOVEMBER 29, 1973.

Current conditions involving petroleum and natural gas availability or the means of distribution thereof to all users demand the immediate implementation of all possible measures for fuel conservation. The regulatory authority and policy guidance of this Commission, state public service commissions, governors and other Federal, state or local officials should be invoked:

(1) To achieve all possible savings by electric utilities in their internal consumption of electric power and energy;

(2) To achieve all possible savings by electric utilities in their consumption of petroleum and natural gas for the generation of electric power and energy for resale to other utilities, or ultimate consumption by residential, commercial, industrial, transportation or other users; and

(3) To achieve all possible reductions by ultimate consumers in the use of electric power and energy for residential, commercial, industrial, transportation or other uses consistent with human health, safety and public welfare needs.

The definitive amount of savings in the consumption of petroleum and natural gas resources by electric utilities from these measures cannot be quantitatively stated from available data. The

Commission's staff has preliminarily estimated that electric utility energy output could be reduced by two billion kilowatt hours per week within five days through immediate energy conservation measures. The Commission desires to secure additional relevant information. The Commission is, therefore, directing all Class A and B electric utilities[1] to file with the Commission within 15 days from the date hereof, a completed Emergency Report Form, Appendix I, as annexed hereto, detailing: (1) The utility's estimate of savings in energy generated by internal combustion engines and combustion turbines and estimated total energy savings when related to total kilowatt hours generated from all electric generating sources and measured by targeted reduced electric energy consumption, and savings, in petroleum and natural gas by reason of reduced uses of those fuels and (2) the procedures by which the reporting utilities will implement energy conservation measures through (a) internal managerial controls and direction (b) through public appeals or requested state regulatory actions for ordered reduced consumption of electric power and energy by ultimate consumers. To minimize inequities among all of the Nation's electric utilities and their ultimate consumers served, the Commission requests that each reporting electric utility target for its respective utility system, an overall Nation-wide electric energy reduction of 10 percent, such reduction to be employed in programming and completing the annexed Emergency Report Form.

The Commission recognizes that, notwithstanding a targeted overall Nationwide electric energy reduction of 10 percent, differences do exist in utility operations and system fuel availability, whether upon an individual operating system, power pool or regional bases. The consequences are that for some utilities, energy conservation measures and electric contingency planning procedures should reflect the possibility of power and energy reductions of greater than 10 percent, e.g., 15, 20, or 25 percent. In developing energy emergency conservation measures under the Emergency Report Form, each reporting utility should develop its electric conservation contingency planning procedures based upon its respective estimate of fuel availability through various stages of short-fall up to the most adverse conditions currently foreseeable by the utility. The General Instruction to the Emergency Report Form provides further guidance in this respect.

The Federal Power Commission is participating in the work of Federal governmental authorities charged with allocation responsibilities over petroleum supplies for electric utility usage, among others. The Commission recognizes that in certain circumstances, and the unavailability of alternate fuels, a priority nature must be accorded electric utility fuel requirements, particularly residual oils.

It is this Commission's intention to make these data available to the President, to the Congress and to all governors and state public service commissions. Where possible, under the emergency action authority of this Commission and pursuant to the day-to-day bulk power supply regulatory authority of this Commission,[2] the Commission will authorize and recognize reduced electric power consumption and the reduced use of petroleum and natural gas for electric power generation as necessary and appropriate regulatory objectives; however, it must be noted that this Commission does not have the regulatory authority to ration electric power among ultimate consumers.[3] To the extent that electric utility service could be rationed under existing legal authority, it would have to be accomplished under authority of the Defense Production Act, as amended, 50 U.S.C. App. 2071(a), or state regulatory laws.[4] The Commission takes note of the Emergency Petroleum Allocation Act of 1973, P.L. 93–159, 87 Stat. 627, and the fact that a number of legislative proposals for fuel allocations and priorities are now pending, e.g., S. 2589 as passed by the Senate, H.R. 11031, H.R. 11202 and H.R. 11450, 93d Congress, 1st Sess.

In the circumstances, the Commission believes that a number of constructive actions can be implemented coordinately by the Nation's electric utilities and governmental regulatory authorities. Available data indicate that fuel shortage conditions associated with electric utility uses of petroleum and natural gas may be expected to impact unevenly, economically and geographically, reflecting the fact that coastal region electric utilities are now the larger users of petroleum resources for boiler fuel purposes and that electric utilities in the southwest and south-central regions of the Nation are large users of natural gas for boiler fuel purposes. Questions of regional uses of fuels and resulting impacts, including fuel physical availability and replacement fuel costs, are among the questions thus presented. To ameliorate and temper the consequential disparities among all regions of the United States, this order requests the Nations' electric utilities to seek to reduce non-essential uses of electrical power and energy uniformly across all such systems; and to maximize the use of coal and nuclear fuel electric generating capacity and hydro-electric generating capacity nationally, with the scheduling of inter-system and inter-regional power transfers to the maximum possible extent consistent with reliability and continuity of service considerations; to do so through established power pools, the nine electric reliability councils and the National Electric Reliability Council and in cooperation with representatives of the Federal Power Commission (Chief, of the Bureau of Power) and state public service commission staff personnel, particularly those who participate in the work of reliability councils under this Commission's adequacy and reliability program pursuant to Order Nos. 383, 383–1, 383–2 and 383–3, issued June 25, 1969, 41 FPC 846 (34 FR 11200), issued January 13, 1970, 43 FPC 37 (35 FR 3240), issued April 10, 1970, 43 FPC 515 (35 FR 6121), issued March 15, 1973, -- FPC --, (38 FR 7455), respectively. Subject to statutory standards of the Federal Power Act, 16 U.S.C. 791(a) et seq., the Federal Power Commission proposes to recognize increased or changed costs and conditions resulting from these conservation measures and inter-system and inter-regional transfers of electric power and energy for interstate ratemaking purposes. The Federal Power Commission requests state regulatory agencies to give similar recognition for intra-state ratemaking purposes.

The Commission does not view these requested actions as permanent long-term or in substitution for increased supplies of electric power and energy generated from non-petroleum and non-natural gas fuels. They are temporary expedients to meet current national fuel and energy conditions. Current staff estimates look to an ensuing 12-month period, recognizing the need for further review from time-to-time as conditions warrant. However, it must be noted that the Federal Power Commission's stated policy under the Natural Gas Act, 15 U.S.C. 717(a) et seq., is to discourage the use of natural gas for boiler fuel purposes, including electric generation by means of natural gas.

This Commission will undertake all cooperative actions with state regulatory agencies which the latter may request under section 209 of the Federal Power Act, 16 U.S.C. 824h, to meet emergency conditions. In short, the Commission will confer with any state commission, make available to the state commissions assistance and information and avail itself of the cooperation of state agencies. As a part of such cooperative procedure work, this Commission will, from time-to-time, recommend further national

[1] Investor owned, publicly owned, including Federal publicly owned and cooperatively owned electric systems having annual electric utility operating revenues of $1,000,000 or more annually. These systems total over 1,000 utilities and own or operate over 95 percent of the electric utility generating capacity within the Nation. Attached Appendix A lists the various utilities, to which this order is specifically directed. That compilation reflects Class A and B investor owned electric utilities which are specifically subject to all Federal Power Act regulatory provisions, including the System of Accounts, as well as other utilities, investor owned, publicly owned and cooperatively owned systems, which have operating revenues of $1,000,000 annually and are subject to the Commission's reporting authority under the Federal Power Act.

[2] See sections 10, 19, 20, 202, 205, 206 and 207 of the Federal Power Act, 16 U.S.C. 803, 812, 813, 824a, 824d, 824e and 824f.

[3] Order No. 445, 47 FPC 75, 76 (1972).

[4] By letter of this Commission's Chairman dated September 28, 1973, all of the various state regulatory agencies were furnished with an FPC staff summarization of state responses to an FPC national questionnaire covering state and Federal regulatory authority in emergency circumstances.

guidelines for state consideration and use in petroleum and natural gas conservation by electric utilities, based upon the Emergency Report Form data as prescribed herein, other data and this Commission's administrative expertise. The Commission requests each state public service commission or governor in the states which have no public service commissions, to designate a representative of that agency or state, who will be available to work with this Commission's staff on a continuous basis to coordinate the implementation of all possible Federal and state regulatory authority so as to achieve targeted reductions in the use of electric power and energy; and to advise this Commission's Secretary within 15 days hereafter, as to the identity of such persons. This Commission staff work will be coordinated by the Commission's Chief, Bureau of Power, T. A. Phillips.

By Order No. 445, issued January 11, 1972, this Commission issued its Statement of Policy with Respect to Actions For Minimizing the Consequences of Bulk Power Supply Interruptions or Shortages and Public Disclosure, 47 FPC 75 (37 FR 780). The general contingency planning procedures of electric utilities throughout the Nation, pursuant to that order, have been summarized by this Commission's staff and made available to state regulatory bodies. Additional contingency planning procedures of electric utilities, with respect to possible interruptions in fuel supply were undertaken in January 1973, through Commission staff and the various electric reliability councils. These procedures have been summarized by the Commission's staff and made available to the various state regulatory commissions in a staff analysis by letter of this Commission's Chairman dated September 28, 1973. The Emergency Report Form prescribed herein will supplement these prior submissions, with specific steps which the utilities now propose to effect immediate reductions in electric utility usage. By Order No. 495, issued November 13, 1973, 38 FR 31963, the Commission promulgated its Statement of Policy on Measures to Implement Conservation of Natural Resources, ------ FPC ------.

The Commission further finds:

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

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

The Commission orders:

(A) There is hereby prescribed an Emergency Report Form, as designated in Appendix I below.

(B) Each Class A and B electric utility, as generally defined in the Commisison's Uniform System of Accounts, 18 CFR Part 101, General Instructions 1.A., and as specifically identified on Appendix A, shall complete and file the Emergency Report Form with the Commission within 15 days of the date hereof.

(C) Each Class A and B electric utility, as referred to above, shall advise the Commission within 15 days hereof of the specific steps which it has undertaken to effect immediate reductions in the consumption of electric power and energy internally to the utility, other utilities or ultimate consumers served by it, and immediate reductions in the consumption of petroleum and natural gas used by it for electric generation purposes.

(D) The Commission, in its continuing review of this general subject matter, will take such future actions as may be appropriate. Among other things, the Commission staff will prepare and report monthly, a published analysis of the results of the energy reduction actions by utilities and their customers by reason of this order, such analyses to be based upon monthly reported data as set forth in FPC Form Nos. 4, Monthly Power Plant Report, and 12 E, Monthly Power Statement, and the Emergency Report Form.

(E) This order shall take effect immediately upon issuance thereof.

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

By the Commission.

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

APPENDIX A—LIST OF ELECTRIC UTILITY SYSTEMS HAVING ANNUAL ELECTRIC OPERATING REVENUES IN EXCESS OF $1,000,000

INVESTOR OWNED ELECTRIC UTILITIES

Alabama

Alabama Power Company.
Southern Electric Generating Company.

Alaska

Alaska Electric Light & Power Company.

Arizona

Arizona Public Service Company.
Citizens Utilities Company.
Tucson Gas and Electric Company.

Arkansas

Arkansas-Missouri Power Company.
Arkansas Power & Light Company.
Arklahoma Corporation, The.

California

Pacific Gas and Electric Company.
San Diego Gas & Electric Company.
Southern California Edison Company.

Colorado

Home Light and Power Company.
Public Service Company of Colorado.
Western Colorado Power Company, The.

Connecticut

Connecticut Light and Power Company, The.
Connecticut Yankee Atomic Power Company.
Hartford Electric Light Company, The.
Millstone Point Company, The.
United Illuminating Company, The.

Delaware

Delmarva Power & Light Company.

District of Columbia

Potomac Electric Power Company.

Florida

Florida Power Corporation.
Florida Power & Light Company.
Florida Public Utilities Company.
Gulf Power Company.
Tampa Electric Company.

Georgia

Georgia Power Company.
Savannah Electric and Power Company.

Hawaii

Hawaiian Electric Company, Inc.
Hilo Electric Light Company, Ltd.
Maui Electric Company, Ltd.

Idaho

Idaho Power Company.

Illinois

Central Illinois Light Company.
Central Illinois Public Service Company.
Commonwealth Edison Company.
Electric Energy, Inc.
Illinois Power Company.
Mt. Carmel Public Utility Co.
Sherrard Power System.
South Beloit Water, Gas and Electric Company.

Indiana

Alcoa Generating Corporation.
Commonwealth Edison Company of Indiana, Inc.
Indiana-Kentucky Electric Corporation.
Indiana and Michigan Electric Company.
Indianapolis Power & Light Company.
Northern Indiana Public Service Company.
Public Service Company of Indiana, Inc.
Southern Indiana Gas and Electric Company.

Iowa

Interstate Power Company.
Iowa Electric Light and Power Company.
Iowa-Illinois Gas and Electric Company.
Iowa Power and Light Company.
Iowa Public Service Company.
Iowa Southern Utilities Company.

Kansas

Central Kansas Power Company, Inc.
Central Telephone & Utilities Corporation.
Kansas Gas and Electric Company.
Kansas Power and Light Company, The.

Kentucky

Kentucky Power Company.
Kentucky Utilities Company.
Louisville Gas and Electric Company.
Union Light, Heat and Power Company, The.

Louisiana

Central Louisiana Electric Company, Inc.
Gulf States Utilities Company.
Louisiana Power & Light Company.
New Orleans Public Service Inc.

Maine

Bangor Hydro-Electric Company.
Central Maine Power Company.
Maine Electric Power Company, Inc.
Maine Public Service Company.
Rumford Falls Power Company.

Maryland

Baltimore Gas and Electric Company.
Conowingo Power Company.
Delmarva Power & Light Company of Maryland.
Potomac Edison Company, The.
Susquehanna Electric Company, The.
Susquehanna Power Company, The.

Massachusetts

Boston Edison Company.
Boston Gas Company.
Brockton Edison Company.
Cambridge Electric Light Company.
Canal Electric Company.
Fall River Electric Light Company.
Fitchburg Gas and Electric Light Company.
Holyoke Power & Electric Company.
Holyoke Water Power Company.
Massachusetts Electric Company.
Montaup Electric Company.
Nantucket Gas and Electric Company.
New Bedford Gas and Edison Light Company.
New England Power Company.
Western Massachusetts Electric Company.
Yankee Atomic Electric Company.

Michigan

Alpena Power Company.
Consumers Power Company.
Detroit Edison Company, The.
Edison Sault Electric Company.
Michigan Power Company.
Upper Peninsula Generating Company.
Upper Peninsula Power Company.

Minnesota

Minnesota Power & Light Company.
Northern States Power Company.

Mississippi

Mississippi Power Company.
Mississippi Power & Light Company.

Missouri

Empire District Electric Company, The.
Kansas City Power & Light Company.
Missouri Edison Company.
Missouri Power & Light Company.
Missouri Public Service Company.
Missouri Utilities Company.
St. Joseph Light & Power Company.
Union Electric Company.

Montana

Montana Power Company, The.

Nevada

Nevada Power Company.
Sierra Pacific Power Company.

New Hampshire

Concord Electric Company.
Connecticut Valley Electric Company, Inc.
Exeter & Hampton Electric Company.
Granite State Electric Company.
Public Service Company of New Hampshire.

New Jersey

Atlantic City Electric Company.
Jersey Central Power & Light Company.
Public Service Electric and Gas Company.
Rockland Electric Company.

New Mexico

New Mexico Electric Service Company.
Public Service Company of New Mexico.

New York

Central Hudson Gas & Electric Corporation.
Consolidated Edison Company of New York, Inc.
Long Island Lighting Company.
Long Sault, Inc.
New York State Electric & Gas Corporation.
Niagara Mohawk Power Corporation.
Orange and Rockland Utilities, Inc.
Rochester Gas and Electric Corporation.

North Carolina

Carolina Power & Light Company.
Duke Power Company.
Nantahala Power and Light Company.
Yadkin, Inc.

North Dakota

Montana-Dakota Utilities Company.
Otter Tail Power Company.

Ohio

Cincinnati Gas & Electric Company, The.
Cleveland Electric Illuminating Company, The.
Columbus and Southern Ohio Electric Company.
Dayton Power and Light Company, The.
Ohio Edison Company.
Ohio Power Company.
Ohio Valley Electric Corporation.
Toledo Edison Company, The.

Oklahoma

Oklahoma Gas and Electric Company.
Public Service Company of Oklahoma.

Oregon

California-Pacific Utilities Company.
Pacific Power & Light Company.
Portland General Electric Company.

Pennsylvania

Citizens' Electric Co.
Duquesne Light Company.
Hershey Electric Company.
Metropolitan Edison Company.
Pennsylvania Electric Company.
Pennsylvania Power Company.
Pennsylvania Power & Light Company.
Philadelphia Electric Company.
Philadelphia Electric Power Company.
Potomac Edison Company of Pennsylvania, The.
Safe Harbor Water Power Corporation.
UGI Corporation.
West Penn Power Company.

Rhode Island

Blackstone Valley Electric Company.
Narragansett Electric Company, The.
Newport Electric Corporation.

South Carolina

Lockhart Power Company.
South Carolina Electric & Gas Company.

South Dakota

Black Hills Power and Light Company.
Northwestern Public Service Company.

Tennessee

Kingsport Power Company.
Tapoco, Inc.

Texas

Central Power and Light Company.
Community Public Service Company.
Dallas Power & Light Company.
El Paso Electric Company.
Houston Lighting & Power Company.
Southwestern Electric Power Company.
Southwestern Electric Service Company.
Southwestern Public Service Company.
Texas Electric Service Company.
Texas Power & Light Company.
West Texas Utilities Company.

Utah

Utah Power and Light Company.

Vermont

Central Vermont Public Service Corporation.
Green Mountain Power Corporation.
Vermont Electric Power Company, Inc.
Vermont Yankee Nuclear Power Corporation.

Virginia

Delmarva Power & Light Company of Virginia.
Old Dominion Power Company.
Potomac Edison Company of Virginia, The.
Virginia Electric and Power Company.

Washington

Puget Sound Power & Light Company.
Washington Water Power Company, The.

West Virginia

Appalachian Power Company.
Monongahela Power Company.
Potomac Edison Company of West Virginia, The.
Wheeling Electric Company.

Wisconsin

Consolidated Water Power Company.
Lake Superior District Power Company.
Madison Gas and Electric Company.
Northern States Power Company.
Northwestern Wisconsin Electric Company.
Superior Water, Light and Power Company.
Wisconsin Electric Power Company.
Wisconsin Michigan Power Company.
Wisconsin Power and Light Company.
Wisconsin Public Service Corporation.
Wisconsin River Power Company.

Wyoming

Cheyenne Light, Fuel and Power Company.

PUBLICLY OWNED ELECTRIC UTILITIES: INCLUDING FEDERAL PROJECTS

Alabama

Athens Electric Department, City of.
Bessemer Electric Service.
Cullman, Electric Department of the Utilities Board, City of.
Decatur, Electric Department, City of.
Florence, Electricity Department, City of.
Foley, The Utilities Board of the City of.
Huntsville, Electric System, City of.
Scottsboro, Electric Power Board, The City of.
Sheffield, Power Department.
Allatoona Dam & Reservoir Project.[1]
Buford Dam & Reservoir.[1]
Jim Woodruff Lock & Dam.[1]
Millers Ferry Lock & Dam.[1]
Walter F. George Lock & Dam.[1]

Alaska

Anchorage, Municipal Light and Power, City of.
Fairbanks, Municipal Utilities System, City of.
Ketchikan Public Utilities, City of.
Alaska Power Administration—Eklutna Project.[1]

Arizona

Arizona Power Authority.
Mesa, City of.
Pinal County, Electrical District Number Two.
Salt River Project.

Arkansas

Conway Corporation.
Jonesboro, City Water & Light Plant of.
Osceola Municipal Light and Power Plant.
Paragould, Light Plant Commission.
West Memphis Utility Commission.
Beaver Lake.[1]
Bull Shoals Lake.[1]
Dardanelle Lock & Dam.[1]
Greers Ferry Lake.[1]
Table Rock Lake.[1]

California

Alameda, Bureau of Electricity, Department of Public Utilities, City of.
Anaheim, City of.
Azusa, Municipal Light & Power Department, City of.

See footnotes at end of document.

Burbank, Public Service Department, City of.
Colton, City of.
Glendale, City of.
Imperial Irrigation District.
Lompoc, City of.
Nevada Irrigation District.
Los Angeles, Department of Water and Power, Power System, City of.
Merced Irrigation District.
Modesto Irrigation District.
Oroville-Wyandotte Irrigation District.
Palo Alto, City of.
Pasadena, Water & Power Department, City of.
Placer County Water Agency.
Redding Electric Utility, City of.
Riverside, City of.
Roseville, City of.
Sacramento Municipal Utility District.
San Francisco, City & County of, Public Utilities Commission Hetch Hetchy Water Supply & Power Project.
Santa Clara Municipal Electric Department, City of.
Turlock Irrigation District.
Ukiah, Public Service Department, City of.
Vernon, Light and Power Department, City of.
Yuba County Water Agency.

Central Valley Project.[1]

Colorado

Colorado Springs, Department of Public Utilities, City of.
Fort Collins Light and Power Department.
Lamar, Utilities Board, City of.
Longmont, City of.

Connecticut

Groton, Department of Utilities, The City of.
Norwich, Department of Public Utilities, City of.
South Norwalk Electric Works.
Wallingford, Electric Division, Department of Public Utilities.

Delaware

Dover, The City of.
Milford, City of.

Florida

Bartow, City of.
Fort Pierce Utilities Authority.
Gainesville, City of.
Homestead, City of.
Jacksonville, Electric Authority.
Key West, Utility Board of the City of.
Lake Worth, City of.
Lakeland, Department of Electric & Water Utilities, City of.
Leesburg, City of.
New Smyrna Beach Utilities Commission, City of.
Ocala, City of.
Orlando Utilities Commission.
Quincy, City of.
St. Cloud Public Utilities, City of.
Sebring Utilities Commission.
Tallahassee, City of.
Vero Beach, City of.

Georgia

Albany, Water, Gas & Light Commission, City of.
Crisp County Power Commission.
Douglas, City of.
Fitzgerald Water, Light and Bond Commission.
Griffin Light, Water and Sewage Department, City of.
Marietta, Board of Lights and Water Works, City of.
Thomasville, Water and Light Department, City of.

Clark Hill Lake.[1]
Hartwell Lake.[1]
Southeastern Power Administration.[1]

Idaho

Idaho Falls, Electric Light Division, City of.
Columbia Basin Project.[1]
Hungry Horse Project.[1]

Illinois

Batavia, City of.
Geneva, City of.
Jacksonville, City of.
Princeton Municipal Utilities.
Rantoul, Village of.
Rochelle, Electric Light System, City of.
Rock Falls Municipal Electric Department, City of.
Springfield, Water, Light and Power Department, City of.
St. Charles, City of.
Winnetka, Village of.

Indiana

Anderson, Municipal Light and Power.
Auburn Electric and Water Department.
Bluffton Utilities.
Crawfordsville Electric Light and Power Utility.
Fort Wayne, City Light and Power Works.
Frankfort, City Light and Power Plant.
Jasper Municipal Electric Utility.
Lebanon Electric Utility, City of.
Logansport Municipal Electric Department.
Mishawaka Municipal Utilities.
Peru Electric Light and Power Department, City of.
Richmond Power and Light.
Tell City, Electric Department.
Tipton Municipal Light Company.
Washington, City Light and Power.

Iowa

Ames, City of.
Atlantic Water Works and Electric Plant.
Cedar Falls, City of.
Muscatine, Board of Water and Light Trustees, City of.
Pella Municipal Power and Light.
Spencer Municipal Utilities.
Waverly, City of.
Webster City Municipal Light and Power.

Kansas

Coffeyville Municipal Light and Power.
Garden City, City of.
Kansas City, Board of Public Utilities of.
McPherson-Board of Public Utilities, City of.
Ottawa, Water and Light Department, City of.

Kentucky

Bowling Green, Electric Plant Board of the City of.
Franklin Electric Plant Board, City of.
Glasgow, Electric Plant Board, City of.
Henderson Municipal Power and Light.
Hopkinsville, Electric Plant Board, City of.
Mayfield Electric and Water Systems.
Murray, Electric Plant Board of.
Owensboro Municipal Utilities.
Paducah, The Electric Plant Board of the City of.

Louisiana

LaFayette Utilities System, City of.
Sabine River Authority.
Monroe Utilities Commission, City of.

Maine

Houlton Water Company.

Maryland

Easton Utilities Commission, The.
Hagerstown Municipal Electric Light Plant.

Massachusetts

Belmont Municipal Light Department.
Braintree Electric Light Department.
Chicopee, Electric Light Department, City of.
Concord Municipal Light Plant.
Danvers Electric Department, Town of.
Hingham Municipal Lighting Plant.
Holden-Municipal Light Department.
Holyoke, Gas & Electric Department, City of.
Hudson, Light and Power Department, Town of.
Ipswich Municipal Light Department, Town of.
Littleton, Electric Light Department, Town of.
Mansfield Municipal Light Depatrment, Town of.
Marblehead Municipal Light Department.
Middleborough Gas and Electric Department.
North Attleborough, Electric Department.
Peabody Municipal Light Plant.
Reading, Municipal Light Department, Town of.
Shrewsbury Municipal Light Department, Town of.
South Hadley, Electric Light Department, Town of.
Taunton, Municipal Lighting Commission of the City of.
Wakefield Municipal Light Department.
Wellesley, Municipal Lighting Plant, Town of.
Westfield, Gas & Electric Light Department, City of.

Michigan

Bay City, Electric Light & Power.
Coldwater, Board of Public Utilities, City of.
Detroit, Public Lighting Commission, City of.
Grand Haven, Board of Light and Power, City of.
Hillsdale, Board of Public Works, City of.
Holland, Board of Public Works, City of.
Lansing, Board of Water and Light, City of.
Marquette, Board of Light and Power, City of.
Marshall City, Water and Electric Works.
Niles, Board of Public Works, City of.
Petoskey, City of.
South Haven, Board of Public Utilities, City of.
Sturgis, City of.
Traverse City, Light and Power Department, City of.

Minnesota

Alexandria Board of Public Works.
Anoka, City of.
Austin Utilities.
Fairmont, Public Utilities Commission, City of.
Hibbing Public Utilities Commission.
Hutchinson Municipal Electric Plant.
Marshall Municipal Utilities.
Moorhead Public Service Department.
New Ulm, Public Utilities Commission.
Owatonna, Municipal Public Utilities, City of.
Rochester, Department of Public Utilities, City of.
Virginia, Department of Public Utilities, City of.
Willmar, Municipal Utilities Commission, City of.

Mississippi

Columbus, Light and Water Department, City of.
Greenwood Utilities, City of.
Holly Springs Electric Department, City of.
New Albany Electric Department.
Oxford, Electric Department, City of.
Starkville Electric Department.
Yazoo City, Public Service Commission of.
Blakely Mountain Dam—Lake Ouachita.[1]
DeGray Dam & Power Plant.[1]

Missouri

Carthage Water and Electric Plant.
Chillicothe Municipal Utilities.
Columbia Water and Light Department.
Fulton, Board of Public Works, City of.
Hannibal, Board of Public Works, City of.

See footnotes at end of document.

Maryland

Baltimore Gas and Electric Company.
Conowingo Power Company.
Delmarva Power & Light Company of Maryland.
Potomac Edison Company, The.
Susquehanna Electric Company, The.
Susquehanna Power Company, The.

Massachusetts

Boston Edison Company.
Boston Gas Company.
Brockton Edison Company.
Cambridge Electric Light Company.
Canal Electric Company.
Fall River Electric Light Company.
Fitchburg Gas and Electric Light Company.
Holyoke Power & Electric Company.
Holyoke Water Power Company.
Massachusetts Electric Company.
Montaup Electric Company.
Nantucket Gas and Electric Company.
New Bedford Gas and Edison Light Company.
New England Power Company.
Western Massachusetts Electric Company.
Yankee Atomic Electric Company.

Michigan

Alpena Power Company.
Consumers Power Company.
Detroit Edison Company, The.
Edison Sault Electric Company.
Michigan Power Company.
Upper Peninsula Generating Company.
Upper Peninsula Power Company.

Minnesota

Minnesota Power & Light Company.
Northern States Power Company.

Mississippi

Mississippi Power Company.
Mississippi Power & Light Company.

Missouri

Empire District Electric Company, The.
Kansas City Power & Light Company.
Missouri Edison Company.
Missouri Power & Light Company.
Missouri Public Service Company.
Missouri Utilities Company.
St. Joseph Light & Power Company.
Union Electric Company.

Montana

Montana Power Company, The.

Nevada

Nevada Power Company.
Sierra Pacific Power Company.

New Hampshire

Concord Electric Company.
Connecticut Valley Electric Company, Inc.
Exeter & Hampton Electric Company.
Granite State Electric Company.
Public Service Company of New Hampshire.

New Jersey

Atlantic City Electric Company.
Jersey Central Power & Light Company.
Public Service Electric and Gas Company.
Rockland Electric Company.

New Mexico

New Mexico Electric Service Company.
Public Service Company of New Mexico.

New York

Central Hudson Gas & Electric Corporation.
Consolidated Edison Company of New York, Inc.
Long Island Lighting Company.
Long Sault, Inc.
New York State Electric & Gas Corporation.
Niagara Mohawk Power Corporation.
Orange and Rockland Utilities, Inc.
Rochester Gas and Electric Corporation.

North Carolina

Carolina Power & Light Company.
Duke Power Company.
Nantahala Power and Light Company.
Yadkin, Inc.

North Dakota

Montana-Dakota Utilities Company.
Otter Tail Power Company.

Ohio

Cincinnati Gas & Electric Company, The.
Cleveland Electric Illuminating Company, The.
Columbus and Southern Ohio Electric Company.
Dayton Power and Light Company, The.
Ohio Edison Company.
Ohio Power Company.
Ohio Valley Electric Corporation.
Toledo Edison Company, The.

Oklahoma

Oklahoma Gas and Electric Company.
Public Service Company of Oklahoma.

Oregon

California-Pacific Utilities Company.
Pacific Power & Light Company.
Portland General Electric Company.

Pennsylvania

Citizens' Electric Co.
Duquesne Light Company.
Hershey Electric Company.
Metropolitan Edison Company.
Pennsylvania Electric Company.
Pennsylvania Power Company.
Pennsylvania Power & Light Company.
Philadelphia Electric Company.
Philadelphia Electric Power Company.
Potomac Edison Company of Pennsylvania, The.
Safe Harbor Water Power Corporation.
UGI Corporation.
West Penn Power Company.

Rhode Island

Blackstone Valley Electric Company.
Narragansett Electric Company, The.
Newport Electric Corporation.

South Carolina

Lockhart Power Company.
South Carolina Electric & Gas Company.

South Dakota

Black Hills Power and Light Company.
Northwestern Public Service Company.

Tennessee

Kingsport Power Company.
Tapoco, Inc.

Texas

Central Power and Light Company.
Community Public Service Company.
Dallas Power & Light Company.
El Paso Electric Company.
Houston Lighting & Power Company.
Southwestern Electric Power Company.
Southwestern Electric Service Company.
Southwestern Public Service Company.
Texas Electric Service Company.
Texas Power & Light Company.
West Texas Utilities Company.

Utah

Utah Power and Light Company.

Vermont

Central Vermont Public Service Corporation.
Green Mountain Power Corporation.
Vermont Electric Power Company, Inc.
Vermont Yankee Nuclear Power Corporation.

Virginia

Delmarva Power & Light Company of Virginia.
Old Dominion Power Company.
Potomac Edison Company of Virginia, The.
Virginia Electric and Power Company.

Washington

Puget Sound Power & Light Company.
Washington Water Power Company, The.

West Virginia

Appalachian Power Company.
Monongahela Power Company.
Potomac Edison Company of West Virginia, The.
Wheeling Electric Company.

Wisconsin

Consolidated Water Power Company.
Lake Superior District Power Company.
Madison Gas and Electric Company.
Northern States Power Company.
Northwestern Wisconsin Electric Company.
Superior Water, Light and Power Company.
Wisconsin Electric Power Company.
Wisconsin Michigan Power Company.
Wisconsin Power and Light Company.
Wisconsin Public Service Corporation.
Wisconsin River Power Company.

Wyoming

Cheyenne Light, Fuel and Power Company.

PUBLICLY OWNED ELECTRIC UTILITIES; INCLUDING FEDERAL PROJECTS

Alabama

Athens Electric Department, City of.
Bessemer Electric Service.
Cullman, Electric Department of the Utilities Board, City of.
Decatur, Electric Department, City of.
Florence, Electricity Department, City of.
Foley, The Utilities Board of the City of.
Huntsville, Electric System, City of.
Scottsboro, Electric Power Board, The City of.
Sheffield, Power Department.
Allatoona Dam & Reservoir Project.[1]
Buford Dam & Reservoir.[1]
Jim Woodruff Lock & Dam.[1]
Millers Ferry Lock & Dam.[1]
Walter F. George Lock & Dam.[1]

Alaska

Anchorage, Municipal Light and Power, City of.
Fairbanks, Municipal Utilities System, City of.
Ketchikan Public Utilities, City of.
Alaska Power Administration—Eklutna Project.[1]

Arizona

Arizona Power Authority.
Mesa, City of.
Pinal County, Electrical District Number Two.
Salt River Project.

Arkansas

Conway Corporation.
Jonesboro, City Water & Light Plant of.
Osceola Municipal Light and Power Plant.
Paragould, Light Plant Commission.
West Memphis Utility Commission.
Beaver Lake.[1]
Bull Shoals Lake.[1]
Dardanelle Lock & Dam.[1]
Greers Ferry Lake.[1]
Table Rock Lake.[1]

California

Alameda, Bureau of Electricity, Department of Public Utilities, City of.
Anaheim, City of.
Azusa, Municipal Light & Power Department, City of.

See footnotes at end of document.

Public Utility District No. 1 of Chelan County (Columbia River-Rock Island Hydro-Electric System).
Public Utility District No. 1 of Chelan County (Rocky Reach Hydro-Electric System).
Ellensburg, Light Department, City of.
Public Utility District No. 1 of Franklin County.
Public Utility District No. 1 of Cowlitz County (Distribution System).
Public Utility District No. 1 of Cowlitz County (Swift Plant No. 2).
Public Utility District No. 1 of Clallam County.
Public Utility District No. 1 of Douglas County.
Public Utility District No. 2 of Grant County.
Public Utility District No. 1 of Clark County.
Public Utility District No. 1 of Grays Harbor County.
Public Utility District No. 1 of Klickitat County.
Public Utility District No. 1 of Lewis County.
Public Utility District No. 3 of Mason County.
Public Utility District No. 1 of Snohomish County.
Public Utility District No. 1 of Okanogan County.
Public Utility District No. 1 of Pend Oreille County.
Public Utility District No. 2 of Pacific County.
Port Angeles, Light Department, City of.
Richland Electrical Department, City of.
Seattle, Department of Lighting, City of.
Tacoma, Light Division, Department of Public Utilities, City of.
Washington Public Power Supply System, Hanford Project.
Albeni Falls Reservoir.[1]
Chief Joseph Dam.[1]
Ice Harbor Lock & Dam Project.[1]
Little Goose Lock & Dam.[1]
Lower Monumental Lock & Dam Project.[1]
McNary Lock & Dam Project.[1]

Wisconsin

Cedarburg, Light and Water Commission, City of.
Kaukauna, Electrical and Water Departments, City of.
Manitowoc Public Utilities.
Marshfield Electric and Water Department.
Menasha Electric and Water Utilities.
Oconomowoc Utilities, City of.
Plymouth Utilities Commission.
Shawano, Municipal Water and Electric Department.
Sturgeon Bay Utilities.
Two Rivers Water and Light Department.
Waupun Public Utilities.
Wisconsin Rapids, Water Works and Lighting Commission.

COOPERATIVE SYSTEMS—DISTRIBUTION

Alabama

Clarke-Washington EMC.
Cullman Electric Cooperative.
City of Athens.
Baldwin County EMC.
Cherokee Electric Cooperative.
Pioneer Electric Cooperative, Inc.
South Alabama Electric Cooperative.
Pea River Electric Cooperative.
Southern Pine Electric Cooperative.
Tallapoosa River Electric Cooperative, Inc.
Black Warrior EMC.
Central Alabama Electric Cooperative.
Wiregrass Electric Cooperative, Inc.
North Alabama Electric Cooperative.
Sand Mountain Electric Cooperative.
Joe Wheeler EMC.
Covington Electric Cooperative, Inc.
Franklin Electric Cooperative.
Arab Electric Cooperative, Inc.
City of Florence.

Alaska

Matanusha Electric Association, Inc.
Kodiak Electric Association, Inc.
Homer Electric Association, Inc.
Golden Valley Electric Association, Inc.
Chugach Electric Association, Inc.
Alaska Village Electric Cooperative, Inc.

Arizona

Navopache Electric Cooperative, Inc.
Sulphur Springs Valley Electric Cooperative, Inc.
Trico Electric Cooperative, Inc.
Mohave Electric Cooperative, Inc.
Electrical District No. 2 (Coolidge).

Arkansas

Craighead Electric Cooperative Corporation.
First Electric Cooperative Corporation.
Southwest Arkansas Electric Cooperative Corporation.
Arkansas Valley Electric Cooperative Corporation.
Woodruff Electric Cooperative Corporation.
Carroll Electric Cooperative Corporation.
C & L Rural Electric Cooperative Corporation.
Clay County Electric Cooperative Corporation.
Ozarks Electric Cooperative Corporation.
North Arkansas Electric Cooperative.
Ouachita Rural Electric Cooperative Corporation.
Petit Jean Electric Cooperative Corporation.

California

Sacramento Municipal Utility District.

Colorado

San Luis Valley Rural Electric Cooperative, Inc.
Morgan County Rural Electric Association.
Intermountain Rural Electric Association.
Southwest Colorado Power Association.
Union Rural Electric Association, Inc.
San Isabel Electric Services, Inc.
Highline Electric Association.
Poudre Valley Rural Electric Association, Inc.
Empire Electric Association, Inc.
Holy Cross Electric Association, Inc.
Yampa Valley Electric Association, Inc.
Mountain View Electric Association, Inc.
Y-W Electric Association, Inc.
Mountain Parks Electric, Inc.

Delaware

Delaware Electric Cooperative, Inc.

Florida

Clay Electric Cooperative, Inc.
Suwannee Valley Electric Cooperative, Inc.
Sumter Electric Cooperative, Inc.
West Florida Electric Cooperative Association, Inc.
Central Florida Electric Cooperative, Inc.
Florida Keys Electric Cooperative Association, Inc.
Lee County Electric Cooperative, Inc.
Peace River Valley EMC.
Tri-County Electric Cooperative, Inc.
Talquin Electric Cooperative, Inc.
Choctawhatchee Electric Cooperative, Inc.
Withlacoochee River Electric Cooperative, Inc.
Glades Electric Cooperative, Inc.

Georgia

Rayle EMC.
Planters EMC.
Troup County EMC.
Colquitt County Rural Electric Company.
Carroll EMC.
Walton EMC.
Douglas County EMC.
Hart County EMC.
Altamaha EMC.
Sumter EMC.
Snapping Shoals EMC.
Central Georgia EMC.
Flint EMC.
Satilla Rural EMC.
Grady County EMC.
Washington County EMC.
Mitchell County EMC.
Jefferson County EMC.
Sawnee EMC.
Habersham EMC.
Blue Ridge Mountain Electric Corporation.
Jackson EMC.
Cobb County Rural EMC.
Three Notch EMC.
Canoochee EMC.
Excelsior EMC.
Okefenoke Rural EMC.
Amicalola EMC.
Coweta-Fayette EMC.

Idaho

Northern Lights, Inc.
Clearwater Power Company.

Illinois

Wayne-White Counties Electric Cooperative.
Coles-Moultrie Electric Cooperative.
Illinois Valley Electric Cooperative, Inc.
Illinois Rural Electric Company.
Menard Electric Cooperative.
Rural Electric Convenience Cooperative Company.
Eastern Illinois Power Cooperative.
Illini Electric Cooperative.
Shelby Electric Cooperative.
Adams Electrical Cooperative.
Egyptian Electric Cooperative Association.
Norris Electric Cooperative.
Southeastern Illinois Electric Cooperative, Inc.
Corn Belt Electric Cooperative, Inc.
M. J. M. Electric Cooperative, Inc.
Tri-County Electric Cooperative, Inc.
Southern Illinois Electric Cooperative.
Southwestern Electric Cooperative, Inc.

Indiana

Utilities District of West Indiana Rural EMC.
Boone County Rural EMC.
Whitley County Rural EMC.
Wabash County Rural EMC.
Shelby County Rural EMC.
Bartholomew County Rural EMC.
Daviess-Martin Counties Rural EMC.
Decatur County Rural EMC.
Jay County Rural EMC.
Knox County Rural EMC.
Parke County Rural EMC.
Southeastern Indiana Rural EMC.
Tipmont Rural EMC.
Wayne County Rural EMC.
Morgan County Rural EMC.
Clark County Rural EMC.
Noble County Rural EMC.
Sullivan County Rural EMC.
Dubois Rural Electric Cooperative, Inc.
Kankakee Valley Rural EMC.
Kosciusko County Rural EMC.
Harrison County Rural EMC.
Jackson County Rural EMC.
Southern Indiana Rural Electric Cooperative, Inc.
United EMC.

Iowa

Eastern Iowa Light & Power Cooperative.
Buena Vista County Rural Electric Cooperative.
Butler County Rural Electric Cooperative.
Maquoketa Valley Rural Electric Cooperative.
Greene County Rural Electric Cooperative.
Hawkeye Tri-County Electric Cooperative.
Linn County Rural Electric Cooperative Association.
T. I. P. Rural Electric Cooperative.
S. E. Iowa Cooperative Electric Association.
Farmers Electric Cooperative, Inc.
Allamakee-Clayton Electric Cooperative, Inc.

Kansas

Jewell-Mitchell Cooperative Electric Company, Inc.

See footnotes at end of document.

Flint Hills Rural Electric Cooperative Association.
The Norton-Decatur Cooperative Electric Company, Inc.
The Ark Valley Electric Cooperative Association.
Central Kansas Electric Cooperative, Inc.
The Pioneer Cooperative Association, Inc.
Western Cooperative Electric Association, Inc.
Wheatland Electric Cooperative, Inc.

Kentucky

Jackson County Rural Electric Cooperative Corporation.
Meade County Rural Electric Cooperative Corporation.
Jackson Purchase Rural Electric Cooperative Corporation.
Salt River Rural Electric Cooperative Corporation.
Taylor County Rural Electric Cooperative Corporation.
Pennyrile Rural Electric Cooperative Corporation.
Inter-County Rural Electric Cooperative Corporation.
Shelby Rural Electric Cooperative Corporation.
Green River Rural Electric Cooperative Corporation.
Farmers Rural Electric Cooperative Corporation.
Warren Rural Electric Cooperative Corporation.
Owen County Rural Electric Cooperative Corporation.
Hickman-Fulton Counties Rural Electric Cooperative Corp.
Blue-Grass Rural Electric Cooperative Corporation.
Harrison County Rural Electric Cooperative.
Clark Rural Electric Cooperative Corporation.
West Kentucky Rural Electric Cooperative Corporation.
Nolin Rural Electric Cooperative Corporation.
Fleming Mason Rural Electric Cooperative Corporation.
South Kentucky Rural Electric Cooperative Corporation.
Henderson-Union Rural Electric Cooperative Corporation.
Licking Valley Rural Electric Cooperative Corporation.
Cumberland Valley Rural Electric Cooperative Corporation.
Big Sandy Rural Electric Cooperative Corporation.
Grayson Rural Electric Cooperative Corporation.

Louisiana

Valley EMC.
South Louisiana Electric Cooperative Association.
S. W. Louisiana EMC.
Washington-St. Tammany Electric Cooperative, Inc.
Bossier Rural EMC.
N. E. Louisiana Power Cooperative, Inc.
Dixie EMC.
Claiborne Electric Cooperative, Inc.
Beauregard Electric Cooperative, Inc.
Jefferson Davis Electric Cooperative, Inc.
Concordia Electric Cooperative, Inc.
Louisiana Rural Electric Corporation.

Maine

Eastern Maine Electric Cooperative, Inc.

Maryland

Southern Maryland Electric Cooperative, Inc.
Choptank Electric Cooperative, Inc.

Michigan

Tri-County Electric Cooperative.
Presque Isle Electric Cooperative, Inc.
Top O' Michigan Rural Electric Company.
Thumb Electric Cooperative.
O & A Electric Cooperative.
Cloverland Electric Cooperative.
Cherryland Rural Electric Cooperative.
Fruit Belt Electric Cooperative.

Minnesota

East Central Electric Association.
Meeker Cooperative Light & Power Association.
Cariton County Cooperative Power Association.
Northern Electric Cooperative Association.
Runestone Electric Association.
McLeod Cooperative Power Association.
Tri-County Electric Cooperative.
Stearns Cooperative Electric Association.
Federated Rural Electric Association.
Minnesota Valley Cooperative Light & Power Association.
Anoka Electric Cooperative.
Steele-Waseca Cooperative Electric.
South Central Electric Association.
Crow Wing Cooperative Power & Light Company.
Lake Region Cooperative Electric Association.
People's Cooperative Power Association.
Freeborn-Mower Electric Cooperative.
Wright-Hennepin Cooperative Electric Association.
The Minnesota Valley Electric Cooperative.
Dakota Electric Association.
Nobles Cooperative Electric.
Blue Earth-Nicollet Cooperative Electric Association.
Agra-Lite Cooperative.
Mille Lacs Electric Cooperative.
Wild Rice Electric Cooperative, Inc.
Dairyland Electric Cooperative, Inc.
Beltrami Electric Cooperative, Inc.

Mississippi

Monroe County Electric Power Association.
City of Holly Springs.
Yazoo Valley Electric Power Association.
Coahoma Electric Power Association.
Central Electric Power Association.
Southwest Mississippi Electric Power Association.
Northeast Mississippi Electric Power Association.
Tallahatchie Valley Electric Power Association.
Coast Electric Power Association.
4-County Electric Power Association.
Dixie Electric Power Association.
Twin County Electric Power Association.
Delta Electric Power Association.
Pearl River Valley Electric Power Association.
Singing River Electric Power Association.
Southern Pine Electric Power Association.
Magnolia Electric Power Association.
Tishomingo County Electric Power Association.
East Mississippi Electric Power Association.
Prentiss County Electric Power Association.
Northcentral Mississippi Electric Power Association.
Tombigbee Electric Power Association.
Natchez Trace Electric Power Association.

Missouri

Pemiscot-Dunklin Electric Cooperative.
Intercounty Electric Cooperative Association.
Boone Electric Cooperative.
Lewis County Rural Electric Cooperative Association.
N. W. Missouri Electric Cooperative.
Ozark Electric Cooperative.
Scott-New Madrid-Missouri Electric Cooperative.
Ozark Border Electric Cooperative.
Macon Electric Cooperative, Inc.
Tri-County Electric Cooperative Association.
Consolidated Electric Cooperative.
Osage Valley Electric Cooperative Association.
Black River Electric Cooperative.
Central Missouri Electric Cooperative, Inc.
Platte-Clay Electric Cooperative, Inc.
Farmers' Electric Cooperative, Inc.
Laclede Electric Cooperative.
Grundy Electric Cooperative, Inc.
Three Rivers Electric Cooperative.
White River Valley Electric Cooperative, Inc.
Co-Mo Electric Cooperative, Inc.
New-Mac Electric Cooperative, Inc.
Howell-Oregon Electric Cooperative, Inc.
West-Central Electric Cooperative, Inc.
Southwest Electric Cooperative.
Crawford Electric Cooperative, Inc.
Cuivre River Electric Cooperative, Inc.
Citizens Electric Corporation.

Montana

Glacier Electric Cooperative, Inc.

Nebraska

Southern Nebraska Rural P.P.D.
Norris Public Power District.
Dawson County Public Power District.
McCook Public Power District.
Cornhusker Rural Public Power District.
Custer Public Power District.
Wheat Belt Public Power District.
Southwest Public Power District.

Nevada

New Hampshire

New Hampshire Electric Cooperative, Inc.

New Jersey

New Mexico

Central Valley Electric Cooperative, Inc.
Roosevelt County Electric Cooperative, Inc.
Farmers' Electric Cooperative, Inc.
Kit Carson Electric Cooperative, Inc.
Otero County Electric Cooperative, Inc.
Socorro Electric Cooperative, Inc.
Continental Divide Electric Cooperative, Inc.
Lea County Electric Cooperative, Inc.
Jemez Mountains Electric Cooperative.

New York

North Carolina

Haywood EMC.
Edgecombe-Martin County EMC.
Four-County EMC.
Blue Ridge EMC.
Rutherford EMC.
Roanoke EMC.
Piedmont EMC.
Pee Dee EMC.
Davidson EMC.
Randolph EMC.
Union EMC.
Brunswick EMC.
Jones-Onslow EMC.
French Broad EMC.
Wake EMC.
Surry-Yadkin EMC.
Tri-County EMC.
Lumbee River EMC.
South River EMC.
Carteret-Craven EMC.
Cresent EMC.

North Dakota

Baker Electric Cooperative, Inc.
Cass County Electric Cooperative, Inc.
Tri-County Electric Cooperative, Inc.
Verendrye Electric Cooperative, Inc.

See footnotes at end of document.

Nodak Rural Electric Cooperative, Inc.
North Central Electric Cooperative, Inc.
Mor-Gran-Sou Electric Cooperative, Inc.

Ohio

Pioneer Rural Electric Cooperative, Inc.
Holmes-Wayne Electric Cooperative, Inc.
Belmont Electric Cooperative, Inc.
Midwest Electric, Inc.
Paulding-Putnam Electric Corporative, Inc.
Licking Rural Electrification, Inc.
Lorain-Medina Rural Electric Cooperative, Inc.
North Central Electric Cooperative, Inc.
South Central Power Company.
Butler Rural Electric Cooperative, Inc.
Firelands Electric Cooperative, Inc.
Guernsey-Muskingum Electric Cooperative, Inc.
Hancock-Wood Electric Cooperative, Inc.
Buckeye Rural Electric Cooperative, Inc.

Oklahoma

Cimarron Electric Cooperative.
Kay Electric Cooperative.
Caddo Electric Cooperative.
Oklahoma Electric Cooperative.
Alfalfa Electric Cooperative, Inc.
Red River Valley Rural Electric Association.
Southwest Rural Electric Association, Inc.
Peoples Electric Cooperative.
Northeast Oklahoma Electric Cooperative, Inc.
Rural Electric Cooperative, Inc.
Cotton Electric Cooperative.
East Central Oklahoma Electric Cooperative, Inc.
Central Rural Electric Cooperative.
Verdigris Valley Electric Cooperative, Inc.
Indian Electric Cooperative, Inc.
Canadian Valley Electric Cooperative, Inc.
Choctaw Electric Cooperative, Inc.
Northwestern Electric Cooperative, Inc.
Kiamichi Electric Cooperative, Inc.
Tri-County Electric Cooperative.
Cookson Hills Electric Cooperative, Inc.
Lake Region Cooperative, Inc.

Oregon

Consumers Power, Inc.
Umatilla Electric Cooperative Association.
Douglas Electric Cooperative, Inc.
Lane Electric Cooperative, Inc.
Coos-Curry Electric Cooperative, Inc.
Central Electric Cooperative, Inc.

Pennsylvania

N. W. Rural Electric Cooperative Association, Inc.
S. W. Central Rural Electric Cooperative Corporation.
Tri-County Rural Electric Cooperative, Inc.
Claverack Rural Electric Cooperative, Inc.
Central Electric Cooperative, Inc.
Valley Rural Electric Cooperative, Inc.
Somerset Rural Electric Cooperative, Inc.
Adams Electric Cooperative, Inc.
United Electric Cooperative, Inc.

South Carolina

Aiken Electric Cooperative, Inc.
Laurens Electric Cooperative, Inc.
Lynches River Electric Cooperative, Inc.
Fairfield Electric Cooperative, Inc.
Edisto Electric Cooperative, Inc.
Berkeley Electric Cooperative, Inc.
Pee Dee Electric Cooperative, Inc.
Santee Electric Cooperative, Inc.
Black River Electric Cooperative, Inc.
Horry Electric Cooperative, Inc.
Tri-County Electric Cooperative, Inc.
Broad River Electric Cooperative, Inc.
Mid-Carolina Electric Cooperative, Inc.
Blue Ridge Electric Cooperative, Inc.
Palmetto Electric Cooperative, Inc.
York Electric Cooperative, Inc.

See footnotes at end of document.

South Dakota

West River Electric Association, Inc.
Sioux Valley Empire Electric Association, Inc.
West Central Electric Cooperative, Inc.

Tennessee

Volunteer Electric Cooperative.
Tri-County EMC.
Southwest Tennessee EMC.
Town of Bolivar.
The Middle Tennessee EMC.
Gibson County EMC.
Duck River EMC.
Town of Dickson.
Cumberland EMC.
Upper Cumberland EMC.
Fort Loudoun Electric Cooperative.
Pickwick Electric Cooperative.
Meriwether-Lewis Electric Cooperative.
Tennessee Valley Electric Cooperative.
Sequachee Valley Electric Cooperative.
Plateau Electric Cooperative.
Holston Electric Cooperative, Inc.
Appalachian Electric Cooperative.
City of LaFollette.
Caney Fork Electric Cooperative, Inc.
Chickasaw Electric Cooperative, Inc.
Mountain Electric Cooperative, Inc.
Tri-State Electric Cooperative, Inc.
City of Fayetteville.

Texas

Kaufman County Electric Cooperative, Inc.
Upshur Rural Electric Cooperative Corporation.
City of Bryan.
Hill County Electric Cooperative, Inc.
Bowie-Cass Electric Cooperative, Inc.
Panola-Harrison Electric Cooperative, Inc.
Deaf Smith County Electric Cooperative, Inc.
Magic Valley Electric Cooperative, Inc.
Denton County Electric Cooperative, Inc.
Grayson-Collin Electric Cooperative, Inc.
Wood County Electric Cooperative, Inc.
Lighthouse Electric Cooperative, Inc.
South Plains Electric Cooperative, Inc.
Lamb County Electric Cooperative, Inc.
Lyntegar Electric Cooperative, Inc.
Bailey County Electric Cooperative Association.
Deep East Texas Electric Cooperative, Inc.
Rusk County Cooperative, Inc.
Farmers Electric Cooperative, Inc.
Cooke County Electric Cooperative Association.
Erath County Electric Cooperative Association.
Pedernales Electric Cooperative, Inc.
Johnson County Electric Cooperative Association.
Midwest Electric Cooperative, Inc.
Wise Electric Cooperative, Inc.
Comanche County Electric Cooperative.
Karnes Electric Cooperative, Inc.
Nueces Electric Cooperative, Inc.
Houston County Electric Cooperative, Inc.
San Patricio Electric Cooperative, Inc.
Bandera Electric Cooperative, Inc.
Guadalupe Valley Electric Cooperative, Inc.
Medina Electric Cooperative, Inc.
Victoria County Electric Cooperative Co.
Bluebonnet Electric Cooperative, Inc.
Tri-County Electric Cooperative, Inc.
Sam Houston Electric Cooperative, Inc.
Taylor Electric Cooperative, Inc.
Cap Rock Electric Cooperative, Inc.
Swisher County Electric Cooperative, Inc.
San Bernard Electric Cooperative, Inc.
New Era Electric Cooperative, Inc.
Jasper-Newton Electric Cooperative, Inc.
North Plains Electric Cooperative, Inc.
Rio Grande Electric Cooperative, Inc.
Central Texas Electric Cooperative, Inc.

Utah

Garkane Power Association, Inc.
Moon Lake Electric Association, Inc.

Vermont

Vermont Electric Cooperative, Inc.

Virginia

Shenandoah Valley Electric Cooperative.
Virginia Electric Cooperative.
Southside Electric Cooperative.
Northern Neck Electric Cooperative.
Central Virginia Electric Cooperative.
B.A.R.C. Electric Cooperative.
Mecklenburg Electric Cooperative.
Powell Valley Electric Cooperative.
The Northern Piedmont Electric Cooperative.
Community Electric Cooperative.
Accomack-Northampton Electric Cooperative.
Prince William Electric Cooperative.

Washington

Benton Rural Electric Association.
Public Utility District No. 1, Klickitat Co.
Inland Power & Light Company.
Big Bend Electric Cooperative, Inc.
Public Utility District No. 1, Douglas County.
Public Utility District No. 1, Okanogan County.

West Virginia

Wisconsin

Oakdale Cooperative Electric Association.
Clark Electric Cooperative.
Pierce-Pepin Electric Cooperative.
Trempealeau Electric Cooperative.
Barron County Electric Cooperative.
Vernon Electric Cooperative.
Grant Electric Cooperative.
Dunn County Electric Cooperative.
Eau Claire Electric Cooperative.
Polk-Burnett Electric Cooperative.
Adams-Marquette Electric Cooperative.

Wyoming

Riverton Valley Electric Association, Inc.
Wyrulec Company.
Lower Valley Power & Light, Inc.
Rural Electric Company.
Hot Springs County Rural Electric Association, Inc.
Tri-County Electric Association, Inc.

COOPERATIVE SYSTEMS—POWER SUPPLY BORROWERS

Alabama

Alabama Electric Cooperative, Inc.

Arizona

Arizona Electric Power Cooperative.

Arkansas

Kamo Electric Cooperative, Inc.
Arkansas Electric Cooperative Corporation.

Colorado

Colorado-Ute Electric Association, Inc.
Tri-State G&T Association, Inc.
Arkansas Valley G&T, Inc.

Illinois

Southern Illinois Power Cooperative.
Western Illinois Power Cooperative, Inc.

Indiana

The Hoosier Energy Division.

Iowa

Central Iowa Power Cooperative.
Corn Belt Power Cooperative.
Northwest Iowa Power Cooperative.

Kansas

Sunflower Electric Cooperative, Inc.

Kentucky

East Kentucky Rural Electric Cooperative Corporation.
Big Rivers Rural Electric Cooperative Corporation.

Louisiana

Louisiana Electric Cooperative, Inc.

Michigan

Wolverine Electric Cooperative, Inc.
Northern Michigan Electric Cooperative, Inc.

Minnesota

Rural Cooperative Power Association.
Northern Minnesota Power Association.
Cooperative Power Association.
United Power Association.

Mississippi

South Mississippi Electric Power Association.

Missouri

Sho-Me Power Corporation.
M & A Electric Power Cooperative.
Northeast Missouri Electric Power Cooperative.
Central Electric Power Cooperative.
N. W. Electric Power Cooperative, Inc.
Associated Electric Cooperative, Inc.

Nebraska

Nebraska Electric G & T Cooperative, Inc.

New Mexico

Plains Electric G & T Cooperative, Inc.

North Dakota

Minnkota Power Cooperative, Inc.
Central Power Electric Cooperative, Inc.
Basin Electric Power Cooperative.

Oklahoma

Western Farmers Electric Cooperative.

South Carolina

Central Electric Power Cooperative, Inc.

South Dakota

East River Electric Power Cooperative, Inc.
Rushmore Electric Power Cooperative, Inc.

Texas

Brazos Electric Power Cooperative, Inc.
South Texas Electric Cooperative.

Wisconsin

Dairyland Power Cooperative.

See footnotes at end of document.

RESPONDING UTILITY: */

Line No.		1973 DEC.	1974 JAN.	FEB.	MAR.	APR.	MAY	JUN.	JUL.	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL
1	I. Projected net system generation by months prior to conservation efforts proposed by this order. (MWH)														
2	II. Projected net energy generation from combustion turbines and internal combustion engines by months prior to conservation efforts proposed by this order. (MWH)														
	III. Projected monthly reductions that may result from the following conservation procedures:														
3	1. Curtailment of non-essential heating and lighting load at utility-owned power plants and office facilities. a.														
4	b.														
5	2. Curtailment of non-essential generating station auxiliaries at power plants. a.														
6	b.														
7	3. Appeals to large commercial and industrial customers to curtail non-essential use. a.														
8	b.														

a. Total energy saved. (MWH)
b. Amount of energy in "a" which is normally supplied by combustion turbines and internal combustion engines. (MWH)

*/ GENERAL INSTRUCTION - Where the reporting electric utility projects short-falls of fuel availability for its generating resources which will necessitate electric power and energy reductions of greater than 10 percent (e.g., 15, 20 or 25 percent), the Emergency Report Form shall be completed so as to reflect (a) the various stages of projected fuel availability up to the most adverse forseeable projections at the time of completing the form, (b) the variations (if any) in the order of the steps which the reporting utility proposes to implement in carrying out its electric contingency planning. The reporting utility shall relate the reported actions to any contingency planning procedures which the reporting utility has submitted to the Federal Power Commission or state public service commissions pursuant to Federal Power Commission Order No. 445, this Commissions January 24, 1973, emergency letter questionnaire or otherwise, individually or through a reliability council. The Commission requests the use of manifold copies of pages of the Emergency Report Form by each reporting utility to supply, for its system, the electric conservation, contingency planning procedures and load reduction steps under varying assumptions, as may be projected by the reporting utility. The Emergency Report Form shall be filed in duplicate.

Line No.			1973 DEC.	1974 JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL
9	4. Appeals to the public to curtail non-essential use	a.														
10		b.														
11	5. Interuption of contractually interruptible load.	a.														
12		b.														
13	6. Reduction of system voltage.	a.														
14		b.														
15	7. Reduction in use of electricity by governmental entities due to reductions or changes of usage in governmental facilities, buildings, street illumination, or others.	a.														
16		b.														
17	8. Reduction of hours of operation of commercial centers.	a.														
18		b.														
19	9. Reduction of use by industrial customers whose output is not essential to the public health and safty.	a.														
20		b.														
21	10. Elimination of outdoor nighttime sporting events.	a.														
22		b.														
23	11. Elimination of outdoor commercial advertising display.	a.														
24		b.														
25	12. Other (identify)	a.														
26		b.														

NOTE: It is recognized the savings envisioned by use of item 7 through 11 would reflect prior governmental action in many instances authorizing or mandating the changed conditions producing the savings.

Line No.			1973	1974												
			DEC	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL
	IV. State the amount of oil in barrels and natural gas in Mcf which may be saved through the following measures:															
1	1. Optimizing use of coal-fired generation within the utility's system.	a.														
2		b.														
3		c.														
4	2. Engaging in inter-company and inter-area transfers in order to maximize the use of coal-fired capacity.	a.														
5		b.														
6		c.														
7	3. Modifying operating reserve policy to permit combustion turbines and internal combustion engines to be considered as reserve when shut down.	a.														
8		b.														
9		c.														
10	4. Other (identify)	a.														
11		b.														
12		c.														

a. Total bbls. of residual oil
b. Total bbls. of distillate oil
c. Total volumes of natural gas in Mcf at 14.73 psia

[1] Federal project.

[FR Doc.73-25846 Filed 12-5-73;8:45 am]

[Docket No. CI74-309]

ANADARKO PRODUCTION CO.

Notice of Application

NOVEMBER 29, 1973.

Take notice that on November 16, 1973, Anadarko Production Company (Applicant) filed in Docket No. CI74-309 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Company (Panhandle) from Morton County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell an estimated 150,000 Mcf of gas per month from the first day of the month following initial deliveries of gas for one year to Panhandle from the subject acreage at 30.0 cents per Mcf at 14.65 psia within the contemplation of § 2.70 of the Commission's General Policy and Interpretation (18 CFR 2.70). Applicant will buy the gas from a small producer holding a certificate in Docket No. CS72-937 for 25.0 cents per Mcf pursuant to a gas purchase and sales agreement dated June 2, 1972.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25850 Filed 12-5-73;8:45 am]

[Docket No. E-8486]

CAROLINA POWER & LIGHT CO.

Notice of Filing of Service Agreement

NOVEMBER 30, 1973.

Take notice that on November 12, 1973, Carolina Power & Light Company tended for filing in Docket No. E-8486 a new electric service agreement for a second point of delivery to the City of Fayetteville, North Carolina.

The new service agreement provides for the delivery at the second delivery point of 70,000 KW at 230,000 volts under the terms of Carolina's Rate Schedule RS-9B. The load served at the second point of delivery will be transferred from an existing point of delivery.

Carolina states that the proposed service to Fayetteville is expected to commence on or about November 16, 1973. Carolina requests the applicable rate schedule be allowed to become effective 30 days after filing. A copy of the filing was sent by Carolina to the Public Works Commission of the City of Fayetteville.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 27, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25870 Filed 12-5-73;8:45 am]

[Docket No. E-8472]

DUKE POWER CO.

Notice of Filing of Supplement to Rate Schedule

NOVEMBER 29, 1973.

Take notice that on November 5, 1973, Duke Power Company (Company) tendered for filing a supplement to the Company's Electric Power Contract with Laurens Electric Cooperative, Inc. This contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FPC No. 144.

Submitted with the filing was Exhibit A, Delivery Point No. 23, dated June 1, 1973, which was designated as Document No. 1. The Company states that this is a new point of delivery.

According to the Company, the contract with the Rural Electric Cooperatives served by the Company provides for service at all delivery points plus any new delivery points to be added in the future, in one contract, by Exhibits A attached to the contract. The Company states that this contract contains an "all requirements" provisions, and there is no Contract Demand at any delivery point. Exhibit A therefore shows only "designated kilowatts", "location" and other pertinent information. The Company states that when the character of the service changes at a given Delivery Point, Exhibit A is suspended by A-1, A-2, etc.

The date on which this document is to become effective is December 20, 1973.

The Company states that a copy of the Exhibits A has been mailed to Laurens Electric Cooperative, Inc.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25863 Filed 12-5-73;8:45 am]

[Docket No. E-8473]

DUKE POWER CO.

Notice of Supplement to Electric Power Contract

NOVEMBER 29, 1973.

Take notice that on November 5, 1973, the Duke Power Company (Duke) tendered for filing a supplement to Duke's Electric Power Contract with the Town of Dallas (Dallas) which is on file with the Commission as Duke Power Company Rate Schedule FPC No. 254. Duke submitted a document entitle Exhibit A-1, Delivery Point No. 1, dated May 9, 1973, designated Document No. 1 which, according to Duke, provides for an increase in contract demand from 5000 KW to 7000 KW at the request of the customer, and for which the requisite agreement was obtained as shown by the signatures of both parties on the Exhibit. Submitted also was a document entitled Attachment No. 1 which, according to Duke, is an estimate of sales and revenues for 12 month periods both preceding and succeeding the proposed effective date of December 20, 1973. Duke states that substation capacity will be increased to provide service under this agreement, and that service will be billed on Schedule 10. Duke further states that a copy of this proposed filing has been sent to Dallas.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, and 1.10). All such petitions or protests should be filed on or before December 11, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25860 Filed 12-5-73;8:45 am]

[Docket No. E-8497]

DUKE POWER CO.

Notice of Supplement to Agreement

NOVEMBER 30, 1973.

Take notice that on November 18, 1973, Duke Power Company (Duke Power) tendered for filing a supplement to Duke Power's Electric Power Contract with the City of High Point. Duke Power states that the present contract with High Point is on file with the Commission and has been designated Duke Power Company Rate Schedule FPC Nos. 28 and 29. The document submitted with this filing is the new contract dated May 15, 1973. The requested effective date is December 20, 1973.

Duke Power states that the new contract provides for the following:

Delivery Point No. 1.—Increase in demand from 35,000 KW to 55,000 KW.
Delivery Point No. 2.—No change.
Delivery Point No. 3.—A new point of delivery with a demand of 20,000 KW.

Duke Power states the new delivery point (Delivery Point No. 3) was made at the request of the customers. Furthermore, the customers requested that Duke Power provide two delivery points adjacent to each other capable of delivering the full contract demand at a cost of $11,025. Finally, Duke Power states that the requisite agreement has been attained.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 14, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25857 Filed 12-5-73;8:45 am]

[Docket No. E-8498]

DUKE POWER CO.

Notice of Supplement to Agreement

NOVEMBER 30, 1973.

Take notice that on November 14, 1973, Duke Power Company (Duke Power) tendered for filing a supplement to Duke Power's Electric Power Contract with Broad River Electric Cooperative, Inc. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FPC No. 143.

Duke Power states that the following three documents are being tendered for filing:

Document No. 1.—Exhibit A-3, Delivery Point No. 2 dated November 8, 1973.
Document No. 2.—Exhibit A-3, Delivery Point No. 4 dated November 8, 1973.
Document No. 3.—Exhibit A-3, Delivery Point No. 5 dated June 22, 1973.

Duke Power also states that the three Exhibits A-3 provide for the following increases in the designated demand:

	Designated Demand from	*to*
Exhibit A-3, Delivery Point No. 2	800KW	1200KW
Exhibit A-3, Delivery Point No. 4	2000KW	3500KW
Exhibit A-3, Delivery Point No. 5	1500KW	2000KW

Finally, Duke Power states that the above changes are being made at the request of the customer. Duke Power proposes an effective date of December 20, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25855 Filed 12-5-73;8:45 am]

[Docket No. CP74-126]

EL PASO NATURAL GAS CO.

Notice of Application

NOVEMBER 29, 1973.

Take notice that on November 12, 1973, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed an application in Docket No. CP74-126 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the delivery of gas on an exchange basis by Applicant's Southern Division System to Natural Gas Pipeline Company of America (Natural) in Dewey County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that under a Gas Purchase Agreement between Applicant and Exploration Associates (Exploration), dated August 24, 1973, Applicant has acquired the right to purchase certain volumes of gas-well gas produced by Exploration from various leaseholds of Exploration in Dewey County. The application states that Exploration has completed two wells in the West Putnam Field of the Hugoton-Anadarko Basin Area in Dewey County from which gas will be produced and delivered to Applicant. Applicant states that tests indicate that leasehold acreage committed by Exploration to Applicant under said agreement possesses recoverable gas reserves of approximately 35.4 million Mcf, with an estimated average day initial deliverability of 10,600 Mcf per day. Applicant states that an additional 5,440 acres of leasehold is available for future development.

Applicant states further that in order to make these supplies available to its Southern Division System's customers Applicant has entered into a Gas Exchange Agreement with Natural, dated September 24, 1973. Under the terms of this agreement Applicant will deliver up to 40,000 Mcf of natural gas per day from Applicant's West Putnam field gas supply to Natural at a proposed point of interconnection of facilities on Natural's 24-inch O.D. field transmission line in Dewey County. Concurrently therewith, Natural will deliver thermally equivalent gas to Applicant at a point on Applicant's 36-inch O.D. main line in Reeves County, Texas. In the event that such facilities are inadequate to effectuate the required concurrent deliveries of balancing volumes of gas, Applicant proposes alternative exchange points at the Lockridge Exchange Point in Ward County, Texas, and at the Worsham Exchange Point in Reeves County to be operated and maintained by Natural.

Applicant states that in order to effect such an exchange Applicant will be required to construct a meter station in Dewey County and a tap on its 36-inch O.D. main line in Reeves County, Texas. In addition, Applicant proposes to construct a total of 1.35 miles of 6⅝-inch O.D. gathering pipeline with appurtenances at an aggregate estimated cost of all facilities to be constructed as part of the project, including overhead, contingency and required filing fees, of $134,099.

Applicant states there will be no transportation or exchange charges assessed by either party for such deliveries of gas. Applicant proposes said exchange be

accomplished under Applicant's special Rate Schedule Z-3, FPC Gas Tariff, Third Revised Volume No. 2.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25864 Filed 12-5-73;8:45 am]

[Docket No. CI74-310]

FOREST OIL CORP.

Notice of Application

NOVEMBER 29, 1973.

Take notice that on November 14, 1973, Forest Oil Corporation (Applicant), 1600 Security Life Building, Denver, Colorado 80202, filed in Docket No. CI74-310 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company (Northern) from acreage in Ward County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas to Northern from Ward County at the rate of 45.0 cents per Mcf at 14.65 psia subject to upward and downward Btu adjustment, for two years within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant estimates monthly deliveries of gas to be 225,000 Mcf and the initial price of such gas to be 43.245 cents per Mcf because of downward Btu adjustment.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25852 Filed 12-5-73;8:45 am]

[Docket No. E-8474]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Filing of Facilities Agreement

NOVEMBER 29, 1973.

Take notice that Iowa-Illinois Gas and Electric Company (Company), on November 5, 1973, filed a Facilities Agreement with Corn Belt Power Cooperative (Corn Belt), dated October 29, 1973, which provides for the attachment thereto of such Appendix A facilities schedules as may from time to time be agreed upon, and which incorporates, as of the same date, Appendix A Facilities Schedule Nos. 1, 2 and 3, relating to points of connection with Corn Belt near Company's electric Substations Q, J and M, respectively, in the Fort Dodge, Iowa area. Company states that Facilities Schedule Nos. 1 and 2 reflect existing facilities and operations; that Facilities Schedule No. 3 reflects an additional tap to facilities of Corn Belt; and, that Facilities Schedule Nos. 2 and 3 contain provisions for the supply of energy to those substations.

The Agreement is proposed to become effective 30 days after filing, pursuant to the Regulations. Copies of the filing were mailed to Corn Belt and to the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25859 Filed 12-5-73;8:45 am]

[Docket No. E-8494]

MINNESOTA POWER & LIGHT CO.

Notice of Proposed Changes in Rates and Charges

NOVEMBER 30, 1973.

Take notice that Minnesota Power & Light Company (MP&L) on November 16, 1973, tendered for filing proposed changes in its rates and charges to its 18 municipal, two rural electric cooperative, and one privately-owned electric system sales-for-resale customers, as embodied in MP&L's proposed Rate Schedule No. 90, applicable to its full requirements municipal and privately-owned electric system sales-for-resale customers, Rate Schedule No. 90 with Rider, applicable to its partial requirements municipal sales-for-resale customers, and Rate Schedule No. 91, applicable to its rural electric cooperative customers. The proposed changes would increase revenues from jurisdictional sales and service by $3,607,683, based on the twelve-month period ending January 15, 1974. In addition, MP&L has filed a contract for wholesale service to Superior Water Light & Power Company (SWL&P), dated November 1, 1973, and designed to supersede the presently existing Rate Schedule FPC No. 7 for service to SWL&P. January 15, 1974 is the requested effective date for the increased rates.

During 1972, MP&L states that it earned a rate of return of 5.33 percent from service to its full requirements municipal sales-for-resale customers, 2.13 percent from its partial requirements municipal sales-for-resale customers, 3.47 percent from service to its rural electric cooperative customers, and 0.59 percent from SWL&P. The proposed increase, MP&L states, would result in average increases of 50.2 percent to cooperative customers, 80.5 percent to partial

requirements customers, 40.1 percent to full requirements municipal customers, and 65.6 percent to SWL&P. MP&L states the proposed rates are designed to enable it to improve the rate of return earned from its service to sales-for-resale customers.

The proposed rates, according to MP&L, include a provision for increases in accordance with the Commodity Price Index published by the Department of Labor.

Copies of the applicable portions of the filing have been served upon MP&L's jurisdictional customers.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 20, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25869 Filed 12-5-73;8:45 am]

[Docket No. CS73-190]

OKLAHOMA OIL CO.

Notice of Petition To Amend

NOVEMBER 29, 1973.

Take notice that on October 31, 1973, Oklahoma Oil Company (Petitioner), 2420 One Main Place, Dallas, Texas 75250, filed in Docket No. CS73-190 a petition to amend the Commission's order issued in said docket pursuant to section 7(c) of the Natural Gas Act to The Oklahoma Oil Company by authorizing the sale and delivery of natural gas in interstate commerce by Petitioner as successor to The Oklahoma Oil Company, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

The Oklahoma Oil Company, a Colorado corporation, was issued a small producer certificate of public convenience and necessity in Docket No. CS73-190. Petitioner states that as a result of a corporate organization and recapitalization, all of the assets of The Oklahoma Oil Company, a Colorado corporation, were transferred to Oklahoma Oil Company, a Nevada corporation, on June 18, 1973. Petitioner, therefore, requests authorization to continue sales of natural gas in interstate commerce heretofore made by The Oklahoma Oil Company, and to make any future sales of natural gas under § 157.40 of the Regulations under the Natural Gas Act (18 CFR 157.40).

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 20, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25861 Filed 12-5-73;8:45 am]

[Docket No. E-7777]

PACIFIC GAS AND ELECTRIC CO.

Notice of Further Extension of Time and Postponement of Hearing

NOVEMBER 30, 1973.

On November 29, 1973, Pacific Gas and Electric Company filed a motion for a further extension of the procedural dates fixed by notice issued October 19, 1973 in the above-designated matter.

Upon consideration, notice is hereby given the procedural dates in the above-designated matters are further modified as follows:

Service of Rebuttal evidence by Pacific Gas and Electric Company—December 18, 1973.
Hearing—January 22, 1974 (10 a.m. e.s.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-25866 Filed 12-5-73;8:45 am]

[Project No. 2082]

PACIFIC POWER AND LIGHT CO.

Notice of Application for Change in Land Rights

NOVEMBER 29, 1973.

Public notice is hereby given that application was filed March 7, 1972, under the Federal Power Act (16 U.S.C. 791a-825r) by the Pacific Power & Light Company (Correspondence to: Mr. George L. Beard, Vice President, Pacific Power & Light Company, Public Service Building, Portland, Oregon 97204) for change in land rights for its constructed Project No. 2082, known as the Klamath River Project, located on the Klamath River in Siskiyou County, California and Jackson and Klamath Counties, Oregon.

Pacific Power & Light Company (Applicant) requests Commission approval of a permit to The State of California, Department of Fish and Game, for a constructed steelhead rearing pond on project property (S½NW¼NW¼, Sec. 16, T. 47 N., R.5W., Mount Diablo Meridian). This area is near the confluence of Bogus Creek and Klamath River, and near the Iron Gate Hatchery.

According to the application, the pond is approximately 200 feet long, 20 feet wide, and 2-3 feet deep. Regulating structures and fish screens have been installed at each end of the pond. A two feet high dam has been constructed across Bogus Creek to divert two cubic feet per second flow through the pond and out at the mouth of the Creek.

The pond has been stocked with 150,000 to 200,000 fingerlings salvaged from drying streams in the area. The fish will be fed and released before salvage operations begin for the subsequent year. The first two or three years of operation are to be considered experimental. Upon termination of the proposed permit, Department of Fish and Game will return the affected property to its previous condition.

Any person desiring to be heard or to make protests with reference to said application should on or before January 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25854 Filed 12-5-73;8:45 am]

[Docket No. RP71-119]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Proposed Revised Tariff Sheet

NOVEMBER 28, 1973.

Take notice that on November 23, 1973, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing Third Revised Interim Original Sheet No. 42-C to its FPC Gas Tariff, Original Volume No. 1. Panhandle requests such waiver of the Commission's Regulations under the Natural Gas Act as may be necessary to permit the proposed filing to become effective on November 1, 1973, coincident with the other provisions of its interim tariff which were accepted for filing to become effective on November 1, 1973, by the Commission's order issued November 6, 1973, in Docket No. RP71-119.

Panhandle states that the proposed revision, section 16.5(c)(4), is intended to ameliorate the effects of the compliance provisions of the interim tariff on approximately 40 small distribution customers throughout Panhandle's system whose local characteristics are such that they have little or no flexibility in operating their own distribution systems while providing maximum protection to their highest priority usages. Applicant further states that a similar provision was included in two previous interim tariffs which resulted from settlement

negotiations among all customers, the FPC Staff and Panhandle.

Any person desiring to be heard or to make any protest with reference to said tariff sheet filing should on or before December 11, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25874 Filed 12-5-73;8:45 am]

[Docket No. CI74-307]

PHILLIPS PETROLEUM CO.

Notice of Application

NOVEMBER 29, 1973.

Take notice that on November 14, 1973, Phillips Petroleum Company (Applicant), Bartlesville, Oklahoma 74004, filed in Docket No. CI74-307 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas in interstate commerce with Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), and Natural Gas Pipeline company of America (Natural) in Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to engage in an exchange of gas with Natural and CIG, whereby it will receive unprocessed natural gas at CIG's Sanford Compressor Station in Hutchinson County, Texas, from CIG and will redeliver a thermally equivalent volume of residue gas to Natural for CIG's account at an existing connection in Hansford County, Texas, where Natural's pipeline intersects Applicant's gathering facilities. Applicant asserts that since it has no facilities for the production and transportation of natural gas, only its gathering facilities will be used for the subject exchange. Applicant contends that this exchange will provide certain flexibility and greater operating efficiencies for all the parties involved. There is proposed no charge for this exchange. Applicant estimates 600,000 Mcf of gas will be exchanged monthly.

Any person desiring to be heard or to make any protest with reference with said application should on or before December 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25848 Filed 12-5-73;8:45 am]

[Docket No. E-7723]

POTOMAC EDISON CO.

Notice of Compliance Filing

NOVEMBER 29, 1973.

Take notice that on October 15, 1973, Potomac Edison Company (PEC) filed revised tariff and rate schedules to conform with an offer of settlement filed by PEC on February 1, 1973, as approved by the Commission by order of September 14, 1973.

Any person desiring to be heard or to protest said filing should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such comments should be filed on or before December 14, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene, though those already permitted intervention in this docket need not refile petitions to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25865 Filed 12-5-73;8:45 am]

[Docket No. RP73-89]

SEA ROBIN PIPELINE CO.

Notice of Filing of Revised Tariff Sheets

NOVEMBER 29, 1973.

Take notice that on November 15, 1973, Sea Robin Pipeline Company (Sea Robin) tendered for filing certain revised tariff sheets, First Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1, and Second Revised Sheet Nos. 4 and 20 of FPC Gas Tariff, Original Volume No. 2. Sea Robin states that these tariff sheets and supporting information are being filed 45 days before the effective date of January 1, 1974 pursuant to section 1 of Sea Robin's tariff, and that they are in compliance with the provisions of Order Nos. 452, 452-A and 452-B.

Copies of this revised tariff sheets and supporting data are being mailed to Sea Robin's jurisdictional customers, interested State commission, and parties to this proceeding.

Any person desiring to be heard or to protest said filing should file comments or protests with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such comments or protests should be filed on or before December 14, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25871 Filed 12-5-73;8:45 am]

[Docket No. CI74-299]

SHELL OIL CO.

Notice of Application

NOVEMBER 29, 1973.

Take notice that on November 12, 1973, Shell Oil Company (Applicant), One Shell Plaza, Houston, Texas 77001, filed in Docket No. CI74-299 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Company of America (Natural) from Eugene Island Block 330 Field, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas to Natural from the Eugene Island Block 330 Field at an initial rate of 45.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment and reduced 0.02 cent per Mcf per mile for transporting liquefiable hydrocarbons. Applicant estimates monthly volumes of gas at 548,000 Mcf.

Applicant indicates that sales of gas are currently being made from the subject acreage under the terms of a certifi-

cate issued in Docket No. CI72-754, which expires October 1, 1974. Applicant expects the line, through which the gas is now being temporarily delivered, will be completely filled with oil and will be unable to accommodate any gas by about April 1, 1974. Therefore, Applicant requests the proposed authorization be granted as expeditiously as possible.

Applicant also indicates that this proposed sale is related to Natural's and Columbia Gulf Transmission Company's proposal in Docket No. CP74-101. In that docket Natural and Columbia seek authorization to build a pipeline from Eugene Island Block 330 to an interconnection with Columbia's facilities in Block 314 for further transportation onshore Louisiana. Applicant requests that the instant application be consolidated with the application in Docket No. CP74-101.

Applicant asserts that the cost findings determined in Commission Opinion Nos. 659 and 659-A, Belco Petroleum Corporation, Agent, et al., Docket No. CI73-293, et al., issued May 30, 1973 (49 FPC __), rehearing denied July 20, 1973 (50 FPC __), and the Commission's staff nationwide cost estimate in Appendix B of the Commission's notice of proposed rulemaking in Docket No. R-389-B issued on April 11, 1973 (38 FR 10014), April 23, 1973, support the present proposal. Applicant also asserts that the cost of alternative supplies of gas to Natural justify the present proposal as evidenced by prices for sales of gas in the onshore Louisiana intrastate market at 60 cents per Mcf and limited-term emergency sales of up to 50 cents per Mcf. Applicant contends that the estimated cost of supplemental gas supplies to Natural is from 92 cents to $1.32 per Mcf. Applicant further believes that the commodity value of gas in Natural's market area is from 5 to 23 cents above the proposed price herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedures herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25872 Filed 12-5-73;8:45 am]

[Docket No. RP73-49]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Revision to Tariff

NOVEMBER 29, 1973.

Take notice that on November 16, 1973, South Georgia Natural Gas Company (South Georgia) tendered for filing as part of Original Volume No. 1 to its FPC Gas Tariff the following revised tariff sheets:

Fourth Revised Sheet No. 3A
Twenty-Ninth Revised Sheet No. 5
Twenty-Eighth Revised Sheet No. 6
Twentieth Revised Sheet No. 9
Nineteenth Revised Sheet No. 11
Twenty-Third Revised Sheet No. 12B

South Georgia states that the above sheets represent a rate change under its PGA clause, such clause approved to become effective April 14, 1973, by Commission Order in FPC Docket No. RP73-49 issued April 13, 1973. The company further states that it proposes to increase its rates $701,469 for the purpose of tracking a rate increase filing by Southern Natural Gas Company (Southern) on November 16, 1973, which would increase South Georgia's cost of gas $1,131,409 annually. An effective date of January 1, 1974 is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10). All such petitions or protests should be filed on or before December 14, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene, though parties already permitted intervention in this docket need not refile petitions to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25849 Filed 12-5-73;8:45 am]

[Docket No. CP74-136]

SOUTHWEST GAS CORP.

Notice of Application

NOVEMBER 29, 1973.

Take notice that on November 14, 1973, Southwest Gas Corporation (Applicant), P.O. 1450, Las Vegas, Nevada 89101, filed in Docket No. CP74-136 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the Commission's Regulations thereunder for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1974, and operation of certain natural gas transportation facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment Applicant's ability to make miscellaneous rearrangements not resulting in any change in service to its existing customers. Applicant states further that such authorization is sought to satisfy Department of Transportation requirements by upgrading 44 tap and regulator stations, upgrading pipeline at road crossings, installation of a scrubber on the main line to remove liquids from gas stream, modification of compressor station fuel gas scrubbers to remove liquids and installation of cathodic protection stations at various locations on Applicant's transmission system.

Applicant states the total cost of the proposed facilities is not to exceed $300,000, which will be financed with internally generated funds or short-term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave

to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25847 Filed 12-5-73;8:45 am]

[Docket No. CI74-301]

TENNECO OIL CO.

Notice of Application

NOVEMBER 29, 1973.

Take notice that on November 9, 1973, Tenneco Oil Company (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CI74-301 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's General Policy and Interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Tennessee Gas Pipeline Company (Tennessee), a Division of Tenneco Inc., from the Eugene Island Block 215, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional pricing procedure to sell to Tennessee natural gas produced from the Eugene Island Block 215 at an initial price of 50 cents per Mcf at 15.025 psia pursuant to the terms of a gas purchase and sales agreement with Tennessee, dated October 30, 1973. Said agreement provides for fixed annual price escalations of 2 cents per Mcf over the 20-year life of the contract and for 100 per cent reimbursement for any increased taxes. The application states that sales volumes under the subject contract are estimated to be 1,500,000 Mcf of natural gas per month. Applicant requests pregranted abandonment authorization.

The application states the contract price is lower than prices in recently executed interstate contracts and alleges that in comparison with intrastate contract prices said price is very low and represents a considerable bargain for the interstate market. Applicant alleges further that Tennessee's customers would be forced to pay considerably more for alternative or substitute fuels.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25868 Filed 12-5-73;8:45 am]

[Docket No. CP74-132]

TENNESSEE GAS PIPELINE CO.

Notice of Application

NOVEMBER 29, 1973.

Take notice that on November 12, 1973, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP74-132 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1974, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in areas generally co-extensive with said system.

Applicant states that the total cost of all facilities proposed herein will not exceed $7,000,000, with no single onshore project to exceed a cost of $1,000,000, and with no single offshore project to exceed a cost of $1,750,000. The application states said costs will be initially financed from general funds of the company and/or from borrowings under Applicant's revolving credit agreements, with amounts so drawn from revolving credit later retired with general funds and/or funds raised by permanent financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25873 Filed 12-5-73;8:45 am]

[Docket No. RP73-114]

TENNESSEE GAS PIPELINE CO.

Notice of Proposed PGA Rate Adjustment

NOVEMBER 30, 1973.

Take notice that on November 16, 1973, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing a part of its FPC Gas Tariff, Ninth Revised Volume No. 1, Second Revised Sheet Nos. 12A and 12B to be effective January 1, 1974.

Tennessee states that the sole purpose of these revised tariff sheets is to adjust Tennessee's rates pursuant to the PGA provision in Article XXIII of the General Terms and Conditions approved by the Commission's Order issued September 28, 1973, in Docket No. RP73-114. Tennessee further states that such tariff sheets reflect a total adjustment in Tennessee's rates of 1.27 cents per Mcf, of which 1.14 cents per Mcf is the Current Purchased Gas Cost Rate Adjustment determined in accord with section 2 of Article XXIII and the balance of 0.13 cents per Mcf is the Surcharge for Amortizing the Unrecovered Purchased Gas Cost Account

determined in accord with section 3 of Article XXIII.

Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 27, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25856 Filed 12-5-73;8:45 am]

[Docket No. RP74-39-3 [1]]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Petition for Emergency Relief

NOVEMBER 29, 1973.

Public notice is hereby given that on November 21, 1973, Carnegie Natural Gas Company (Carnegie), filed a petition for emergency relief pursuant to section 1.7(b) of the Commission's rules of practice and procedure, requesting that its gas supply not be curtailed below last year's level of 45,240 Mcf per day. Carnegie expects that this year's level of curtailment may be three times as great as last year's.

Carnegie purchases gas under a firm contract from Texas Eastern Transmission Corporation (TETCO) in Green County, Pennsylvania, and transports, all such gas to the United States Steel Corporation (U.S. Steel) for industrial use near Pittsburgh, Pennsylvania. United States Steel uses the gas directly in the manufacture of steel, the manufacture of ammonia, and for generation of electric power.

In support of its petition Carnegie states that the Nation cannot afford to lose the ammonia and other products which U.S. Steel manufacturers using electricity generated with the gas Carnegie purchased from TETCO. U.S. Steel claims that upon the issue of Order No. 467-B, in March, 1973, which classified gas for turbines as boiler fuel, it authorized the replacement of the generators with purchased power, but that the lead time for installation is such that it will have to rely on its generators until December, 1974.

Carnegie further states that it is facing far greater curtailments than necessary in its high priority industrial uses because of distortions arising out of TETCO's implementation of an end use curtailment plan. Specifically, Carnegie opposes the use of a base year for curtailment in which curtailment was already occurring.

A shortened notice period in the proceeding may be in the public interest. Any person desiring to be heard or to make protest with reference to said petition should on or before December 11, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervenor protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to this proceeding. Persons wishing to become parties to this proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25853 Filed 12-5-73;8:45 am]

[Docket No. CP74-151]

UNION GAS SYSTEM, INC., AND CITIES SERVICE GAS COMPANY

Notice of Application

NOVEMBER 29, 1973.

Take notice that on November 15, 1973, Union Gas System, Inc. (Applicant), P.O. Box 347, Independence, Kansas 67301, filed in Docket No. CP 74-151 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Company (Respondent) to establish a physical connection of its transmission facilities with the facilities of Applicant and to sell and deliver up to 130 Mcf of natural gas per day to Applicant for resale in the Olathe Area, Johnson County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to operate a natural gas distribution system in the community known as the Olathe Area and will operate lateral line facilities from which the service will be provided consisting of 1.5 miles of existing steel distribution mains extending south and east from the proposed point of interconnection with Respondent's transmission line. Applicant states that the community consists of the former Olathe Naval Air Station and now named the Johnson County Industrial Airport. The application shows that the estimated third year peak day and annual natural gas requirements are 165 Mcf and 11,550 Mcf, respectively.

Applicant states that the estimated cost of plant and equipment to provide the proposed service is $2,000, which cost will be financed from funds presently on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 156.9). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25851 Filed 12-5-73;8:45 am]

[Docket No. E-8489]

WISCONSIN ELECTRIC POWER CO.

Notice of Modification of Interconnection Agreement

NOVEMBER 30, 1973.

Take notice that on November 2, 1973, Wisconsin Electric Power Company (Company) tendered for filing Supplement No. 2 to the interconnection agreement (FPC No. 28) dated November 18, 1965 between Company and Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin).

According to the Company the supplement is to be effective December 1, 1973 and modifies the agreement as follows:

(a) Eliminates the interchange of Reserved Power as provided in section 3.03 of Article 3.

(b) Adds a minimum charge of seventeen and one-half (17½) miles per kilowatt hour to the compensation for Emergency Energy, Service Schedule A.

(c) Adds a new subsection which provides for reservations of power for periods of one or more calendar days, increases the capacity charge from $0.30 per kilowatt per week to the greater of $0.40 per kilowatt per week or the cost per kilowatt to the supplying party of capacity purchased from other systems, and eliminates the option of returning equivalent energy in lieu of the payment of the energy charge, all to Service Schedule C-Short Term Power.

(d) Eliminates the option of returning equivalent energy in lieu of the payment of the compensation specified in Service Schedule E-General Purpose Energy.

(e) Adds a new class of power referred to as Limited Term Power which is described as follows:

Limited Term Power—Power and associated energy from temporarily surplus generating capacity in either party's system that may from time to time be sold to the other party for the purpose of providing increased flexibility in the planning and installation of generating capacity additions.

[1] The petition was originally filed in Docket Nos. RP71-130 and RP72-58.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene, but parties already permitted to intervene in this docket need not refile petitions to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25858 Filed 12-5-73;8:45 am]

[Docket No. CP65-316]

ZENITH NATURAL GAS CO.

Notice of Petition To Amend

NOVEMBER 29, 1973.

Take notice that on November 23, 1973, Zenith Natural Gas Company (Petitioner), 624 South Boston Avenue, Tulsa, Oklahoma 74119, filed in Docket No. CP65-316 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing Petitioner to sell natural gas in interstate commerce to the City of Hardtner, Kansas, in lieu of to Oklahoma Natural Gas Company (Oklahoma) for resale and distribution in the City of Hardtner and for resale to farm-tap customers along Petitioner's main line in Kansas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that the City of Hardtner will acquire from Oklahoma the distribution system in the city and the facilities used to serve the farm-tap customers and will assume the obligation to distribute gas in the city and to the farm-tap customers. Petitioner proposes to sell gas to the City of Hardtner under proposed Rate Schedule X-3, which, Petitioner states, is substantially the same except as to term as Rate Schedule X-2 under which gas is sold to Oklahoma.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25862 Filed 12-5-73;8:45 am]

[Docket No. RP74-31-12 et al.]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

Petitions for Extraordinary Relief

DECEMBER 3, 1973.

On October 1, 1973, Panhandle Eastern Pipe Line Company (Panhandle) filed revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1, setting forth curtailment procedures to be operative during periods of curtailed deliveries on Panhandle's system. Panhandle stated that, if the Commission does not extend the effectiveness of the then operative interim curtailment procedures, which expired October 31, 1973, until the completion of the proceeding in Docket No. RP71-119, the proposed tariff sheets are proposed to be effective on November 1, 1973. By the order issued November 6, 1973, in Docket No. RP71-119 (50 FPC ------), the Commission denied Panhandle's motion for extension of the effective interim curtailment plan and accepted the October 1, 1973, revised tariff sheets and made them effective as of November 1, 1973, to remain in effect until further order of the Commission in Docket No. RP71-119.

Take notice that on November 19, 21, and 23, 1973, the Town of Shelbina, Missouri (Shelbina), Battle Creek Gas Company and the City of Battle Creek, Michigan, and the City of Clarence, Missouri (Clarence) filed, respectively, in Docket Nos. RP74-31-12, RP-74-31-13, and RP-74-31-14 petitions pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure (18 CFR 1.7) for extraordinary relief from the above-described new interim curtailment plan made effective as of November 1, 1973, all as more fully described in the petitions which are on file with the Commission and open to public inspection.

By Commission order issued August 2, 1966, in Docket Nos. CP66-329 and CP66-330 (36 FPC 359), Panhandle was directed to sell and deliver up to 1,971 Mcf of natural gas daily to Shelbina and up to 997 Mcf of gas daily to Clarence, which volumes were the respective towns' estimated third year peak day requirements. Shelbina and Clarence state that due to the bankruptcy or nonperformance of the contractors engaged to construct their systems, completion was delayed for two years and that their systems only recently attained the full growth anticipated in the order of August 2, 1966. Under the new curtailment plans effective November 1, 1973, Shelbina states its annual allocation has been reduced to its level of use during 1971 and Clarence states that its annual allocation has been reduced to its level of use during 1969-71, both periods being, the towns indicated, unrepresentative since their systems were still in their infancy. Further, Shelbina and Clarence allege that if they serve their category one requirements during November and December under the new interim plan, they will incur such heavy penalties that they will be forced to default on their outstanding bond obligations.

Accordingly, Shelbina requests an annual allocation of not less than 133,086 Mcf for the coming year and monthly allocations as shown in Exhibit A to the affidavit attached to its instant petition. Clarence requests an annual allocation of not less than 80,000 Mcf for the coming year and monthly allocations as shown in Exhibits F and G to the affidavit attached to its instant petition.

Battle Creek Gas Company (Company) represents that the impact of the curtailments of Panhandle under the new interim plan are so severe that, effective November 1, 1973, the Company curtailed all interruptible customers including 47 small customers and specifically including five hospitals, 19 schools, and the sewage treatment plant of the City of Battle Creek (City). The City states that it has established a committee to find oil to be burned by the hospitals, schools and sewage treatment plant, but that the availability of said oil is severely limited, especially in the State of Michigan, and that the essential human needs represented by the gas requirements of the hospitals, schools and sewage treatment plant cannot be met by an alternate fuel because there is no alternate fuel available.

The petition indicates that the Company in submitting the data to Panhandle used unadjusted data for the period beginning October 1970 and ending September 1971, and that because Battle Creek is located near the northern terminus of Panhandle's system and because a substantial percentage of the Company's sales are to space heating customers, the Company's requirements in Category 1, where the majority of space heating gas falls, is highly susceptible to weather conditions. Further, the Company states that it has examined the weather conditions which occurred during the base period and finds that except for the months of January and April, all months during the heating season were substantially warmer than normal and that, accordingly, any curtailment plan using the base period unadjusted for weather conditions is improper and will cause severe hardship on Battle Creek and its surrounding area. Thus, the Company states that it has recalculated its base period volumes as submitted to Panhandle, as adjusted by Panhandle, to show what the Company's requirements would have been had the base period been a winter which was slightly colder than normal and which would be expected to occur once in every four years. Such recalculation is set forth in Attachment A to the Company's instant petition and the Company requests that Panhandle be directed to accept as a basis for curtailing sales to the Company the volumes as set forth in said Attachment A to the instant petition.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petitions should on or before December 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The notice and petitions for intervention previously filed in Docket No. RP71-119 will not operate to make those parties interveners or protestants with respect to the instant petitions. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25943 Filed 12-5-73;8:45 am]

[Docket No. RP74-39-1 [1]]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Petition for Emergency Relief

DECEMBER 3, 1973.

Public notice is hereby given that on November 9, 1973, the City of Cairo, Illinois (Cairo) filed pursuant to section 1.7 (b) of the Commission's rules of practice and procedure, a petition for emergency relief requesting that its sole supplier of natural gas, Texas Eastern Transmission Corporation, be required to deliver gas in excess of its contract quantity at the effective SGS Rate.

Cairo had for several years relied upon a provision in Texas Eastern's tariff allowing SGS customers to take overrun gas without paying a penalty charge and to exceed 5,000 Mcf per day without losing their SGS status. Cairo has historically taken gas in excess of 5,000 Mcf during the winter months. The provision allowing the overrun was eliminated from Texas Eastern's tariff on November 1, 1973, pursuant to settlement negotiations in Texas Eastern's rate proceeding, Docket No. RP72-98.

Cairo had executed a service agreement dated September 14, 1973, with Texas Eastern to switch to the two-part GS Rate Schedule which allows for peak days in excess of 5,000 Mcf. The Commission rejected this agreement on October 31, 1973. Cairo petitioned for rehearing on November 9, 1973. The City states that its only alternatives, should the petition for rehearing be denied, would be to curtail homeowners on peak days or pay a penalty charge of $10 per Mcf, a rate which, it states, would bankrupt its gas system.

Cairo requests that the Commission accept the September 14, 1973, service agreement, but if such agreement is not accepted, that the Commission provide emergency relief by ordering Texas Eastern to deliver to Cairo the volumes of gas above daily contract entitlement necessary on any given day for Cairo to serve its residential and small commercial customers, and to bill Cairo for such volumes at the effective SGS Rate, with the understanding that such gas is not unauthorized overrun gas.

A shortened notice period in this proceeding may be in the public interest. Any person desiring to be heard or to make protest with reference to said petition should on or before December 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25945 Filed 12-5-73;8:45 am]

[Docket No. RP74-37-6]

UNITED GAS PIPE LINE CO., AND COLONIAL PIPELINE CO.

Notice of Petition for Extraordinary Relief

DECEMBER 4, 1973.

Take notice that on November 20, 1973 Colonial Pipeline Company (Colonial) filed a petition for extraordinary relief from curtailments of deliveries from United Gas Pipe Line Company (United). Colonial delivers No. 2 fuel oil, gasoline and kerosene from its pipeline system originating in Houston, Texas, running along the Atlantic Seaboard and terminating at Linden, New Jersey. The exrefinery products are thruput on a cyclical basis, five days for oil and kerosene and then five days for gasolines. United supplies the natural gas used as fuel in one of Colonial's mainline pumping stations located at Collins, Mississippi. Colonial states that should it experience curtailment, under either the three-category plan or the five-priority plan, during its oil-kerosene cycle, full thruput would not be possible thus further contributing to the nation's energy shortage.

Colonial further states that it could sustain curtailment during full gasoline thruput at even a substantial level.

A shortened notice period will be in the public interest. Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Those presently permitted to intervene need not refile an intervention petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25944 Filed 12-5-73;8:45 am]

[Docket No. RP74-37-2 et al.]

UNITED GAS PIPELINE CO. ET AL.

Order Granting Temporary Extraordinary Relief, Setting Matters for Hearing, Granting Intervention and Prescribing Procedures

NOVEMBER 30, 1973.

In the matter of United Gas Pipeline Co. (Vicksburg Chemical Co.), docket No. RP74-37-2; United Gas Pipeline Co. (City of Opelousas, Louisiana), docket No. RP74-37-3; United Gas Pipeline Co. (United Gas, Inc., City of Franklin, Louisiana), docket No. RP74-37-4; United Gas Pipeline Co. (United Gas, Inc., City of Rayne, Louisiana), docket No. RP74-37-5; and United Gas Pipeline Co. (Colonial Pipe Line Co.), docket No. RP74-37-6.

On November 2, 1973, we issued in Docket Nos. RP71-29, RP71-120 an order accepting and effectuating on November 15, 1973, tariff sheets filed by United Gas Pipe Line Company (United). These sheets were intended to implement United's five-priority curtailment program in compliance with Opinion Nos. 647, *et seq.*[1]

On November 14, 1973, we issued a telegram in Docket Nos. RP71-29, RP71-20 directing United to preserve the status quo and continue curtailing under the three-category plan, then in effect, until further order of the Commission. This was done based on requests for special relief and stay for a rehearing of our November 2nd order. These requests incorporate allegations of serious irreparable injury.[2]

[1] The petition was originally filed in Docket Nos. RP71-130 and RP72-58.

[1] "United Gas Pipe Line Company," Opinion Nos. 647, 647-A, Docket No. RP71-29, RP71-120, issued January 12, May 30, 1973, respectively; Order on Reconsideration of Opinion No. 647-A, Docket Nos. RP71-29, RP71-120, issued July 20, 1973.

[2] American Sugar Cane League of the U.S.A., Inc.*; Vicksburg Chemical Company*; City of Opelousas, Louisiana*; Sewerage and Water Board of New Orleans, Louisiana*; Colonial Pipe Line Company*; City of Rayne, Louisiana*; City of Franklin, Louisiana*; City of Monroe, Louisiana; State of Louisiana, et al.; United Gas Pipe Line Company; The Utilities Group; Shell Oil Company; Continental Can Company, Inc.; United Gas, Inc.; Attorney General of the State of Mississippi. (* indicates those who have sought or do seek special relief; Sewerage and Water Board of New Orleans, Louisiana states that it will do so in the near future.)

We institute this proceeding so that there will exist one forum in which to determine the propriety of the several individual requests for relief from curtailment on the United system. In this connection, we direct attention to our order issued concurrently herewith in United Gas Pipe Line Company, Docket Nos. RP71-29, RP71-120 which further clarifies guidelines for emergency relief. On considering the several requests for extraordinary relief, it is of course necessary to review each application individually on its own merits, but the exigencies of the present gas shortage on United's system and commensurate curtailment of deliveries necessitate that we act expeditiously to grant temporary relief where appropriate, pending resolution of opposition, if any, at formal hearing. It is for this reason and in order to grant relief on an equitably uniform basis without disadvantage to any commonly situated parties that we have consolidated the various petitions herein.

Reviewing the individual applications on file with the Commission, we note that Vicksburg Chemical Company (VCC), as a direct industrial customer of United, filed on November 9, 1973, a petition for emergency relief on grounds of national defense. VCC states that it is the sole and only supplier of nitrogen tetroxide rocket fuel to the United States for use in intercontinental ballistic missles. Under these circumstances and without present alternate fuel capability, there is good cause to temporarily except VCC from the curtailment program and to authorize and direct United to continue supplying VCC, its requirements up to its base volumes at its Vicksburg plant, all pending hearing.

Similarly, Colonial Pipeline Company (Colonial) filed on November 20, 1973, a petition alleging that the extraordinary relief therein requested is essential if it is to be able to continue to deliver 1,435,000 barrels per day of refined liquid petroleum products along its system. The products carried by Colonial are in large part the same products which were the subject of the mandatory allocation program for middle distillates announced by the Energy Policy Office on October 12, 1973, (38 FR 28660). That regulation was issued "due to the possibility of present and prospective shortages of middle distillates." We have concluded, then, that good cause exists to grant temporary relief permitting United to make monthly deliveries to Colonial without daily limitation but in no event greater than Colonial's base volumes. This temporary relief is granted pending notice and hearing.

A petition also has been filed by the City of Opelousas, Louisiana, and the Opelousas Electric Light and Water Works Plant (Opelousas). In a situation analogous to the instant filing, the Commission denied a petition seeking extraordinary relief from a curtailment plan in effect on the system of an interstate pipeline company on the ground of intrusion into a matter of local concern.[1]

As in that case, the petitioner City of Opelousas is not a direct customer of the jurisdictional pipeline company and, consequently, the relief sought is primarily of a local concern, which should properly be resolved by the Public Service Commission of the State of Louisiana. The Natural Gas Act (section 1(b)) recognizes the state-federal dichotomy in natural gas regulation and, accordingly, any petition requesting extraordinary relief from a curtailment plan should be filed with this Commission by either the interstate pipeline company or the distributor customer of an interstate pipeline company.

The City of Rayne (Rayne) and City of Franklin, Louisiana (Franklin) filed separate petitions for the boiler fuel end-use requirements of their electric power plants. Subsequent petitions were filed by United Gas, Inc. (UGI), a distributor customer of United, on behalf of these cities for relief from the five-priority curtailment program, which request may be moot in view of our November 14, 1973, telegram. However, since each city states it faces an emergency situation wherein it will be required to shed firm electric load unless extraordinary relief is granted, it would appear that an exemption is available to the Cities upon proper showing and under the procedures delineated in our order issued concurrently herewith in Docket Nos. RP71-29, RP 71-120. The same relief is available to the Utilities Group.

Since many of the same parties involved in the remanded curtailment proceeding in Docket Nos. RP71-29 may wish to participate herein parties in that proceeding will be deemed to be parties in this docket. However, in order to maintain an orderly procedure, any intervenor desiring to record objections and protests to the requested relief must file a formal protest to the noticed petition stating with particularity the nature of its objections.

The Commission orders:

(A) The Commission orders that the petitions for extraordinary relief filed by VCC and Colonial be and are herein granted on a temporary basis pending notice and hearing.

(B) The Commission orders that the petitions for extraordinary relief filed by the City of Rayne, the City of Franklin, the City of Opelousas, and the Utilities Group be and are hereby denied.

(C) A hearing shall be convened at 10 a.m. on December 17, 1973, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. before a Presiding Administrative Law Judge to determine the issue of whether or not extraordinary relief be granted to VCC and Colonial as requested.

(D) All parties, including intervenors and Staff will file their evidence and testimony on or before December 10, 1973.

(E) Cross-examination shall commence on December 17, 1973.

(F) All parties granted intervention in "United Gas Pipe Line Company," Docket Nos. RP71-29 and RP71-120, are hereby permitted to become intervenors, subject to the rules and regulation of the Commission: *Provided, however,* That intervenors desiring to record objections must file formal protests to the noticed petitions stating with particularity the nature of their objections: *And, provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission and it might be aggrieved because of any order of the Commission entered in these proceedings.

By the Commission.

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

[FR Doc.73-25942 Filed 12-5-73;8:45 am]

[1] Panhandle Eastern Pipeline Company, Docket No. RP71-119, Order Denying Petition For Extraordinary Relief, issued November 21, 1973.

FEDERAL RESERVE SYSTEM

SCOTTSBLUFF NATIONAL CORP.

Formation of Bank Holding Company

Scottsbluff National Corporation, Scottsbluff, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Scottsbluff National Bank and Trust Company, Scottsbluff, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than December 26, 1973.

Board of Governors of the Federal Reserve System, November 29, 1973.

[SEAL] THEODORE E. ALLISON, *Assistant Secretary of the Board.*

[FR Doc.73-25812 Filed 12-5-73;8:45 am]

FIRST VIRGINIA BANKSHARES CORP.

Order Approving Acquisition of Robert C. Gilkison, Inc.

First Virginia Bankshares Corporation, Falls Church, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of

the Board's Regulation Y, to acquire all of the voting shares of Robert C. Gilkison, Inc., Washington, D.C. ("Company"), a company registered with the Securities and Exchange Commission under the Investment Advisers Act of 1940. Company provides portfolio investment advice on a discretionary and/or advisory basis for individuals, trusts, and corporations.[1] Such activity has been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(5)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 24933). The time for filing comments and views has expired, and none has been timely received.

Applicant, the sixth largest banking organization in Virginia, controls 23 banks with aggregate deposits of $718 million,[2] representing 6.7 per cent of total deposits in commercial banks in Virginia. One of Applicant's nonbanking subsidiaries, The Trust Company of First Virginia, Fairfax, Virginia ("Trust Company"), provides traditional fiduciary services including, for example, acting as trustee under private and testamentary trusts, and, in addition, acts as investment advisor to approximately 40 managing agency accounts located principally in Virginia.[3] However, only 16 such accounts, representing about 3.5 per cent of Trust Company's 1972 gross receipts, are located in Northern Virginia in or near the Washington, D.C., SMSA.

Company commenced business as a sole proprietorship in April 1969, and became incorporated under the laws of Washington, D.C., on January 6, 1971. The Company maintains two offices; both are located within the Washington, D.C., SMSA, which approximates the relevant market. Company is small by industry standards—its 1972 gross receipts totaled only about $64,000. Moreover, Company competes with a large number of advisory firms and banks within the Washington, D.C., area. Although Company's clients presently number about 155 and it services portfolios whose aggregate value approximates $37 million, a great number of its clients are individual investors whose portfolios are not large by industry standards. In view of the relative size of Company, the number and size of its competitors, and other facts of record, the Board considers that the proposed acquisition would not eliminate any significant existing competition.

There is no evidence in the record that consummation of the proposed acquisition would lead to undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects. Access to Applicant's data processing facilities may enable Company to improve both the quality and extent of its services; and affiliation with Applicant will insure continuity of management in Company should its present officers ever become unavailable.

In its consideration of subject proposal, the Board has considered Applicant's expression of purpose to enter into employment contracts, each including a covenant not to compete, with Company's two principal officer-shareholders. Covenants not to compete often represent legitimate business requirements of parties to contracts for the purchase of a business; and the courts traditionally have upheld such covenants if reasonable in duration, scope, and geographic area. Although such covenants do not offend the public interest *per se*, the Board will scrutinize the facts in each case to determine whether particular employment contracts and accompanying covenants not to compete are consistent with the public interest. Applicant represents that each covenantee would be prohibited from soliciting any client, officer, or employee of Company for a period not to exceed five years following said covenantee's departure from Company. Applicant represents further that this prohibition would not apply to clients, officers, or employees acquired or hired by Company after the covenantee's departure and that, subject to the above restrictions, each covenantee would be free to engage in the investment advisory business at any geographic location at any time. Having reviewed the details of the covenants not to compete proposed by Applicant, the Board finds that their provisions are consistent with the public interest, and the existence of such covenants does not require denial of the application.

Based upon the foregoing and other considerations reflected in the record,[3a] the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof. The acquisition of Company shall be made no later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to authority hereby delegated.

By order of the Board of Governors,[4] effective November 29, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-25811 Filed 12-5-73;8:45 am]

[1] Applicant has indicated that Company neither holds nor votes any securities and that no securities are held in the Company's name.

[2] Banking data are as of December 31, 1972, adjusted to reflect holding company acquisitions and formations approved through September 30, 1973.

[3] One of Applicant's subsidiaries advises a real estate investment trust; however, Company has no clients that are real estate investment trusts. Other nonbanking subsidiaries of Applicant engage in leasing, mortgage lending, consumer finance, and insurance activities.

[3a] Dissenting Statement of Governor Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond.

[4] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Sheehan, Bucher, and Holland. Voting against this action: Governor Brimmer. Dissenting statement filed as part of original document.

FOREIGN-TRADE ZONES BOARD

[Order No. 96]

McALLEN TRADE ZONE, INC.

Denial of Application for Foreign-Trade Subzone at La Porte, Texas

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. §§ 81a–81u), and the Foreign-Trade Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board (the Board) has adopted the following order:

Whereas, McAllen Trade Zone, Inc., a Texas corporation, filed with the Board on May 18, 1970, an application requesting the establishment, operation, and maintenance of a general-purpose foreign-trade zone at McAllen, Texas, and a special purpose subzone (hydrofluoric acid plant) at La Porte, Texas;

Whereas, the general-purpose zone part of the application was separately considered and was approved on October 26, 1970 (35 FR 16962); and,

Whereas, notices concerning the subzone part of the application have been given and published, and full opportunity has been afforded all interested parties to be heard;

Now, therefore, the Board, having considered the matter hereby orders:

After consideration of that part of an application filed May 18, 1970, with the Foreign-Trade Zones Board by McAllen Trade Zone, Inc., a Texas corporation, for the privilege of establishing a special purpose foreign-trade subzone (hydrofluoric acid plant) at LaPorte, Texas, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations concerning the public interest have not been satisfied, denies the subzone part of the application. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to sign and issue an appropriate Board Order in accordance with this resolution.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer, Frederick B. Dent, at Washington, D.C., this 27th day of November, 1973, pursuant to order of the Board.

(Catalog of Federal Domestic Assistance Program No. 11.101, Export Trade Promotion.)

FOREIGN-TRADE ZONES BOARD,
[SEAL] FREDERICK B. DENT,
Chairman and Executive Officer.

ATTEST:

JOHN J. DA PONTE, JR.,
Executive Secretary.

[FR Doc.73-25835 Filed 12-5-73;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ENGINEERING CHEMISTRY AND ENERGETICS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Engineering Chemistry and Energetics to be convened at 9:30 a.m. on December 18, 19, and 20, 1973, in Room 321 at 1800 G Street NW., Washington, D.C. 20550.

The purpose of this Panel is to provide advice and recommendations concerning the impact of the Foundation's research support programs on the scientific community in Engineering Chemistry and Energetics.

The agenda for this meeting shall include:

DECEMBER 18

Current Support in the Heat Transfer Program
Future Trends of Research in Heat Transfer

DECEMBER 19

Current Support in the Mass Transfer and Thermodynamics Program
Future Trends of Research in Mass Transfer and Thermodynamics

DECEMBER 20

Current Support in the Chemical Processes Program
Future Trends of Research in Chemical Processes

This meeting shall be open to the public. Individuals who wish to attend Section Head, Engineering Chemistry and Energetics Section, by mail (Room Room 342, 1800 G Street NW., Washington, D.C. 20550) or by telephone (202-632-5867) prior to the meeting. Persons requiring further information concerning this Panel should contact Dr. K. D. Timmerhaus at the above address. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Room K-720, 1800 G Street, NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director for Administration.

NOVEMBER 29, 1973.

[FR Doc.73-25899 Filed 12-5-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[811-1934]

HEDBERG AND GORDON LEVERAGE FUND

Filing of Application

NOVEMBER 29, 1973.

Notice is hereby given that Hedberg and Gordon Leverage Fund (the "Applicant"), 111 North Broad Street, Philadelphia, Pennsylvania 19107, a Pennsylvania corporation registered under the Investment Company Act of 1940 (the "Act") as a diversified, open-end, management investment company, has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

On February 27, 1973, Applicant's board of directors voted unanimously to submit to shareholders a proposed plan (the "Plan") for the dissolution of Applicant and the liquidation of its assets.

On May 15, 1973, Applicant's shareholders approved the Plan. Pursuant to the Plan, the Applicant is to be liquidated by converting all of its securities and assets to cash and, after payment of or provision for liabilities, distributing the net cash proceeds to the shareholders of Applicant. Virtually all of Applicant's assets have been converted to cash and distributed pro-rata to Applicant's shareholders as provided by the Plan.

Applicant's sole remaining asset is a $25,000 principal amount 6¼ percent subordinated note due September 30, 1974 (the "Note") issued by United Information Utilities, Inc. Interest on the Note is in default, and it is unclear to Applicant whether or not the issuer will be able to meet its obligation on the maturity date of the Note. Since August 1972, the Note has been carried on the books of Applicant at a nominal amount of $1. This Note will be transferred to a trust for the benefit of shareholders. The trustees of the trust, who will serve without compensation, will be the Fund's treasurer and the Fund's assistant secretary.

The trust agreement will provide, among other things, that the trustees will hold the Note until such time as they decide in their sole discretion to sell the Note, or the Note is redeemed and the proceeds, if any, distributed to shareholders of Applicant, but in no event will the trust continue for longer than 10 years from the date of its creation. If the Note has not been sold or redeemed as of that time, the trust will nevertheless be terminated, and the trustees shall sell the Note for cash upon the best terms available and distribute the proceeds of such sale to shareholders according to their respective interests in the Note. The trustees shall not sell, transfer, or otherwise dispose of the Note to any person to whom the Fund would not have been able to sell the Note without violating section 17 of the Act had the Fund remained registered as an investment company.

As of May 31, 1973, there were 32 beneficial owners of shares of Applicant's outstanding stock. Applicant has ceased to offer its shares to the public and has no intention to make such distribution in the future. Applicant will be dissolved following liquidation of its assets.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 19, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following December 19, 1973, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-25664 Filed 12-5-73;8:45 am]

[70-5426]

NORTHEAST UTILITIES AND THE ROCKY RIVER REALTY CO.

Proposed Issue and Sale of Subordinated Unsecured Notes by Non-Utility Subsidiary to Parent Holding Company

NOVEMBER 30, 1973.

Notice is hereby given that Northeast Utilities ("Northeast"), 174 Brush Hill Avenue, West Springfield, Massachusetts 01089, a registered holding company, and The Rocky River Realty Company ("Rocky River"), Selden Street, Berlin, Connecticut 06037, a non-utility subsidiary of Northeast, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, and 12(b) of the Act and rules 43, 45(b)(1) and 50(a)(3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

The Commission has by order dated September 25, 1973, authorized Rocky River to purchase 24 acres of improved realty in Newington, Connecticut, and to lease it to Northeast Utilities Service Company (Holding Company Act Release No. 18102). As a part of the purchase negotiations, Rocky River represented to the sellers that the purchase money note for $441,962.67 delivered by Rocky River would be paid at maturity out of funds borrowed from Northeast.

In order to pay the aforesaid purchase money note, which matures January 2, 1974, and, additionally, to provide Rocky River with funds for capital expenditures over the next five years in connection with the acquired facilities, Rocky River now proposes to issue and sell, and Northeast proposes to purchase, five-year subordinated unsecured notes ("Notes") in an aggregate amount not to exceed $1.5 million outstanding at any one time.

Said Notes will mature five years from the date of original issue, will bear interest at a rate of one-quarter of one percent (¼ percent) above the commercial bank prime rate for short-term loans in effect on the date of issue, and adjusted thereafter to reflect any changes thereto, will be prepayable at any time without penalty, and will be subordinated to Rocky River's outstanding first mortgage bonds, to its 30-year unsecured notes and to any other outstanding borrowings from persons other than Northeast and its subsidiaries. The application-declaration states that the Notes will be repaid within five years from the proceeds of long-term financing, the nature and amount of which has not been determined.

It is stated that no fees, commissions or expenses have been incurred or will be incurred in connection with the proposed transactions apart from incidental costs of approximately $500 for services performed at cost by Northeast Utilities Service Company. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 26, 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 issue 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 (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above stated addresses, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as 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.73-25893 Filed 12-5-73;8:45 am]

[70-4538]

MICHIGAN POWER CO. AND AMERICAN ELECTRIC POWER CO., INC.

Issue and Sale of Notes

Notice is hereby given that American Electric Power Company, Inc. ("AEP"), a registered holding company, and its public-utility subsidiary company, Michigan Power Company ("MPC"), 2 Broadway, New York, New York 10004, have filed with this Commission, pursuant to sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder, an eighth post-effective amendment to the declaration in this matter. All interested persons are referred to the declaration as now amended, which is summarized below, for a complete statement of the proposed transactions.

In prior orders in this proceeding, MPC has been authorized to make borrowings from time to time prior to December 31, 1973, from the National Bank of Detroit ("National") and the First National Bank of Canton ("Canton") in an aggregate amount not to exceed $4,000,000 outstanding at any one time. The maximum amounts of such borrowings outstanding at any one time are to be $4,000,000 from National and $1,250,000 from Canton; however, in no event is the aggregate amount of such borrowings to exceed $4,000,000 outstanding at any one time. The Commission has also authorized AEP to make open account advances to MPC of up to $12,000,000 outstanding at any one time. Such advances are to be repaid on or before December 31, 1974, provided that advances would not be repaid before the preferred stock of MPC was retired (Holding Company Act Release Nos. 15872 (October 10, 1967), 16051 (May 2, 1968), 16383 (May 26, 1969), 16559 (December 16, 1969), 16880 (October 28, 1970), 17405 (December 21, 1971), 17508 (March 23, 1972), and 17783 (November 29,1 972)).

The eighth post-effective amendment requests authorization for an extension from December 31, 1973, to December 31, 1974, of the time in which MPC may have its notes to National and Canton outstanding and of the time for repayment of the open account advances from AEP, provided that the advances will not be repaid before the preferred stock of MPC has been retired. It is also requested that the maximum amount to be borrowed from Canton be increased from $1,250,000 to $1,400,000.

The proposed notes to National and Canton will not exceed $4,000,000 outstanding at any one time, will be dated as of the date of the borrowing, and will mature in not more than 270 days from the date of issuance or reissuance thereof, but in no event after December 31, 1974. The notes will bear interest at a rate per annum equal to the prime credit rate in effect from time to time at the lending bank and will be prepayable, in whole or in part, at any time by MPC, without premium or penalty. It is stated that sufficient bank balances to meet operating and financial needs are generally kept at National and Canton, so that no additional balances will, generally, be required in connection with the borrowings. If the average of such balances were maintained solely in order to fulfill prevailing compensating balance requirements, approximately 20%, the effective interest cost to MPC of the issuance and sale of the notes would be approximately 11.88% based on a general prime commercial credit rate of 9½%.

The proceeds from the notes to National and Canton and the open-account advances are required by MPC in connection with its construction program, which for the year 1974 is expected to amount to approximately $5,000,000, to pay bank loans the proceeds of which were used in connection with past expenditures in connection with MPC's construction program and for other corporate purposes. MPC states that the open-account advances will be repaid with a portion of the proceeds to be realized by MPC in connection with the divestment by MPC of its gas assets and that the bank loans will be repaid from internal cash sources or the issuance of such securities by MPC as the Commission may authorize.

No fees or commissions are to be incurred in connection with the proposed transactions, and no state commission or federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 26, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the 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 (air mail if the person being served is located more than 500 miles from the point of mailing) upon the 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 declaration, as now amended or as it may be further amended, may be 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.73-25807 Filed 12-5-73;8:45 am]

SEC PUBLIC REFERENCE ROOM

Change of Address

The Public Reference Room of the Securities and Exchange Commission's Headquarters Offices has been moved from 500 North Capitol Street, into Room 6101 at 1100 L Street, NW., Washington, D.C., where it will continue to provide the full range of services to the public which were available at its former location.

Visiting hours of the Public Reference Room are from 9 a.m. to 4:30 p.m. on regular business days of the Commission. The new telephone number is (Area Code 202) 523-5506. Written requests should continue to be addressed to the Public Reference Section, 500 North Capitol Street, Washington, D.C. 20549.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-25168 Filed 12-5-73;8:45 am]

SEABOARD AMERICAN CORP.

Suspension of Trading

NOVEMBER 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Seaboard American Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2:00 P.M. (est) on November 28, 1973 through December 7, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Senior Recording Secretary.*

[FR Doc.73-25809 Filed 12-5-73;8:45 am]

[812-3489]

SECURITY EQUITY FUND, INC. ET AL.

Filing of Application

In the Matter of Security Equity Fund, Inc., Security Investment Fund, Inc., Security Ultra Fund, Inc., Security Bond Fund, Inc., Security Management Company, Inc., and Security Distributors, Inc., Security Benefit Life Building, 700 Harrison Street, Topeka, Kans. 66636.

Notice is hereby given that Security Equity Fund, Inc., Security Investment Fund, Inc., Security Ultra Fund, Inc., and Security Bond Fund, Inc. ("Funds"), open-end diversified management investment companies registered under the Investment Company Act of 1940 ("Act"), and the Funds' investment adviser, Security Management Company, Inc., ("Management Company"), and its wholly-owned subsidiary which is the Funds' underwriter, Security Distributors, Inc. (referred to herein collectively with the Funds and Management Company as "Applicants"), have filed an application pursuant to section 6(c) of the Act for an order exempting the transactions described below from section 22(d) of the Act. All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations made therein, which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus.

Securities of the Funds are sold at prices which, as described in the prospectuses of such Funds, include sales charges. Applicants propose to offer to persons who redeem shares of any of the Funds a one-time privilege: (a) to reinstate their accounts by repurchasing shares at net asset value without a sales charge; or (b) to the extent the redeemed shares would be eligible for the conversion privilege available generally to stockholders, to purchase shares of any of the other Funds at net asset value without a sales charge. Reinvestment or purchase of the shares of any of the other Funds without sales charges would be limited to the amount of the proceeds of a redemption. A written notice of the reinvestment or purchase of shares of any of the other Funds would have to be post marked or received by the Applicants within 15 days after the redemption request had been received by the Applicants and would be processed at the applicable net asset value as of the day that notice of the exercise of the privilege is received. Information concerning the privilege would be included in the prospectus of each of the Funds and notice of the privilege would also be given to eligible persons in writing or by telephone as part of the handling of their redemption request. No compensation of any kind would be paid to any dealer or salesman in connection with the purchase or conversion of shares pursuant to exercise of the privilege. Any cost involved would be borne by the Management Company.

Applicants contend that the proposed privilege would enable investors to be reminded of features of their investment which they may have overlooked or of which they may have been unaware at the time they redeemed. In addition, Applicants assert that the privilege does not operate to the prejudice of the Funds or their stockholders and that the one-time feature will prevent any speculation or trading against the Funds.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 21, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following December 21, 1973, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-25808 Filed 12-5-73;8:45 am]

[812-3455]

SUN LIFE INSURANCE COMPANY OF AMERICA

Filing of Application

Notice is hereby given that Sun Life Insurance Company of America—The Series Investment Accounts, Sun Life Building, Charles Center, Baltimore, Maryland 21201 (the "Separate Account"), a diversified, open-end, man-

agement investment company registered under the Investment Company Act of 1940 (the "Act"), and Sun Life Insurance Company of America ("Sun Life"), (hereinafter called the "Applicants") have filed an application pursuant to Section 6(c) of the Act for an order exempting Applicants, to the extent noted below, from the provisions of sections 15(a), 16(a), 22(d), 27(c)(2) and 32(a)(2) of the Act. All interested persons are referred to the Application on file with the Commission for a statement of the representations contained therein which are summarized below.

Sun Life is a stock life insurance company incorporated under the laws of Maryland. The Separate Account was established by Sun Life as a facility for issuing group and individual variable annuity contracts including contracts which are qualified for special tax treatment under section 403(b) of the Internal Revenue Code. The Separate Account consists of six individual series each of which has its own investment objectives and policies. The owner of an individual variable annuity contract and the participant in a group variable annuity contract which is issued pursuant to a tax-qualified plan have the right to determine the account or accounts into which part or all of the net purchase payments made by or on behalf of such owner or participant will be invested and from which his annuity payments will be made. The group and individual contracts issued by Applicants are of the periodic payment type and provide for deferred benefits. Sun Life will serve as investment adviser to the Separate Account pursuant to a written contract, and the Rothschild Company ("Rothschild") will serve as sub-investment adviser to the Separate Account pursuant to a written contract between Sun Life and Rothschild.

Sections 15(a), 16(a), and 32(a)(2). Sections 15(a), 16(a) and 32(a)(2), in substance, require shareholder approval of an investment advisory agreement, the election of directors by shareholders, and shareholder ratification of the selection of an independent public accountant, respectively. These requirements can not be met at the inception of the Separate Account because there will be no contract owner and, hence, no holders of voting securities until after the Separate Account's registration statement under the Securities Act of 1933 becomes effective. Therefore, Applicants request exemption from these provisions so that the Separate Account can operate for a limited period of time until action can be taken on these matters by contract owners at their first annual meeting. Applicants state that both advisory agreements, the election of directors, and the ratification of the selection of an independent public accountant will be submitted to shareholders at the first annual meeting, which Applicants undertake to hold within six months of the date the Separate Account's registration statement under the Securities Act of 1933 becomes effective or this application is granted, whichever is later.

Section 22(d). Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter therefor shall sell any redeemable security to the public except at the current public offering price described in the prospectus.

Both the individual and group variable annuity contracts issued by Applicants provide that purchase payments made thereunder, after deduction for sales and administrative expense charges, may be invested partly in one or more series of the Separate Account for accumulation on a variable basis and partly in the General Account of Sun Life for accumulation on a fixed dollar basis or entirely in one or more series of the Separate Account or entirely on a fixed dollar basis. Applicants request an exemption from section 22(d) of the Act to permit contract owners of individual contracts and participants under group contracts during the pay-in period, and annuitants during the pay-out period, to transfer the value of their individual accounts from Sun Life's General Account to one or more of the series of the Separate Account without the payment of any sales or other charges. Transfers of funds from the Sun Life General Account to the Separate Account will not be permitted more frequently than once a year and will be subject to certain other requirements. Transfers from the General Account during an annuity pay-out period may be made to not more than four series of the Separate Account and will not be permitted more than once a year.

Applicants request a further exemption from section 22(d) to permit experience rating under its group variable annuity contracts. Pursuant to this provision, Applicants would annually determine the sales and administrative costs applicable to each group contract. If amounts deducted for such expenses during that period exceed actual costs for the prior year, then all, a portion, or none of such excess may be allocated as an experience rating credit to all those eligible on a non-discriminatory basis. Amounts not so allocated will be retained by Sun Life. No additional charge will be made if the deductions fail to cover such costs. Each participant, including a retired participant whose purchase payments have contributed to such experience rating credit, will be credited for that proportional share of the credit to which his payments have contributed.

Application of the credit due each participant or retired participant will be made, within the contract year immediately following the period with respect to which the experience credit was declared, in one of two ways. Credits will be applied either by a reduction in the amount to be deducted from subsequent contributions for sales and administrative expenses or by the crediting of a number of additional accumulation units or annuity units, as applicable, equal in value to the amount of the credit due. Credits due the participants or retired participants will be applied without deduction of any amounts for sales or administrative expenses.

Applicants request an additional exemption from section 22(d) to permit a participant under a group variable annuity contract, as to whom contributions have ceased, to purchase an individual variable annuity contract with the value of his individual interest without any deduction for sales and administrative expenses if appropriate individual variable annuity contracts are then being issued by Sun Life. Such transfer will be at the option of the participant. The purpose of this right of transfer is to permit an individual whose relationship with a particular group has terminated, but who desires to continue his variable annuity program with Sun Life, to combine amounts previously contributed under the group variable annuity contract with amounts to be contributed under an individual variable annuity contract.

Applicants also request an exemption from section 22(d) to permit an employee who is a participant in a group variable annuity contract sponsored by Applicants to transfer the value of his individual account, if he should become an employee of another employer who also has a group variable annuity contract sponsored by Applicants, to his new employer's group contract, subject to the consent of the new employer, without any deduction for sales and administrative expense charges. The purpose of this right is to permit a limited form of portability of accumulated annuity benefits. Applicants represent that if a participant is successively employed by two or more employers who happen to have the same type of group variable annuity contract in force with the Sun Life, the administration of amounts contributed under the several contracts is made more feasible and economical by the combination of such amounts under the contract of the most recent employer. Applicants further represent that it would be inappropriate and unfair to impose additional sales and administrative charges since the transaction involves only the internal transfer of amounts from one contract issued by Sun Life to another issued by Sun Life.

Finally, Applicants request an exemption from section 22(d) to permit a beneficiary under a group or an individual variable annuity contract to elect to receive the death benefit under a contract in the form of one of the annuity options set forth in the contract without any deductions for sales and administrative expense charges.

Section 27(c)(2). Section 27(c)(2) of the Act requires that the proceeds, after deduction of sales load, of all payments on a periodic payment plan certificate issued by a registered investment company be deposited with a trustee or custodian having the qualifications prescribed by section 26(a)(1) and be held by such trustee or custodian under an indenture or agreement containing, in substance, the provisions required by section 26(a)(2) and (3) for the trust indenture of a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the

trust. It also places certain restrictions on charges which may be made against the trust income and corpus and excludes from expenses which the trustee or custodian may charge against the trust any payment to the depositor or principal underwriter other than a fee not exceeding such reasonable amount as the Commission may prescribe for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26 (a) (3) governs the circumstances under which the trustee or custodian may resign.

The Separate Account has entered into a custodian agreement with Mercantile-Safe Deposit and Trust Company for the custody of the assets of the Separate Account. Applicants request an exemption from section 27(c) (2) to permit the following: (1) Sales and administrative charges, as described in the prospectus, and annuity premium taxes, to be deducted from the proceeds of payments on variable annuity contracts; (2) payments of fees, as described in the application, out of the assets of the Separate Account to Sun Life for investment advisory services and for the mortality and expense guarantees provided for in the contract between the Separate Account and Sun Life. In support of the requested exemptions, Applicants represent that all of such charges are reasonable.

In addition, Applicants represent as follows:

(a) deductions for annuity premium taxes are made pursuant to applicable state law and are remitted by Sun Life to the appropriate state authority and do not inure to the benefit of Applicants;

(b) an allocation between sales expenses and administrative expenses is not practical for the reason that it is not feasible to delineate whether a particular expense is a sales expense or an administrative expense;

(c) the combined sales and administrative charges—5 percent for group contracts and 7½ percent for individual contracts—are within the percentage limitation on sales charges set forth in section 27(a) (1) of the 1940 Act;

(d) the payment of an investment advisory fee of ½ of 1 percent of net asset value and of charges of .15 percent for expense guarantees and .85 percent mortality guarantees are within the range of corresponding charges made by other companies in the industry, and are subject to regulation by the Maryland Insurance Department which limits the maximum asset deduction which an insurer may make to provide for such payments to 1.5 percent per annum; and

(e) the advisory fee is within the standard industry range for providing such services.

Applicants consent that the request for exemption may be made subject to the condition that the payment of sums and charges out of the assets of the Separate Account shall not be deemed to be exempted from regulation by the Commission by reason of the granting of the request for exemption and that the order of exemption may be revoked upon due notice and opportunity for hearing.

Section 6(c) 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 December 17, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) on the Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter will be issued as of course following December 17, 1973, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-25806 Filed 12-5-73;8:45 am]

[File No. 500-1]

TECHNICAL RESOURCES, INC.

Suspension of Trading

NOVEMBER 27, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Technical Resources, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 28, 1973 through December 7, 1973.

By the Commission.

SHIRLEY E. HOLLIS,
Senior Recording Secretary.

[FR Doc.73-25816 Filed 12-5-73;8:45 am]

[811-955]

TECHNO FUND, INC.

Proposed Termination of Registration

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Techno Fund, Inc., 50 West Gay Street, Columbus, Ohio 43215 ("Fund"), registered under the Act as a closed-end, non-diversified management investment company, has ceased to be an investment company as defined in the Act.

Fund was organized as an Ohio corporation on January 23, 1960, and registered under the Act by filing a Notification of Registration on Form N-8A with the Commission on June 24, 1960.

The Commission's records indicate that Fund was placed in receivership under the supervision of the District Court of the United States for the Southern District of Ohio ("Court") on December 29, 1966. Pursuant thereto, Fund was liquidated. Its assets produced only enough funds to pay a part of the preferred claim of the Small Business Administration, and no distribution was made to shareholders. The receiver was discharged by the Court on December 29, 1969.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 21, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund 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. As provided by Rule 0-5 of the rules and regulations promul-

gated under the Act, an order disposing of the mater 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.73-25815 Filed 12-5-73;8:45 am]

[70-5423]

MASSACHUSETTS ELECTRIC CO. AND NEW ENGLAND ELECTRIC SYSTEM

Notice of Proposed Issue and Sale of Common Stock to Holding Company

Notice is hereby given that New England Electric System ("NEES"), 20 Turnpike Road, Westborough, Massachusetts 01581, a registered holding company, and Massachusetts Electric Company ("Mass Electric"), one of its electric utility subsidiary companies, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9(a), 10, and 12 of the Act and Rule 42 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Mass Electric proposes to issue and sell to NEES, its sole common stockholder, 181,818 additional shares of common stock, $25 par value per share, and NEES proposes to acquire such shares for cash at $55 per share, or a total consideration of $9,999,990. Upon such issuance and sale, Mass Electric will have outstanding 2,398,111 shares of common stock of an aggregate par value of $59,952,775.

As of November 6, 1973, Mass Electric has outstanding $9,950,000 of short-term notes payable to banks. The proceeds from the issuance and sale of the additional common stock will be applied to the payment of then outstanding short-term notes payable evidencing borrowings made for capitalizable construction expenditures or to reimburse the treasury therefor.

Expenses in connection with the proposed issuance and sale of common stock are estimated at $3,855 for Mass Electric and $200 for NEES. It is stated that the proposed issuance and sale of the common stock require authorization by the Massachusetts Department of Public Utilities and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested persons may, not later than December 20, 1973, request in writing that a hearing be held in respect of 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 should the Commission 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 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.73-25828 Filed 12-5-73;8:45 am]

[70-5305, 59-63]

UTAH POWER & LIGHT CO.

Filing of Application

Notice is hereby given that Utah Power & Light Company ("Utah"), 1407 West North Temple Street, P.O. Box 899, Salt Lake City, Utah 84110, an electric utility company and a registered holding company, has filed an application-declaration and an amendment thereto with this Commission pursuant to, insofar as applicable, sections 5, 9, 10, 11 and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 43 promulgated thereunder. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

Utah, a Maine corporation, conducts electric utility operations throughout a major part of the State of Utah and, to a lesser extent, in portions of Idaho and Wyoming. The Western Colorado Power Company ("Western"), a subsidiary company of Utah, operates an electric utility system entirely within the State of Colorado. As of August 31, 1973, Utah had consolidated assets of $643,107,000 and operating revenues of $130,532,000 for the twelve months then ended. As of the same date, Western had total assets of $21,573,000 and total revenues of $5,124,000 for the twelve months ended. Western's long-term debt, then amounting to $5,875,000, and all of its outstanding common stock are owned by Utah.

Utah proposes to acquire all of Western's assets, assume all of its liabilities and cancel the outstanding indebtedness owed by Western to Utah in exchange for Western's stock. Thereafter Utah will operate Western as a division of the Utah system. Utah requests that, upon consummation of the proposed transactions, an order be issued under section 5(d) of the Act declaring that Utah has ceased to be a holding company and that its registration as such under the Act be terminated.

At present, Utah's transmission lines are not directly interconnected with those of the Western system. Utah has executed a long-term contract with the United States Bureau of Reclamation and the Public Service Company of New Mexico, an unaffiliated company, whereby they have agreed to transmit Utah's power to Western via their transmission lines. The agreements do not permit Western to send its power, when available, to Utah. At the present time, it appears that Utah has no concrete plans to construct the communication facilities in order to link Western to the same control center which presently governs the generation, transmission and distribution of electricity on the Utah system.

The application-declaration represents that the Federal Power Commission has jurisdiction over the transfer of Western's utility licenses to Utah, and that the public utilities commissions of Colorado, Idaho, Utah and Wyoming have issued appropriate orders in respect to these transactions. The order issued by the Public Service Commission of Utah approved the merger of Western into Utah. The order of the Public Utilities Commission of Colorado expressly authorized Utah to acquire all assets and obligations of Western.

It appears to the Commission that it is appropriate to institute a proceeding to determine whether the Utah holding-company system complies with the standards set forth in section 11(b)(1), particularly whether the Utah and Western utility properties constitute an integrated public-utility system; that it is in the public interest and in the interest of consumers and investors for a public hearing to be held in respect to the foregoing; and that the application-declaration also presents questions as to the status of the Utah holding-company system under section 11(b)(1) of the Act, making it appropriate to consolidate these matters within a single proceeding:

It is ordered, That a proceeding be, and it hereby is, instituted with respect to Utah and its subsidiary company, Western, pursuant to Section 11(b)(1) of the Act.

It is further ordered, That a hearing be held in respect to Utah's application-declaration; that the hearing thereon be consolidated with the proceeding ordered herein under section 11(b)(1) of the Act; and that the hearing commence on January 7, 1974, or such later date as may be designated by the hearing officer, at 10:00 A.M. at the office of the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 in such room as may be designated by the hearing room clerk.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration and of the operations of Utah and Western and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the facilities of Utah and Western constitute an integrated public-utility system under Section 11(b)(1), and particularly whether their electric properties are physically interconnected or capable of physical interconnection and which under normal conditions may be economically operated as a single interconnected and coordinated system within the meaning of section 2(a)(29)(A) of the Act.

2. Whether the electric facilities of Western may be retained by Utah as an additional system under the provisions of Section 11(b)(1).

3. What conditions, if any, should be imposed if the proposed transactions are approved.

4. Whether, upon consummating the proposed transactions, an unconditional order should issue under section 5(d) declaring Utah to be no longer a holding company and terminating its registration as such under the Act.

5. Generally, whether the proposed transactions are in all other respects compatible with the provisions and standards of the Act and the Rules promulgated thereunder.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate, in whole or in part, either for hearing or for disposition, any issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

It is further ordered, That an Administrative Law Judge, hereinafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under Section 18(c) of the Act and to a hearing officer under the Commission's Rules of Practice.

It is further ordered, That any person, other than applicant-declarant, desiring to be heard in these consolidated proceedings or proposing to intervene therein shall file with the Secretary of the Commission, on or before January 3, 1974, a written request relative thereto as provided in Rule 9 of the Commission's Rules of Practice. 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 the applicant-declarant at the above stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That the Secretary of the Commission shall give notice of the aforementioned hearing by mailing copies of this Order by certified mail to the Federal Power Commission, the Public Utilities Commission of Colorado and the Public Service Commission of Utah and that notice to all other interested persons shall be given by the general release of the Commission and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-25829 Filed 12-5-73;8:45 am]

[File No. 500-1]

ACME MISSILES & CONSTRUCTION CORP.

Notice of Suspension of Trading

NOVEMBER 27, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Acme Missiles & Construction Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 1:00 p.m. (EST) November 27, 1973 through December 6, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Senior Recording Secretary.*

[FR Doc.73-25824 Filed 12-5-73;8:45 am]

[File No. 500-1]

A F M HOLDING, INC.

Notice of Suspension of Trading

NOVEMBER 27, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of A F M Holding, 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. (EST) November 27, 1973 through December 6, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Senior Recording Secretary.*

[FR Doc.73-25826 Filed 12-5-73;8:45 am]

[File No. 500-1]

DUESENBERG CORP.

Notice of Suspension of Trading

NOVEMBER 27, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Duesenberg Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 1:00 p.m. (EST) November 27, 1973 through December 6, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Senior Recording Secretary.*

[FR Doc.73-25825 Filed 12-5-73;8:45 am]

[File No. 500-1]

SEABOARD CORP.

Notice of Suspension of Trading

NOVEMBER 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, units and warrants of Seaboard Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 27, 1973 through December 6, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-25827 Filed 12-5-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 98]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 30, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the Federal Register issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the Federal Register. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

No. MC 409 (Sub-No. 47) (AMENDMENT), filed September 10, 1973, published in the FEDERAL REGISTER issue of November 8, 1973, and republished as amended this issue. Applicant: SCHROETLIN TANK LINES, INC., P.O. Box 511, Sutton, Nebr. 68979. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in tank trucks, (1) from Doniphan, Nebr. and Kansas City, Mo., to points in Kansas; (2) from Kansas City, Mo.-Kans., to points in Nebraska; and (3) from Fairfield, Nebr., to points in Kansas on and east of U.S. Highway 183, on and north of Interstate Highway 70, and on and west of U.S. Highway 75.

NOTE.—The purpose of this republication is to indicate the request for authority in (2) above, 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 Lincoln or Omaha, Nebr.

No. MC 409 (Sub-No. 48), filed October 17, 1973. Applicant: SCHROETLIN TANK LINE, INC., P.O. Box 511, Sutton, Nebr. 68979. Applicant's representative: Gailyn L. Larsen, P.O. Box 81849, 521 S. 14th St., Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and liquid feed supplements*, in bulk in tank vehicles, from Lincoln, Nebr., to points in Colorado, Iowa, Kansas, Missouri, South Dakota, and Wyoming.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 730 (Sub-No. 356), filed October 5, 1973. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Waste solvent*, in bulk, in tank vehicles, from Phoenix, Ariz., to Reedley, Calif.; (2) *petroleum and petroleum products*, in bulk, in tank vehicles, from points in Duchesne County, Wash., to points in Nevada and Idaho; and (3) *petroleum and petroleum products, and lubricating oil additives*, in bulk, in tank vehicles, from Good Hope and Oak Point, La., to points in California, Oregon, and Washington.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 2228 (Sub-No. 64), filed October 15, 1973. Applicant: MERCHANTS FAST MOTOR LINES, INC., East Highway 80, P.O. Drawer 591, Abilene, Tex. 79604. Applicant's representative: Jerry Prestridge, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Dallas and Houston, Tex., serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's presently authorized regular-route operations: From Dallas over Interstate Highway 45 to Houston, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 2860 (Sub-No. 134), filed October 15, 1973. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: W. Randall Tye, 1500 Candler Building, Atlanta, Ga. 30303. 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 and mineral wool products, insulating materials and insulated air duct, and such materials, supplies and equipment* used in the production, distribution and installation of such commodities (other than commodities in bulk) between the plantsites, storage and warehouse facilities of Certain-Teed Products Corporation in Clarke County, Ga., and Fulton 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, and West Virginia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 2860 (Sub-No. 135), filed October 17, 1973. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends, metal and accessories and materials, equipment and supplies* used in the manufacture, sales and distribution of containers (except commodities in

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

bulk), from Albany, N.Y., and Paterson and Passaic, N.J., to Merrimack, N.H.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 4687 (Sub-No. 14) (CORRECTION), filed September 17, 1973, published in the FR issue of November 15, 1973, and republished as corrected this issue. Applicant: BURGESS & COOK, INC., P.O. Box 458, Fernandina Beach, Fla. 32304. 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: *Waste products* intended for reuse or recycling and *used pallets*, from points in Alabama, Florida, Georgia, and South Carolina, to Jacksonville and Fernandina Beach, Fla.

NOTE.—The purpose of this republication is to clarify the requested commodity description. Applicant 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, Fla.

No. MC 19227 (Sub-No. 194), filed October 9, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N. W. 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 19227 (Sub-No. 195), filed October 9, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N. W. 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 Kentucky, Missouri, Illinois, Indiana, Ohio, Wisconsin, Minnesota, Iowa, and Michigan.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 19227 (Sub-No. 196), filed October 9, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N. W. 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 Arizona, New Mexico, Texas, Nebraska, Kansas, Oklahoma, Colorado, Nevada, Oregon, Washington, Utah, Montana, Idaho, Wyoming, North Dakota, and South Dakota.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 19227 (Sub-No. 197), filed October 17, 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: *Iron and steel articles* as described in Appendix V, *Description in Motor Carrier Certificates*, 61 M.C.C. 209, (1) between points in Florida, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (2) between points in Florida, on the one hand, and on the other, points in Texas; (3) between points in Kansas, Missouri, Nebraska, New Mexico, and Oklahoma; (4) between points in Kansas, Missouri, Nebraska, New Mexico, and Oklahoma, on the one hand, and, on the other, points in Texas; (5) between points in Florida, on the one hand, and, on the other, points in Alabama, Georgia, and South Carolina; (6) between points in Texas; (7) between points in Texas, on the one hand, and, on the other, points in Arkansas, and Louisiana; and (8) between points in Texas, New Mexico, and Arizona.

NOTE.—Common control may be involved Applicant states that the requested authority can be tacked with Sub 127 to provide a through service from California through Yuma, Ariz., Gateway. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., and Dallas, Tex.

No. MC 19227 (Sub-No. 198), filed October 9, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N.W. 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 Arkansas, Louisiana, Mississippi, Alabama, Georgia, Tennessee, North Carolina, South Carolina, Florida, Virginia, and West Virginia.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not state a location.

No. MC 25798 (Sub-No. 249), filed October 12, 1973. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsites and warehouse facilities of Morton Frozen Foods, Div. of Continental Baking Co., located at or near Crozet, Va., to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

NOTE.—Common control was approved in Docket No. MC-F-8953. Applicant states that the requested authority can be tacked with its existing authority; in Sub-No. 26 at points in Michigan to serve Birmingham, Ala.; Jacksonville, Fla.; Atlanta, Ga.; Louisville, Ky.; New Orleans, La.; Baltimore, Md.; Jackson, Miss; Passaic, N.J.; New York, N.Y.; Knoxville and Nashville, Tenn.; and points in North Carolina and Pennsylvania; in Sub-No. 53 at St. Joseph, Marshall, Macon, Carrollton, Milan, and Moberly, Mo., to serve points in Tennessee (except Memphis), West Virginia, Georgia, Alabama, and Florida; in Sub-No. 73 at Minneapolis, Minn., and Eau Claire, Wis., to serve Chattanooga, Knoxville, and Memphis, Tenn.; in Sub-No. 82 at Crookston, Duluth, Minneapolis, and Mankato, Minn., to serve points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; in Sub-No. 108 at St. Joseph, Marshall, Macon, Carrollton, Milan, and Moberly, Mo., to serve Memphis, Tenn.; in Sub-No. 109 at Darien, Wis., to serve New Orleans, La., and points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and the District of Columbia; in Sub-No. 110 at Fort Atkinson, Wis., to serve points in Tennessee, West Virginia, Pennsylvania, New York, Virginia, Florida, and the District of Columbia; in Sub-No. 130 at LaFayette, Ind., to serve Alabama, Georgia, and Tennessee; in Sub-No. 174 at Belvidere, Ill., to serve points in North Carolina, South Carolina, and West Virginia; and Sub-No. 184 at Monroe City, Mo., to serve points in Alabama, Florida, Georgia, and Tennessee (except Memphis). If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 29079 (Sub-No. 67), filed October 12, 1973. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Ind. 46901. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago,

Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Bethlehem Steel Corporation at Lackawanna, N.Y., to points in Illinois, Indiana, the Lower Peninsula of Michigan, Ohio, and the St. Louis, Mo., Commercial Zone.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 29910 (Sub-No. 136), filed October 15, 1973. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Thomas Harper, P.O. Box 43, Kelley Building, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of DLM, Inc., located approximately five miles east of Malvern, Ark., as an off-route point in connection with applicant's regular-route authority to and from Malvern, Ark.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or New Orleans, La.

No. MC 35358 (Sub-No. 33), filed October 19, 1973. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive NE., Minneapolis, Minn. 55421. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radios, phonographs, televisions, tape players and recorders*, and *parts, accessories, and components* for the above described commodities, (1) from the plantsite and warehouse facilities of Team Central Incorporated, located at or near Minneapolis, Minn., to points in Illinois, Iowa, Nebraska, South Dakota, North Dakota, Wisconsin, and the upper peninsula of Michigan; and (2) from Los Angeles, Calif.; New York and Albany, N.Y.; Chicago, Ill.; Oklahoma City, Okla.; New Hartford, Conn.; Huntington, Ind.; and Seattle, Wash., to the plantsite and warehouse facilities of Team Central Incorporated, located at or near Minneapolis, Minn.

NOTE.—Applicant states that the requested authority can be tacked in parts (1) and (2) above at the plantsite and warehouse facilities of Team Central Incorporated located at or near Minneapolis, Minn., to provide a through service from the origin points named in (2) above to the destination points named in (1) above, and with its existing authority on uncrated appliances, when applicable, in Sub-No. 15 at Minneapolis, Minn., to provide a through service from the origin points named in (2) above to points in Kansas, Missouri, and Montana; in Sub-No. 17 at Superior, Wis., to serve points in the United States (except Alaska and Hawaii); and in Sub-No. 16 at Minneapolis, Minn., to provide a through service from the origin points named in (2) above to additional points in Minnesota, Kansas, Missouri, and Montana. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 37578 (Sub-No. 23), filed October 11, 1973. Applicant: JOSEPH W. TREHAN, INCORPORATED, Box 332, North Lima, Ohio 44452. Applicant's representative: Joe F. Asher, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory and clay products, and materials and supplies* used in the installation thereof, (1) from Columbiana, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, restricted against the transportation of refractories, to points in Wayne and Monroe Counties, Mich., points in that part of New York on and west of U.S. Highway 15, points in that part of West Virginia on and north of U.S. Highway 50 and to points in that part of Pennsylvania on and west of U.S. Highway 11 (except Summerville), and (2) from Frostburg, Md., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Wisconsin, and the District of Columbia, restricted against tacking the above-described authority with any presently held authority in MC 37578 Subs 5, 17, and 20, for purposes of rendering a through service to points not included in the above-requested authority.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 41406 (Sub-No. 34), filed October 10, 1973. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, Ind. 46323. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Bethlehem Steel Corporation located at or near Lackawanna, N.Y., to points in Illinois, Indiana, Iowa, Wisconsin, and the St. Louis, Mo., Commercial Zone.

NOTE.—Common control was approved in MC-F-11406. Applicant 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 43963 (Sub-No. 3), filed October 15, 1973. Applicant: CHIEF TRUCK LINES, INC., Joliet Road & 79th Street, Hinsdale, Ill. 60521. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Chicago and Joliet, Ill., and Burns Harbor, Ind., to points in Wisconsin, Illinois, and those in Indiana on and north of U.S. Highway 40.

NOTE.—Applicant presently holds "size and weight" authority from the origins to the destinations requested herein. Applicant states that the requested authority can be tacked at Chicago and Joliet, Ill., to handle iron and steel articles categorized as size and weight commodities: (a) from points in Wisconsin to points in Illinois and a designated portion of Indiana; (b) from a designated portion of Indiana to points in Wisconsin; and (c) from points in Illinois to points in Wisconsin and a designated portion of Indiana. Applicant further states that the requested authority can be tacked at Chicago, Ill., on iron and steel articles categorized as general commodities (with usual exceptions) between points in Illinois and Indiana within a 40-mile radius of Chicago, on the one hand, and, on the other, points in Illinois and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 49304 (Sub-No. 31), filed September 5, 1973. Applicant: BOWMAN TRUCKING COMPANY INC., P.O. Box 6, Stephens City, Va. 22655. Applicant's representative: Daniel B. Johnson, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials, and supplies* used by or in the processing of minerals and ores (except commodities which because of size and weight require the use of special equipment), from points in West Virginia, Virginia, Ohio, Pennsylvania, and North Carolina, to Strasburg, Va.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority (1) on steel drums, at Strasburg, Va., to provide a through service from the origin points named above to Frederick, Md.; and (2) on lime and limestone, at points in West Virginia and Pennsylvania to provide a through service from Middletown, Va., and points within 6 miles thereof to Strasburg, Va. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 50307 (Sub-No. 68), filed October 15, 1973. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001. Applicant's representative: Hubert Burstein, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials, supplies and equipment* used in the manufacture thereof, between Cumberland, Md., and Lock Haven, Pa.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 51146 (Sub-No. 339), filed October 11, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 S. Broadway, Green Bay, Wis. 54304. Applicant's representative: D. F. Martin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over ir-

tainers and closures thereto, and *those materials and supplies* used in the manufacture of glass containers, from Terre Haute, Ind., to points in Colorado, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, and Nebraska.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in (1) Sub-No. 197 at Terre Haute, Ind., to provide a through service from Gas City and Evansville, Ind., to points in Colorado, Iowa west of Highway 69, Kansas, Kentucky, Michigan, Minnesota, and Missouri; (2) at Terre Haute, Ind., to provide a through service from Burlington, Wis., to points in Colorado, Kansas, and Missouri; and (3) at Terre Haute, Ind., to provide a through service from Mundelein, Ill., to points in Colorado, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, and Nebraska. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 52704 (Sub-No. 108), filed October 18, 1973. Applicant: GLENN McCLENDON TRUCKING CO., INC., Lafayette, Ala. 36862. Applicant's representative: John W. Cooper, 1314 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bottles,* from Henderson, N.C., and Laurens, S.C., to points in Virginia.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 53 at Henderson, N.C., to provide a through service from Lafayette, Ala. to points in Virginia; and in Sub-No. 58 at Henderson, N.C., and Laurens, S.C., to provide a through service from the plantsite of Laurens Glass Company located at or near Simsboro, La., to points in Virginia. If a hearing is deemed necessary, applicant requests it be held at Greenville, S.C., or Washington, D.C.

No. MC 52704 (Sub-No. 109), filed October 19, 1973. Applicant: GLEN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", Lafayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bottle molds, bottle trays and containers, machines and machine parts,* and *polyethylene bags,* between the plantsite of Laurens Glass Company located at or near Simsboro, La., on the one hand, and on the other the plantsites of Laurens Glass Company located at or near Laurens, S.C., and Henderson, N.C.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 59264 (Sub-No. 58), filed October 15, 1973. Applicant: SMITH & SOLOMON TRUCKING COMPANY, a Corporation, How Lane, New Brunswick, N.J. 08903. Applicant's representative: Herbert Burstein, 1 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Food and food stuffs* (except commodities in bulk in tank vehicles), from Hillside, N.J., and Fairlawn, N.J., to points in Virginia.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 60465 (Sub-No. 8), filed July 13, 1973. Applicant: SPERRY TRANSPORTATION COMPANY, a Corporation, 907 F Street, P.O. Box 468, Charles City, Iowa. Applicant's representative: Thomas E. Leahy, Jr., 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Castings,* from Charles City, Iowa, to points in Illinois on and north of a line beginning at the Illinois-Missouri State line near Alton, Ill., and extending along Illinois Highway 140 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Indiana State line, under contract with White Farm Equipment Company.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., Minneapolis, Minn., Omaha, Nebr., or Kansas City, Mo.

No. MC 61592 (Sub-No. 310), filed October 15, 1973. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: E. A. DeVine (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* unloaded by mechanical devices furnished by the Carrier, when required, from the plantsite of Bethlehem Steel Corporation at Lackawanna, N.Y., to points in Illinois, Indiana, Iowa, Michigan (lower Peninsula), and Ohio.

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 63792 (Sub-No. 20), filed October 11, 1973. Applicant: TOM HICKS TRANSFER COMPANY, INC., 4132 Peters Road, Harvey, La. 70058. Applicant's representative: C. W. Ferebee, P.O. Box 283, Harvey, La. 70058. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* from points in Jefferson and Orange Counties, Tex., to points in Louisiana.

NOTE.—Applicant states that the requested authority can be tacked (1) on the existing size and weight authority in its base certificate at points in Louisiana to serve points in Arkansas and Mississippi, and (2) in Sub-No. 18 at points in Louisiana on and south of U.S. Highway 190 (except New Orleans and points in its Commerical Zone) to serve points in Arkansas, Mississippi, Alabama, Georgia, and Florida. If a hearing is deemed necessary, applicant requests it be held at Beaumont, Tex., or New Orleans, La.

No. MC 73165 (Sub-No. 332), filed October 18, 1973. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Eugene T. Liipfert, 1660 L Street, NW., Suite 1100, 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 located at or near Lackawanna, N.Y., to points in Illinois, Indiana, Ohio, and the lower peninsula of 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 Washington, D.C.

No. MC 75320 (Sub-No. 165), filed October 12, 1973. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801. Applicant's representative: Harold D. Miller, Jr., 700 Petroleum Bldg., P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Between Pryor, Okla., and Dallas, Tex.: From Pryor, Okla., over U.S. Highway 69 to Denison, Tex., and thence over U.S. Highway 75 to Dallas, Tex., and return over the same route, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Springfield, Mo., Dallas, Tex., or Tulsa, Okla.

No. MC 78947 (Sub-No. 13), filed August 2, 1973. Applicant: ELLIOTT BROS. TRUCK LINE, INC., 801 Hiway 21, Dysart, Iowa 52224. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plant machinery, equipment, materials, and supplies; metal and plastic boxes; metal cabinets, and chests; tool stands;* and *hospital carts,* (1) between Waterloo, Iowa, and Pocahontas, Ark.; and (2) between Waterloo, Iowa, and Pocahontas, Ark., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, and Missouri.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at (a) Waterloo, Iowa, to provide a through service from Minneapolis, Minn., and points in Illinois to Pocahontas, Ark., and (b) at Waterloo, Iowa, to serve the above-mentioned points. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 82841 (Sub-No. 133), filed October 21, 1973. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Building materials,* from the

plantsite of Johns-Manville Products Corporation at Waukegan, Ill., and the plantsite of Johns-Manville Perlite Corporation at or near Joliet, Ill., to points in Iowa, South Dakota, and Nebraska; and (2) *asbestos cement pipe*, from the plantsite of Johns-Manville Products Corporation at Waukegan, Ill., to points in Colorado, Montana, Wyoming, Iowa, Nebraska, and South Dakota.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 83539 (Sub-No. 383), filed October 23, 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: *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements, from Hamilton, Ohio, 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 Cleveland, Ohio.

No. MC 83835 (Sub-No. 111), filed October 10, 1973. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooling equipment and parts of cooling equipment* and (2) *materials and supplies*, except in bulk, used in the manufacturing, installation and erection of cooling equipment, from the plantsite of Hudson Products Corp. located at or near Beasley, Tex., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Tennessee, West Virginia, Vermont, 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 Dallas or Houston, Tex.

No. MC 88380 (Sub-No. 11), filed October 17, 1973. Applicant: REB TRANSPORTATION, INC., 2400 Cold Springs Road, Fort Worth, Tex. 76106. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminized or indurated conduit or pipe*, from points in Grayson County, Tex., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the plantsite of McGraw-Edison Company, Fibre Products Division, located in Grayson County, 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 Dallas, Tex.

No. MC 94201 (Sub-No. 117), filed October 23, 1973. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Ga. 30316. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Suite 246, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal* (except in bulk), and *lighter fluid (naphtha distillate), hickory chips, fireplace logs, and vermiculite, other than crude, when moving in mixed shipments with charcoal*, from Dothan, Ala., to points in Kentucky, North Carolina, South Carolina, Tennessee, and Virginia, and (2) *materials and supplies, such as, bags, twine, hickory chips, lighter fluid (naphtha distillate), fireplace logs, and vermiculite, other than crude* (except in bulk), from the above-named destination states to the plantsite of Kingsfort Company, at or near Dothan, Ala.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 95540 (Sub-No. 889), filed October 19, 1973. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive NE., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite of Madison Foods, Inc., located at or near Madison, Nebr., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, restricted to traffic originating at the above named plantsite and destined to the above named destination points.

NOTE.—Common control was approved in MC-F-7942 and MC-F-8308. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Washington, D.C.

No. MC 96818 (Sub-No. 4), filed October 4, 1973. Applicant: SOUTHERN MARYLAND TRANSPORTATION CO., INC., 4112 Dewmar Court, Kensington, Md. 20795. Applicant's representative: Thomas M. Auchincloss, Jr., 918 16th St. NW., Suite 700, World Center Bldg., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between U.S. Government Military Installations at Norfolk, Va., at or near Yorktown, Va., Dahlgren, Va., Indianhead, Md., Patuxent River, Md., and Washington, D.C., restricted to the transportation of shipments having a prior or subsequent movement by aircraft.

NOTE.—Applicant states that the requested authority can be tacked at Patuxent River, Md., Indianhead, Md., and Washington, D.C., to provide service between presently authorized points in Maryland, and those points named above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 97830 (Sub-No. 4), filed September 13, 1973. Applicant: BOWEN TRUCKING CO., INC., P.O. Box 181, Vernal, Utah 84078. Applicant's representative: William S. Richards, 900 Walker Bank Bldg., P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, and equipment, and parts and accessories* when moving with the equipment or machinery which will utilize the parts and accessories, (1) between points in Duchesne, Uintah, Grand, San Juan, and Carbon Counties, Utah, on the one hand, and, on the other, points in Colorado, Wyoming, Oklahoma, Arizona, and New Mexico; and (2) between points in Colorado and Wyoming.

NOTE.—Applicant states that the requested authority can be tacked at Oklahoma with authority in MC 97830 (Sub-No. 2) to provide service between the counties in Utah named above and points in Kansas and those in Texas in and on a line bounded on the south by U.S. Highway 84 extending from the New Mexico-Texas State Boundary line to Lubbock, Tex., thence along U.S. Highway 82 to Wichita Falls, Tex., and on the east by U.S. Highway 277, extending from Wichita Falls, Tex. to the Texas-Oklahoma State Boundary line. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City or Vernal, Utah.

No. MC 98088 (Sub-No. 21), filed October 15, 1973. Applicant: LINDLEY TRUCKING SERVICE, INC., 1701 Grand Avenue, Granite City, Ill. 62040. Applicant's representative: Richard Chasteen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, and materials and supplies* used in the installations and distribution thereof, from Fort Dodge, Iowa, to points in Illinois, Indiana, 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 Washington, D.C., or Chicago, Ill.

No. MC 99208 (Sub-No. 12), filed October 15, 1973. Applicant: SKYLINE TRANSPORTATION, INC., 131 Quincy Avenue, Knoxville, Tenn. 37917. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transport-

ing: *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 because of size or weight), (1) Regular route—Between Knoxville, Tenn., and Birmingham, Ala.: From Knoxville over U.S. Highway 11 and also Interstate Highway 75 to Chattanooga, Tenn., thence over U.S. Highway 11 and also Interstate Highway 59 to Birmingham, and return over the same route, serving no intermediate points; and (2) Irregular route—Between Knoxville, Tenn., on the one hand, and, on the other, points in Hawkins, Sullivan (including Bristol, Va., and its commercial zone), Johnson, Carter, Washington, and Unicoi Counties, Tenn.

NOTE.—Common control was approved in No. MC-F-11779. Applicant states that the requests for authority in parts (1) and (2) above will be tacked together at Knoxville, Tenn. Applicant further states that the combined request for authority herein will be tacked at Knoxville, Tenn., with its existing authorities to serve various points in Tennessee and Kentucky. If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 99685 (Sub-No. 4) (AMENDMENT), filed September 4, 1973, published in the FR issue of November 15, 1973, and republished as amended this issue. Applicant: G. I. TRUCKING COMPANY, a Corporation, 13727 Alondra Boulevard, La Mirada, Calif. 90638. Applicant's representative: Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, motor vehicles and livestock), between points within an area bounded by a line beginning at the junction of California Highways 118 and 27, and extending over California Highway 118 to Junction California Highway 7, thence over California Highway 7 to Junction Rinaldi Street, thence over Rinaldi and Workman Streets to the boundary of the City of San Fernando, thence along the boundary of the City of San Fernando and its prolongation to the boundary of the Angeles National Forest, thence along the boundary of the Angeles National Forest and the San Bernardino National Forest to U.S. Highway 395, thence over U.S. Highway 395 to Junction U.S. Highway 99, thence over U.S. Highway 99 to Redlands, thence along an imaginary line to Junction U.S. Highway 395 and 60, thence over U.S. Highway 395 to Junction Cajalco Drive, thence over Cajalco Drive to Junction Mockingbird Canyon Road, thence over Mockingbird Canyon Road and Van Buren Street to junction California Highway 18, thence over California Highway 18 and U.S. Highway 91 to Junction California Highway 55, thence over California Highway 55 to the Pacific coastline, thence along the Pacific coastline to a point directly south of junction Alternate U.S. Highway 101 and California Highway 27, thence over California Highway 27 to the point of beginning, on the one hand, and, on the other, (a) all points located on Interstate Highway 5, California Highway 126 and U.S. Highway 101, to and including Paso Robles, Calif., (b) all points located on California Highway 14 between its junction with Interstate Highway 5 and Mojave, Calif., and (c) all off-route points within fifteen (15) miles of the routes and territory described above.

NOTE.—The purposes of this republication are: (1) To indicate the request for authority in (a) through (c) above; (2) to indicate applicant's tacking possibilities; and (3) to correct the conversion notice of the previous publication. The primary purpose of this application is to convert the authority granted by the California Public Utilities Commission in Decision No. 81389, dated May 15, 1973, and as previously published in the Federal Register under date of May 17, 1972, to a Certificate of Public Convenience and Necessity. Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 2 at points in the territory requested herein to provide a service between points south of the Los Angeles Basin area and the points proposed to be served herein. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 99776 (Sub-No. 13), filed July 6, 19673. Applicant: BUCKNER TRUCKING, INC., P.O. Box 23234, Houston, Tex. 77028. Applicant's representative: R. Connor Wiggins, Jr., 909 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from the plantsite of Bird & Son, Inc., at Shreveport, La., to points in Alabama, Arkansas, Florida, Kansas, Kentucky, Mississippi, New Mexico, Oklahoma, Tennessee, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its exising authority. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 99780 (Sub-No. 32), filed October 9, 1973. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 NE. Bond St., Peoria, Ill. 61603. Applicant's representative: John R. Zang (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared meals, bakery goods, trays, eating utensils, freezers, ovens, and other items* used in the preparation and serving of school lunches (except in bulk), from the plantsite and/or storage facilities of Mass Feeding Corporation at Elk Grove Village, and Chicago, Ill., to points in Missouri, Ohio, Michigan, Indiana, and Illinois, restricted to the transportation of traffic originating at the above-named origins and destined to the above-named destinations.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago or Peoria, Ill.

No. MC 100449 (Sub-No. 36), filed October 15, 1973. Applicant: MALLINGER TRUCK LINE, INC., R.F.D. 4, Fort Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766, from Amarillo, Tex., to points in Illinois, Iowa, Kansas, Missouri, Minnesota, Nebraska, North Dakota, Oklahoma, South Dakota, and Wisconsin, restricted to traffic originating at the plantsite and facilities utilized by John Morrell and Co., at 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 Chicago, Ill.

No. MC 100666 (Sub-No. 251) (AMENDMENT), filed October 1, 1973, published in the FR issue of November 23, 1973, and republished, as amended, this issue. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life, 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, and materials and supplies* used in the distribution and installation thereof (except in bulk), from the facilities of The Celotex Corp., located in Marion, S.C., to points in Alabama, Illinois, Indiana, Iowa, Kentucky, Louisiana (east of the Mississippi River), Michigan, Minnesota, Mississippi, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

NOTE.—The purpose of this republication is to indicate that the facilities of The Celotex Corporation are located *in* Marion County, S.C., instead of *at* Marion County, S.C. Applicant states that the requested authority can be tacked with either its Subs 120 or 127 at Henry County and Covington, Tenn., to serve from Marion, S.C., to points in Arkansas, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Colorado, and New Mexico; and with its Sub 120 at Henry County, Tenn., to serve points in Montana and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 100666 (Sub-No. 252), filed October 12, 1973. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 NW. 58th, 280 National Foundation Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transformers*, from Laurel, Miss., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing

authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Shreveport, La.

No. MC 100666 (Sub-No. 254), filed October 19, 1973. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refined copper and materials and supplies* used in the manufacture and distribution of refined copper (except in bulk, in tank vehicles), between Amarillo, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103051 (Sub-No. 288), filed October 18, 1973. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Montgomery, Ala. to points in Florida.

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. 196, on fertilizer solutions, at Montgomery, Ala., to provide a through service from Tyner, Tenn., to points in Florida; and in Sub-Nos. 217 and 230, on chemicals, at Montgomery, Ala., to provide a through service from Lavergne and points in Robertson County, Tenn., to points in Florida. Additional tacking possibilities exist but are not sought. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 103993 (Sub-No. 780), filed October 15, 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: *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 at Birmingham, Ala., to points in the United States (except Alaska, Hawaii, and Alabama), and *damaged, rejected, and returned shipments* of the above described commodities, from the destination territory named above, to the plantsite and storage facilities of Butler Manufacturing Company at Birmingham, Ala.

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., or Chicago, Ill.

No. MC 103993 (Sub-No. 781), filed October 15, 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: *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 at Galesburg, Ill., to points in the United States (except Alaska, Hawaii, and Illinois), and *damaged, rejected, or returned shipments* of the above commodities from said destination states, to the plantsite and storage facilities of Butler Manufacturing Company at Galesburg, Ill.

NOTE.—Common control was approved in Docket No. 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., or Chicago, Ill.

No. MC 105457 (Sub-No. 75), filed October 19, 1973. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Road, Charlotte, N.C. 28201. Applicant's representative: J. V. Luckadoo, P.O. Box 10638, Charlotte, N.C. 28201. 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, commodities in bulk, and those requiring the use of special equipment), serving the Holiday Industrial Park located in De Soto County, Miss., as an off-route point in connection with carrier's regular route authority between Greenville, S.C., and Memphis, Tenn., as authorized in MC 105457 (Sub-No. 61):

NOTE.—Common control was approved in MC-F-11018. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 105733 (Sub-No. 48), filed October 5, 1973. Applicant: H. R. RITTER TRUCKING CO., INC., 928 East Hazelwood Avenue, Rahway, N.J. 07065. 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: *Liquefied natural gas*, in bulk, in tank vehicles, (a) from points in Massachusetts, to points in Rhode Island, and (b) from points in Tennessee, Virginia, Pennsylvania, New York, New Jersey, Massachusetts, and Rhode Island, to points in New Jersey.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 105813 (Sub-No. 193), filed October 15, 1973. Applicant: BELFORD TRUCKING CO., INC., 3500 NW. 79th Avenue, Miami, Fla. 33148. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, from points in Florida, to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Common control was approved in MC-F-7806. Applicant 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 Miami, Fla.

No. MC 106398 (Sub-No. 686), filed September 17, 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* in sections mounted on wheeled undercarriages, from points of manufacture in Boulder County, Colo., to points in the United States (except Alaska and Hawaii).

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 107010 (Sub-No. 50), filed October 15, 1973. Applicant: BULK CARRIERS, INC., P.O. Box 423, Auburn, Nebr. 68305. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid feed and liquid feed supplements*, in bulk, in tank vehicles, from Humboldt, Nebr., to points in Kansas, Oklahoma, Missouri, South Dakota, Iowa, Minnesota, and Colorado; and (2) *ingredients* used in the manufacturing and production of liquid feed and liquid feed supplements, from the destination points named in (1) above, to Humboldt, Nebr.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 107295 (Sub-No. 664) (CLARIFICATION), filed August 16, 1973, published in the FR issue of September 27, 1973, and republished as clarified this issue. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, insulating materials, roofing and roofing materials, urethane and urethane products, building*

and construction materials, and related materials, supplies and accessories incidental thereto (except commodities in bulk), between points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, Wisconsin, and the plantsite and warehouse facilities of the Celotex Corp., located at points in Marion County, S.C., in nonradial movements, restricted to the transportation of shipments originating at or destined to points in the above-named States.

NOTE.—The purpose of this republication is to clarify applicant's request to perform a nonradial service such that shipments may originate at any point in this territory and be destined to any other point in this territory. Applicant 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 or St. Louis, Ill., or Washington, D.C.

No. MC 107295 (Sub-No. 677), filed October 15, 1973. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 at Birmingham, Ala., to points in the United States (except Alaska, Hawaii, and Alabama), and *damaged, rejected, and returned shipments* of the above-described commodities, from the destination territory named above, to the plantsite and storage facilities of Butler Manufacturing Company at Birmingham, Ala.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests a consolidated record with other similar applications but does not specify a location.

No. MC 107295 (Sub-No. 678), filed October 16, 1973. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 at Galesburg, Ill., to points in the United States (except Alaska, Hawaii, and Illinois), and *damaged, rejected and returned shipments* of the above-described commodities, from the destination territory named above, to the plantsite and storage facilities of Butler Manufacturing Company at Galesburg, Ill.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests a consolidated record but does not specify a location.

No. MC 107515 (Sub-No. 879), filed October 15, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical distribution equipment, electric heaters, and parts* for electrical distribution equipment and electric heaters, from Edgefield, S.C., and Vidalia, Ga., to points in Texas and California, restricted against the transportation of commodities which because of size or weight require the use of special equipment.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 108053 (Sub-No. 123) (CORRECTION), filed September 26, 1973, published in the FR issue of November 15, 1973, and republished as corrected in this issue. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 129, Fremont, Nebr. 68025. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite of Madison Foods, Inc., Madison, Nebr., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, restricted to the transportation of traffic originating at the above-named plantsite and destined to the above-named states.

NOTE.—The purpose of this republication is to add Wyoming as a destination point, which was inadvertently omitted in the previous publication. Common control may be involved. The applicant 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 108207 (Sub-No. 374), filed October 15, 1973. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plant site and warehouse facilities of Kraft Foods at or near Springfield, Mo., to points in New Mexico, Arizona, and California, restricted to traffic originating at points in the named origin, and destined to points in the named destination states.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 108449 (Sub-No. 361), filed October 9, 1973. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from Mankato, Minn., to points in South Dakota.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 200 on petroleum and petroleum products, at the terminal facilities of the Kaneb Pipe Line Company located at or near Aberdeen, S. Dak., to provide a through service from Mankato, Minn., to points in Minnesota, Montana, North Dakota, and Wyoming. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 109689 (Sub-No. 255), filed October 11, 1973. Applicant: W. S. HATCH CO., a Corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, liquid, and in bulk, from points in Arizona, to points in California, Nevada, and Utah.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority (1) on acids and chemicals, liquid, in bulk, in Sub-No. 26 (a) at points in Utah to serve points in New Mexico, Montana, Wyoming, Nevada, Colorado, and Idaho; (b) at points in California to serve Glenn, Mont., and points in Wyoming, Utah, and Colorado; and (c) at points in Nevada to serve Glenn, Mont., and points in Colorado, Utah, and Wyoming; and (2) on chemicals, liquid, in bulk in Sub-No. 213 at Great Salt Lake Minerals & Chemicals Corp. plant near Little Mountain, Utah, to serve points in Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Oregon, and Washington; and in Sub-No. 154 at points in Arizona to provide a through service from Henderson, Nev., to the destination points named above. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah or Los Angeles, Calif.

No. MC 110525 (Sub-No. 1074), filed October 15, 1973. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19355. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum lubricating oil, hydraulic systems fluids other than petroleum, and defoaming compounds*, in bulk, in tank vehicles, from Carrollton, Ga., to points in Alabama, Florida, Louisiana, Mississippi, and Texas; and (2) *cupric chloride*, in bulk, in tank vehicles from Western

Electric Co., Oklahoma City, Okla., to Southern California Chemical Co., Garland, 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 Orleans, La.

No. MC 110988 (Sub-No. 302), filed October 11, 1973. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chromium sulphate*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Colorado, Indiana, Iowa, Kentucky, Michigan, Minnesota, Ohio, and Pennsylvania.

NOTE.—Common-control was approved in MC-F-10280. Applicant 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 110563 (Sub-No. 117), filed October 18, 1973. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, frozen and fresh mushrooms*, from the Borough of Oxford and Lower Oxford Township in Chester County, Pa., to points in Ohio, Kentucky, Indiana, Illinois, Wisconsin, Michigan, and Missouri, restricted to traffic originating at the named origin points.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 111729 (Sub-No. 405), filed October 18, 1973. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K 20-000 6648 1-.-
Street NW., Washington, D.C. 20423. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit, and accounting media of all kinds*, and *advertising material* of all kinds, moving therewith, (a) between Pittsburgh, Pa., on the one hand, and, on the other, Batavia, Buffalo, Hornell, Lakewood, Niagara, Olean, Rochester, and Victor, N.Y.; and Charleston, Huntington, and Williamson, W. Va.; (b) between Toledo, Ohio, on the one hand, and, on the other, Angola, Auburn, Fort Wayne, and Warsaw, Ind.; and Adrian, Albion, Battle Creek, Coldwater, Hillsdale, Jackson, Marshall, Monroe, Morenci, Sturgis, Tecumseh, and Union City, Mich.; (c) between Paramus, N.J. and York, Pa.; (d) between Red Lion, Pa., on the one hand, and, on the other, Jersey City, South Hackensack, and Rutherford, N.J.; Columbus, Ohio; Springfield and Canton, Mass.; and points in that portion of the New York, N.Y., Commercial Zone as defined in the Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption provided by Section 203 (b) (8) of the Act (the "exempt" zone); (e) between Nashville, Tenn., on the one hand, and, on the other, Blytheville, Ark.; Chicago, Ill.; Bedford, Bloomington, Evansville, Indianapolis, and New Albany, Ind.; Corinth, Clarksdale, and Oxford, Miss.; Sikeston, Mo.; Cincinnati, Columbus, and Springdale, Ohio; and points in Kentucky; and (f) between Elmhurst, Ill., on the one hand, and, on the other, points in Ohio located on or west of Interstate Highway 75; and (2) *cutting dies and small parts*, between Red Lion, Pa., on the one hand, and, on the other Jersey City, South Hackensack, and Rutherford, N.J.; Columbus, Ohio; Springfield and Canton, Mass.; and points in that portion of the New York, N.Y., Commercial Zone as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to that partial exemption provided by Section 203 (b) (8) of the Act (the "exempt" zone), (2) restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from the consignor to one consignee on any one day.

NOTE.—Applicant presently has motor contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. Applicant states that the requested authority can be tacked with its existing authority as follows: for 1a in Sub-Nos. 138, 169, 172, 182, 196, 208, 216, 236, and 266 at Pittsburgh, Pa., to provide service between those points in New York named in 1a above, on the one hand, and, on the other, points in Ohio, West Virginia, and Maryland; in Sub-No. 302 at Pittsburgh, Pa., to provide service between points in West Virginia, on the one hand, and, on the other, New Haven, Conn.; in Sub-Nos. 155 and 188 at Buffalo and Rochester, N.Y., to provide service between Pittsburgh, Pa., on the one hand, and, on the other, Detroit, Mich., and points in Middlesex County, Mass.; and in Sub-No. 292 at Charleston and Huntington, W. Va., to provide service between Pittsburgh, Pa., on the one hand, and, on the other, points in Roanoke County, Va.; for 1b at Toledo, Ohio (1) in Sub-Nos. 146 and 216 to provide service between the destination points named in 1b above, on the one hand, and, on the other, Pittsburgh and Boyers, Pa., and (2) in Sub-Nos. 220, 278, and 339 to provide service between those points in Indiana named in 1b above, on the one hand, and, on the other, Detroit, Flint, Ann Arbor, and Chelsea, Mich.; in Sub-Nos. 185, 331, and 353 at those Indiana points named in 1b above to provide service between Toledo, Ohio, on the one hand, and, on the other, Chicago, Elmhurst and Elk Grove Village, Ill.; for 1c in Sub-Nos. 164, 172, 178, 266, and 302 at York, Pa., to provide service between Paramus, N.J., on the one hand, and, on the other, Baltimore, Md., Alexandria, Va., and points in Ohio; and in Sub-Nos. 168, 247, 328, and 331 at Paramus, N.J., to provide service between York, Pa., on the one hand, and, on the other, points in New York and Middlesex County, Mass.; for 1d in Sub-Nos. 164, 172, 178, 258, 266, and 302 at Red Lion, Pa., to provide service between (1) Columbus, Ohio, on the one hand, and, on the other, Carlstadt and Orange, N.J., and Baltimore, Md., and (2) those points in New York, New Jersey, and Massachusetts named in 1d above, on the one hand, and, on the other, Baltimore, Md., and points in Ohio; in Sub-Nos. 31, 38, 80, 110, 127, 151, 163, 168, 188, 205, 231, 243, 247, 258, 266, 270, 282, 295, 328, 331, and 333 (1) at those points in New York and New Jersey named in 1d above to provide service between Red Lion, Pa., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, and New Hampshire; and (2) at Columbus, Ohio, to provide service between Red Lion, Pa., on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, and Illinois; for 1e in Sub-Nos. 37, 69, 79, 88, 109, 114, 115, 122, 146, 169, 172, 185, 186, 218, 219, 228, 234, 258, 266, 270, 272, 278, 292, 295, 300, 302, 309, 331, and 338 (1) at points in Kentucky and Ohio to provide service between Memphis, Tenn., on the one hand, and, on the other, points in Michigan and Pennsylvania; at those points in Indiana named in 1e above to provide service between Memphis, Tenn., on the one hand, and, on the other, points in Ohio and Illinois; at points in Kentucky to provide service between Memphis, Tenn., on the one hand, and, on the other, points in Ohio, Indiana, Missouri, Illinois, and Michigan; at Chicago, Ill., to provide service between Memphis, Tenn., on the one hand, and, on the other, points in Wisconsin and Iowa; and in Sub-Nos. 225, 282, 302, and 318 at Nashville, Tenn., to provide service between those points in Illinois, Indiana, Ohio, and Missouri named in 1e above, on the one hand, and, on the other, points in Alabama and Georgia; and for 1f in Sub-Nos. 252, 327 and 331 (1) at Elmhurst, Ill., to provide service between those points in Ohio named above on the one hand, and, on the other, Minneapolis, Minn., and points in Wisconsin and Iowa; and (2) at those points in Ohio named in 1f above to provide service between Elmhurst, Ill., on the one hand, and, on the other, points in Pennsylvania, Kentucky, New York, and West Virginia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111812 (Sub-No. 500), filed October 18, 1973. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, P.O. Box 1233, Sioux Falls, S. Dak. 57104. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, chocolate and chocolate products, fruit syrup, flavoring syrup, cocoa and cocoa butter*, from points in Derry Township, Pa., to points in Illinois, Kansas, Missouri, and Wisconsin, restricted to traffic originating at the named origin and destined to the named destination points.

NOTE.—Common control was approved in MC-F-11285. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112223 (Sub-No. 92), filed October 15, 1973. Applicant: QUICKIE TRANSPORT COMPANY, a Corporation, 501 11th Avenue South, Minneapolis, Minn. 55415. Applicant's representative: Earl Hacking, 503 11th Avenue South, Minneapolis, Minn. 55415. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Landscape rock*, in bags and in bulk, from the upper Peninsula of Michigan, to points in Iowa, Illinois,

Minnesota, Wisconsin, 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 or St. Paul, Minn.

No. MC 112304 (Sub-No. 72), filed October 17, 1973. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 at Galesburg, Ill., to points in the United States (except Alaska, Hawaii, and Illinois), *and damaged, rejected, or returned shipments* of the above commodities from said destination states, to the plantsite and storage facilities of Butler Manufacturing Company at Galesburg, Ill.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 112304 (Sub-No. 73), filed October 17, 1973. Applicant: ACE DORAN HAULING & RIGGING CO., a Corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings, building panels, building parts, and materials, accessories, and supplies* used in connection with the installation, erection, and construction of buildngs, building panels, and building parts, from the plantsite and storage facilities of Butler Manufacturing Company at Birmingham, Ala., to points in the United States (except Alaska, Hawaii, and Alabama) and (2) *damaged, rejected, or returned shipments* of the above commodities from the above-named destination states, to the plantsite and storage facilities of Butler Manufacturing Company at Birmingham, 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 Washington, D.C., or Chicago, Ill.

No. MC 112822 (Sub-No. 298), filed October 15, 1973. Applicant: BRAY LINES INCORPORATED, 1401 N. Little St., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Kraft Foods at or near Springfield, Mo., to points in California, Colorado, Idaho, New Mexico, Oregon, and Washington.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Oklahoma City, Okla.

No. MC 112822 (Sub-No. 299), filed October 15, 1973. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pizza ingredients*, from Wichita and Hutchinson, Kans., and Peoria, Ill., to points in Georgia, Illinois, Florida, Kansas, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Oklahoma City, Okla.

No. MC 112822 (Sub-No. 300), filed October 19, 1973. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Champaign, Ill., to points in California, Montana, South Dakota, and North Dakota, restricted to traffic originating at the plantsite and storage facilities of Kraft Foods located at or near Champaign, Ill.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Oklahoma City, Okla.

No. MC 113025 (Sub-No. 7), filed October 5, 1973. Applicant: RALPH C. ISLAND, doing business as ISLAND FREIGHT, Box 147, Deadwood, S. Dak. 57732. Applicant's representative: A. Milton Evans, Box 1286, Rapid City, S. Dak. 57701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour, feed, and feed ingredients*, dry, in bulk or in bags, from the plantsite of Hubbard Milling Company located at or near Mankato, Minn., to the plantsite of its branch plant also known as Hubbard Milling Company located at Rapid City, S. Dak., under a continuing contract or contracts with Hubbard Milling Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., or Mankato, Minn.

No. MC 113651 (Sub-No. 164), filed October 17, 1973. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766, from Amarillo, Tex., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, restricted to shipments originating at the plantsite and facilities utilized by John Morrell and Company located at Amarillo, Tex.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessray, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 113678 (Sub-No. 519), filed October 15, 1973. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and related items, and premiums and advertising material* when moving with the above-named commodities, from Freehold, N.J., to points in Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Missouri, Kansas, Nebraska, Colorado, New Mexico, Arizona, Nevada, Kentucky, Oklahoma, Utah, California, Oregon, Washington, and Iowa.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.; Denver, Colo.; or Newark, N.J.

No. MC 113678 (Sub-No. 520), filed October 15, 1973. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cookies, crackers, bakery products*, and *snack foods*, from the plantsites of Midwest Biscuit Company at or near Burlington, Iowa, to points in Nebraska, Kansas, Colorado, Utah, Nevada, California, New Mexico, Arizona, Oregon, and Washington.

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 Omaha, Nebr., Chicago, Ill., or Denver, Colo.

No. MC 113678 (Sub-No. 521), filed October 15, 1973. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* from

Kansas City, Mo., to points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, West Virginia, Kentucky, and the District of Columbia, restricted to traffic originating at and destined to those locations named.

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 Kansas City, Mo.; Denver, Colo.; or Omaha, Nebr.

No. MC 113678 (Sub-No. 522), filed October 15, 1973. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Kraft Foods at or near Springfield, Mo., to points in Colorado, Arizona, California, Idaho, Oregon, Washington, and New Mexico, restricted to the transportation of traffic originating at the origin and destined to the destination States named above.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., Chicago, Ill., or Denver, Colo.

No. MC 114211 (Sub-No. 209) filed October 17, 1973. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment* and (2) *parts, attachments, and accessories*, from New London, Wis., to points in the United States (except Alaska and Hawaii) and (3) *equipment, materials and supplies*, used in the manufacture and distribution of the above-named commodities (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to New London, Wis.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at points in the United States to serve points in the United States. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 114211 (Sub-No. 212), filed November 23, 1973. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 2440 East Commercial Boulevard, Fort Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by manufacturers and distributors of wallboard and shelving, from Deer Park, N.Y. and Lodi, N.J., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. HEARING: January 9, 1974, at 9:30 A.M. United States Standard Time, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 114457 (Sub-No. 170), filed October 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 foodstuffs*, from Buffalo, N.Y., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or St. Paul, Minn.

No. MC 114896 (Sub-No. 11), filed October 18, 1973. Applicant: PUROLATOR SECURITY, INC., 1341 West Mockingbird Lane, Dallas, Tex. 75202. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion*, from West Point and New York, N.Y., to points in the Chicago, Ill., Commercial Zone under a continuing contract or contracts with General Services Administration.

NOTE.—Common control was approved in MC-F-11658 and MC-F-11680. Dual operations may also be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115331 (Sub-No. 352), filed October 15, 1973. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in packages; from St. Louis, Mo., to points in Tennessee, Kentucky, Alabama, and Mississippi; (2) *malt beverages*, from Milwaukee, Wis., to Rolla, Mo.; and (3) *perlite and vermiculite*, in bags, and *polystyrene boards*, in boxes and bags, from St. Louis, Mo., to points in Illinois.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115955 (Sub-No. 27), filed October 15, 1973. Applicant: SCARI's DELIVERY SERVICE, INC., P.O. Box 2627, Wilmington, Del. 19805. 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: *General commodities*, in shipments having a prior or subsequent movement via railroad trailer-on-flat-car service, between Alexandria, Va., on the one hand, and, on the other, points in Cecil, Harford, and Baltimore Counties, Md., and points in Delaware.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del., or Philadelphia, Pa.

No. MC 116273 (Sub-No. 164), filed October 18, 1973. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Ave., Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foundry facings, liquid mold release products, quenching compounds, and hydraulic fluids* from Howell, Mich., to points in Illinois, Indiana, and Ohio; and (2) *cutting oil, rust preventive compounds, soluble oils, metal working petroleum oils, and water based metal working lubricant*, in bulk, in tank vehicles, from Howell, Mich., to points in Illinois, Indiana, Kentucky, Missouri, Ohio, and Wisconsin.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 25 at Peru, Ill., to serve points in Iowa, Michigan, and Minnesota; in Sub-No. 48 at East Dubuque, Ill., to serve points in Iowa, Kansas, Michigan, Nebraska, South Dakota, and Minnesota; in Sub-No. 61 at Niota, Ill., to serve points in Iowa, Kansas, Michigan, Minnesota, Nebraska, and South Dakota; in Sub-No. 104 at Frankfort, Ill., to serve points in Georgia, Michigan, Minnesota, and Tennessee (except Kingsport); and in Sub-No. 136 at La Salle, Ill., to serve points in Alabama, Arkansas, Colorado, Georgia, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, North Dakota, Oklahoma, Pennsylvania, South Dakota, Texas, West Virginia, Wyoming, and those in Tennessee west of U.S. Highway 27. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116544 (Sub-No. 145), filed October 15, 1973. Applicant: WILSON BROTHERS TRUCK LINES, INC., 700 East Fairview Avenue, P.O. Box 636, Carthage, Mo. 64836. Applicant's representative: Robert Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Amarillo, Tex., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina,

South Carolina, and Tennessee, restricted to the shipments originating at the plantsite and facilities utilized by John Morrell and Co.

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 Amarillo, Tex.

No. MC 116698 (Sub-No. 10) (AMENDMENT), filed July 6, 1973, published in the FEDERAL REGISTER issue of October 26, 1973, and republished as amended this issue. Applicant: BILL G. CARR AND PHYLLIS R. CARR, a Partnership, doing business as ARROWHEAD TRANSPORTATION, 103 Moore Lane, Billings, Mont. 59102. Applicant's representative: Jerome Anderson, 100 Transwestern Building, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring the use of special equipment), between Billings and Laurel, Mont.: From Billings over Interstate Highway 90 and/or U.S. Highway 10 to Laurel, and return over the same route, for the purposes of joinder only, serving no intermediate or off-route points.

NOTE.—The purpose of this republication is to indicate that applicant seeks two-way movements between Billings and Laurel, Mont. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 116725 (Sub-No. 20), filed October 17, 1973. Applicant: INDIAN VALLEY ENTERPRISES, INC., 855 Maple Avenue, Harleysville, Pa. 19438. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter and foodstuffs* (except frozen foodstuffs and foodstuffs in bulk), between Harleysville, Pa., and points in Franconia Township, (Montgomery County), Pa., south of Cowpath Road, on the one hand, and, on the other, points in Washington, Oregon, and California, restricted to the transportation of shipments originating at and destined to points in the above-named territory.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 117119 (Sub-No. 488), filed October 19, 1973. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery products, and premiums* when moving in the same vehicle, in vehicles equipped with mechanical refrigeration, from Freehold, N.J., to points in Tennessee, Arkansas, Oregon, Washington, California, Nevada, Idaho, Montana, Utah, Minnesota, Iowa, Missouri, Colorado, Wyoming, Arizona, New Mexico, and Kansas.

NOTE.—Common control was approved in MC-F-11113 and MC-F-11462. Dual operations may also be involved. Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 39 at points in Tennessee to serve Oklahoma City, Okla., and points in Texas and Nebraska. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 117119 (Sub-No. 489), filed October 18, 1973. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: Bobby G. Shaw (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, and *advertising premiums*, in vehicles equipped with mechanical refrigeration, from Covington, Tenn., to points in California, Oregon, Washington, New Mexico, Utah, Arizona, Idaho, Nevada, Colorado, Minnesota, Wisconsin, Michigan, and New Jersey.

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 Philadelphia, Pa., or Memphis, Tenn.

No. MC 117322 (Sub-No. 10), filed October 15, 1973. Applicant: LESTER NOVOTNY, doing business as CHATFIELD TRUCKING, Chatfield, Minn. 55923. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of Kitchens of Sara Lee at Deerfield, Ill., to points in Wisconsin and Minnesota, restricted to the traffic originating at the named origin and destined to the named destinations.

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 Minneapolis, Minn.

No. MC 117686 (Sub-No. 144), filed October 18, 1973. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach, 309 Badgerow Bldg., Sioux City, Iowa 51101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Amarillo, Tex., to points in Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, and South Dakota, restricted to shipments originating at plantsite and facilities utilized by John Morrell & Co.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 117940 (Sub-No. 100), filed October 18, 1973. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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, Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia, restricted to shipments originating at the plantsite and facilities utilized by John Morrell & Co. located 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 Chicago, Ill.

No. MC 118202 (Sub-No. 25), filed October 17, 1973. Applicant: SCHULTZ TRANSIT, INC., 323 Bridge St., P.O. Box 406, Winona, Minn. 55987. Applicant's representative: Eugene A. Schultz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products* (except bulk commodities shipped in tank vehicles), from Clark, S. Dak., to points in Alabama, Arkansas, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New York, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and the District of Columbia, restricted to the plantsite and storage facilities utilized by Midwest Food Corporation, at Clark, S. Dak.

NOTE.—Applicant holds contract carrier authority in MC 134631 (Sub-No. 4) and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 118288 (Sub-No. 44), filed October 9, 1973. Applicant: STEPHEN F. FROST, 14750 Boyle Ave., Fontana, Calif. 92335. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except in bulk in tank vehicles), from Toledo, Ohio, to points in

the United States (except Alaska and Hawaii), on and west of U.S. Highway 85.

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 Toledo, Ohio.

No. MC 118610 (Sub-No. 17), filed October 23, 1973. Applicant: L & B EXPRESS, INC., P.O. Box 137, Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, P.O. Box 773, Court House, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products, and equipment, materials, and supplies* used in the manufacture and processing of aluminum and aluminum products (except commodities in bulk), between the facilities of Martin Marietta Aluminum, Inc., located at or near Lewisport, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, and Ohio.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Frankfort, or Louisville, Ky., Memphis, Tenn., or Cincinnati, Ohio.

No. MC 119522 (Sub-No. 26), filed October 23, 1973. Applicant: McLAIN TRUCKING, INC., 2425 Walton Street, Anderson, Ind. 46011. Applicant's representative: Donald W. Smith, Indiana National Bank Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor*, (1) from Lapel, Ind., to Milwaukee, Wis., and points in Kentucky, and (2) return shipments of glass containers from Milwaukee, Wis., and points in Kentucky, to Lapel, Ind.

NOTE.—Applicant holds contract carrier authority in MC 348865 Sub No. 39, 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 Indianapolis, Ind., or Chicago, Ill.

No. MC 119632 (Sub-No. 59), filed October 15, 1973. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, Ohio 43512. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk), from Decatur, Ind., to points in Delaware, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, 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 Indianapolis, Ind., Washington, D.C., or Chicago, Ill.

No. MC 119669 (Sub-No. 41), filed October 17, 1973. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A, P.O. Box 886, Columbus, Ind. 47201. Applicant's representative: Donald McCameron (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766, from the plantsite and facilities of John Morrell & Company, Amarillo, Tex., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, restricted to traffic originating at the plantsite and facilities utilized by John Morrell & Company.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119726 (Sub-No. 36), filed September 21, 1973. Applicant: N. A. B. TRUCKING CO., INC., 2502 West Howard Street, Indianapolis, Ind. 46221. Applicant's representative: James L. Beattey, 130 E. Washington Street, Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool, mineral wool products, insulating material and insulated air duct*, from the plant site of Certain-teed Products Corp., Kansas City, Kans., to points in Pike, Scott, Morgan, Sangamon, Macon, Piatt, Champaign, and Vermillion Counties, Ill., and all counties in Illinois south thereof.

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, Kans., or Indianapolis, Ind.

No. MC 120859 (Sub-No. 3), filed October 19, 1973. Applicant: SHANE TRUCK LINE, INC., 707 Jefferson Avenue, Clovis, Calif. 93612. Applicant's representative: William H. Kessler, 638 Divisadero Street, Fresno, Calif. 93712. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Plaster*, from Arden, Nev., to the facilities of Duncan Ceramic Products, Inc., located at or near Fresno, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Fresno or San Francisco, Calif.

No. MC 121060 (Sub-No. 28), filed October 16, 1973. Applicant: ARROW TRUCK LINES, INC., P.O. Box 5568, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* having a prior or subsequent movement by water, in cargo containers and *empty cargo containers*, between Mobile, Ala., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Mississippi, Louisiana, Arkansas, South Carolina, Tennessee, and Kentucky, restricted against the transportation of shipments in vehicles equipped with mechanical refrigeration.

NOTE.—Applicant states that the requested authority can be tacked with authority pending at points in the destination States named above to serve points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 121107 (Sub-No. 8), filed October 16, 1973. Applicant: PITT COUNTY TRANSPORTATION COMPANY, INC., P.O. Box 207, Farmville, N.C. 27828. Applicant's representative: Harry J. Jordan, 1000 16th Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags and bulk, from Richmond, Va., to points in North 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 Washington, D.C.

No. MC 123048 (Sub-No. 282), filed October 15, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representative: Paul C. Gartzke, 121 W. Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements and parts* (other than hand), from La-Porte, Ind., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Louisiana, Mississippi, Montana, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Texas, Utah, Washington, Wyoming, District of Columbia, and Virginia (except points in that part of Virginia north of U.S. Highway 460 and west of U.S. Highway 301).

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 123048 (Sub-No. 284), filed October 15, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representative: Paul C. Gartzke, 121 W. Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: (1) *Agricultural implements and dozer blades*, (2) *attachments* for (1) above, and (3) *parts* for (1) and (2) above, from Yazoo City, Miss., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123061 (Sub-No. 70), filed October 5, 1973. Applicant: LEATHAM BROS. INC., 46 Orange Street, Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, 400 El Paso Natural Gas Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from points in Utah, to points in Oregon, Washington, and Montana.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, or Salt Lake City, Utah.

No. MC 123310 (Sub-No. 12), filed September 26, 1973. Applicant: HUNT TRUCKING INC., P.O. Box 2670, Idaho Falls, Idaho 83401. Applicant's representative: F. L. Sigloh, P.O. Box 7651, Boise, Idaho 83707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and lumber mill products, including plywood and built-up woods*, and (2) *composition board*, from points in Montana west of U.S. Highway 91, and points in Boundary, Bonner, Kootenai, Shoshone, Benewah, Custer, Lemhi, Butte, Fremont, and Madison Counties, Idaho, to points in Colorado.

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 Boise, Idaho, Spokane, Wash., or Denver, Colo.

No. MC 123391 (Sub-No. 7), filed October 18, 1973. Applicant: MACHISE INTERSTATE TRANSPORTATION CO., a Corporation, 500 North Egg Harbor Road, Hammonton, N.J. 08037. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except chemicals), in bulk, from Swann Terminal in Philadelphia, Pa., to points in Delaware.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 124144 (Sub-No. 8), filed October 11, 1973. Applicant: ROBERT N. TOOMEY, doing business as ROBERT N. TOOMEY TRUCKING COMPANY, 1516 South George Street, York, Pa. 17403. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, food treating compounds, chemicals, and additives*, in vehicles equipped with mechanical refrigeration; and (2) *commodities*, the transportation of which is exempt or partially exempt from regulation under the provisions of Section 203(b)(6) of the Interstate Commerce Act, in mixed loads with the commodities described in (1) above, from Baltimore, Md., to points in Texas and Louisiana, under contract with McCormick & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124236 (Sub-No. 60), filed October 15, 1973. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry silicate of soda*, in bulk, from Dallas, Tex., to Wrens, Ga.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 124236 (Sub-No. 61), filed October 15, 1973. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Bldg., Dallas, Tex. 75201. Applicant's representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry silica moulding sand and dry resin coated moulding sand*, from Mill Creek, Okla., to Amarillo, Tex.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 124774 (Sub-No. 88), filed October 12, 1973. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, Omaha, Nebr. 68117. Applicant's representative: Clifford J. Foltz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite of Madison Foods, Inc., Madison, Nebr., to points in Connecticut, Delaware, District of Columbia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, restricted to the transportation of traffic originating at the above named plantsite and destined to the above named 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., or Washington, D.C.

No. MC 124821 (Sub-No. 12), filed October 15, 1973. Applicant: WILLIAM GILCHRIST, 509 Susquehanna Avenue, Old Forge, Pa. 18518. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Books, and booklets, or pamphlets*, from Forge Village, Clinton, and Plympton, Mass.; Brattleboro, Vt.; Saddlebrook, N.J.; Binghamton, N.Y., points in the New York, N.Y. Commercial Zone as defined by the Commission; and Scranton and Dallas, Pa., to Troy, Mo.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 124896 (Sub-No. 4), filed August 13, 1973. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Corner Thorne & Ralston Streets, Wilson, N.C. 27893. Applicant's representative: Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, N.C. 27601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Peanuts*, processed, including roasted, blanched, and boiled, from Edenton, Pendleton, Robersonville, and Dublin, N.C., and Franklin and Suffolk, Va., to points in the United States (except Alaska and Hawaii); and (2) *roasted peanuts*, (a) From Franklin, Va., to points in Alabama (except points in Russell County, Ala.), Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Idaho, Kansas (except points in Kansas within the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission), Kentucky (except Louisville, Ky., and points in Kentucky within the Louisville Commercial Zone, as defined by the Commission), Louisiana, Maine, Maryland (except Baltimore, Md., and points within the Baltimore Commercial Zone, as defined by the Commission), Massachusetts, Minnesota, Mississippi, Missouri (except St. Louis, St. Joseph, and Kansas City, Mo., and points in Missouri within the Commercial Zones thereof, as defined by the Commission), Montana, Nevada, New Hampshire, New Mexico, New York (except New York, N.Y., and points in New York within the New York, N.Y., Commercial Zone, as defined by the Commission), North Dakota, Oklahoma, Oregon, Rhode Island, South Dakota, Texas (except Dallas, Tex., and points within the Dallas, Tex., Commercial Zone, as defined by the Commission), Utah, Vermont, Washington, West Virginia, Wisconsin (except Milwaukee

and Racine, Wis., and points within the Commercial Zones thereof, as defined by the Commission), and Wyoming; and (b) From Edenton, N.C., to points in Alabama (except points in Russell County, Ala.), Connecticut, Delaware, Florida, Kentucky (except Louisville, Ky., and points in Kentucky within the Louisville, Ky., Commercial Zone, as defined by the Commission), Maine, Maryland (except Baltimore, Md., and points within the Baltimore, Md, Commercial Zone, as defined by the Commission), Massachusetts, Mississippi, New Hampshire, New York (except New York, N.Y., and points in New York within the New York, N.Y., Commercial Zone, as defined by the Commission), Rhode Island, Vermont, West Virginia, and Wisconsin (except Milwaukee and Racine, Wis., and points within the Commercial Zone thereof, as defined by the Commission).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Norfolk or Richmond, Va.

No. MC 124896 (Sub-No. 5), filed August 13, 1973. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Corner Thorne & Ralston Streets, Wilson, N.C. 27893. Applicant's representative: Vaughan S. Winborne, 1103 Capital Club Building, Raleigh, N.C. 27601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and food products*, between points in Brunswick, Duplin, Columbus, New Hanover, Pender, and Onslow Counties, N.C., on the one hand, and, on the other, and points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Raleigh, N.C., or Norfolk or Richmond, Va.

No. MC 125254 (Sub-No. 20), filed October 15, 1973. Applicant: DONALD L. MORGAN, doing business as MORGAN TRUCKING CO., P.O. Box 714, 1201 E. Fifth Street, Muscatine, Iowa 52761. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., and St. Paul, Minn., to Muscatine, 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 Des Moines, Iowa.

No. MC 125996 (Sub-No. 41), filed October 3, 1973. Applicant: ROAD RUNNER TRUCKING, INC., P.O. Box 37491, Omaha, Nebr. 68137. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Suite 1133, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plant site of Madison Foods, Inc., Madison, Nebr., to points in Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Idaho, Maine, Maryland, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Washington, West Virginia, Virginia, Washington, West Virginia, and Wyoming, restricted to the transportation of traffic originating at the above named plant site and destined to the above named 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 Phoenix, Ariz., or Chicago, Ill.

No. MC 125996 (Sub-No. 42), filed October 17, 1973. Applicant: ROAD RUNNER TRUCKING, INC., P.O. Box 37491, Omaha, Nebr. 68137. Applicant's representative: Donald L. Stern, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Swift Fresh Meats Co., Grand Island, Nebr., to points in Tennessee, North Carolina, South Carolina, Georgia, and Florida.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Omaha, Nebr.

No. MC 126276 (Sub-No. 87), filed October 23, 1973. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends*, from Obetz, Ohio, to points in the United States (except Alaska and Hawaii), under contract with National Can Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126844 (Sub-No. 22), filed October 18, 1973. Applicant: R. D. S. TRUCKING CO., INC., 1713 North Main Road, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Suite 300, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766, from Amarillo, Tex., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia, 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 Washington, D.C.

No. MC 127527 (Sub-No. 16), filed October 15, 1973. Applicant: CARL W. REAGAN, doing business as SOUTHEAST TRUCKING CO., 8418 C. H. East R. D. #6, Ravenna, Ohio 44266. Applicant's representative: Robert N. Krier, 88 E. Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Buffalo and Lackawanna, N.Y.; Sparrows Point, Md.; Johnstown, Bethlehem, and Sharon, Pa., points in Allegheny County, Pa.; Chicago and Sterling, Ill.; Gary, Burns Harbor and Kokomo, Ind.; Weirton, W. Va.; Detroit, Mich.; and Roanoke, Va., to Akron, Ohio, and (2) *iron and steel articles, and fabricated, processed, and structural steel*, from Akron, Ohio, to points in New York, Pennsylvania, Indiana, Illinois, West Virginia, and Michigan, under continuing contract with Summit Steel Corporation, located at Akron, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Cleveland, or Columbus, Ohio, or Washington, D.C.

No. MC 128219 (Sub-No. 1), filed September 13, 1973. Applicant: SALVATORE T. ZIZZO, doing business as FRANKLIN TRUCK LINES, 20755 Main Street, Lannon, Wis. 53046. Applicant's representative: Salvatore T. Zizzo, W156 N8116 Pilgrim Road, Menomonee Falls, Wis. 53051. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bituminous fibre pipe and conduit, plastic pipe and products, fibre vault, and accessories* used in connection with said products, from West Bend, Wis., to points in Illinois, Indiana, Kentucky, Ohio, Michigan, Missouri, Iowa, and Minnesota; and (2) *raw materials, products, and parts* used in the manufacture of the commodities named in (1) above, from the destination territory described in (1) above, to West Bend, Wis., under a continuing contract or contracts with McGraw-Edison Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 128273 (Sub-No. 146), filed October 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: *Carnivorous animal food* (except commodities in bulk) from the plantsite

and storage facilities of Kal Kan Foods, Inc., located at or near Columbus, Ohio, to points in Utah, California, and those in Colorado west of U.S. Highway 85.

NOTE.—Applicant states that the requested authority can be tacked at Vernon, Calif., to serve points in Wyoming. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 128375 (Sub-No. 103), filed October 15, 1973. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies* used in the production and distribution of animal food, and *animal food* (except in bulk and meat or meat byproducts), between Dublin, Camp Hill, and Allentown, Pa., on the one hand, and, on the other, points in Wisconsin, Illinois, Minnesota, Indiana, Michigan, Ohio, Kentucky, Tennessee, Arkansas, West Virginia, and Virginia; and (2) *materials and supplies* used in the production of animal food, and *animal food* (except in bulk), between Nebraska on the one hand, and, on the other, points in West Virginia, Connecticut, District of Columbia, Rhode Island, Massachusetts, New Hampshire, Vermont, New Jersey, and Maine; and (3) *materials and supplies* used in the production and distribution of animal food (except in bulk), from Billings, Mont., to Crete, Nebr., and Mattoon, Ill., under continuing contract with Liggett and Myers Incorporated.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa. or Lincoln, Nebr.

No. MC 128698 (Sub-No. 7), filed October 16, 1973. Applicant: ERDNER BROS,. INC., Fow & Leahy Avenue, Swedesboro, N.J. 08085. 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: *Foodstuffs*, (1) from Woodstown and Swedesboro, N.J., to Salem, Harrison, Woodstown, and Swedesboro, N.J., and Chambersburg, Mechanicsburg, Pittsburgh, and Leetsdale, Pa., and (2) from Solon, Ohio, to points in Virginia.

NOTE.—Applicant states that the requested authority can be tacked at Swedesboro, N.J., to provide a through service from Philadelphia, Pa., to the destination points described in (1) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129034 (Sub-No. 5), filed October 12, 1973. Applicant: LOOMIS COURIER SERVICE, INC., 55 Battery Street, Seattle, Wash. 98121. Applicant's representative: George H. Hart, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cash letters*, (1) between Portland, Oreg., on the one hand, and, on the other, points in Yakima, Franklin, Walla Walla, Asotin, Whitman, and Spokane Counties, Wash.; (2) between points in Walla Walla County, Wash., and points in Umatilla, Union, Wallowa, Malheur, Baker, Gilliam, and Morrow Counties, Oreg.; and (3) between points in Spokane, Whitman, and Asotin Counties, Wash., and Nez Perce, Latah, Benewah, Kootenai, Bonner, Boundary, Shoshone, Clearwater, Lewis, and Idaho Counties, Idaho, under contract with the Federal Reserve Bank of California, Portland Branch; restricted to a transportation service to be performed under a continuing contract or contracts with banks and banking institutions.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 129193 (Sub-No. 3), filed October 18, 1973. Applicant: HARRISON TRANSPORT, INC., 3520 Adamo Drive, P.O. Box 5895, Tampa, Fla. 33605. Applicant's representative: Richard B. Austin, 214 Palm Coast II Building, 5255 N.W. 87th Avenue, Miami, Fla. 33166. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, loaded and empty, between points in Duval, Orange, and Hillsborough Counties, Fla., restricted to traffic having a prior or subsequent handling by freight forwarders; and (2) *general commodities* (except those of unusual value, Classes A and B explosives, livestock, and household goods as described by the Commission), *commodities in bulk and those requiring special equipment*, between points in Pasco, Pinellas, Polk, Hillsborough, Manatee, Sarasota, Charlotte, Lee, and Collier Counties, Fla., restricted to traffic having a prior or subsequent handling by freight forwarders.

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.

No. MC 129282 (Sub-No. 19), filed October 23, 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 materials, supplies, and equipment* used in the manufacture and distribution thereof, from (1) Galveston, Tex., to points in Arkansas and Mississippi; and (2) from New Orleans, La., to points in Mississippi and Arkansas (except Blytheville, and Paragould, 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 St. Louis, Mo., or New Orleans, La.

No. MC 129645 (Sub-No. 48), filed October 1, 1973. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, and materials and supplies* used in the distribution and/or installation thereof (except commodities in bulk), from the facilities of the Celotex Corp., located at Marion County, S.C., to points in Alabama, Illinois, Indiana, Kentucky, Michigan, Mississippi, North Carolina, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Minnesota, Iowa, 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 Tampa, Fla.

No. MC 129828 (Sub-No. 3), filed October 10, 1973. Applicant: GLENN DAVIS AND DON R. DAVIS, a Partnership, doing business as DAVIS BROS., P.O. Box 1027, 2024 Trade Street, Missoula, Mont. 59801. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products, lumber, lumber products, chipboard, and particle board*, from points in Idaho, Montana, Oregon, and Washington, to points in Colorado.

NOTE.—Applicant holds contract carrier authority in 127349 and Subs 2 and 4, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Billings, Mont.

No. MC 133095 (Sub-No. 48), filed October 16, 1973. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. 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: *Alcoholic beverages* (except in bulk), (1) from points in New Jersey, to points in Texas, Oklahoma, Arkansas, and Louisiana, and (2) from points in Pennsylvania, to points in Oklahoma, Arkansas, Louisiana, and those in Texas east of U.S. Highway 277.

NOTE.—Applicant holds contract carrier authority in No. MC-136032, but indicates that dual operations are not involved herein. Applicant 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., Oklahoma City, Okla., or Little Rock, Ark.

No. MC 133095 (Sub-No. 49), filed October 16, 1973. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. 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: *Meats, meat products, meat by-products, and*

articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Amarillo, Tex., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Illinois, and Indiana, restricted to shipments originating at the plantsite and facilities utilized by John Morrell and Company.

NOTE.—Applicant holds contract carrier authority in MC 136032, 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 Dallas, Tex.

No. MC 133106 (Sub-No. 37), filed October 18, 1973. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1858, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Switch boxes, outlet boxes, covers, rings, pipe fittings, pipe straps, pipe hangers, and related items* utilized in the installation of the foregoing items, from the plant, warehouse, and storage facilities of Bowers, Division of Norris Industries located at or near South Gate, Calif., to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, North Dakota, South Dakota, Minnesota, and Wisconsin, under a continuing contract or contracts with Norris Industries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 133106 (Sub-No. 38), filed October 18, 1973. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1858, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Switch boxes, outlet boxes, covers, rings, pipe fittings, pipe straps, pipe hangers, and related items* utilized in the installation of the foregoing items, from the plant, warehouse, and storage facilities of Bowers, Division of Norris Industries located at or near South Gate, Calif., to points in Michigan, Indiana, Kentucky, Tennessee, Mississippi, Louisiana, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, Maryland, District of Columbia, Delaware, New Jersey, New York, Connecticut, Rhode Island, New Hampshire, Maine, Vermont, and Massachusetts, under a continuing contract or contracts with Norris Industries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 133106 (Sub-No. 39), filed October 18, 1973. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1858, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Switch boxes, outlet boxes, covers, rings, pipe fittings, pipe straps, pipe hangers, and related items* utilized in the installation of the foregoing items, from the plant, warehouse, and storage facilities of Bowers, Division of Norris Industries located at or near South Gate, Calif., to points in Wyoming, Colorado, New Mexico, Texas, Oklahoma, Kansas, Nebraska, Iowa, Missouri, Arizona, and Illinois, under a continuing contract or contracts with Norris Industries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 133233 (Sub-No. 25), filed October 17, 1973. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32d Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: D. L. Ehrlich (same address as applicant's). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from Afton, Wyo., to points in Indiana, Oklahoma, Texas, and Wisconsin; and (2) from Evanston, Wyo., to points in Arkansas, Indiana, Kansas, Minnesota, Nebraska, Oklahoma, Texas, and Wisconsin, under a continuing contract or contracts with Star Studs, Inc.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133330 (Sub-No. 4), filed October 10, 1973. Applicant: HALVOR LINES, INC., 510 Lonsdale Building, Duluth, Minn. 55802. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Snowmobiles and sportswear and trailers, and parts, supplies, accessories, and advertising and promotional materials for snowmobiles and trailers; and crawler tractors and snowplows and trailers, and parts, accessories, supplies for crawler tractors, snowplows, and trailers*, (a) from ports of entry on the International Boundary line between the United States and Canada Boundary line adjacent to the Provinces of Ontario and Quebec, Canada and Duluth, Minn., and Idaho Falls, Idaho, to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, and (b) from Idaho Falls, Idaho, to points in Montana, Wyoming, Colorado, and New Mexico; (2) *water scooters and sportswear and trailers, and parts, supplies, accessories, and advertising and promotional materials for water scooters and trailers*, (a) from the ports of entry on the International Boundary line between the United States and Canada Boundary line adjacent to the Provinces of Ontario and Quebec, Canada and Duluth, Minn., and Idaho Falls, Idaho, to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, and (b) from Idaho Falls, Idaho, to points in Montana, Wyoming, Colorado, and New Mexico; (3) *sportswear*, from Plattsburgh, N.Y., to Idaho Falls, Idaho; and (4) *motorcycles*, from ports of entry on the International Boundary lines between the United States and Canada Boundary line adjacent to the Provinces of Ontario and Quebec, Canada, Duluth, Minn., and Idaho Falls, Idaho, to points in the United States (except Alaska and Hawaii), restricted to a transportation service to be performed under continuing contract with Bombadier Corporation and Bombadier Limited.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134349 (Sub-No. 8), filed October 15, 1973. Applicant: B. L. T. CORPORATION, 405 Third Avenue, Brooklyn, N.Y. 11215. Applicant's representative: William D. Traub, 10 East 40th St., New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in or used in the operations of retail department stores*, between New York, N.Y., and North Bergen, N.J., on the one hand, and, on the other, points in Indiana, Iowa, Kentucky, Minnesota, Ohio, and Tennessee, under contract with Allied Stores Corporation, at New York, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 134477 (Sub-No. 43), filed October 17, 1973. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non fat dry milk solids, powdered; milk or cream substitutes, dry or liquid; beverage preparation, milk and cocoa compound, dry; shortening, powdered; pudding; desert toppings; animal food*, from Madison, Menomonie, Cameron, Vesper, and Wisconsin Rapids, Wis., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, restricted to traffic moving in vehicles equipped with mechanical refrigeration and further restricted to traffic originating at plantsites and/or storage facilities for Sanna, Division of Beatrice Foods Company.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or St. Paul, Minn.

No. MC 134612 (Sub-No. 1), filed October 18, 1973. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Robert H. Levy, 29 South La

Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lids, bottle caps, crowns,* and *metal containers*, from the plantsite of Crown Cork & Seal Company, Inc., at Chicago, Ill., to Racine, Waxdale, and Milwaukee, Wis., and to the plantsite of Crown Cork & Seal Company, Inc., at Philadelphia Pa.; (2) *metal containers*, from the plantsite of Crown Cork & Seal Company, Inc., at Chicago, Ill., to Cleveland, Medina, Van Wert, St. Henry, Montpelier, St. Marys, and Bedford Heights, Ohio, Minneapolis and St. Paul, Minn., and to the corporate limits of Jeffersonville, Ind.; (3) *metal containers and lids, aluminum foil, cork discs, varnish* and *lacquer* in drums, from the plantsite of Crown Cork & Seal Company, Inc., at Philadelphia, Pa., to the plantsite of Crown Cork & Seal Company, Inc., at Chicago, Ill.; (4) *metal containers*, from the plantsite of Crown Cork & Seal Company, Inc., located at St. Louis, Mo., to Chicago, Ill.; (5) *metal containers* and *materials* used in the manufacture or shipping of metal containers, from Chicago, Ill., to St. Louis and Berkeley, Mo.; (6) *materials and supplies* used in the manufacture of metal containers, between the plantsite of Crown Cork & Seal Company, Inc., at Chicago, Ill., and the plantsite of Crown Cork & Seal Company, Inc., at Cleveland, Ohio;

(7) *Metal containers*, from the plantsite of Crown Cork & Seal Company, Inc., at Cleveland, Ohio, to South Bend, Ind., and Chicago, Ill.; (8) *glass containers* and *caps and tops* for glass containers, (a) from the plantsite of Ball Brothers Company Incorporated at or near Leithton, Ill., to points in Iowa, Nebraska, Missouri, Kansas, and Oklahoma; and (b) from the plantsite of Ball Brothers Company, Incorporated, at Okmulgee, Okla., to points in Texas, points in Arkansas (except points on and north of a line extending along U.S. Highway 64 from Fort Smith to Conway, Ark., thence along U.S. Highway 65 from Conway to Little Rock, Ark., thence along U.S. Highway 70 to West Memphis, Ark., except service is authorized at Fort Smith, Ark.), points in Iowa (except points on and north of U.S. Highway 20), points in Kansas (except Kansas City and the commercial zone thereof, as defined by the Commission), and those in Missouri (except points on and south of U.S. Highway 40 including Kansas City and St. Louis, Mo., and their commercial zones, as defined by the Commission); (9) *glass containers* and *closures therefor*, from the plantsite of Ball Brothers Company, Incorporated, at Okmulgee, Okla., to Jackson, Miss., and to points in Louisiana; (10) *soda ash*, in bulk, from Lake Charles and Baton Rouge, La., and Corpus Christi, Tex., to the plantsite of Ball Brothers Company, Incorporated, at Okmulgee, Okla.; (11) *metal containers*, from the plantsite of Crown Cork & Seal Company, Inc., at St. Louis, Mo., to South Bend, Ind.; (12) *metal containers*, and *container components, ends, tops, and closures*, when moving in mixed loads with metal containers, from the site of the plant and facilities of Crown Cork & Seal Company, Inc., at or near Faribault, Minn., to points in Wisconsin, Illinois, Indiana, Missouri, and Ohio.

(13) *Metal containers, container components and ends; and steel, tin, and aluminum tops and closures*, from Kankakee and Bradley, Ill., to points in Indiana, Michigan, Kentucky, Missouri, Iowa, Wisconsin, and Minnesota; (14) *metal containers and accessories*, and supplies used in the manufacture and distribution of metal containers and accessories, in mixed loads, with metal containers and accessories, from the plantsites of Crown Cork & Seal Company, Inc., at St. Louis, Mo., and Cleveland, Ohio, to points in Illinois (except Chicago and points in its commercial zone as defined by the Commission); (15) *metal containers, metal container parts and closures, and supplies* used in the manufacture and distribution of metal containers and closures therefor (except commodities in bulk), between the plantsites of Crown Cork & Seal Co., Inc., at North Bergen, N.J., Philadelphia, Pa., Baltimore and Fruitland, Md., Winchester, Va., Lawrence, Mass., Bradley and Chicago, Ill., Faribault, Minn., St. Louis, Mo., Spartanburg, S.C., and Cleveland, Ohio; (16) (1) *metal containers, container components and ends, and container tops and closures;* and (2) *supplies and materials* used in the manufacture and distribution of the commodities set forth in (1) above when moving in mixed loads with such commodities, from the plantsite of Crown Cork & Seal Co., Inc., at Cleveland, Ohio, to points in Connecticut, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

(17) (1) *Metal containers*, and (2) *metal container components and ends, and supplies* (except commodities in bulk), used in the manufacture and distribution of metal containers and metal container ends and tops and closures, when moving in mixed loads with metal containers, (a) from the plantsites of Crown Cork & Seal Company, Inc., at North Bergen, N.J., Philadelphia, Pa., Baltimore, and Fruitland, Md., Winchester, Va., Lawrence, Mass., Chicago and Bradley, Ill., Fairbault, Minn., Spartanburg, S.C., and Cleveland, Ohio, to points in Minnesota, Wisconsin, Michigan, Missouri, Illinois, Ohio, Indiana, Kentucky, and Maryland; and (b) from the plantsite of Crown Cork & Seal Company, Inc., at St. Louis, Mo., to points in Minnesota, Wisconsin, Michigan, Missouri, Kentucky, Maryland, and Lincoln, Ill., and points in that part of Illinois, north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 150 to Peoria, Ill., and thence along U.S. Highway 24 to the Illinois-Missouri State line, points in Indiana (except Terre Haute), and points in Ohio (except Columbus, Dayton, Springfield, and Hamilton, Ohio, and except points in Hamilton County, Ohio); (18) *glass containers and closures for bottles and jars*, from Skyland, N.C., to points in Georgia (except Augusta and Savannah and points within their respective commercial zones as defined by the Commission), South Carolina, Tennessee, Illinois, Alabama, Louisiana, Mississippi, Kentucky, Indiana, and Ohio (except points in Columbiana, Cuyahoga, Geauga, Mahoning, Medina, Portage, Stark, Summit, and Wayne Counties).

(19) *Metal containers, and metal container ends and accessories, materials, supplies and equipment* used in the manufacture, sale, and distribution of metal containers and metal container ends, when moving with metal containers (except commodities in bulk), from the plantsite and warehouse facilities of National Can Corporation at Baltimore and Cambridge, Md., Chicago and Rockford, Ill., Colliersville, Tenn., Eden and New York, N.Y., Edison, N.J., Fairless, Hamburg, and Hanover, Pa., Gary, Ind., Lenexa, Kans., Millis, Mass., and St. Paul, Minn.; and from the plantsites and warehouse facilities of Crown Cork & Seal Co., Inc., at Baltimore and Fruitland, Md., Bradley, and Chicago, Ill., Cleveland, Ohio, Faribault, Minn., Lawrence, Mass., and Philadelphia, Pa., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia; (20) *paper cups and plates, and plastic lids, cups, knives, forks, and spoons*, from the plantsites and storage facilities of Continental Can Co., at Three Rivers, Mich., to points in Massachusetts, New Jersey, Maryland, New York, Pennsylvania, Rhode Island, Virginia, Connecticut, Vermont, Maine, North Carolina, Georgia, Missouri, and Kansas; (21) *nonalcoholic beverages*, (a) from the plantsite of Kolmar Products Corporation at Munster, Ind., to points in Illinois, Kentucky, and Missouri; and (b) from the plantsite of Kolmar Products Corporation at Chicago, Ill., to points in Indiana, Kentucky, and Missouri.

(22) *Materials and supplies* used in the manufacture of non-alcoholic beverages, (a) from points in Illinois, Kentucky, and Missouri, to the plantsite of Kolmar Products Corporation at Munster, Ind.; and (b) from points in Indiana, Kentucky, and Missouri, to the plantsite of Kolmar Products Corporation at Chicago, Ill.; (23) *paper plates, paper cups, plastic plates, plastic cups, plastic knives, plastic spoons, and plastic forks, and materials and supplies* used in the manufacture of the above-named commodities, from the plantsite of American Can Company at Lexington, Ky., to points in Illinois, Wisconsin, Michigan, and Indiana; (24) (1) *containers*, (2) *container components and ends* in mixed loads with containers, (3) *container tops and enclosures* in mixed loads with con-

tainers, and (4) *materials and supplies* used in the manufacture and distribution of containers in mixed loads with containers, (a) from Fort Smith, Ark., to points in Arkansas, Colorado, Illinois, Kansas, Louisiana, Maryland, Michigan, Mississippi, Nebraska, Oklahoma, Pennsylvania, Texas, and Wisconsin; (b) from San Antonio, Tex., to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, Texas, Wisconsin, and West Virginia; (c) from New Orleans, La., to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Pennsylvania, Texas, Wisconsin, and West Virginia; (d) from Houston, Tex., to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, Texas, Wisconsin, and West Virginia; and (e) from Arlington, Tex., to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Nebraska, Ohio, Oklahoma (except Oklahoma City and Tulsa and their respective commercial zones as defined by the Commission), Pennsylvania, Texas, Wisconsin, and West Virginia, (1), (2), (3), and (4) above are restricted against the transportation of commodities in bulk, and restricted to the transportation of traffic originating at the plant and warehouse sites of American Can Company located at the above-named origin points, and (4) above further restricted to the transportation of traffic destined to plant and warehouse sites of American Can Company located in the above-described destination States:

(25) *Nonalcoholic beverages*, in containers, from the plantsite of Pepsi-Cola General Bottlers at Danville, Ill., to points in Indiana, Kentucky, and Missouri; (26) *materials and supplies* (except in bulk) used in the manufacture of nonalcoholic beverages, from points in Indiana, Kentucky, and Missouri, to the plantsite of Pepsi-Cola General Bottlers at Danville, Ill.; (27) *foodstuffs*, except in bulk, from the plant and storage facilities of Kraftco Corporation and its division, Kraft Foods, at Champaign, Ill., to points in those parts of New York, Pennsylvania, and Maryland on and west of Interstate Highway 81, and points in Indiana, Kentucky, the Lower Peninsula of Michigan, Ohio, and West Virginia; (28) *metal containers* and *metal container ends*, from La Porte, Ind., and Madisonville, Ky., to points in the United States (except Alaska and Hawaii); (29) *metal containers, metal container ends, and closures*, from the plantsites of Crown Cork & Seal Co., at Fruitland and Baltimore, Md., Philadelphia, Pa., North Bergen, N.J., Winchester, Va., and Spartanburg, S.C., to points in Maryland, South Carolina, North Carolina, Georgia, Alabama, Tennessee, Florida, Louisiana, Texas, West Virginia, Virginia, and Arkansas; and (30) *closures*, from the plantsite of Owens-Illinois, Inc., at Constantine, Mich., to Fort Smith, Ark., Asheville, N.C., Chambersburg, Pa., and Canajoharie, N.Y.

NOTE.—The purpose of the instant application is to convert the contract carrier authority issued under MC 126276 and subs thereunder to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134734 (Sub-No. 14), filed October 11, 1973. Applicant: NATIONAL TRANSPORTATION, INC., Box 31, Norfolk, Nebr. 68701. Applicant's representative: Lanny N. Fause, P.O. Box 37096, Omaha, Nebr. 68137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cranberry products* (except in bulk, in tank vehicles), from Kenosha, Wis., to Markham, Wash., and points in Minnesota, and North Dakota under a contract or contracts with Ocean Spray Cranberries, Inc., located at or near Kenosha, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 134777 (Sub-No. 22), filed October 3, 1973. Applicant: SOONER EXPRESS, INC., P.O. Box 219, Madill, Okla. 73446. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Bldg., 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite of Madison Foods, Inc., Madison, Nebr., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maine, Maryland, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, restricted to the transportation of traffic originating at the above named plantsite and destined to the above named States.

NOTE.—Applicant holds contract carrier authority in MC-87088 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 134806 (Sub-No. 17), filed October 23, 1973. Applicant: B-D-R TRANSPORT, INC., P.O. Box 813, Brattleboro, Vt. 05301. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tanned leather*, from points in San Francisco, Alameda, Napa, Solano, San Mateo, and Santa Cruz Counties, Calif., to points in Pennsylvania and Huntington, W. Va., under contract with West Coast Tanners Production Club.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Brattleboro, Vt., or Washington, D.C.

No. MC 135283 (Sub-No. 9), filed October 27, 1973. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., Box 1665, E. Highway 30, Grand Island, Nebr. 68801. Applicant's representative: Gailyn L. Larsen, 521 S. 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Swift Fresh Meats Company, at or near Grand Island, Nebr., to points in Indiana, Michigan, and Ohio, restricted to transportation of traffic originating at and destined to the named states.

NOTE.—Common control was approved in MC-F-11351. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Chicago, Ill.

No. MC 135454 (Sub-No. 6), filed October 17, 1973. Applicant: DENNY TRUCK LINES, INC., 893 Ridge Road, Webster, N.Y. 14580. Applicant's representative: Francis P. Barrett, 60 Adams Street, Milton (Boston), Mass. 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, and *materials and supplies* used in the processing of preserved foodstuffs, from the plantsites and warehouses of Duffy Mott Co., Inc., at Aspers, Pa., to the plantsites and warehouses of Duffy Mott Co., Inc., in Monroe and Wayne Counties, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135542 (Sub-No. 4) (AMENDMENT), filed August 22, 1973, published in the FR issue, October 31, 1973 and republished as amended, this issue. Applicant: TIMOTHY D. SHAW, R. D. No. 1, Sweet Valley, Pa. 18653. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in Appendix V, Group III to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Luzerne, Pa., to points in New York, Maryland, Virginia, West Virginia, North Carolina, Georgia, Ohio, Tennessee, Kentucky, and Indiana.

NOTE.—The purposes of this republication are to (1) correct the Docket Number MC-

135542 in lieu of MC-13552 and (2) add Indiana as a destination point. Applicant 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.

No. MC 135590 (Sub-No. 4), filed October 10, 1973. Applicant: GOLD COAST TRUCKING & EXPRESS, INC., 278 S.W. 32d Court, Ft. Lauderdale, Fla. 33315. Applicant's representative: Richard B. Austin, 214 Palm Coast II Building, 5255 N.W. 87th Avenue, Miami, Fla. 33166. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Photographic supplies*, between points in Dade, Broward, and Palm Beach Counties, Fla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Ft. Lauderdale or Miami, Fla.

No. MC 135705 (Sub-No. 5), filed October 23, 1973. Applicant: MELROSE TRUCKING COMPANY, INC., 6360 Raderville Route, Casper, Wyo. 82601. Applicant's representative: Charles S. Aspinwall, 430 East First Street, Casper, Wyo. 82601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Rapid City, S. Dak., to Douglas, Glenrock, and Casper, Wyo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Casper, Wyo., Rapid City, S. Dak., Billings, Mont., or Denver, Colo.

No. MC 136052 (Sub-No. 4), filed October 17, 1973. Applicant: SECURITY CARRIERS, INC., 6210 River Road, P.O. Box 3368, Amarillo, Tex. 79106. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Amarillo, Tex., to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, restricted to shipments originating at the plantsite and facilities utilized by John Morrell & Company.

NOTE.—Applicant holds contract carrier authority in MC-136966 Sub-No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Amarillo, Tex.

No. MC 136386 (Sub-No. 11), filed October 23, 1973. Applicant: GO LINES, INC., 8023 E. Slauson Avenue, Suite 6, Montebello (Los Angeles), Calif. 90640. Applicant's representative: Thomas F. Kilroy P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as defined by the Commission (except those commodities in bulk or hides), from Maytown, Wash., to points in Nevada, California, Arizona, and the port of entry on the International Boundary line between the United States and Canada, at or near Blaine, Wash.; and (2) *canned foods*, from the plant and warehouse sites utilized by Tri/Valley Growers, located in Madera, Stanislaus, and San Joaquin Counties, Calif., to points in Washington, Oregon, Idaho, Nevada, and Utah.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 136786 (Sub-No. 34), filed October 11, 1973. Applicant: ROBCO TRANSPORTATION, INC., Room 205, 3033 Excelsior Boulevard, Minneapolis, Minn. 55416. Applicant's representative: Val M. Higgins, 1000 1st National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured mulches* (except commodities in bulk), from Findlay and Barberton, Ohio, to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Minneapolis, or St. Paul, Minn.

No. MC 138176, filed October 11, 1973. Applicant: CASCADE MOBILE HOME TRANSPORT, INC., 650 Lancaster Dr., N.E., Salem, Oreg. 97301. Applicant's representative: John G. McLaughlin, 620 Blue Cross Building, 100 S.W. Market Street, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes, sectional buildings, travel trailers, and campers and recreational vehicles*, in initial and secondary movements, between points in Oregon, Washington, and Idaho.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 138376 (Sub-No. 2), filed October 23, 1973. Applicant: R/T TRUCKING, INC., 1853 Babcock Blvd., Pittsburgh, Pa. 15209. Applicant's representative: A. J. Daood (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sheet steel, strip steel, and steel plate*, between Brackenridge and West Leechburg, Pa., on the one hand, and, on the other, New Castle, Ind.; and (2) from New Castle, Ind., to Cleveland, Ohio, and Sharon, Pa., under contract with Allegheny Ludlum Steel Corporation, located at Brackenridge, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 138610 (Sub-No. 1), filed October 16, 1973. Applicant: DARRELL JAMES RISEN, doing business as CITY DELIVERY SERVICE, 2411 N.W. 11th St., P.O. Box 481, Corvallis, Oreg. 97330. Applicant's representative: Darrell James Risen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between the Mahlon-Sweet Airport located in Eugene (Lane County), Oreg., and points in Benton, Linn, and Polk Counties, Oreg., restricted to traffic having an immediate prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Benton County Courthouse, Corvallis, Oreg.; Linn County Courthouse, Albany, Oreg.; or Lane County Courthouse, Eugene, Oreg.

No. MC 138654, filed April 12, 1973. Applicant: EARL B. IRBY, doing business as E. B. IRBY TRUCKING COMPANY, Route No. 2, Hurt, Va. 24563. Applicant's representative: James David Jones, Box 95, Chatham, Va. 24531. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured tire valves, brass hardware, and rubber* used in the manufacture of tire valves, *and scrap* generated during the manufacturing process, between Altavista, Va., Akron, Ohio, Bridgeport, and New Haven, Conn., Pottstown, Pa., and Hackensack, and New Brunswick, N.J., under a contract or contracts with Piedmont Manufacturing Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Roanoke or Lynchburg, Va.

No. MC 138786 (Sub-No. 2) (AMENDMENT), filed August 13, 1973, published in the FR issue of October 26, 1973, and republished as amended this issue. Applicant: CHARLES A. TERPENING TRUCKING CO., INC., 341 Driscoll Avenue, Syracuse, N.Y. 13204. Applicant's representative: Homer S. Carpenter, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from ports of entry on the International Boundary line between the United States and Canada at or near Rooseveltown and Ogdensburg, N.Y., to points in Broome, Cayuga, Chemung, Cortland, Essex, Franklin, Herkimer, Jefferson, Lewis, Madison, Monroe, Oneida, Onondaga, Ontario, Oswego, St. Lawrence, Steuben, Tompkins, Wayne, and Yates Counties, N.Y.

NOTE.—The purpose of this republication is to include St. Lawrence County, N.Y., in the destination territory described above. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No MC 138792 (Sub-No. 1) (AMENDMENT), filed August 8, 1973, published in the FR issue of October 4, 1973, and republished as amended this issue. Applicant: D. J. VISKOE TRUCKING, INC., Gemmell, Minn. 56643. Applicant's representative: F. H. Kroeger, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fence*

panels, pickets, posts, and rails, and shingles, (1) from Northome, Minn., to points in Alabama, Arizona, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, and Wyoming, (2) from Little Fork, Minn., to the Chicago, Ill., Commercial Zone, the Denver, Colo., Commercial Zone, Grand Island and Lincoln, Nebr., the Oklahoma City, Okla., Commercial Zone, the St. Louis, Mo., Commercial Zone, Sioux Falls, S. Dak. and Wichita, Kans., and (3) from the facilities of Allied Fence Co., located at Tulsa, Okla., to points in Arizona, Colorado, New Mexico, and Texas.

NOTE.—The purpose of this republication is to indicate the additional destination States to be served in (1) above, which were inadvertantly omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Duluth or Minneapolis, Minn.

No. MC 138858 (Sub-No. 2), filed October 15, 1973. Applicant: CHARLES M. SHIRK, 205 East Main Street, Terre Hill, Pa. 17581. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete products*, from the plantsite of Terre Hill Concrete Products, Inc., at Terre Hill, Pa., to points in New York, New Jersey, Maryland, West Virginia, Delaware, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 139091 (Sub-No. 2), filed October 15, 1973. Applicant: LOGAN MOTOR LINES, INC., Route 2, Box 174A, Canyon, Tex. 79015. Applicant's representative: Gailyn L. Larsen, 521 S. 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vacuum bottles and fillers, lunch and picnic boxes and kits, portable heaters, containers, mattresses and springs, lamps, lanterns, travel bags, camping equipment, stoppers, plastic articles, jugs, cooling boxes and chests, tents, display racks, gas mantels, glassware, insulating material, and liquefied petroleum and materials, and* (2) *materials, parts, and supplies* used in the manufacture or distribution of the foregoing items (except liquid commodities in bulk), between the plantsite and facilities of King-Seeley Thermos Co., at or near Macomb, Ill., on the one hand, and, on the other, the plantsite and facilities of King-Seeley Thermos Co., at or near Norwich, Conn., under contract with King-Seeley Thermos Co. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Omaha, Nebr.

No. MC 139152, filed September 13, 1973. Applicant: FRANK MONGELLUZI AND JOSEPH GALANAUGH, a partnership, doing business as PARKWAY LEASING COMPANY, 489 Parkway Drive, Broomall, Pa. 19008. Applicant's representative: Hugh M. Joseloff, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Frozen beef patties*, from the plantsites of Equity Meat Corporation, at Folcroft, Pa., and S. Lottman & Son, at Philadelphia, Pa., to the plantsite of The Connecticut Celery Company, at Hartford, Conn., under contract with The Connecticut Celery Company, at Hartford, Conn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Washington, D.C.

No. MC 139161 (Sub-No. 1), filed October 15, 1973. Applicant: A. SPADARO TRUCKING, INC., 1343-73 Street, Brooklyn, N.Y. 11228. Applicant's representative: Rodman Kober, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sculpture reproductions*, from Holbrook, N.Y., to points in Queens, Kings, and New York Counties, N.Y., and Hudson, Essex, Bergen, Passaic, Middlesex, Union, and Hunterdon Counties, N.J.; and (2) *materials, supplies, and equipment* used in the manufacture of sculpture reproductions from Hudson, Essex, Bergen, Middlesex, Passaic, Union, and Hunterdon Counties, N.J., and Queens, Kings, and New York Counties, N.Y., to Holbrook, N.J., under a continuing contract with Austin Productions, Incorporated.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 139167 (Sub-No. 1), filed October 18, 1973. Applicant: DAVID E. PEET, doing business as PURITAN EXPRESS CO., 842 Alden Street, Springfield, Mass. 01109. Applicant's representative: David M. Marshall, 135 State Street, Springfield, Mass. 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products and supplies, materials, and equipment* used in the manufacture and distribution of paper and paper products, between Springfield, Mass., on the one hand, and, on the other, points in Connecticut, Rhode Island, New Hampshire, Vermont, Maine, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia, and Kentucky, under contract with Eastern Container Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., Boston, Mass., or Albany, N.Y.

No. MC 139168 (Sub-No. 1), filed October 12, 1973. Applicant: THE SABATINI CO., INC., 11600 Elkin Street, Silver Spring, Md. 20902. Applicant's representative: M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products* (including precast manholes, catch basins, and meter vaults, requiring special equipment or special handling), (1) from Cockeysville, Md., to construction sites in Delaware, Pennsylvania, Virginia, and the District of Columbia, and (2) from Tullytown, Pa., to construction sites in Maryland, Delaware, the District of Columbia, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 139170 (Sub-No. 1), filed October 15, 1973. Applicant: FRANK W. MADDEN COMPANY, a Corporation, 1288 East Archwood Ave., Akron, Ohio 44306. Applicant's representative: James E. Davis, 611 West Market St., Akron, Ohio 44303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed and precast building components and accessory parts*, from points in Summit County, Ohio, to points in Indiana, Michigan, Pennsylvania, West Virginia, Illinois, New York, New Jersey, Kentucky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Akron or Cleveland, Ohio.

No. MC 139179 (Sub-No. 2), filed October 18, 1973. Applicant: DRYWALL TRANSPORT CO., INC., 1200 Arden Way, Sacramento, Calif. 95815. 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) *Building materials, gypsum products, gypsum board paper and wall sections and related materials, supplies and equipment* (except in bulk), from Antioch, Newark, and San Leandro, Calif., to points in Nevada, Washington, California, Utah, and Arizona; and (2) *materials, supplies and equipment* used in connection with the manufacture, sale or distribution of the commodities mentioned in (1) above and *returned or rejected shipments*, from points in Nevada, Oregon, Washington, California, Utah, and Arizona, to Antioch, Newark, and San Leandro, Calif. (1) and (2) under a continuing contract or contracts with Kaiser Gypsum Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 139181 (Sub-No. 1), filed October 17, 1973. Applicant: CHAFFEE LEASING CO., INC., doing business as P & J TRUCKING, 911 Yale Street, Scott City, Mo. 63780. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, crushed, ground or pulverized, in bags or boxes*, from Oran, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either St. Louis, or Kansas City, Mo.

No. MC 139182 (Sub-No. 1), filed October 11, 1973. Applicant: ATLAS DELIVERY, INC., 340 Cole Ave., Dallas, Tex. 75207. Applicant's representative: E. Larry Wells, 4645 N. Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Appliances*, including stoves or ranges (gas); stoves or ranges (electric); stove or range parts; ovens or surface units; electronic ovens, refrigerators, compactors, dishwashing machines; garbage disposers, and ventilating hoods, from Houston and Arlington, Tex., to points in New Mexico, Oklahoma, Arkansas, Louisiana, Mississippi, and Texas, under contract with The Tappan Company.

NOTE.—If a hearing is deemed necessary, applicant request it be held at Dallas, or Houston, Tex.

No. MC 139184, filed October 15, 1973. Applicant: MILESTONE TRUCKING, INC., P.O. Box 545, Troy, N.Y. 12181. Applicant's representative: John L. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulation and insulated panels, supplies, materials, and equipment* used in the manufacture of insulation and insulated panels (except in bulk, in tank vehicles), between points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont, restricted to shipments originated at, destined to, or processed in transit at shippers' facilities located in the Town of Halfmoon, N.Y., under continuing contract with Panel Craft, Inc., and Advance Cooler, Inc.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 139185, filed October 12, 1973. Applicant: BELLWETHER TRUCKING INC., 123 South Cherry Valley Avenue, West Hempstead, N.Y. 11552. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cabinets, desks and tables; and materials, supplies, and equipment* used for office etc., filing purposes, from Moonachie and Parsippany, N.J., to New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y.; and (2) *returned, refused, rejected commodities* of the same description, from New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y., to Moonachie and Parsippany, N.J., under contract with Oxford Pendaflex Corp., Garden City, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 139191, filed September 24, 1973. Applicant: PAPER EXPRESS, INC., 23 South Railroad Avenue, San Mateo, Calif. 94401. Applicant's representative: Robert K. Lancefield, 2470 El Camino Real, Suite 108, Palo Alto, Calif. 94306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flattened* (knocked down) *corrugated paper boxes*, from Emeryville and Fresno, Calif., on the one hand, and, on the other, Sparks and Reno, Nev.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, or Oakland, Calif.

No. MC 139202, filed October 18, 1973. Applicant: WILLMER W. GERDIN, Princeton, Minn. 55371. Applicant's representative: James L. Nelson, 325 Cedar Street, St. Paul, Minn. 55101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain elevator equipment and component and assembly parts* of grain elevator equipment, from Princeton, Minn., to points in Minnesota, Wisconsin, Iowa, North Dakota, South Dakota, Montana, Kansas, and Texas, under contract with Verti-Flo Corp.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, or Minneapolis, Minn.

No. MC 139203, filed October 17, 1973. Applicant: AKSARBEN MOVING & STORAGE, INC., 215 North 12th Street, Omaha, Nebr. 68102. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as described in Ex Parte MC-19, between points in Dodge, Saunders, Lancaster, Washington, Douglas, Sarpy, Cass, and Otoe Counties, Nebr., and Harrison, Shelby, Pottawattamie, Mills, Montgomery, Fremont, and Page Counties, Iowa, restricted to shipments moving on a through Bill of Lading of a freight forwarder operating under a Section 402 (b) (2) exemption and shipments having an immediate prior or subsequent line haul movement, and further restricted to shipments of an import export nature.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 139206, filed October 17, 1973. Applicant: F. M. S. TRANSPORTATION, INC., 900 North Alvarado, Los Angeles, Calif. 90026. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles, textile fibers, textile fabrics, textile yarns, textile articles, and textile products, and materials, equipment, and supplies* used or useful in the sale, manufacture, processing, production, and distribution of the above-named commodities, between Laredo, El Paso, Brenham, and Houston, Tex.; Johnson City, Tenn.; Clinton, Charleston, and Pickens, S.C.; New Orleans, La.; Savannah and Dalton, Ga.; Wellsville, St. Louis, Kansas City, and New Haven, Mo.; Sand Springs, Okla.; Millersburg, Ohio; and Nogales, Ariz., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities in bulk and further restricted to the transportation of traffic moving under a continuing contract with Chromalloy American Corporation, its divisions or subsidiaries.

NOTE.—The purpose of the instant application is to substitute the commonly-controlled contract carrier services of applicant for the private carriage operations of the contracting shipper. F. M. S. is a wholly owned subsidiary of Chromalloy American Corporation. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 139211, filed October 12, 1973. Applicant: VENETIAN TRUCKING CORP., 66 Wolf Avenue, Malverne, N.Y. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from New York, N.Y., to points in New Jersey and Connecticut; and (2) *refused, rejected, returned and traded-in commodities* of the same description, from points in New Jersey and Connecticut, to New York, N.Y., under contract with Gimbel Bros. Inc., New York, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

MOTOR CARRIER PASSENGER

No. MC 2835 (Sub-No. 39), filed October 15, 1973. Applicant: ADIRONDACK TRANSIT LINES, INC., 18 Pine Grove Avenue, Kingston, N.Y. 12401. Applicant's representative: James E. Wilson, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between junction New York Highway 17 and Interstate Highway 87 at or near Exit 15 and junction Interstate Highway 80 and New Jersey Highway 17 at or near Lodi, N.J., as follows: From junction New York Highway 17 and Interstate Highway 87 over Interstate Highway 87 to junction Garden State Parkway at or near Exit 14A; thence over Garden State Parkway to junction Interstate Highway 80; thence over Interstate Highway 80 to junction New Jersey Highway 17 at or near Lodi, N.J., and return over the same route serving no intermediate points. Service at the termini points named herein is restricted to joinder only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 107450 (Sub-No. 3), filed October 12, 1973. Applicant: METROPOLITAN COACH CORPORATION, 1704 N. 29th Street, Richmond, Va. 23223. Applicant's representative: Steven L. Weiman,

1730 M St. NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations, beginning and ending at points in New Kent, Henrico, Hanover, Charles City, Chesterfield, and Goochland Counties, Va., and Richmond, Petersburg, Hopewell, and Colonial Heights, Va., and extending to points in the United States (including Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 127642 (Sub-No. 2), filed October 11, 1973. Applicant: ANDREW T. JONES, doing business as ANDREW T. JONES BUS SERVICE, 2714 Magnolia Street, Portsmouth, Va. 23704. Applicant's representative: Andrew T. Jones, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in charter and special operations, from Norfolk, Portsmouth, Chesapeake, Virginia Beach, Hampton, Newport News, Nansemond, Eastville, and Williamsburg, and points in Glouster, Surry, Isle of Wight, Sussex, Suffolk, and Accomac Counties, Va.; and Elizabeth City and points in Camden, Perquimans, Hertford, and Chowan Counties, N.C., to points in the United States, including Alaska but excluding Hawaii, and 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 Norfolk or Richmond, Va.

No. MC 138859, filed June 11, 1973. Applicant: SERVICE D'AUTOBUS DE LA MAURICIE LTÉE, a Corporation, P.O. Box 513, Shawinigan Province of Quebec, Canada. Applicant's representative: Jean Cote Barrister, 580 Grande Allee Est, Quebec 4, Province of Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter and special operations, from ports of entry on the International Boundary Line between the United States and Canada located in Maine, New Hampshire, Vermont, New York, and Michigan, to points in the United States (except Alaska and Hawaii), restricted to traffic originating at Grand Mere, Shawinigan, and Trois Rivieres, Quebec, Canada. If a hearing is deemed necessary, applicant requests it be held at Montpellier, Vermont.

No. MC 139000, filed April 26, 1973. Applicant: OKANAGAN CHARTER TOURS LTD., Box 358, Kelowna, British Columbia, Canada. Applicant's representative: J. J. Joyce, 1666 Boundary Road, Burnaby, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, from those ports of entry along the International Boundary line between the United States and Canada located in Washington, to points in Washington, Oregon, California, Nevada, Montana, Idaho, and Utah, and return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle or Spokane, Wash.

BROKER APPLICATION

No. MC 130220, filed November 1, 1973. Applicant: WESTOURS, INC., 900 IBM Building, Seattle, Wash. 98101. Applicant's representative: A. T. Wendells, 3933 Sea-First National Bank Building, Seattle, Wash. 98154. Authority sought to engage in *operation*, in interstate or foreign commerce, as a *broker* at Anchorage and Fairbanks, Alaska to sell or offer to sell the transportation of *individual passengers and groups of passengers and their baggage* in the same vehicle with passengers in round-trip or one-way and packaged tour operations between points in the United States, including Alaska but excluding Hawaii. Motor carrier transportation commencing outside Alaska, restricted to passengers having prior movement by air or water transportation originating in Alaska.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Anchorage, Alaska, or Seattle, Wash.

FREIGHT FORWARDER APPLICATION

No. FF-446, filed October 15, 1973. Applicant: WORLD FORWARDING CORP., 1 Aleppo Street, Providence, R.I. 02909. Applicant's representative: Herbert Burstein, One World Trade Center, New York, N.Y. 10048. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by railroad, motor vehicle, water, and express, in the transportation of *household goods, used automobiles, and unaccompanied baggage*, between points in the United States (including Hawaii, but excluding Alaska).

NOTE.—Common control may be involved pursuant to applicant's common Officers and Directors with No. MC-621 and subs thereunder. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

By the Commission.

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

[FR Doc.73-25767 Filed 12-5-73;8:45 am]

[Notice No. 401]

ASSIGNMENT OF HEARINGS

DECEMBER 3, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after December 6, 1973.

MC 113651 Sub 160, Indiana Refrigerator Lines, Inc., MC 113678 Sub 516, Curtis, Inc., and MC 129600 Sub 15, Polar Transport, Inc., now being assigned hearing February 7, 1974 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 136420 Sub 1, Oklahoma Border Express, Inc., now assigned continued hearings January 14, 1974, at Oklahoma City, Okla., and January 21, 1974, at Amarillo, Tex., are postponed indefinitely.

I & S No. 8890, Freight, All Kinds, in Multiple Trailers, Official territory, now assigned January 8, 1974, at Washington, D.C., is postponed indefinitely.

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

[FR Doc.73-25916 Filed 12-5-73;8:45 am]

[No. MC-28961 (Sub-No. 25)]

McDUFFEE MOTOR FREIGHT, INC.

Notice of Extension

At a session of the Interstate Commerce Commission, Division 1, Acting as an Appellate Division, held at its office in Washington, D.C., on the 21st day of November, 1973.

It appearing, that by application filed July 3, 1972, as amended, McDuffee Motor Freight, Inc., of Detroit, Mich., seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, of general commodities, with exceptions, (1) between Lexington, Ky., and the plant and warehouse sites of Eaton Corporation at Glasgow, Ky., over a specified regular route, serving no intermediate points, and (2) serving Glasgow, Ky., as an off-route point in connection with applicant's existing authority;

It further appearing, that by order entered May 18, 1973, in the above-entitled proceeding, Review Board Number 1 found that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site and warehouse sites of Eaton Corporation at Glasgow, Ky., as an off-route point in connection with applicant's otherwise authorized regular-route operations;

It further appearing, that on June 25, 1973, applicant filed a petition for reconsideration; that in its petition applicant asserts that as its operations over the regular route to which Glasgow is appurtenant (such route being its Nashville,

Tenn., Lexington, Ky., route described in its Sub-No. 3) are restricted against the transportation of traffic originating at, destined to, or interchanged at Cincinnati, Ohio, or Louisville, Ky., or the commercial zones of either, the grant of authority by the Review Board has not rendered applicant able to perform the service for which a need was shown, on the record, to exist; and that applicant further contends that the authority sought should be granted in the form requested;

It further appearing, that as stated in the above-specified order and supported by the record, shipper requires service between Glasgow and points north thereof, particularly those in Indiana, Michigan, and Ohio, and applicant proposes to provide such service by interchanging at Cincinnati, Louisville, or Lexington; and that, as applicant has accurately characterized its existing authority, it is correct in its assertion that the Review Board has not granted authority to enable it to provide the service for which the Board ostensibly found there to be a need.

It further appearing, that, as there is nothing in the record to indicate the shipper has a need for service to Nashville, Tenn., or to any points other than those indicated above, a grant of authority to applicant to serve shipper's facilities at Glasgow as an off-route point in connection with its presently authorized regular-route operations serves no useful purpose;

It further appearing, that the service for which a need has been shown, and which applicant proposes to provide, inasmuch as it involves the transportation of truckload quantities of one shipper's products and raw materials between one shipper's facilities, on the one hand, and, on the other, three specified points with no apparent scheduled regularity, is not in the nature of a regular-route service; that services applicant would provide for shipper between its Glasgow facilities and Henderson, Ky., have not been proven to be other than intrastate in nature; that the supporting firm ships and receives a large variety of commodities, and shipper has specifically requested that applicant be granted "general commodity authority"; and that, therefore, applicant should not be granted the regular-route authority sought, but rather should be granted irregular-route authority to transport general commodities (with exceptions) as specified below, see *Transportation Activities, Brady Transfer & Storage Co.*, 47 M.C.C. 23, and *Motor Common Carriers of Property—Routes and Service*, 88 M.C.C. 415;

It further appearing, that as it is possible that other parties who have relied upon the notice in the Federal Register of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the authority actually granted herein, a notice of the authority actually granted will be published in the Federal Register and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced; and good cause appearing therefor:

It is ordered, that the above-entitled proceeding be, and it is hereby, reopened for reconsideration on the present record.

It is further ordered, that the order entered in the above-entitled proceeding on May 18, 1973, be, and it is hereby, vacated and set aside.

We find on reconsideration, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plant site and warehouse site of Eaton Corporation at Glasgow, Ky., on the one hand, and, on the other, Lexington and Louisville, Ky., and Cincinnati, Ohio; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969; that an appropriate certificate should be issued; and that the application in all other respects should be denied.

It is further ordered, that the application, and the said petition, except to the extent granted herein, be, and they are hereby, denied.

It is further ordered, that upon compliance by applicant with the requirements of Sections 215, 217, and 221(c) of the Interstate Commerce Act, and with the Commission's rules and regulations thereunder, a certificate be issued to applicant subject to prior publication in the Federal Register as set forth above, authorizing operation, in interstate or foreign commerce as a common carrier by motor vehicle in the manner described above.

It is further ordered, that unless compliance is made by applicant with the requirements of Sections 215, 217, and 221(c) of the Act within 90 days after the date of service of this order, or within such additional time as may be authorized by the Commission, the grant of authority made herein shall be considered as null and void and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

It is further ordered, that notice of the authority granted herein be published in the FEDERAL REGISTER.

By the Commission, Division 1, Acting as an Appellate Division.

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

[FR Doc.73-25915 Filed 12-5-73;8:45 am]

[Notice No. 403]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 26, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74757. By order of November 28, 1973, the Motor Carrier Board approved the transfer to Jerry Schugel, Doing Business As Jerry Schugel Trucking, New Ulm, Minn., of Certificate No. MC-125894 (Sub-No. 2), issued to Edward A. Dudley, Doing Business As Dudley Trucking, Le Center, Minn., authorizing the transportation of: Dehydrated alfalfa from Le Center, Minn., to points in Wisconsin. Joseph J. Dudley, Attorney, W. 1269 First National Bank, St. Paul, Minn. 55101.

No. MC-FC-74773. By order of November 28, 1973, the Motor Carrier Board approved the transfer to Wade Brothers Transfer Company, a corporation, Hilliard, Fla., of Permit No. MC-133732 issued to D. E. Wade, dba V. F. Carter Delivery Service, Jacksonville, Fla., authorizing the transportation of: Electrical appliances, from Jacksonville, Fla., to points in Ware and Lowndes Counties, Ga. Sol H. Proctor, Attorney, 2501 Gulf Life Tower, Jacksonville, Fla., 32207.

No. MC-FC-74780. By order of November 29, 1973, the Motor Carrier Board approved the transfer to Shillito Oil, Inc., Dillsburg, Pa., of Certificate No. MC-84387 issued to R. L. Shillito, Dillsburg, Pa., authorizing the transportation of: Various commodities, building supplies, tin cans, cartons, agricultural products, etc., between specified points and areas in New York, Pennsylvania, Maryland, and Washington, D.C. Robert H. Griswold, Attorney, P.O. Box 1166, Harrisburg, Pa. 17108.

No. MC–FC–74785. By order of November 29, 1973, the Motor Carrier Board approved the transfer to Edward W. Skinner and Edward W. Skinner, Jr., Doing Business As Skinner Trucking, Twin Falls, Idaho, of Permit No. MC–129654 (Sub-No. 2) issued to J. L. Anderson, Doing Business As J. L. Anderson & Son, Wendell, Idaho, authorizing the transportation of: Beekeepers' supplies and equipment, honey, and beeswax, and other similar commodities, between points and areas in Idaho, California, Arizona, Colorado, Iowa, Minnesota, Montana, Nebraska, New Mexico, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. R. W. Wigton, Practitioner, Box 1107, Sioux City, Iowa 51102.

No. MC–FC–74796. By order of November 29, 1973, the Motor Carrier Board approved the transfer to Schaller Trucking Corporation, Indianapolis, Ind., of Certificate of Registration No. MC–120618 (Sub-No. 1) issued to Joseph Schaller, John Donnell, Second Successor, Administrator, Indianapolis, Ind., evidencing the right to engage in interstate or foreign commerce in the transportation of Property between points in Indiana. James L. Beattey, Attorney, 130 E. Washington St., Indianapolis, Ind. 46204.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–25917 Filed 12–5–73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02–0305]

J. H. FOSTER & CO.

Application for a License as a Small Business Investment Company

On November 5, 1973, a Notice of application for a license as a small business investment company was published in the FEDERAL REGISTER (38 FR 30485) stating that an application has been filed with the Small Business Administration (SBA) pursuant to section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1973)) for a license as a small business investment company by J. H. Foster & Company, One Battery Park Plaza, New York, New York 10004.

Interested parties were given until the close of business November 15, 1973, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and the facts with regard thereto, SBA will issue License No. 02/02–0305 to J. H. Foster & Company to operate as a small business investment company.

Dated: November 28, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73–25813 Filed 12–5–73;8:45 am]

TARIFF COMMISSION

[TEA–F–57 and TEA–W–219]

GLOBE CORP.

Notice of Investigations

On the basis of petitions filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the Globe Corporation, Cincinnati, Ohio, and its workers, the United States Tariff Commission, on November 29, 1973, instituted investigations under section 301(c)(1) and 301(c)(2) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with men's suits, coats and trousers, knit and not knit, of wool and of manmade fibers (of the types provided for in items 380.02, 380.04, 380.57, 380.61, 380.63, 380.66, 380.81 and 380.84 of the Tariff Schedules of the United States) produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm and/or the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigations may request a hearing, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petitions filed in this case are available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission.

Issued: November 30, 1973.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73–25810 Filed 12–5–73;8:45 am]

VETERANS ADMINISTRATION

VETERANS ADMINISTRATION WAGE COMMITTEE

Notice of Meetings

The Veterans Administration gives notice that meetings of the VA Wage Committee will be held at the Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C., on:

Thursday, January 3, 1974
Thursday, January 17, 1974
Thursday, January 31, 1974
Thursday, February 14, 1974
Thursday, February 28, 1974
Thursday, March 14, 1974
Thursday, March 28, 1974

The meetings will convene in Room 1100 at 2:30 p.m. for the purpose of reviewing wage survey data obtained by VA field stations under Federal Wage System procedures and proposed pay schedules derived therefrom.

The meetings will be closed to the public under the provisions of section 10(d) of Public Law 92–463, based on the confidential nature of information under consideration.

Dated: November 30, 1973.
By direction of the Administrator:

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.73–25885 Filed 12–5–73;8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during December.

FEDERAL REGISTER PAGES AND DATES—DECEMBER

33267–33383	Dec. 3
33385–33445	4
33447–33567	5
33569–33749	6

federal register

THURSDAY, DECEMBER 6, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 234

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

TRANSPORTATION CONTROL PLAN

National Capital Interstate AQCR

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

National Capital Region Transportation Control Plans

This notice of final rulemaking amends the implementation plans of the District of Columbia, Maryland, and Virginia, so as to provide a single unified transportation control plan for the National Capital Interstate Air Quality Control Region (the "Region"). A General Preamble was published on November 6, 1973 (38 FR 30626), and is incorporated by reference.

Background

On March 20, 1973, by publication in the Federal Register (38 FR 7325, and 7327), the Administrator, acting in response to a court order, notified the District of Columbia and the Governor of Maryland that transportation control plans should be submitted by April 15, 1973, for the portions of the Region under their respective jurisdictions. In response, plans were submitted on April 20, 1973, by the District and on April 16 and May 5, 1973, by Maryland. Although Virginia was not notified at that time, it too submitted transportation control plans to the Administrator on April 11 and May 30, 1973. These three plans had been worked out in coordination with each other under the auspices of the National Capital Interstate Air Quality Planning Committee, a council of local and State governments.

The strategies proposed, such as improved mass transit, parking disincentives, emission inspection programs, and additional stationary source controls represented the combined efforts of the three jurisdictions to develop a unified plan which would apply area-wide. They comprised a wide range of concepts which, if implemented properly, should effectively control the automobile-related emission problems in the area. The strategies as proposed by each of the jurisdictions were for the most part acceptable. However, since none of the plans could be completely approved. On June 15, 1973, the Administrator issued approval/disapproval notices containing his evaluation of each of the plans on June 22, 1973 (38 FR 16550).

The jurisdictions responded in a timely fashion to cure some of the deficiencies in the original submissions. Thus, material to supplement the plans was provided by the District of Columbia on July 9 and July 16; by Maryland on June 15, June 22, June 28, and July 10; and by Virginia on July 9, 1973. Public comment on each of these additional submissions was invited by Federal Register notice published July 18, 1973 (38 FR 19132).

On August 2, 1973, the Administrator published a proposed transportation control plan for each of the three portions of the Region (38 FR 20758, 20779, 20789). The proposals were very largely based on the material submitted by the three local jurisdictions. Public hearings on these EPA proposals were held in Virginia on September 4, in the District of Columbia on September 5, and in Maryland on September 6, 1973. The submissions by Virginia, Maryland, and the District were also extensively discussed at the public hearings.

Large portions of the submissions made in June and July by the three local jurisdictions are being approved today. In addition, the measures which EPA is promlugating have, to the maximum extent possible, been drafted to reflect the expressed preferences of the District of Columbia Government and the State of Maryland and the Commonwealth of Virginia.

Air Pollution in the National Capital Interstate AQCR

The Region is made up of Montgomery and Prince Georges Counties in Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia; and the District of Columbia. It extends past Dulles Airport in the west, to Gaithersburg and the National Bureau of Standards in the North along Route 70–S, past Quantico, Virginia, south along the Potomac River, and to Beltsville, Maryland, in the east.

1. Natural Features. The National Capital Interstate Region is situated almost entirely in the gentle rolling Piedmont Plateau and the nearly flat Atlantic Coastal Plain. The terrain to the east is generally flat, with elevations less than 1,000 feet above sea level. Gentle rolling hills with elevations of 200 to 500 feet extend to the Blue Ridge Mountains at the western edge of the Region. In general, the topography permits free air movement with few channeling effects.

Surface winds as reported by the National Airport occur most frequently from the northwest during the colder months and from the south and south-southeast during the warmer months. Weather changes occur frequently, but periods of stagnating anticyclones, which contribute to the development of high pollutant concentrations, are not uncommon. During the 30-year period from 1936 to 1965, the area was affected by 48 stagnating anticyclones for a total of 231 days. Average duration of each anticyclone was 4.8 days; and in three of the cases, stagnation conditions persisted for seven days or more. Of the 48 cases, 34 occurred during the months of August, September, and October. Frequency of inversions was greatest at 7 a.m., varying from 48 percent in the winter to 59 percent in the fall. Mean maximum mixing heights varied from 480 meters in December to 1,310 meters in June.

2. Air Quality and Reductions. Continuous monitoring of carbon monoxide (CO) levels is provided by 11 stations in the Region, with 8 stations providing continuous monitoring of photochemical oxidants. The highest 1972 CO reading of 20 parts per million (ppm) (compared to the national standard of 9 ppm) was recorded at the CAMP station in the District of Columbia. Oxidant readings of 0.20 ppm, compared to the national standard of 0.08 ppm, were recorded at the Argyle Sligo Airmon 5 station in Silver Spring, Maryland, and at the Airmon 4 station in Hyattsville, Maryland. The Air Quality Planning Committee, after review of air quality data throughout the Region, recommended these values be uniformly used as a basis for development of the Region's strategies by the District of Columbia, Virginia, and Maryland.

Emission reductions of 55.5 percent for CO using the rollback technique and 67 percent for hydrocarbons (based on the conversion curve in Appendix J of 40 CFR 51) were determined by the jurisdictions as necessary to meet the national ambient air quality standards. Since significantly greater emission reductions are required for HC, the control measures proposed to attain the oxidant standard will be more than sufficient to attain the CO standard. For a further discussion, see the Technical Support Document for the National Capital Transportation Control Plan, October 1973 (hereafter referred to as the Technical Support Document), which is available for public inspection at the EPA Region III Air Programs Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, and at the Freedom of Information Center, EPA, Room W232, 401 M Street SW., Washington, D.C. 20460.

Oxidant readings for this past summer, not yet officially reported to or verified by EPA, will very possibly be equal to or higher than the maximum readings obtained to date. If this proves to be the case, a plan revision calling for additional reduction measures will be required.

Since 1972 was the year in which the high readings for HC and CO were taken, emissions for that year have been calculated in order to determine the total degree of control required.

Emissions of hydrocarbons vary considerably during the day, and the rush hours account for a major amount of emissions due to the contribution of motor vehicles. Hence, the HC emission inventories and strategy effects were determined for this peak period, 6–9 a.m., although most of the strategies approved or promulgated today will reduce emissions throughout the day.

The local Air Quality Planning Committee's conclusion is that emissions of hydrocarbons in the Region between 6 a.m. and 9 a.m. during 1972 amounted to 63.3 tons. Emissions of carbon monoxide in the eight-hour period from 6 a.m. to 2 p.m. during that same year amounted to 1133 tons.

The National Capital Transportation Control Plan

1. Background and origin. The transportation control measures contained in this plan are based as much as possible on measures suggested by the three affected local jurisdictions. In particular, no measures to reduce vehicle miles traveled (VMT) are included which did not originate from suggestions made by the States or by the District of Columbia.

except for the requirement to review the construction of certain parking facilities.

The submissions from each of the three local jurisdictions (including the supplemental submissions) call for annual emission testing of all light duty vehicles, establishment of a computer car pool matching system, and the substantial expansion of bus service. The latter will occur through the expansion of the existing fleet size, establishment of an extensive network of exclusive bus lanes, and the addition of new routes, together with such amenities as shelters and more fringe parking lots. In addition, all employers and all commercial lots in areas served by mass transit will be required to charge commuters by automobile the prevailing commercial rate plus a two dollar per day Mass Transit Incentive, and on-street parking by commuters in these same areas will be restricted. Increased controls on stationary sources of hydrocarbon emissions were also called for. In addition, the District originally proposed and Virginia took credit for a ban on deliveries by gasoline-powered trucks during about half the daylight hours. Finally, the plans assumed that EPA-imposed restrictions on ground operations of aircraft at Dulles and National airports would lead to a further emission reduction. For a further discussion of the three state submissions, see the Evaluation Reports prepared by EPA for each of them. These are available for inspection at the addresses listed above for the Technical Support Document.

The EPA proposals published in the FEDERAL REGISTER on August 2, 1973, discussed these state measures, and in certain instances language was proposed to give the state strategies the necessary regulatory form. The Clean Air Act, however, requires that before an extension may be granted to a Region its plans must apply all measures to reduce emissions which are "reasonably available." These included the retrofit of 1971–74 fleet vehicles with oxidizing catalysts, and the retrofit of older vehicles with a relatively inexpensive emission control device known as VSAD (Vacuum Spark Advance Disconnect). As contingency measures, the preconstruction review of all new parking lots to determine their impact on air quality and a reduction in off-street parking spaces were proposed for implementation only if the Mass Transit Incentive was not enacted. Where necessary, additional measures for the control of emissions from stationary sources were also proposed to cure minor technical deficiencies in the local plans.

2. Summary of public comments. Three days of public hearings were held on the proposed plans for the National Capital Interstate Region. In all seventy-nine persons and organizations gave testimony. In addition, numerous written comments were received from private citizens, citizen groups, environmental organizations, trade associations, private industry, and governmental entities.

HEAVY DUTY VEHICLE RESTRAINTS

Criticism of the proposed ban on heavy duty gasoline powered trucks during the morning rush hours was especially pointed. It was argued that the emission reduction that would be achieved by imposition of the ban did not justify the extensive social and economic disruption that would result and that disruption to the construction schedule of the METRO system might result if the ban were imposed. Numerous practical difficulties were raised by the affected industries which would require an unwieldy exemption list and render enforcement very difficult. The testimony favored the substitution of heavy duty retrofit in place of an outright ban on heavy duty vehicle during rush hour periods. EPA agrees that in the D.C. area, which is heavily serviced oriented, a ban on heavy duty vehicles would, of necessity lead to many legitimate exemptions. Therefore, EPA has decided that a retrofit strategy would be more appropriate and would assure that emission reductions needed for this category of vehicles would be attained.

MASS TRANSIT INCENTIVE SURCHARGE

Comments concerning approval of the proposed two-dollar Mass Transit Incentive Surcharge on all day parking were mixed, but the majority were in opposition. Opposition from downtown businessmen was vigorous. Concern was expressed that the incentive would penalize central business district (CBD) businesses, would further hamper an already struggling downtown area, and would contribute heavily to relocation of businesses to suburban areas. However, much of the criticism appears to be based on the misimpression that the Mass Transit Incentive Surcharge would be levied only in the District of Columbia, that it would be imposed on shoppers, and that it would be imposed before adequate mass transit was available. In fact, the incentive will be applied only to long-term commuter parking (not shoppers), will be applied uniformly among the jurisdictions and will not be applied until adequate mass transit is available.

Also there were claims that the surcharge was a "commuter-tax." However, it is not the purpose or effect of this measure to raise revenue for one jurisdiction at the expense of others. The surcharge will apply to all commuters to areas adequately served by mass transit, wherever they come from, and will be applied not only in certain areas of the District, but in a significant number of employment centers outside it. All revenues from the surcharge will be used to expand mass transit, which will be to the benefit of the Region as a whole.

Comments in the Maryland hearing asserted that the outer suburbs would be unfairly burdened by the Mass Transit Incentive Surcharge because there are few, if any, mass transit lines in existence or proposed that run to these areas. However, only those areas adequately served by mass transit will be affected, and in addition those in outer suburbs can greatly mitigate any adverse impact either by car pooling or park and ride facilities.

Despite the objections raised, EPA agrees with the three lead jurisdictions that strong negative disincentives as well as positive incentives are necessary to divert automobile drivers to mass transit. In fact, this is the premise on which the entire transportation portion of the plans submitted by the jurisdictions is based upon.

Several comments were received suggesting that the revenues obtained from the incentive should be spent on improvements of mass transit. This is consistent with the plans for use of the revenues.

It was also suggested that mass transit improvements could be facilitated by an immediate phase-in of the Mass Transit Incentive Surcharge applied throughout the entire AQCR. This alternate proposal would impose an immediate phase-in of a smaller charge which would be applied to all parking facilities area-wide without regard to mass transit service. The proceeds from the charge would be used to purchase and subsidize mass transit. The charge would increase in amount as mass transit becomes more readily available. EPA feels the phased-in approach has merit.

Finally, most of the written comments submitted by the local business community included pleas that the community should be free to propose and enact an alternate program. However, none of the comments offered suggestions other than to increase use of carpools, a program which was part of the proposed plan. EPA encourages the communities affected to establish programs which would achieve similar or greater emission reductions than the programs being approved today. If such programs in proper regulatory form and of adequate stringency are submitted to EPA, they will be approved and the corresponding portions of EPA's plan will be descinded.

The Environmental Protection Agency also found merit in the suggestions that handicapped persons should be exempt from the incentive, and EPA has incorporated these suggestions in this promulgation.

PARKING RESTRICTIONS

Three types of parking restrictions were discussed in the comments received by EPA: the on-street parking restrictions, the off-street space reduction contingency regulation proposed by EPA, and parking in Federal facilities.

As to on-street parking, several citizen groups in the District of Columbia emphasized that parking restriction provision proposed by the local jurisdictions are essential to the effectiveness of the Plan, but that the proposed provisions lacked sufficient detail. There were comments that on-street parking should be prohibited from heavily traveled arterials, and that a permit system for residents should be included. In fact, the plan proposed by the District of Columbia which is being approved in this action includes provisions similar to those advocated in the public comments.

With respect to the EPA proposal to reduce available off-street parking spaces as an alternative strategy businesses were opposed to any restrictions of available parking on company property. The State

of Maryland commented that they had no authority to require local jurisdictions to reduce the number of parking spaces. The parking management groups questioned EPA's authority to impose parking restrictions. In both cases, EPA believes its legal authority adequately supports the proposed contingency measure. However, other groups feared that commuters would utilize all available spaces, leaving few spaces for shoppers, if the proposal were implemented. Partly due to this last point, and since subsequent studies have shown that a much greater space reduction than proposed in the areas affected would be necessary to achieve results similar to the surcharge, EPA has dropped the contingency proposal for parking space reduction.

Several comments suggested that increasing the fine for parking violations and enforcing the existing restrictions on on-street parking more strictly would also aid any on-street parking reduction plan. EPA encourages the local jurisdictions to continue to study these recommendations.

Much public testimony was received concerning the issue of Federal parking. The comments were nearly unanimous that in order for any parking strategy to be effective, the full cooperation of the D.C. area's largest single employer, the Federal Government, would be necessary. Many persons suggested that if controls were not placed on Federal employee parking, private sector personnel could not be expected to submit to regulation. The Federal Government agrees, and recognizes its responsibilities to the National Capital area. Such controls were contained in the EPA proposal, and are now being promulgated.

Several comments suggested that night employees be exempted from parking restrictions for safety and other reasons. Since the plan is designed to control emissions during daylight hours because of the nature of smog formation, control over these personnel is not necessary for air quality purposes, and EPA has made provisions in this promulgation for such an exemption.

Mass Transit

Numerous comments were received on how mass transit could be improved. Comments suggested fringe parking systems, improved routing, bus lanes, dial-a-ride buses, limited stop buses, reduction in fares, and staggered working hours. The Washington Metropolitan Area Transit Authority (WMATA) has expressed willingness to work closely with EPA in considering each of these measures. As discussed elsewhere in this preamble, WMATA is committed to expanding its bus fleet as quickly as possible and to initiating new service lines. Exclusive bus lanes were proposed by the local jurisdictions, and are being approved in this promulgation.

WMATA has singled out staggered working hours as being an effective aid to more efficient use of mass transit. EPA and GSA are currently studying the feasibility of staggered working hours and four day work weeks for Federal employees.

There was universal support for the proposed computerized car pool matching system. The Metropolitan Washington Board of Trade, with the assistance of the Council of Government, has independently initiated a program to promote car pools among private industry. The Board is currently holding a series of workshops with employers explaining car pool techniques, has made available information, experts, and computer time to assist in establishing car pool programs.

Commuter Rail

Numerous citizen groups pointed to the desirability of a commuter rail system for the D.C. area. EPA recognizes that commuter rail systems are quite functional in other metropolitan areas and that a rail system could be an attractive transportation alternative. However, implementation of such a system area wide is fraught with practical difficulties, not the least of which is the fact that the area is fully committed to heavily subsidizing the METRO rapid rail system. None of the three jurisdictions considered commuter rail in their plans, and EPA has not had sufficient time before this promulgation to adequately study the feasibility for commuter rail for the D.C. area. Thus, no provision is made for commuter rail in this promulgation. Nevertheless, EPA will continue to support all feasible transportation alternatives and encourages the three jurisdictions to study and promote the development of a commuter rail system in addition to METRO.

Retrofit Proposals

Comments received on the VSAD retrofit for pre-1968 light duty vehicles and the catalytic retrofit for 1971–74 fleet vehicles centered around the availability of technology and the economic justification of the retrofits in light of the relatively small reduction in emissions that would be achieved area wide. However, the reductions for each vehicle retrofitted are substantial. EPA has discussed these comments in the General Preamble to the Transportation Control Plans in the November 6, 1973, Federal Register (38 FR 30631).

The State of Maryland objected to imposition of retrofits on used fleet vehicles because EPA has granted new vehicles a one year delay of the effective date of the emission standards. Since the regulation would not become effective until May 31, 1977, EPA does not believe imposition of the regulation will be in fact inequitable.

Testimony from classic and antique car collectors indicated that such cars are well maintained and rarely used, and that imposition of retrofit devices would reduce their historic value. These regulations now provide for exemption from retrofit and inspection requirements for classic and antique vehicles.

Maryland also stated that VSAD retrofit does not reduce emissions as claimed and that the retrofit could cause engine damage. Based on the results of tests and on the California experience it is the EPA's position that this is not the case for the model years covered in these regulations, and therefore, EPA is promulgating a retrofit strategy. However, the regulation allows the jurisdictions to require installation of any alternate device which achieves reductions equivalent to VSAD.

Dry Cleaning Vapor Controls

Considerable confusion was evidenced by the public comments concerning control of hydrocarbon vapors from dry cleaning processes. It was EPA's intention to propose the equivalent of Los Angeles' Rule 66, a well-established procedure. Comments from the industry indicated preference for the Rule 66 approach rather than the proposed regulation. The proposed regulation has been modified to conform to these suggestions.

Bicycle Routes

Comments from area bicyclists emphasized three major topics. First, a strategy encouraging the use of bicycles as a mode of commuter travel should be adopted. Second, any system to encourage bicycle usage must protect bicyclists from automobiles. Third, bicycles should be safe from theft while parked. The local jurisdictions appeared willing to implement a network of bicycle routes. Based on the comments received, EPA is promulgating a regulation which will institute a network of commuter bikeways, thereby offering commuters another alternative mode of transit. The regulation will also assure safe parking for bicycles.

Land Use Measures

Written and oral comments urged EPA to become more involved in land use in the D.C. area. EPA believes that changes in land use patterns are the most effective ways of controlling air pollution, and that no lasting solution of the pollution problem is possible without them. In the short run, such measures can contribute to VMT reduction by making growth of automobile traffic more difficult. For this reason, and as a start toward the long-term changes in land use that will be necessary, a measure providing for the pre-construction review of parking lots has been included in this plan. Further review of major new construction projects will be provided by "indirect source" regulations which EPA is under a court order to promulgate by December 15, 1973. These regulations were proposed October 30, 1973 (38 FR 29893).

Inspection/Maintenance

Unanimous support for inspection/maintenance programs confirmed the feasibility and acceptability of these proposed measures.

The Content of the Plan

1. General. The measures approved and promulgated today may be divided into six categories, corresponding to the order in which the jurisdictions and in some cases, EPA decided to apply them.

(1) The Federal Motor Vehicle Control Program for new vehicles, which accounts for much of the emission reduction achieve.

(2) Additional controls on stationary source emissions. Both the States and EPA have extensive experience with such measures, and it can be predicted with confidence that none of them will cause significant economic or social disruption, even though some burdens on individual businesses may result.

(3) The establishment of a system for the annual emissions testing of automobiles and medium-duty vehicles, with provisions for the necessary corrective maintenance to be performed on those which fail. This is a measure that can easily be incorporated into a present annual safety inspection. Inspection/Maintenance programs are being adopted in virtually all transportation control plans.

(4) Moderate VMT reduction measures, resulting from such steps as the establishment of bus and bicycle lanes on existing road space, the review of new parking lots, and measures to encourage car pooling and to discourage commuter travel by automobile. These measures not only contribute directly to cleaning the air, but they also encourage more effective land use, the revival of urban centers, and reduced energy consumption. They are essential to the long-term maintenance of air quality standards.

(5) The reductions achievable from control of aircraft operations at Dulles and National Airports.

(6) EPA looked to the reductions that could be achieved by installing (or "retrofitting") emission control devices on existing vehicles. The more expensive of these devices—catalytic converters—are being reserved for fleet vehicles and trucks, which are generally owned by those who can better afford the expense. The one retrofit of pre-1968 vehicles that is being promulgated is relatively inexpensive and achieves large emission reductions when compared to its cost. In addition, to ensure that emission reductions from heavy-duty gasoline powered vehicles are achieved, a regulation is being promulgated which established a heavy-duty retrofit program.

2. The specific measures. The specific measures contained in this plan, listed in the order indicated by the preceding discussion, are as follows:

Vapor Recovery from Gasoline Loading and Sales. At the present the system by which gasoline is first loaded into the storage tanks at the filling stations and then loaded into individual vehicles gives rise to very significant evaporative emissions of hydrocarbons at the points of transfer. The regulations being promulgated call for at least 90 percent recovery of vapors displaced under underground storage tanks are refilled and 90 percent recovery of vapors displaced when vehicular tanks are refilled. All three jurisdictions proposed to control such emissions as part of their transportation control plans. However, the necessary regulations have not yet been adopted. Accordingly, the Administrator is promulgating regulations for all three portions of the Region to give effect to the local strategies. When equivalent local regulations are adopted and submitted, EPA will rescind the regulations promulgated today. The adopted local regulations submitted may be in a form different from the regulations promulgated today, so long as equivalent emission reductions are achieved.

Use of Solvents in Dry Cleaning. Several of the solvents used at present in dry cleaning of clothes contribute to the formation of photochemical oxidants when they evaporate. These emissions can be controlled either by the use of nonreactive solvents or by appropriate measures to control evaporative emissions. The regulations being promulgated is in a form which corresponds to the controls imposed by Los Angeles County Rule 66. It provides for at least 85 percent control of emissions from these facilities. All three jurisdictions included a measure to control such emissions in their plans, and the EPA regulation promulgated today will give this strategy the required regulatory form. When equivalent local regulations are adopted and submitted, EPA will rescind the regulations promulgated today. It should be noted that the adopted regulations submitted may be in a form different from the regulations promulgated today, so long as equivalent emission reductions are achieved.

Inspection and Maintenance of Light and Medium Duty Vehicles. All three jurisdictions proposed the annual emission testing of light duty vehicles (those weighing under 6,000 pounds). The District of Columbia and Maryland systems will require all vehicles to be tested annually by "loaded" (dynamometer) test—the most effective form of inspection—and would require annual inspection for commercial vehicles. The Maryland plan did not set forth the program in much detail. The Virginia plan contains an "idle" test program.

The Administrator is approving in full the District of Columbia and Virginia programs for inspection and maintenance, and is promulgating a regulation designed to establish a similar program in the Maryland portion of the Region.

In addition, the Administrator has determined that medium duty vehicles (6,000–10,000 pounds gross weight) use engines similar to those used in light duty vehicles and can accordingly be inspected under the same program. Regulations are, therefore, being promulgated to subject such vehicles to inspection in all three parts of the Region.

Aircraft Ground Operations Control. Each of the three local plans claimed hydrocarbon emission reductions of 50 percent resulting from modifications of aircraft ground operating procedures. EPA is granting partial credit for this strategy based upon the assumption that operating standards will be effective by 1977. EPA calculations indicate that hydrocarbon reductions of 36 and 31 percent are achievable at National Airport and Dulles Airport respectively, using presently feasible ground control measures. The period during which ground operating procedures to reduce emissions can be employed is a function of aircraft taxi time and the length of delays prior to departure. These times are less at Dulles and National airports than at most other major airports. Thus, a 50 percent reduction, while perhaps achievable at airports which have long delays and long taxi times, is not possible for the two local airports. In addition, since four engine commercial aircraft do not operate out of National Airport, credit cannot be taken at that airport for the large emission reductions which would result from a shutdown of two of the engines during delays and taxi-in periods. The EPA study from which the 50 percent emission reduction figure was derived assumed the use of some operating procedures that are no longer considered feasible because of either safety or practical reasons.

The present projected emission reductions for Dulles and National Airports result from procedures which do not involve any sacrifice in safety. Comments received at public hearings indicate that these procedures are feasible and, in fact, are already in use by some airlines on a pilot-option basis. Presently, an EPA/FAA demonstration project is being conducted to determine the validity of calculated emission reductions. If the results show that reasonable and safe ground operating procedures do reduce emission levels, the Administrator will propose regulations for the implementation of each procedure.

Expansion of Bus Lanes. The conversion of road space to the exclusive use of buses or car pools is an essential VMT reduction measure. By reducing the amount of road space available to automobiles, driving tends to be discouraged, while such lanes will make more efficient mass transit possible to satisfy the displaced travel demand. Each of the three jurisdictions in the Region submitted a list of corridors it proposed to convert to the exclusive use of buses. The Administrator is approving these locations and is promulgating supplementary requirements to ensure that such lanes are set aside on schedule.

Under the local strategies approved today, two exclusive bus lanes—one inbound lane during the morning peak period, and one outbound lane during the evening peak period—would be established along the following corridors:

a. U.S. Route 50 from New Carrollton, Maryland to the Washington CBD.

b. Pennsylvania Avenue and Maryland Route 4 from Andrews Air Force Base to the CBD.

c. South Capitol Street from Bolling Air Force Base to Independence Avenue.

d. George Washington Parkway—Washington Street—Jefferson Davis Highway from Fort Hunt to National Airport.

e. U.S. Route 50 from Seven Corners to the CBD.

f. Dulles Access Road—Virginia 123—George Washington Memorial Parkway from the Reston Interchange to the CBD.

g. Georgia Avenue—13th Street from the Maryland boundary to the CBD.

h. U.S. Route 240 from Old Georgetown Road to Sheridan Circle.

i. New Hampshire Avenue from U.S. Route 29 to Grant Circle.

The addition of bus lanes in these corridors will complement the existing system of bus lanes and will help assure that an extensive network will be implemented.

Expansion of Bus Transit System. An essential element of any transportation control plan for the National Capital Area is improved mass transit. Accordingly, each of the three plans proposed the area wide addition of 750 buses to the existing fleet. It will be necessary to expand the existing bus fleet to transport those commuters who no longer intend to use the automobile to drive to work. The Washington Metropolitan Area Transit Authority (WMATA) has already instituted a five-year program that was to effect a modest increase in fleet size and a retirement of the oldest buses in the current fleet. WMATA now plans to modify their original program to allow a more rapid increase in fleet size to meet this need. The increase will be gained by retaining some of the older, but serviceable buses (e.g., air-conditioned, good working order) that had been programed for retirement. When the Metro Rapid Rail System comes into operation, the new buses will also be used to provide the cross-town or suburb-to-surburb service that Metro will not provide, and to provide feeder routes to Metro stations.

The following chart shows WMATA's current anticipated timetable for increasing the fleet size through 1977, and a modified timetable which could be implemented to increase fleet size to meet the needs of the transportation plans. In addition, the 369 buses currently planned for retirement by June, 1974, could be retained to augment further the fleet size should it become necessary.

Date	New buses delivered	5-year plan retirement	Modified plan retirement	Annual net increase	Fleet size
1973					1,779
June, 1974	620	508	369	251	2,030
December, 1974	175	150	0	175	2,205
December, 1975	175	150	0	175	2,380
1977	150	150	0	150	2,530
				751	

Of the 251 net increase in buses for 1974, approximately 100 buses will be used to augment existing service lines, and the remaining (approximately 150) buses will be deployed on new lines, including cross-city and cross-county routes.

In addition to an increase in the size of bus fleets, WMATA is also committed to encouraging bus ridership. Additional phone lines have been installed, and a computerized phone route service is scheduled for completion by June, 1974. New maps are in final printing. EPA encourages WMATA to make schedules and maps as widely available as possible, for example in shopping areas, government buildings, and major employment centers.

This promulgation contains a compliance schedule which is primarily intended to insure that the necessary commitments for funding will be forthcoming from the affected jurisdictions in a timely manner.

Elimination of Free Commuter Parking and Mass Transit Incentive. Commuter travel, since it repeats itself predictably from day to day, is the segment of daily travel most easily shifted to car pools or other forms of mass transit.

One way to provide an adequate incentive for employees to switch to mass transit commuting is by an increase in the parking charge over and above the current rate to encourage use of mass transit by commuters. This incentive could promote use of mass transit still more if the revenues from it were channelled back to the mass transit system. The National Capital plan includes such a provision.

The plans submitted by the three jurisdictions and supporting documents suggested that employers in areas adequately served by mass transit should eliminate free parking for their employees, and also impose an additional two dollar per day surcharge that would be used to subsidize mass transit. The plans suggested that EPA should take action to impose such a rate on the Federal Government, and that the three jurisdictions would then impose it on private employers and on commercial lots.

Accordingly, EPA is today promulgating regulations that would impose on the Federal establishments commercial-type charges plus the Mass Transit Incentive Surcharge that the local jurisdictions have requested thereby eliminating free parking for Federal employees as suggested in the local plans. The surcharge and the commercial rate requirements are part of the same package; neither will be imposed apart from the other. These strategies will take effect in 1975 and have been worked out with the cooperation of the General Services Administration. They will apply to all agencies of the executive, legislative, and judicial branches of government. The Administrator is also approving the commitments of the three local jurisdictions to impose the same obligations on private employers and on commercial parking lots, and is promulgating enforceable compliance schedules to make sure that this is done.

Defining the areas where the commercial rates and surcharges will apply has been a difficult task. The general approach taken by EPA is consistent with the regional strategy of applying the parking measures only in employment areas which are adequately served by mass transit at present, or which are capable of being adequately served by mass transit by mid-1975. The areas listed below are those which, in the best judgment of EPA, meet this test.

District of Columbia Central Business District
Federal Triangle Area
Capitol Hill Area
Southwest Mall—Waterside Mall Area
Friendship Heights Area
Prince Georges Plaza Area
Downtown Silver Spring Area
National Institute of Health Corridor Area
Rossyln Area
Crystal City Area
Pentagon
Tyson's Corner Area
Downtown Alexandria.

The concept of areas adequately served by mass transit can be approached in several ways. In order to permit the local jurisdictions as much latitude as possible in the plan, the Administrator will allow each jurisdiction to delete or add areas, provided that an affirmative showing is made to the Administrator that such changes are appropriate and that no other areas are capable of being considered adequately served. Any such substitution or affirmative showing shall be submitted no later than June 30, 1974. By June 30, 1974, each jurisdiction will be required to submit exact definitions or boundaries of the areas included on the above list or the alternate areas selected. The three jurisdictions must conduct a coordinated study of the entire Region defining precisely the areas covered. The list of areas must be updated at least once per year beginning June 30, 1975. Additional areas must be included as mass transit service is increased, unless the jurisdiction can affirmatively demonstrate that it is impossible for any additional areas to be included.

It must be emphasized that the commercial rates and Mass Transit Incentive will not go into effect until mass transit has been significantly expanded by the transit improvement measures outlined above. Therefore, it is expected that these measures will become effective on or about June 30, 1975. However, if the bus system expansion does not proceed substantially as planned, the Administrator may adjust the effective date of the measures to coincide with mass transit development. In fact, the Mass Transit Incentive Surcharge approved in this final promulgation embodies this concept by proceeding on a phased implementation schedule. The original proposals by the jurisdictions included a strategy for the imposition of a $2.00 per day surcharge on commuter parking beginning in 1975. In order to be assured that mass transit will be available to provide the alternate mode of travel for commuters displaced by the surcharge and to allow commuters time to adopt other transit modes, EPA has modified the schedule for imposition of the Mass Transit Incentive Surcharge to proceed on a phased implementation schedule.

The new schedule has been based on WMATA's most recent anticipated time-

table for growth of its fleet. The Mass Transit Incentive Surcharge would initially be set at $0.50 per day and would increase up to $2.00 per day on the following schedule:

Effective date:	Mass transit incentive surcharge (per day per space)
June 30, 1975	$0.50
Jan. 1, 1976	1.00
June 30, 1976	1.50
Jan. 1, 1977	2.00

Any net revenues collected from the Mass Transit Incentive Surcharge on commercial, governmental and private parking facilities will be used for the further expansion or operation of the mass transit system.

The commercial rates and surcharge will be imposed only on those who park for six (6) or more hours at a time. It should accordingly have little or no adverse effect on short term parking by shoppers and on the economic health of existing business districts such as downtown Washington, but should instead operate almost exclusively to change commuting habits.

One other topic deserves discussion under this section. This is the off-street parking space reduction which was proposed as a contingency to the surcharge. Testimony received asserted that if spaces were reduced commuters would take up all available spaces leaving few, if any, for shoppers. Therefore, this strategy would have little effect on commuter trips while shoppers would be adversely affected. Also studies conducted by Pratt and Associates for COG and EPA have indicated that, in order to achieve VMT reduction similar to that expected by the imposition of the surcharge, a parking space reduction much larger than the 10–15 percent proposed would be necessary.

Finally, these strategies provide exemption for handicapped persons.

On-Street Parking Restrictions. To make the parking regulation strategies described above complete, each of the three local jurisdictions submitted measures to EPA that would bar on-street parking by commuters in the areas where the surcharge is in effect. In addition, the District of Columbia proposed to restrict on-street parking on major arterial streets and proposed to institute a permit system so that available on-street spaces would be used by residents of the neighborhood rather than by commuters. These measures are being approved by the Administrator subject, in the cases of Virginia and the District of Columbia, to compliance schedules to correct technical deficiencies in the strategy.

Computerized Car Pooling. The strategies described above can be expected to cause a considerable shift to car pool commuting among employees. Individual automobiles, which are designed to carry four to six persons and which currently carry an average of approximately 1.4 persons per trip in the Region, represent the largest pool of unused transit capacity available. Car pooling, properly administered, could result in a great VMT reduction.

Each of the three local jurisdictions suggested the establishment of a computer-aided car pool matching system to assist and encourage the shift to car pools. This portion of the District of Columbia, Maryland and Virginia plans is being approved in full.

Bicycle Lanes. As a result of comments received at the public hearings, the Administrator is including regulations establishing a bicycle lane-bicycle rack strategy. A safe and widespread system to encourage bicycle usage by present users of motor vehicles has the potential of decreasing area wide VMT by about one percent. Reduction in this range can be achieved by diverting 12–25 percent of urban work trips of less than 4 miles to bicycle commuting from auto commuting. This estimate takes no account of the potential for also shifting other categories of trips under four miles (such as recreational or shopping trips) to bicycles. To accomplish this result the regulation requires the jurisdictions to establish a bicycle lane network of no less than 180 miles area wide by July 1, 1976. Such a network should provide feeder routes to Metro and railroad stations, and should link all major residential sections of the city with centers of employment, as well as major educational institutions and commercial centers.

The bicycle lane network will be implemented following a comprehensive study of all aspects of present and potential bicycle usage. The study will determine the best locations for bicycle routes, both on-street and off-street, and will examine the costs of the bicycle land and rack network.

A pilot bicycle route from Key Bridge past the White House and the U.S. Capitol to Pennsylvania Avenue and Alabama Avenue, S.E. will be established prior to April 1, 1974. An evaluation of this route shall be included in the comprehensive study. This route was chosen because it provides direct access to the Central Business District from areas of the city where present bicycle use is high, and because it will enable connection with Virginia routes.

A system of bicycle racks will be required by June 1, 1975. Bicycle racks or other safe storage facilities are an essential part of a bicycle plan. Without them, the threat of theft may deter potential riders from using even the most extensive bicycle lane network. The regulations require that any employer, building, or facility providing motor vehicle parking space must also provide bicycle parking in an equitable ratio: 1 bicycle parking space capable of storing 12 bicycles in a rack for every 75 motor vehicle parking spaces. Racks should be located to be safe from both motor vehicle traffic and theft. It would be desirable that outdoor racks be sheltered by a roof and enclosed for adequate security.

The inspection and maintenance program, which will be run as part of the present annual safety inspection program, is expected to cost an average of $2 per vehicle inspected. Maintenance on vehicles that fail a first test so that they can pass a retest will cost an average of $3 above normal maintenance costs. The additional maintenance which should result from this program will also improve the fuel economy of the inspected vehicles.

The controls on gasoline transfer will save energy as well as reduce emissions, since the gasoline that would otherwise have evaporated will be collected by the control mechanism and be put back into the distribution system. These controls are expected to conserve approximately four million gallons of gasoline per year. Controls on aircraft ground operations can also be expected to save energy.

The various retrofit measures vary in expense, from $20 for a VSAD system to an estimated $130 for a catalytic converter. Although such devices are effective in reducing emissions, there are no significant secondary benefits from their installation except to avoid the need for less desirable alternatives. The most costly of these devices—the catalytic converter—will be reserved for use on fleet vehicles and taxicabs.

In some instances, as noted above, measures have been promulgated that were not formally proposed as regulations.

Parking Review. In all three jurisdictions, EPA proposed, as a contingency measure, a regulation for the review of new parking facilities to determine whether they would be consistent with the plan's VMT reduction goals. The public comments received stated that this measure was a "reasonably available alternative" measure and therefore should be promulgated not as a contingency but for general applicability. EPA agreed with the comments received, and intended to include this regulation as part of this action. However, in response to a court order this regulation was promulgated on November 12, 1973 (38 FR 31536, November 15, 1973). The regulation as promulgated requires review of all parking facilities over 250 spaces capacity prior to construction or modification.

Since VMT reductions are calculated from a predicted growth curve, and not simply from current levels, this regulation will help reduce VMT levels by reducing the future supply of parking on which future VMT growth would depend.

Although review of new highways was not proposed by any of the jurisdictions, there was substantial public comment on the issue of highway construction. It should be noted that Section 109(j) of the Federal Aid Highway Act, as amended, 23 U.S.C. 109(j), requires any Federal aid highway to be consistent with applicable implementation plans under the Clean Air Act. The plan for the Region is designed to provide a substantial VMT reduction. Accordingly, if any new Federal aid highway in the Region could be expected to lead to a VMT increase or to interfere with the attainment or maintenance of air quality standards, it would not be consistent with this plan.

Heavy Duty Vehicle Exclusion/Heavy Duty Vehicle Retrofit. The District of Columbia proposed to effect a 50 percent

reduction in heavy duty vehicle emissions by banning all but specifically exempted deliveries from 6 a.m. to 9 a.m. This measure is disapproved because of the practical enforcement problems presented in public hearing testimony, because of the uncertain emissions reduction credit that can be assumed in the absence of precise definition of proposed exemptions (e.g., milk trucks, postal service trucks, sanitation trucks), and because of lack of detail in the local proposal. As an alternative measure, the possibility of installing appropriate retrofit devices on medium (6,000–10,000 pound, GVW) and heavy duty vehicles, as proposed by the State of Maryland and the Commonwealth of Virginia, has been investigated. Preliminary results of a vehicle test program, sponsored jointly by the EPA and the City of New York, indicate that catalytic retrofit of medium duty vehicles is indeed feasible, although application of the same devices to heavy duty vehicles indicated problems of deterioration of the retrofit device and the vehicle's exhaust system. Since the jurisdictions have agreed to participate in the ongoing test program, the Administrator has determined that catalytic retrofit will provide substantial reductions in both carbon monoxide and hydrocarbon emissions for all medium duty vehicles which are able to operate properly on unleaded 91 RON gasoline, and is promulgating such a regulation. In addition, for those medium duty vehicles which are unable to operate on 91 RON gasoline, an EGR-Airbleed system will be required.

Air/Fuel Retrofit of Heavy Duty Gasoline Powered Vehicles (greater than 10,000 pound GVW). Since the test program sponsored jointly by the EPA and New York City has suggested serious deterioration effects resulting from the use of catalytic retrofit devices on heavy duty gasoline powered vehicles, it is apparent that the state-of-the-art is insufficiently advanced to permit application of this control measure. However, the same test program has demonstrated the significant emission reductions which result from installation of air/fuel devices, exhaust gas recirculation, or carburetor modifications on heavy duty vehicles. Accordingly, the Administrator is promulgating a regulation which will require installation of appropriate noncatalytic retrofit devices on all heavy duty gasoline powered vehicles. In the event that the medium duty and heavy duty gasoline powered vehicle retrofit programs do not achieve the reductions anticipated, or the jurisdictions do not vigorously implement either programs, other control measures would become necessary.

Catalytic Retrofit of Fleet Vehicles. Since the emission reductions claimed by the jurisdictions for aircraft emissions could not be allowed in full, other measures which are "reasonably available" must be applied to meet the standards by the statutory deadline of 1977. For this reason, the Administrator is promulgating in essentially the form proposed a regulation requiring the retrofit of all light duty vehicles that are part of business or government vehicle fleets. The use of such a catalyst will reduce emissions by approximately 50 percent on each vehicle retrofitted. Installation of these catalysts will begin in mid-1976.

VSAD Retrofit of Pre-1968 Automobiles. Since the emission reductions claimed by the jurisdictions for aircraft emissions could not be allowed in full, it is necessary for the Administrator to promulgate "reasonably available" measures to meet the standards by the 1977 deadline. For this reason, the Administrator is promulgating, in essentially the form proposed, a regulation requiring the installation of VSAD devices on pre-1968 vehicles. The regulation has been modified to allow a jurisdiction to use any other device which can be demonstrated to achieve equivalent emission reductions on this class of vehicles (namely 9 percent reduction in CO and 25 percent reduction in HC). In addition, an exemption from the requirements of this regulation is allowed for antique or classic vehicles.

Monitoring and Reporting Regulation. This measure is included in the final rulemaking for all three jurisdictions to provide for monitoring the reductions that will result from the application of these regulations to mobile sources. This reporting will allow EPA sufficient time to evaluate the effectiveness of the measures included in this plan. It will further provide the data upon which EPA will determine if any modification of the measures is nececsary.

SUMMARY OF EXPECTED EMISSIONS REDUCTION FROM PLAN MEASURES

	Hydrocarbons		Carbon Monoxide	
	Tons per Peak Period	Percent of Total Reduction Required	Tons per Peak Period	Percent of Total Reduction Required
Base year emissions	63.3		1133	
Total reductions required	42.4		632	
Reductions from FMVCP	29.7	70	557	88
Stationary source emissions without control strategy	14.3			
Expected reductions from:				
a. Dry cleaning vapor recovery	1.1	2.6		
b. Gasoline handling vapor recovery	5.0	11.7		
Mobile source emissions without control strategy	19.3		576	
Expected reductions from:				
a. Transportation package	2.9	6.9	26	4.1
b. Inspection/maintenance	1.6	3.8	34	5.4
c. VSAD retrofit	.4	.9	3	.5
d. Catalytic retrofit of fleet automobiles	.2	.5	5	.8
e. Truck retrofit program	.5	1.2	20	3.1
f. Aircraft program	1.0	2.4		
Total reductions	42.4	100.0	645	101.9
Emissions remaining	20.9		488	

FINDINGS

The plan approved today applies a full range of the emission controls that have been used in transportation control plans for other areas of the country. The provisions for stationary source control, inspection and maintenance, bus lanes, computer car pool matching, parking lot review, and certain retrofits are common to many plans. The provisions for special charges on commuter parking is also being used in other heavily polluted areas of the country such as Boston and in California.

ECONOMIC AND SOCIAL EFFECTS

EPA, while recognizing that inconvenience to some individuals will necessarily result from the National Capital Area plan, believes that there will not be significant economic or social disruption. In general, commuter travel by single-passenger automobile will become much less attractive as that mode of transportation loses many of its present advantages. This, however, should not be seen as a deliberate attempt by EPA to hinder and frustrate the many individuals who presently rely upon the automobile to commute to and from work. The transportation plan provides for alternative transit choices which, when fully operational, will make commuting far easier than it is today. In the long run, then, persons in the metropolitan area should benefit from cleaner air, less vehicle congestion and a more balanced system of transportation.

To achieve this result, the Region's bus fleet will be greatly expanded within the next few years and many additional routes and service areas will be established. The efficiency of the entire bus system will be further improved by the new busline network. The 180 miles of bicycle lanes will increase the attractiveness of travel by bicycle. Car pooling will become significantly easier as the computer-aided car pool matching system goes into operation. And, in the near future, the new subway system will have a very positive effect.

There will be other significant advantages to the plan announced today. Recent events have made clear how essential it is to economize on energy use. Transportation at present accounts for over a quarter of the energy consumed in this country. Automobiles consume three-quarters of the energy used for transportation, or about twenty percent of the total. Only about a quarter of the energy consumed by an automobile engine does useful work. The rest is wasted. Indeed, even the energy used to drive the vehicle is largely wasted in any functional sense, since most American cars are far larger and heavier than they need to be for their normal job of moving one or two people around. Our present auto-based transportation system using standard-sized cars moves

human beings about by moving two tons of metal along with each of them. There can be no better place to begin to end our exclusive reliance on the automobile than in the cities, where this step will not only save energy, but will also protect human health by cleaning up the air.

These measures are not expected to affect the shopping centers of downtown Washington, since the most significant of them—the parking surcharge and the bus lanes—will only affect those traveling during the commuting hours and parking most of the day in one location.

The inspection and maintenance program, which will be run as part of the present annual safety inspection program, is expected to cost an average of $2 per vehicle inspected. Maintenance on vehicles that fail a first test so that they can pass a retest will cost an average of $3 above normal maintenance costs. The additional maintenance which should result from this program will also improve the fuel economy of the inspected vehicles.

The controls on gasoline transfer will save energy as well as reduce emissions, since the gasoline that would otherwise have evaporated will be collected by the control mechanism and be put back into the distribution system. These controls are expected to conserve approximately 11 thousand gallons of gasoline per day. Controls on aircraft ground operations can also be expected to save energy.

The various retrofit measures vary in expense, from $20 for a VSAD system to an estimated $130 for a catalytic converter. Although such devices are effective in reducing emissions, there are no significant secondary benefits from their installation except to avoid the need for less desirable alternatives. The most costly of these devices—the catalytic converter—will be reserved for use on fleet vehicles and taxicabs.

In some instances, as noted above, measures have been promulgated that were not formally proposed as regulations. This was done because of the requirement of the court order that a plan applying all "reasonably available" measures be promulgated for the Region without further delay. EPA, however, invites public comment on these and other aspects of today's promulgation, and will revise the plan if revision seems appropriate in the light of the comments received. Comments should be submitted no later than December 31, 1973, to the Transportation Control Staff, Office of Air Programs, Room 937-W, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

It is the desire of the Environmental Protection Agency that the plan to attain and maintain the carbon monoxide and photochemical oxidant standards in the National Capital Interstate Air Quality Control Region be a Regional plan devised and carried out by the affected local jurisdictions or their representatives. The combination of strategies approved and promulgated today to a great extent form such plans. Furthermore, if the three local jurisdictions submit additional transportation control measures and these measures are approvable, portions of this plan can be rescinded. It should be noted, however, that this plan constitutes a final rulemaking and its provisions are enforceable under the Clean Air Act.

(Sec. 110(c) and 301(a), Clean Air Act (42 U.S.C. 1857c-5(c) and 1857g).)

Dated: November 20, 1973.

RUSSELL E. TRAIN,
Administrator.

Subpart J of Part 52 of 40 CFR Chapter I is amended as follows:

Subpart J—District of Columbia

1. In § 52.470 paragraphs (c)(2) and (c)(3) are revised to read as follows:

§ 54.470 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

* * * * *

(2) April 28, 1972, by the District of Columbia.

(3) April 19, July 9 and 16, 1973, by the District of Columbia.

* * * * *

2. Section 52.472 is amended to read as follows:

§ 52.472 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves the District of Columbia's plan for the attainment and maintenance of the national standards.

(b) With respect to the transportation control strategies submitted on April 19, July 9, and July 16, 1973, the Administrator approves the measures for parking surcharge, car pool locator, vehicle inspection, express bus lanes, increased bus fleet and service, elimination of free parking by private employers, with exceptions set forth in §§ 52.476, 52.483, 52.486, and 52.479.

(c) With respect to the transportation control strategies submitted on April 19, July 9, and July 16, 1973, the Administrator disapproves the strategies for heavy duty vehicle exclusion, as set forth in §§ 52.474 and 52.483.

3. Section 52.474 is revised to read as follows:

§ 52.474 Legal authority.

(a) The requirements of § 51.11(c) are not met with respect to the heavy duty vehicle restriction strategy because of lack of legal authority for the purposes claimed.

4. In Section 52.476 paragraphs (c) through (h) are added to read as follows:

§ 52.476 Compliance schedules.

* * * * *

(c) With respect to transportation control strategies submitted by the District of Columbia, the requirements of § 51.15 are not fully met for the measures for parking surcharge, elimination of free on-street commuter parking, elimination of free employee parking, increased bus fleet and service, and exclusive bus lanes. Provisions to implement the requirements of § 51.15 are promulgated in this section.

(d) With respect to the parking surcharge measure approved in §52.472:

(1) The District of Columbia shall no later than June 30, 1974, submit to the Administrator for his approval a precise description of areas within the District of Columbia which are at that time adequately served by mass transit, and those areas which in the judgment of the District of Columbia will be adequately served by mass transit by June 30, 1975. The documentation and policy assumptions used to select these areas shall be included with this submission.

(2) The District of Columbia shall by June 30, 1975, and each succeeding year submit to the Administrator for his approval a revised list of those areas which are adequately served by mass transit. Additional areas must be included as mass transit service is increased, unless the District of Columbia can affirmatively demonstrate that no additional areas can be included.

(3) The District of Columbia shall, no later than October 1, 1974, submit to the Administrator legally adopted regulations instituting the parking surcharge on all long-term (6 hours) parking in all commercial parking facilities (except to the extent they are used for residential parking) and all facilities subject to §§ 52.476(f) and 52.486 in those areas adequately served by mass transit within the District of Columbia portion of the National Capital Interstate AQCR. The parking surcharge shall be complemented and collected according to the following schedule:

June 30, 1975–Dec. 31, 1975	$0.50
January 1, 1976–June 30, 1976	1.00
July 1, 1976–Dec. 31, 1976	1.50
January 1, 1977	2.00

All monies collected under this program shall be turned over to the District of Columbia. All proceeds from this program shall be used for the expansion and operation of mass transit except for a reasonable amount for the costs of administration and collection of the surcharge. Any handicapped person who is unable to use mass transit shall not be subject to the surcharge. The parking surcharge shall not apply to any parking begun between the hours of 6 p.m. and 2 a.m.

(e) With respect to the measure for elimination of free on-street commuter parking approved in § 52.427:

(1) The District of Columbia shall, no later than June 30, 1974, submit to the Administrator for his approval a compliance schedule, including legally adopted regulations, enforcement procedures, and a description of resources available. The compliance schedule shall provide:

(i) For implementing the on-street commuter parking ban program in all areas within which a surcharge will be required by paragraph (d) of this section. The program shall prohibit all park-

ing for more than two hours by nonresidents of the area subject to the ban during the hours from 7 p.m., Monday through Friday (excepting holidays) on any street within such areas. The program shall also provide for a sticker system, under which residents of such an area may be exempted from the ban, and for a system (whether by notification to the enforcement authorities, or otherwise) for also exempting bona fide visitors to residents of such areas from the ban.

(ii) The precise resources that will be devoted to enforcing this measure, the method of enforcement to be used (for example, chalking tires), and the penalties for violation. The compliance schedule shall at a minimum provide that violators shall be subject to a $10.00 fine.

(f) With respect to the measure for elimination of free employee parking approved in § 52.472:

(1) For purposes of this paragraph "Commercial Parking Rate" shall mean the average daily rate charged by the three operators of parking facilities containing 25 or more commercial parking spaces that are closest in location to any employee parking space affected by this paragraph.

(2) The District of Columbia shall, no later than June 30, 1974, submit to the Administrator for his approval a precise description of areas within the District of Columbia which are at that time adequately served by mass transit, and those areas which in the judgment of the District of Columbia will be adequately served by mass transit by June 30, 1975. The documentation and policy assumptions used to select these areas shall be included with this submission.

(3) The District of Columbia shall by June 30, 1975, and each succeeding year, submit to the Administrator for his approval a revised list of those areas which are adequately served by mass transit. Additional areas must be included as mass transit service is increased, unless the District of Columbia affirmatively demonstrate that no additional areas can be included.

(4) The District of Columbia shall no later than October 1, 1974, submit to the Administrator legally adopted regulations instituting commercial parking rates by June 30, 1975, on all employers, public (excluding Federal Government) or private, with 25 or more employee spaces located in those areas adequately served by mass transit within the District of Columbia portion of the National Capital Interstate AQCR. Any handicapped person who is unable to use mass transit shall not be subject to the commercial parking rate. The commercial parking rate shall not apply to employee parking begun between the hours of 6 p.m. and 2 a.m.

(g) With respect to the measure for increased bus fleet and service approval in § 52.472: The District of Columbia shall no later than January 31, 1974, submit a compliance schedule to put the program into effect. The compliance schedule shall, at a minimum, provide that the District of Columbia shall, on or before March 1, 1974, submit to the Administrator a statement, signed both by a representative of the Washington Metropolitan Area Transit Authority (WMATA) indicating that, in the judgment of both of them, financial commitments have been made by the District of Columbia for the purchase of buses. This statement, taken in conjunction with the commitments made by the Commonwealth of Virginia and the State of Maryland, must be sufficient to enable WMATA to purchase in the fiscal year beginning the next July 1, the number of buses below:

Fiscal Year 1975—175 buses
Fiscal Year 1976—150 buses
Fiscal Year 1977—150 buses

The statement shall also indicate that WMATA has in fact committed to purchase that number of buses.

(h) With respect to the express bus lane measure approved in § 52.472:

(1) The District of Columbia shall no later than January 1, 1975, establish exclusive bus lanes in the following corridors:

(i) U.S. Route 50 from District of Columbia-Maryland boundary to Washington Central Business District (hereafter CBD).

(ii) Pennsylvania Avenue from the District of Columbia-Maryland boundary to the Washington CBD.

(iii) South Capitol Street from Bolling Air Force Base to Independence Avenue.

(iv) U.S. Route 50 from the District of Columbia-Virginia boundary to the Washington CBD.

(v) In the District of Columbia portion of a route connecting the Dulles Access Road from the Reston Interchange to the Washington CBD.

(vi) Georgia Avenue-13th Street from the District of Columbia-Maryland boundary to the Washington CBD.

(vii) U.S. Route 240 from the District of Columbia-Maryland boundary to Sheridan Circle.

(viii) New Hampshire Avenue from the District of Columbia-Maryland boundary to Grant Circle.

Such lanes shall be inbound during the morning peak and outbound during the evening peak period.

(2) The District of Columbia shall submit to the Administrator, no later than March 1, 1974, a schedule showing the steps which it will take to establish exclusive bus lanes in those corridors enumerated in paragraph (h)(1) of this section. Each schedule shall be subject to the approval by the Administrator and shall include as a minimum the following:

(i) Identification of streets or highways that shall have portions designated for exclusive bus lanes.

(ii) The date by which each street or highway shall be designated.

(3) Exclusive bus lanes must be prominently indicated by distinctively painted lines, pylons, overhead signs, or physical barriers.

(4) Application for substitution of a corridor for any of those listed in paragraph (h)(1) of this section shall be made by the District of Columbia for the Administrator's approval no later than March 1, 1974.

5. Section 52.479 is amended by adding paragraphs (b) and (c) to read as follows:

§ 52.479 Source surveillance.

* * * * *

(b) The requirements of § 51.19(d) are not met with respect to the strategies for parking surcharge, car pool locator, vehicle inspection, express bus lanes, increased bus fleet and service, elimination of free on-street parking, and elimination of free parking by employers.

(c) Monitoring transportation trends.

(1) This section is applicable in the District of Columbia portion of the National Capital Interstate Air Quality Control Region.

(2) In order to assure the effectiveness of the inspection and maintenance program approved in § 52.472 and the retrofit devices required pursuant to §§ 52.490, 52.492, 52.494, 52.495, and 52.496, the State shall monitor the actual per vehicle emissions reductions occurring as a result of such measures. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the State in accordance with § 51.7 of this chapter. The first quarterly report shall cover the period January 1 to March 31, 1976.

(3) In order to assure the effective implementation of the parking surcharge, car pool locator, express bus lanes, increased bus fleet and service, elimination of free on-street community parking and elimination of free parking by employers, the District of Columbia shall monitor vehicle miles traveled and average vehicle speeds for each area in which such measures are in effect and during such time periods as may be appropriate to evaluate the effectiveness of such a program. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the District of Columbia in accordance with § 51.7 of this chapter. The first quarterly report shall cover the period from July 1 to September 30, 1974. The vehicle miles traveled and vehicle speed data shall be collected on a monthly basis and submitted in a format similar to Table 1.

TABLE 1

Time period_____
Affected area_____

Roadway type	VMT or average vehicle speed	
	Vehicle type (1)	Vehicle type (2)[1]
Freeway		
Arterial		
Collector		
Local		

[1] Continue with other vehicle types as appropriate.

(4) No later than March 1, 1974, the District of Columbia shall submit to the Administrator a compliance schedule to implement this section. The program description shall include the following:

(i) The agency or agencies responsible for conducting, overseeing, and maintaining the monitoring program.

(ii) The administrative procedures to be used.

(iii) A description of the methods to be used to collect the emission data, VMT data, and vehicle speed data; a description of the geographical area to which the data applies; identification of the location at which the data will be collected; and the time periods during which the data will be collected.

§ 52.481 [Amended]

6. In § 52.481 the attainment date table is revised by replacing the date "May 31, 1975", for attainment of the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the National Capital Interstate Region with the date "May 31, 1977."

§ 52.482 Transportation nd land use controls.

(a) To ensure implementation of the vehicle emission inspection program approved in § 52.472, the District of Columbia shall submit legally adopted regulations by March 1974, which contain the same elements as the proposed regulations contained in the July 9, 1973, submission on pages 19 and 20.

8. Section 52.483 is revised to read as follows:

§ 52.483 Control strategy: Carbon monoxide and photochemical oxidants (hydrocarbons).

(a) The requirements of § 51.14 (a) (2) (iv) are not met because the plan does not specify the date on which the elimination of on-street parking measures would become effective. The requirements of this section are partially met with respect to the increased bus fleet and service strategy since the plan does not identify secure, adequate commitments to insure that the fleet expansion and service will occur within the proposed schedule.

(b) The requirements of § 51.14(c) are not met because the approvable measures are not adequate to attain the national standards. With respect to the reduction in emissions claimed for control of aircraft taxiing operations, they are higher than those which the Administrator believes can be realistically and safely obtained, and no control measures are contained to implement them. With respect to the reduction claimed for heavy duty vehicle exclusion, there is not adequate authority to achieve the reductions claimed.

§ 52.484 [Reserved]

9. Section 52.484 is revoked and reserved.

§ 52.485 [Reserved]

10. Section 52.485 is revoked and reserved.

11. Section 52.486 is added to read as follows:

§ 52.486 Rules and regulations.

(a) The requirements of § 51.22 are not met because the plan does not contain adopted regulations for reducing evaporative losses from gas handling and dry cleaning. Substitute regulations are promulgated in §§ 52.487, 52.488, and 52.489.

12. Sections 52.486 through 52.496 are added to read as follows:

§ 52.486 Federal parking facilities.

(a) Definitions. For the purposes of this section,

(1) "Administrative Officer" means the Administrator of General Services, the Marshal of the Supreme Court of the United States, the Architect of the Capitol, and any other representative of a Federal Government entity designated as such for the purposes of this section by the Administrator.

(2) "Commercial value" means a value which approximates commercial charges for space and services for like facilities in the immediate vicinity of a Federal facility. In the absence of commercial facilities, commercial value should be established using the fair market value of a Federal facility and the cost of services being provided as a basis.

(3) "Designated area" means an area defined by § 52.476(d)(1).

(4) "Federal Government entity" means a Federal department, agency, bureau, board, office, commission, district, or an instrumentality of the executive, legislative, and judicial branches of the Federal Government. Foreign embassies are not subject to this regulation.

(5) "Parking facility" (also called "facility") means any lot, garage, building or structure, or any combination or portion thereof, in or on which motor vehicles are temporarily parked.

(6) "Residential parking space" means any parking space used primarily for the parking of vehicles of persons residing within one-half mile of the space.

(b) This section shall be applicable in the District of Columbia portion of the National Capital Interstate Air Quality Control Region.

(c) Commencing July 1, 1975, rates based upon the commercial value shall be charged employees for parking a motor vehicle in any facility which is owned, operated, leased, or otherwise controlled by any Federal Government entity and which is located in a designated area: *Provided, however*, That such commercial value shall not apply (1) to parking begun between the hours of 6 p.m. and 2 a.m., (2) to residential parking spaces contained in or on the facility, (3) to vehicles owned or leased by the Federal Government, and (4) to any vehicle exempted under subparagraph (d)(2) of this section.

(d)(1) Each Administrative Officer shall adopt a plan which shall require each Federal Government entity under his authority to which this section applies to implement paragraph (c) of this section.

(2) The plan may provide for exemption from the requirements of paragraph (c) of this section for space assigned to handicapped persons who are physically unable to use mass transit.

(3) The Administrator of the Environmental Protection Agency will promulgate such a plan by May 1, 1974, for any parking facility of any Federal Government entity to which this section applies which is not under the authority of an Administrative Officer. Any such Federal Government entity may apply to the Administrator before January 4, 1974, for designation of an "Administrative Officer" and permission to submit its own plan.

(4) Each Administrative Officer shall submit to EPA, no later than July 1, 1974, an outline of the plan required by this paragraph, and the effective date of the plan, which date shall be no later than July 1, 1975. The plan required by this paragraph covering all subject facilities of government entities which are part of the executive branch of the Federal Government shall be coordinated with the Administrator of General Services.

§ 52.487 Gasoline transfer vapor control.

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the District of Columbia portion of the National Capital Interstate AQCR.

(c) No person shall transfer gasoline from any delivery vessel into any stationary storage container with a capacity greater than 250 gallons unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 90 percent by weight of organic compounds in said vapors displaced from the stationary container location.

(1) The vapor recovery portion of the system shall include one or more of the following:

(i) A vapor-tight return line from the storage container to the delivery vessel and a system that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Refrigeration-condensation system or equivalent designed to recover no less than 90 percent by weight of the organic compounds in the displaced vapor.

(2) If a "vapor-tight vapor return" system is used to meet the requirements of this section, the system shall be so constructed as to be readily adapted to retrofit with an adsorption system, refrigeration-condensation system, or equivalent vapor removal system, and so constructed as to anticipate compliance with § 52.488.

(3) The vapor-laden delivery vessel shall be subject to the following conditions:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) The vapor-laden delivery vessel may be refilled only at facilities equipped with a vapor recovery system or the equivalent, which can recover at least 90 percent by weight of the organic compounds in the vapors displaced from the delivery vessel during refilling.

(iii) Gasoline storage compartments of one thousand gallons or less in gasoline delivery vehicles presently in use on the promulgation date of this regulation will not be required to be retrofitted with a vapor return system until January 1, 1977.

(d) The provisions of paragraph (c) of this section shall not apply to the following:

(1) Stationary containers having a capacity less than 550 gallons used exclusively for the fueling of implements of husbandry.

(2) Any container having a capacity less than 2,000 gallons installed prior to promulgation of this section.

(3) Transfers made to storage tanks equipped with floating roofs or their equivalent.

(e) Every owner or operator of a stationary storage container or delivery vessel subject to this section shall comply with the following compliance schedule:

(1) April 1, 1974—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the provisions of paragraph (c) of this section.

(2) May 1, 1974—Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

(3) January 1, 1975—Initiate on-site construction or installation of emission control equipment.

(4) February 1, 1976—Complete on-site construction or installation of emission control equipment.

(5) March 1, 1976—Assure final compliance with the provisions of paragraph (c) of this section.

(6) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(f) Paragraph (e) of this section shall not apply:

(1) To a source which is presently in compliance with the provisions of paragraph (c) of this section and which has certified such compliance to the Administrator by January 31, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by January 31, 1974, a proposed alternative schedule. No such schedule may provide for compliance after March 1, 1976. Any such schedule shall provide for certification to the Administrator, within 5 days after the deadline for each increment therein, as to whether or not that increment has been met. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(g) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application for the compliance schedule in paragraph (e) of this section fails to satisfy the requirements of § 51.15 (b) and (c).

(h) Any gasoline dispensing facility subject to this section which installs a storage tank after the effective date of this section shall comply with the requirements of paragraph (c) of this section by March 1, 1976, and prior to that date shall comply with paragraph (e) of this section as far as possible. Any facility subject to this section which installs a storage tank after March 1, 1976, shall comply with the requirements of paragraph (c) of this section at the time of installation.

§ 52.488 Control of evaporative losses from the filling of vehicular tanks.

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the District of Columbia portion of the National Capital Interstate AQCR.

(c) A person shall not transfer gasoline to an automotive fuel tank from a gasoline dispensing system unless the transfer is made through a fill nozzle designed to:

(1) Prevent discharge of hydrocarbon vapors to the atmosphere from either the vehicle filler neck or dispensing nozzle;

(2) Direct vapor displaced from the automotive fuel tank to a system wherein at least 90 percent by weight of the organic compounds in displaced vapors are recovered; and

(3) Prevent automotive fuel tank overfills or spillage on fill nozzle disconnect.

(d) The system referred to in paragraph (c) of this section may consist of vapor-tight return line from the fill nozzle-filler neck interface to the dispensing tank or to an adsorption, absorption, incineration, refrigeration-condensation system or its equivalent.

(e) Components of the systems required by § 52.487 may be used for compliance with paragraph (c) of this section.

(f) If it is demonstrated to the satisfaction of the Administrator that it is impractical to comply with the provisions of paragraph (c) of this section as a result of vehicle fill neck configuration, location, or other design features of a class of vehicles, the provisions of this section shall not apply to such vehicles. However, in no case shall such configuration exempt any gasoline dispensing facility from installing and using in the most effective manner a system required by paragraph (c) of this section.

(g) Every owner or operator of a gasoline dispensing system subject to this section shall comply with the following compliance schedule.

(1) February 1, 1974—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the provisions of paragraph (c) of this section.

(2) June 1, 1974—Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

(3) January 1, 1975—Initiate on-site construction or installation of emission control equipment.

(4) May 1, 1977—Complete on-site construction or installation of emission control equipment or process modification.

(5) May 31, 1977—Assure final compliance with the provisions of paragraph (c) of this section.

(6) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(h) Paragraph (g) of this section shall not apply:

(1) To a source which is presently in compliance with the provisions of paragraph (c) of this section and which has certified such compliance to the Administrator by January 31, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by January 31, 1974, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1977. Any such schedule shall provide for certification to the Administrator, within 5 days after the deadline for each increment therein, as to whether or not that increment has been met. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(i) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (g) of this section fails to satisfy the requirements of § 51.15(b) and (c) of this chapter.

(j) Any gasoline dispensing facility subject to this section which installs a gasoline dispensing system after the effective date of this section shall comply with the requirements of paragraph (c) of this section by May 31, 1977, and prior to that date shall comply with paragraph (g) of this section as far as possible. Any facility subject to this section which installs a gasoline dispensing system after May 31, 1977, shall comply with the requirements of paragraph (c) of this section at the time of installation.

§ 52.489 Control of dry cleaning solvent evaporation.

(a) Definitions:

(1) "Dry cleaning operation" means that process by which an organic solvent is used in the commercial cleaning of garments and other fabric materials.

(2) "Organic solvents" means organic materials, including diluents and thinners, which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

(3) "Photochemically reactive solvent" means any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, as applied to the total volume of solvent.

(i) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cycloolefinic type of unsaturation: 5 percent;

(ii) A combination of aromatic compounds with 8 or more carbon atoms to the molecule except ethylbenyenl: 8 percent;

(iii) A combination of ethylbenyene or ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

(b) This section is applicable to the District of Columbia portion of the National Capital Interstate Region.

(c) No person shall operate a dry cleaning operation using other perchloroethylene, 1,1,1-trichloroethane, or saturated halogenated hydrocarbons unless the uncontrolled organic emissions from such operation are reduced at least 85 percent; provided, that dry cleaning operations emitting less than 8 pounds per hour and less than 40 pounds per day of uncontrolled organic materials are exempt from the requirement of this section.

(d) If incineration is used as a control technique, 90 percent or more of the carbon in the organic emissions being incinerated must be oxidized to carbon dioxide.

(e) Any owner or operator of a source subject to this section shall achieve compliance with the requirements of paragraph (c) of this section by discontinuing the use of photochemically reactive solvents no later than January 31, 1974, or by controlling emissions as required by paragraphs (c) and (d) of this section no later than May 31, 1975.

§ 52.490 Inspection and maintenance program.

(a) Definition:

(1) "Inspection and maintenance program" means a program for reducing emissions from in-use vehicles through identifying vehicles that need emission control-related maintenance and requiring that such maintenance be performed.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb gross vehicle weight (GVW) or less.

(3) "Medium-duty vehicle" means a gasoline-powered motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW.

(4) "Heavy-duty vehicle" means a gasoline-powered motor vehicle rated at 10,000 lb GVW or more.

(5) All other terms used in this section that are defined in Part 51, Appendix N, of this chapter are used herein with the meanings so defined.

(b) This section is applicable within the District of Columbia portion of the National Capital Interstate AQCR.

(c) In connection with the light duty vehicle inspection and maintenance program for the District of Columbia approved by the Administrator pursuant to § 52.472 the District shall establish an inspection and maintenance program applicable to all medium duty and heavy duty vehicles registered in the District that operate on public streets or highways over which it has ownership or control. The District may exempt any class or category of vehicles that the District finds is rarely used on public streets or highways (such as classic or antique vehicles). No later than April 1, 1974, the District shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Provisions for inspection of all medium-duty and heavy-duty motor vehicles at periodic intervals not more than 1 year apart by means of a loaded emission test.

(2) Provisions for inspection failure criteria consistent with the failure of 30 percent of the vehicles in the first inspection cycle.

(3) Provisions to ensure that failed vehicles receive within two weeks the maintenance necessary to achieve compliance with the inspection standards. These shall include sanctions against individual owners and repair facilities, retest of failed vehicles following maintenance, use of a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledgeable operators to perform the tasks satisfactorily, and use of such other measures as may be necessary or appropriate.

(4) A program of enforcement to ensure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This enforcement program might include spot checks of idle adjustment and/or a suitable type of physical tagging. This program shall include penalties for violation.

(5) Provisions for beginning the first inspection cycle by January 1, 1975, completing it by January 1, 1976.

(6) Designation of an agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) After January 1, 1976, the District shall not register or allow to operate on public streets or highways any medium-duty or heavy-duty vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) After January 1, 1976, no owner of a medium-duty or heavy-duty vehicle shall operate or allow the operation of such vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(f) The District shall submit, no later than February 1, 1974, a detailed compliance schedule showing the steps it will take to establish and enforce an inspection and maintenance program pursuant to paragraph (c) of this section.

§ 52.491 Bicycle lanes and bicycle storage facilities.

(a) Definitions:

(1) "Bicycle" means a two-wheel, nonmotor powered vehicle.

(2) "Bicycle lane" means a route for the exclusive use of bicycles, either constructed specifically for that purpose or converted from an existing lane.

(3) "Bicycle parking facility" means any storage facility for bicycles, which allows bicycles to be locked securely.

(4) "Parking space" means the area allocated by a parking facility for the temporary storage of one automobile.

(5) "Parking facility" means a lot, garage, building, or portion thereof, in or on which motor vehicles are temporarily parked.

(b) This section shall be applicable in the District of Columbia portion of the National Capital Interstate Air Quality Control Region.

(c) On or before July 1, 1976, the District of Columbia shall establish a network of bicycle lanes linking residential areas with employment, educational, and commercial centers in accordance with the following requirements:

(1) The network shall contain no less than 60 miles of bicycle lanes in addition to any in existence as of November 20, 1973.

(2) Each bicycle lane shall at a minimum:

(i) Be clearly marked by signs indicating that the lane is for the exclusive use of bicycles (and pedestrians, if necessary);

(ii) Be separated from motor vehicle traffic by appropriate devices, such as physical barriers, pylons, or painted lines;

(iii) Be regularly maintained and repaired;

(iv) Be of a hard, smooth surface suitable for bicycles;

(v) Be at least 5 feet wide for one-way traffic, or 8 feet wide for two-way traffic;

(vi) If in a street used by motor vehicles, be a minimum of 8 feet wide whether one-way or two-way; and

(vii) Be adequately lighted.

(3) Off-street bicycle lanes which are not reasonably suited for commuting to and from employment, educational, and

commercial centers shall not be considered a part of this network.

(4) On or before October 1, 1974, the District of Columbia shall establish 25 percent of the total mileage of the bicycle lane network; on or before June 1, 1975, 50 percent of the total mileage shall be established; on or before July 1, 1976, 100 percent of the total mileage shall be established.

(d) On or before June 1, 1974, the District of Columbia shall submit to the Administrator a comprehensive study of a bicycle lane and bicycle path network. The study shall include, but not be limited to the following:

(1) A bicycle user and potential user survey, which shall at a minimum determine:

(i) For present bicycle riders, the origin, destination, frequency, travel time, and distance of bicycle trips;

(ii) In high density employment areas, the present modes of transportation of employees and the potential modes of transportation, including the number of employees who would convert to the bicycle mode from other modes upon completion of the bicycle lane network described in paragraph (c) of this section.

(2) A determination of the feasibility and location of on-street bicycle lanes.

(3) A determination of the feasibility and location of off-street lanes.

(4) A determination of the special problems related to feeder lanes to bridges, on-bridge lanes, feeder lanes to METRO and railroad stations, and feeder lanes to fringe parking areas, and the means necessary to include such lanes in the bicycle lane network described in paragraph (c) of this section.

(5) A determination of the feasibility and location of various methods of safe bicycle parking.

(6) The study shall make provision for the receipt of public comments on any matter within the scope of the study, including the location of the bicycle lane network described in paragraph (c) of this section.

(e) By June 1, 1974, in addition to the comprehensive study required pursuant to paragraph (d) of this section, the District of Columbia shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish this network pursuant to paragraphs (c) and (h) of this section. The compliance schedule shall identify in detail the names of streets that will provide bicycle lanes and the location of any lanes to be constructed especially for bicycle use. It shall also include a statement indicating the source, amount, and adequacy of funds to be used in implementing this section, and the text of any needed statutory proposals and needed regulations which will be proposed for adoption.

(f) On or before October 1, 1974, the District of Columbia shall submit to the Administrator legally adopted regulations sufficient to implement and enforce all of the requirements of this section.

(g) On or before May 1, 1974, the District of Columbia shall establish a pilot bicycle lane from Key Bridge via Pennsylvania Avenue past the White House to the U.S. Capitol and from the Capitol along Pennsylvania Avenue to Alabama Avenue SE.

(h) On or before June 1, 1975, the District of Columbia shall require all owners and operators of parking facilities containing more than 50 parking spaces (including both free and commercial facilities) within the area specified in paragraph (b) of this section to provide spaces for the storage of bicycles in the following ratio: one automobile-sized parking space (with a bicycle parking facility) for the storage of bicycles for every 75 parking spaces for the storage of autos. The District shall also require that:

(1) Bicycle parking facilities shall be so located as to be safe from motor vehicle traffic and secure from theft. They shall be properly repaired and maintained.

(2) The METRO Subway System shall provide a sufficient number of safe and secure bicycle parking facilities at each station to meet the needs of its riders.

(3) All parking facilities owned, operated, or leased by the Federal Government shall be subject to this paragraph.

(4) Any owner or operator of a parking facility which charges a fee for the storage of motor vehicles shall store bicycles at a price per unit per hour which is no greater in relation to the cost of storing them than is the price of parking for a motor vehicle in relation to the cost of storing it. Unless the owner or operator makes an affirmative showing to the District of Columbia of different facts, and agrees to charge in conformity with that showing, the ratio in costs and prices shall be determined by the maximum number of bicycles that can be stored in a single standard-sized automobile parking space.

§ 52.492 Medium duty air/fuel control retrofit.

(a) Definitions:

(1) "Air/fuel Control Retrofit" means a system or device (such as modification to the engine's carburetor or positive crankcase ventilation system) that results in engine operation at an increased air/fuel ratio so as to achieve reduction in exhaust emissions of hydrocarbon and carbon monoxide from 1973 and earlier medium-duty vehicles of at least 15 and 30 percent, respectively.

(2) "Medium-duty vehicle" means a gasoline powered motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW.

(3) All other terms used in this section that are defined in Part 51, Appendix N, of this chapter are used herein with meanings so defined.

(b) This section is applicable within the District of Columbia portion of the National Capital Interstate AQCR.

(c) The District of Columbia shall establish a retrofit program to ensure that on or before May 31, 1976, all medium-duty vehicles of model years prior to 1973 which are not required to be retrofitted with an oxidizing catalyst or other approved device pursuant to § 52.495 which are registered in the area specified in paragraph (b) of this section, are equipped with an appropriate air/fuel control device or other device as approved by the Administrator that will reduce exhaust emissions of hydrocarbons and carbon monoxide to the same extent as an air/fuel control device. No later than February 1, 1974, the District of Columbia shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section. The compliance schedule shall include a date by which the District shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

(d) No later than April 1, 1974, the District shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (d)(3) of this section are enforced.

(3) Provisions for beginning the installation of the retrofit devices by August 1, 1975, and completing the installation of the devices on all vehicles subject to this section no later than May 31, 1976.

(4) A provision that no later than May 31, 1976, no vehicle for which retrofit is required under this section shall pass the annual emission tests provided for by § 52.490 unless it has been first equipped with an approved air/fuel control device, or other device approved pursuant to this section, which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Methods and procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(6) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emission testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

(e) After May 31, 1976, the District shall not register or allow to operate on its streets or highways any vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(f) After May 31, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implemented by this section.

(g) The District may exempt any class or category of vehicles from this section which the District finds is rarely

used on public streets and highways (such as classic or antique vehicles) or for which the District demonstrates to the Administrator that air/fuel control devices or other devices approved pursuant to this section are not commercially available.

§ 52.494 Heavy duty air/fuel control retrofit.

(a) Definitions:

(1) "Air/Fuel Control Retrofit" means a system or device (such as modification to the engine's carburetor or positive crankcase ventilation system) that results in engine operation at an increased air/fuel ratio so as to achieve reduction in exhaust emissions of hydrocarbon and carbon monoxide from heavy-duty vehicles of at least 30 and 40 percent, respectively.

(2) "Heavy-duty vehicle" means a gasoline-powered motor vehicle rated at 10,000 lb gross vehicle weight (GVW) or more.

(3) All other terms used in this section that are defined in Part 51, Appendix N, of this chapter are used herein with meanings so defined.

(b) This section is applicable within the District of Columbia portion of the National Capital Interstate AQCR.

(c) The District of Columbia shall establish a retrofit program to ensure that on or before May 31, 1977, all heavy-duty vehicles registered in the area specified in paragraph (b) of this section are equipped with an appropriate air/fuel control device, or other device as approved by the Administrator that will reduce exhaust emissions of hydrocarbons and carbon monoxide to the same extent as an air/fuel control device. No later than April 1, 1974, the District of Columbia shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section. The compliance schedule shall include a date by which the District shall evaluate and approve devices for use in this program. Such date shall be no later than January 1, 1975.

(d) No later than September 1, 1974, the District shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (d) (3) of this section are enforced.

(3) Provisions for beginning the installation of the retrofit devices by January 1, 1976, and completing the installation of the devices on all vehicles subject to this section no later than May 31, 1977.

(4) A provision that starting no later than May 31, 1977, no vehicle for which retrofit is required under this section shall pass the annual emission tests provided for by § 52.490 unless it has been first equipped with an approved air/fuel control device, or other device approved pursuant to this section, which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Methods and procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(6) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emissions testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

(e) After May 31, 1977, the District shall not register or allow to operate on its streets or highways any vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(f) After May 31, 1977, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implementing this section.

(g) The District may exempt any class or category of vehicles from this section which the District finds is rarely used on public streets and highways (such as classic or antique vehicles) or for which the District demonstrates to the Administrator that air/fuel control or other devices approved pursuant to this section are not commercially available.

§ 52.495 Oxidizing catalyst retrofit.

(a) Definitions:

(1) "Oxidizing catalyst" means a device that uses a catalyst installed in the exhaust system of a vehicle (and if necessary includes an air pump) so as to achieve a reduction in exhaust emissions of hydrocarbon and carbon monoxide of at least 50 and 50 percent, respectively, from light-duty vehicles of 1971 through 1975 model years, and of at least 50 and 50 percent, respectively, from medium duty vehicles of 1971 through 1975 model years.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb gross vehicle weight (GVW) or less.

(3) "Medium-duty vehicle" means a gasoline-powered motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW.

(4) "Fleet vehicle" means any of 5 or more light-duty vehicles operated by the same person(s), business, or governmental entity and used principally in connection with the same or related occupations or uses. This definition shall also include any taxicab (or other light-duty vehicle-for-hire) owned by any individual or business.

(5) All other terms used in this section that are defined in Part 51, Appendix N, are used herein with meanings so defined.

(b) This section is applicable within the District of Columbia portion of the National Capital Interstate AQCR.

(c) The District of Columbia shall establish a retrofit program to ensure that on or before May 31, 1977, all light-duty fleet vehicles of model years 1971 through 1975 and all medium-duty vehicles of model years 1971 through 1975 which are registered in the area specified in paragraph (b) of this section and are able to operate on 91RON gasoline are equipped with an appropriate oxidizing catalyst retrofit device or other device, as approved by the Administrator, that will reduce exhaust emissions of hydrocarbon and carbon monoxide to the same extent as an oxidizing catalyst retrofit device. No later than April 1, 1974, the District of Columbia shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section. The compliance schedule shall include a date by which the District shall evaluate and approve devices for use in this program. Such date shall be no later than January 1, 1975.

(d) No later than September 1, 1974, the District shall submit legally adopted regulations to the Administrator establishing such a program.

The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (d) (3) of this section are enforced.

(3) Provisions for beginning the installation of the retrofit devices by January 1, 1976, and completing the installation of the devices on all vehicles subject to this section no later than May 31, 1977.

(4) A provision that starting no later than May 31, 1977, no vehicle for which retrofit is required under this section shall pass the annual emission tests provided for by §§ 52.472 and 52.490 unless it has been first equipped with an approved oxidizing catalyst device, or other device approved pursuant to this section, which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Methods and procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(6) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emissions testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

(e) After May 31, 1977, the District shall not register or allow to operate on its streets or highways any vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(f) After May 31, 1977, no owner of a vehicle subject to this section shall operate or allow the operation of any such

vehicle that does not comply with the applicable standards and procedures implementing this section.

(g) Any vehicle which is manufactured equipped with an oxidizing catalyst, or which is certified to meet the original 1975 light duty vehicle emissions standards set forth in section 202(b)(1)(a) of the Clean Air Act of 1970 (without regard to any suspension of such standards), shall be exempt from the requirements of this section.

§ 52.496 Vacuum spark advance disconnect retrofit.

(a) Definitions:

(1) "Vacuum spark advance disconnect retrofit" means a device or system installed on a motor vehicle that prevents the ignition vacuum advance from operating either when the vehicle's transmission is in the lower gears, or when the vehicle is traveling below a predetermined speed, so as to achieve reduction in exhaust emissions of hydrocarbon and carbon monoxide from 1967 and earlier light-duty vehicles of at least 25 and 9 percent, respectively.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb. gross vehicle weight (GVW) or less.

(3) All other terms used in this section that are defined in Part 51, Appendix N, are used herein with meanings so defined.

(b) This section is applicable within the District of Columbia portion of the National Capital Interstate AQCR.

(c) The District of Columbia shall establish a retrofit program to ensure that on or before January 1, 1976, all light-duty vehicles of model years prior to 1968 registered in the area specified in paragraph (b) of this section are equipped with an appropriate vacuum spark advance disconnect retrofit device or other device, as approved by the Administrator, that will reduce exhaust emissions of hydrocarbons and carbon monoxide to the same extent as a vacuum spark advance disconnect retrofit. No later than February 1, 1974, the District shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section. The compliance schedule shall include a date by which the District shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

(d) No later than April 1, 1974, the District shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (d)(3) of this section are enforced.

(3) Provisions for beginning the installation of the retrofit devices by January 1, 1975, and completing the installation of the devices on all vehicles subject to this section no later than January 1, 1976.

(4) A provision that starting no later than January 1, 1976, no vehicle for which retrofit is required under this section shall pass the annual emission tests provided for by § 52.472 unless it has been first equipped with an approved vacuum spark advance disconnect retrofit device, or other device approved pursuant to this section, which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Methods and procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(6) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emissions testing at the time of device installation, or some other positive assurance that the device is installed and operating correctly.

(e) After January 1, 1976, the District shall not register or allow to operate on its streets or highways any light-duty vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(f) After January 1, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implementing this section.

(g) The District may exempt any class or category of vehicles from this section which the District finds is rarely used on public streets and highways (such as classic or antique vehicles) or for which the State demonstrates to the Administrator that vacuum spark advance disconnect devices or other devices approved pursuant to this section are not commercially available.

Subpart V of 40 CFR Part 52 is amended as follows:

Subpart V—Maryland

1. In § 52.1070 paragraph (c) is revised to read as follows:

§ 52.1070 Identification of plans.

* * * * * *

(c) Supplemental information was submitted on:

(1) February 25, March 3, March 7, April 4, April 28, and May 8, 1972, by the Maryland Bureau of Air Quality Control; and

(2) April 16, May 5, June 15, June 22, June 28, and July 9, 1973.

2. Section 52.1072 is amended by revising paragraph (b) to read as follows:

§ 52.1072 Extensions.

* * * * *

(b) The Administrator hereby extends for two years the attainment dates for the national standards for carbon monoxide and photochemical oxidants in the Maryland portion of the National Capital Interstate Region.

3. Section 52.1073 is revised to read as follows:

§ 52.1073 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Maryland's plans for the attainment and maintenance of the national standards.

(b) With respect to the transportation control strategies submitted on April 16, May 5, June 15, June 22, June 28, and July 9, 1973, the Administrator approves the measures for the National Capital region for car pool locator, express bus lanes, increased bus fleet and service, elimination of free on-street commuter parking, elimination of free employee parking, parking surcharge, dry cleaning solvent use, and gasoline vapor recovery with the exceptions set forth in §§ 52.1074, 52.1077, 52.1080, 52.1081, 52.1082, and 52.1084.

(c) With respect to the transportation control strategies submitted on April 16, May 5, June 15, June 22, June 28, and July 9, 1973, the Administrator disapproves the measures for inspection programs, heavy duty vehicle inspection and retrofit, for the reasons set forth in § 52.1074. Rectifying provisions to require these programs to be implemented are promulgated in §§ 52.1089, 52.1091, and 52.1092.

4. Section 52.1074 is revised to read as follows:

§ 52.1074 Legal authority.

(a) The requirements of § 51.11(b) of this chapter are not met with respect to the vehicle inspection program and heavy duty vehicle inspection and retrofit because definite commitment to obtain legal authority was not made.

(b) The requirements of § 51.11(f) of this chapter are not fully met for the Maryland portion of the National Capital region because it is not clearly demonstrated that all local agencies have requisite legal authority, or that the State retains responsibility for implementing the transportation control measures.

5. In § 52.1077, paragraph (b) is amended by adding the following sentence at the end of the paragraph and paragraph (c) is added as follows:

§ 52.1077 Source surveillance.

* * * * *

(b) * * * Rectifying provisions are promulgated in this section.

(c) *Monitoring Transportation Sources.* (1) This section is applicable to the State of Maryland.

(2) In order to assure the effectiveness of the inspection and maintenance program and the retrofit devices required under §§ 52.1089, 52.1091, 52.1092, 52.1093, and 52.1094, State shall monitor the actual per-vehicle emissions reductions occurring as a result of such measures. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the

State in accordance with § 51.7 of this chapter. The first quarterly report shall cover the period January 1 to March 31, 1976.

(3) In order to assure the effective implementation of the car pool locator, express bus lanes, increased bus fleet and service, elimination of free on-street commuter parking, elimination of free employee parking, and the parking surcharge approved in § 52.1073, the State shall monitor vehicle miles travelled and average vehicle speeds for each area in which such sections are in effect and during such time periods as may be appropriate to evaluate the effectiveness of such a program. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the State of Maryland in accordance with § 51.7 of this chapter. The first quarterly report shall cover the period from July 1 to September 30, 1974. The vehicle miles travelled and vehicle speed data shall be collected on a monthy basis and submitted in a format similar to Table 1.

TABLE 1

Time period.....
Affected area.....

Roadway type	VMT or average vehicle speed	
	Vehicle type (1)	Vehicle type (2)[1]
Freeway.....		
Arterial.....		
Collector.....		
Local.....		

[1] Continue with other vehicle types as appropriate.

(4) No later than March 1, 1974, the State shall be submitted to the Administrator a compliance schedule to implement this section. The program description shall include the following:

(i) The agency or agencies responsible for conducting overseeing, and maintaining the monitoring program.

(ii) The administrative procedures to be used.

(iii) A description of the methods to be used to collect the emission data, VMT data, and vehicle speed data; a description of the geographical area to which the data apply; identification of the location at which the data will be collected; and the time periods during which the data will be collected.

§ 52.1078 [Amended]

6. In § 52.1078, the attainment date table is revised by replacing the date "May 31, 1975," for attainment of the national standards for carbon monoxide and photochemical oxidants in the Maryland portion of the National Capital Interstate Region with the date "May 31, 1977," and by deleting footnote "e".

§ 52.1079 [Reserved]

7. Section 52.1079 is revoked and reserved.

8. In § 52.1080, paragraphs (c) through (h) are added to read as follows:

§ 52.1080 Compliance schedule.

* * * * *

(c) With respect to the transportation control strategies submitted by the State, the requirements of § 51.15 of this chapter are not fully met for the measures for parking surcharge, elimination of free on-street commuter parking, elimination of free employee parking, increased bus fleet and service, and exclusive bus lanes. Provisions to implement the requirements of § 51.15 of this chapter are promulgated in this section.

(d) With respect to the parking surcharge measure approved in § 52.1073:

(1) The State of Maryland shall no later than June 30, 1974, submit to the Administrator for his approval a precise description of areas within the Maryland portion of the National Capital Interstate AQCR which are at the time adequately served by mass transit, and those areas which in the judgment of the State will be adequately served by mass transit by June 30, 1975. The documentation and policy assumptions used to select these areas shall be included with this submission.

(2) The State of Maryland shall by June 30, 1975, and each succeeding year submit to the Administrator for his approval a revised list of those areas which are adequately served by mass transit. Additional areas must be included as mass transit service is increased, unless the State can affirmatively demonstrate that no additional areas can be included.

(3) Each political subdivision of the State of Maryland which has jurisdiction over any area (or portion thereof) designated as adequately served by mass transit shall, not later than October 1, 1974, submit to the Administrator legally adopted regulations instituting the parking surcharge on all long-term (6 hours) parking in all commercial parking facilities (except to the extent they are used for residential parking) and all facilities subject to §§ 52.1080 (f) and 52.1085 in those areas adequately served by mass transit within the control of such political subdivision. The parking surcharge shall be implemented and collected according to the following schedule:

June 30, 1975–Dec. 31, 1975	$0.50
January 1, 1976–June 30, 1976	1.00
July 1, 1976–Dec. 31, 1976	1.50
January 1, 1977	2.00

All monies collected under this program shall be turned over to the appropriate political subdivision. All proceeds from this program shall be used for the expansion and operation of mass transit, except for a reasonable amount for the costs of administration and collection of the surcharge. Any handicapped person who is unable to use mass transit shall not be subject to the surcharge. The parking surcharge shall not apply to any parking begun between the hours of 6 p.m. and 2 a.m.

(e) With respect to the measure for elimination of free on-street commuter parking approved in § 52.1073:

(1) Each political subdivision of the State of Maryland within the National Capital Interstate AQCR shall, no later than June 30, 1974, submit to the Administrator for his approval a compliance schedule, including legally adopted regulations, enforcement procedures, and a description of resources available. The compliance schedule shall provide:

(i) For implementing the on-street parking ban in all areas within which a surcharge will be required by paragraph (d) of this section. This program shall prohibit all parking for more than two hours by non-residents of the area subject to the ban during the hours from 7 a.m. to 7 p.m. Monday through Friday (excepting holidays) on any street within such areas. The program shall also provide for a sticker system, under which residents of such area may also be exempted from the ban, and for a system (whether by notification to the enforcement authorities, or otherwise) for also exempting bona fide visitors to residents of such areas from the ban.

(ii) The precise resources that will be devoted to enforcing this measure, the method of enforcement to be used (for example, chalking tires), and the penalties for violation. The compliance schedule shall at a minimum provide that violators shall be subject to a $10.00 fine.

(f) With respect to the measure for elimination of free employee parking approved in § 52.1073:

(1) For purposes of this paragraph "Commercial Parking Rate" shall mean the average daily rate charged by the three operators of parking facilities containing 25 or more commercial parking spaces that are closest in location to any employee parking space affected by this paragraph.

(2) The State of Maryland shall, no later than June 30, 1974, submit to the Administrator for his approval a precise description of areas within the State which are at that time adequately served by mass transit, and those areas which in the judgment of the State will be adequately served by mass transit by June 30, 1975. The documentation and policy assumptions used to select these areas shall be included with this submission.

(3) The State of Maryland shall by June 30, 1975, and each succeeding year, submit to the Administrator for his approval a revised list of those areas which are adequately served by mass transit. Additional areas must be included as mass transit service is increased, unless the State can affirmatively demonstrate that no additional areas can be included.

(4) Each political subdivision of the State of Maryland which has jurisdiction over any area designated as adequately served by mass transit shall, no later than October 1, 1974, submit to the Administrator legally adopted regulations instituting commercial parking rates by June 30, 1975, on all employers, public (excluding federal government) or private, with 25 or more employee spaces located in those areas adequately served by mass transit within the Maryland portion of the National Capital Interstate AQCR. Any handicapped person who is unable to use mass transit shall not be subject to the commercial parking rate. The commercial parking rate shall not apply to employee parking begun between the hours of 6 p.m. and 2 a.m.

(g) With respect to the measure for increased bus fleet and service approved in § 52.1073: The State of Maryland shall no later than January 31, 1974, submit a compliance schedule to put the program into effect. The compliance schedule shall, at a minimum, provide that the State of Maryland shall, on or before March 1, 1974, submit to the Administrator a statement, signed both by a representative of the State of Maryland, and by a representative of the Washington Metropolitan Area Transit Authority (WMATA) indicating that, in the judgment of both of them, financial commitments have been made by the State of Maryland or by its local governments for the purchase of buses. This statement, when taken in conjunction with the commitments made by the District of Columbia and the Commonwealth of Virginia, must be sufficient to enable WMATA to purchase in the fiscal year beginning the next July 1 the number of buses indicated below:

Fiscal Year 1975—175 buses
Fiscal Year 1976—150 buses
Fiscal Year 1977—150 buses

The statement shall also indicate that WMATA has in fact committed to purchase that number of buses.

(h) With respect to the express bus lane measure approved in § 52.1073:

(1) The State of Maryland shall no later than January 1, 1975, establish exclusive bus lanes in the following corridors:

(i) U.S. Route 50 from New Carrollton to the Maryland-District of Columbia boundary.

(ii) Pennsylvania Avenue and Maryland Route 4 from Andrews Air Force Base to the Maryland-District of Columbia boundary.

(iii) U.S. Route 240 from Old Georgetown Road to the Maryland-District of Columbia boundary.

(iv) New Hampshire Avenue from U.S. Route 29 to the Maryland-District of Columbia boundary.

Such lanes shall be inbound during the morning peak and outbound during the evening peak periods.

(2) The State of Maryland shall submit to the Administrator, no later than March 1, 1974, a schedule showing the steps which it will take to establish exclusive bus lanes in those corridors enumerated in paragraph (h)(1) of this section. Each schedule shall be subject to approval by the Administrator and shall include as a minimum the following:

(i) Identification of streets or highways that shall have portions designated for exclusive bus lanes.

(ii) The date by which each street or highway shall be designated.

(3) Exclusive bus lanes must be prominently indicated by distinctively painted lines, pylons, overhead signs, or physical barriers.

(4) Application for substitution of a corridor for any of those listed in paragraph (h)(1) of this section shall be made by the State of Maryland for the Administrator's approval no later than March 1, 1974.

§ 52.1080 [Corrected]

9. Section 52.1080, "Control strategy: Carbon monoxide and photochemical oxidants (hydrocarbons)," as promulgated on June 22, 1973, (38 FR 16566), is corrected by renumbering it as § 52.1081, and is revised to read as follows:

§ 52.1081 Control strategy: Carbon monoxide and photochemical oxidants (hydrocarbons).

(a) With respect to the transportation control plan for the National Capital region submitted by the State, the requirements of § 51.14(a)(1) and (2) of this Chapter are not met because there are no proposed regulations, nor an adequate description of enforcement and administrative procedures for the strategies for express bus lanes, increased bus fleet and service, elimination of free on-street commuter parking, and elimination of free parking by employers.

(b) The requirements of § 51.14(c) of this chapter are not met with respect to the transportation control plans for the National Capital region because the strategies were not defined well enough to insure the claimed and required emission reductions. Inadequate technical justification was provided for the claimed reductions in aircraft emissions and no strategies were provided for these reductions.

10. Section 52.1082 is added to read as follows:

§ 52.1082 Rules and regulations.

(a) The requirements of § 51.22 of this chapter are not met for the National Capital Interstate Region because regulations necessary to implement proposed stationary control measures for gas handling and dry cleaning losses have not been adopted. Substitute regulations are promulgated in §§ 52.1086, 52.1087, and 52.1088.

11. Section 52.1084 is revised to read as follows:

§ 52.1084 Intergovernmental cooperation.

(a) The requirements of § 51.21 of this chapter are not met because local agencies and their responsibilities in carrying out transportation control measures are not adequately identified.

12. Sections 52.1085 through 52.1094 are added to read as follows:

§ 52.1085 Federal parking facilities.

(a) Definitions. For the purposes of this section;

(1) "Administrative Officer" means the Administrator of General Services, the Marshal of the Supreme Court of the United States, the Architect of the Capitol, and any other representative of a Federal Government entity designated as such for the purposes of this section by the Administrator.

(2) "Commercial value" means a value which approximates commercial charges for space and services for like facilities in the immediate vicinity of a Federal facility. In the absence of commercial facilities, commercial value should be established using the fair market value of a Federal facility and the cost of services being provided as a basis.

(3) "Designated area" means an area defined by § 52.1080(d)(1).

(4) "Federal Government entity" means a Federal department, agency, bureau, board, office, commission, district, or an instrumentality of the executive, legislative, and judicial branches of the Federal Government. Foreign embassies are not subject to this regulation.

(5) "Parking facility" (also called "facility") means any lot, garage, building or structure, or any combination or portion thereof, in or on which motor vehicles are temporarily parked.

(6) "Residential parking space" means any parking space used primarily for the parking of vehicles of persons residing within one-half mile of the space.

(b) This section shall be applicable in the State of Maryland portion of the National Capital Interstate Air Quality Control Region.

(c) Commencing July 1, 1975, rates based upon the commercial value shall be charged employees for parking a motor vehicle in any facility which is owned, operated, leased or otherwise controlled by any Federal Government entity and which is located in a designated area; provided, however, that such commercial value shall not apply (1) to parking begun between the hours of 6 p.m. and 2 a.m., (2) to residential parking spaces contained in or on the facility, (3) to vehicles owned or leased by the Federal Government, and (4) to any vehicle exempted under paragraph (d)(2) of this section.

(d)(1) Each Administrative Officer shall adopt a plan which shall require each Federal Government entity under his authority to which this section applies to implement paragraph (c) of this section.

(2) The plan may provide for exemption from the requirements of paragraph (c) of this section for space assigned to handicapped persons who are physically unable to use mass transit.

(3) The Administrator of the Environmental Protection Agency will promulgate such a plan by May 1, 1974, for any parking facility of any Federal Government entity to which this section applies which is not under the authority of an Administrative Officer. Any such Federal Government entity may apply to the Administrator before January 4, 1974, for designation of an "Administrative Officer" and permission to submit its own plan.

(4) Each Administrative Officer shall submit to EPA, no later than July 1, 1974, an outline of the plan required by this paragraph, and the effective date of the plan, which date shall be no later than July 1, 1975. The plan required by this paragraph covering all subject facilities of government entities which are part of the executive branch of the Federal Government shall be coordinated with the Administrator of General Services.

§ 52.1086 Gasoline transfer vapor control.

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the Maryland portion of the National Capital Interstate AQCR.

(c) No person shall transfer gasoline from any delivery vessel into any stationary storage container with a capacity greater than 250 gallons unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 90 percent by weight of organic compounds in said vapors displaced from the stationary container location.

(1) The vapor recovery portion of the system shall include one or more of the following:

(i) A vapor-tight return line from the storage container to the delivery vessel and a system that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Refrigeration-condensation system or equivalent designed to recover no less than 90 percent by weight of the organic compounds in the displaced vapor.

(2) If a "vapor-tight vapor return" system is used to meet the requirements of this section, the system shall be so constructed as to be readily adapted to retrofit with an adsorption system, refrigeration-condensation system, or equivalent vapor removal system, and so constructed as to anticipate compliance with § 52.1087 of this chapter.

(3) The vapor-laden delivery vessel shall be subject to the following conditions:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) The vapor-laden delivery vessel may be refilled only at facilities equipped with a vapor recovery system or the equivalent, which can recover at least 90 percent by weight of the organic compounds in the vapors displaced from the delivery vessel during refilling.

(iii) Gasoline storage compartments of 1,000 gallons or less in gasoline delivery vehicles presently in use on the promulgation date of this regulation will not be required to be retrofitted with a vapor return system until January 1, 1977.

(d) The provisions of paragraph (c) of this section shall not apply to the following:

(1) Stationary containers having a capacity less than 550 gallons used exclusively for the fueling of implements of husbandry.

(2) Any container having a capacity less than 2,000 gallons installed prior to promulgation of this section.

(3) Transfers made to storage tanks equipped with floating roofs or their equivalent.

(e) Every owner or operator of a stationary storage container or delivery vessel subject to this section shall comply with the following compliance schedule:

(1) April 1, 1974—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the provisions of paragraph (c) of this section.

(2) May 1, 1974—Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

(3) January 1, 1975—Initiate on-site construction or installation of emission control equipment.

(4) February 1, 1976—Complete on-site construction or installation of emission control equipment.

(5) March 1, 1976—Assure final compliance with the provisions of paragraph (c) of this section.

(6) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(f) Paragraph (e) of this section shall not apply:

(1) To a source which is presently in compliance with the provisions of paragraph (c) of this section and which has certified such compliance to the Administrator by January 31, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator sumbits to the Administrator, by January 31, 1974, a proposed alternative schedule. No such schedule may provide for compliance after March 1, 1976. Any such schedule shall provide for certification to the Administrator, within 5 days after the deadline for each increment therein, as to whether or not that increment has been met. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(g) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (e) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

(h) Any gasoline dispensing facility subject to this section which installs a storage tank after the effective date of this section shall comply with the requirements of paragraph (c) of this section by March 1, 1976, and prior to that date shall comply with paragraph (e) of this section as far as possible. Any facility subject to this section which installs a storage tank after March 1, 1976, shall comply with the requirements of paragraph (c) of this section at the time of installation.

§ 52.1087 Control of evaporative losses from the filling of vehicular tanks.

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the Maryland portion of the National Capital Interstate AQCR.

(c) A person shall not transfer gasoline to an automotive fuel tank from a gasoline dispensing system unless the transfer is made through a fill nozzle designed to:

(1) Prevent discharge of hydrocarbon vapors to the atmosphere from either the vehicle filler neck or dispensing nozzle;

(2) Direct vapor displaced from the automotive fuel tank to a system wherein at least 90 percent by weight of the organic compounds in displaced vapors are recovered; and

(3) Prevent automotive fuel tank overfills or spillage on fill nozzle disconnect.

(d) The system referred to in paragraph (c) of this section may consist of a vapor-tight return line from the fill nozzle-filler neck interface to the dispensing tank or to an adsorption, absorption, incineration, refrigeration-condensation system or its equivalent.

(e) Components of the systems required by § 52.1086 may be used for compliance with paragraph (c) of this section.

(f) If it is demonstrated to the satisfaction of the Administrator that it is impractical to comply with the provisions of paragraph (c) of this section as a result of vehicle fill neck configuration, location, or other design features of a class of vehicles, the provisions of this section shall not apply to such vehicles. However, in no case shall such configuration exempt any gasoline dispensing facility from installing and using in the most effective manner a system required by paragraph (c) of this section.

(g) Every owner or operator of a gasoline dispensing system subject to this section shall comply with the following compliance schedule.

(1) February 1, 1974—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the provisions of paragraph (c) of this section.

(2) June 1, 1974—Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

(3) January 1, 1975—Initiate on-site construction or installation of emission control equipment.

(4) May 1, 1977—Complete on-site construction installation of emission control equipment or process modification.

(5) May 31, 1977—Assure final compliance with the provisions of paragraph (c) of this section.

(6) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(h) Paragraph (g) of this section shall not apply:

(1) To a source which is presently in compliance with the provisions of paragraph (c) of this section and which has certified such compliance to the Administrator by January 31, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by January 31, 1974, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1977. Any such schedule shall provide for certification to the Administrator, within 5 days after the deadline for each increment therein, as to whether or not that increment has been met. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(i) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (g) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

(j) Any gasoline dispensing facility subject to this section which installs a gasoline dispensing system after the effective date of this section shall comply with the requirements of paragraph (c) of this section by May 31, 1977, and prior to that date shall comply with paragraph (g) of this section as far as possible. Any facility subject to this section which installs a gasoline dispensing system after May 31, 1977, shall comply with the requirements of paragraph (c) of this section at the time of installation.

§ 52.1088 Control of dry cleaning solvent evaporation.

(a) Definitions:

(1) "Dry cleaning operation" means that process by which an organic solvent is used in the commercial cleaning of garments and other fabric materials.

(2) "Organic solvents" means organic materials, including diluents and thinners, which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

(3) "Photochemically reactive solvent" means any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, as applied to the total volume of solvent.

(i) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

(ii) A combination of aromatic compounds with 8 or more carbon atoms to the molecule except ethylbenyenl: 8 percent;

(iii) A combination of ethylbenyene or ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

(b) This section is applicable to the Maryland portion of the National Capital Intrastate AQCR.

(c) No person shall operate a dry cleaning operation using other than perchloroethylene, 1,1,1-trichloroethane, or saturated halogenated hydrocarbons unless the uncontrolled organic emissions from such operation are reduced at least 85 percent; provided, that dry cleaning operations emitting less than 8 pounds per hour and less than 40 pounds per day of uncontrolled organic materials are exempt from the requirement of this section.

(d) If incineration is used as a control technique, 90 percent or more of the carbon in the organic emissions being incinerated must be oxidized to carbon dioxide.

(e) Any owner or operator of a source subject to this section shall achieve compliance with the requirements of paragraph (c) of this section by discontinuing the use of photochemically reactive solvents no later than January 31, 1974, or by controlling emissions as required by paragraphs (c) and (d) of this section no later than May 31, 1975.

§ 52.1089 Inspection and maintenance program.

(a) Definitions:

(1) "Inspection and maintenance program" means a program for reducing emissions from in-use vehicles through identifying vehicles that need emission control-related maintenance and requiring that such maintenance be performed.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb gross vehicle weight (GVW) or less.

(3) "Medium-duty vehicle" means a gasoline-powered motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW.

(4) "Heavy-duty vehicle" means a gasoline-powered motor vehicle rated at 10,000 GVW or more.

(5) All other terms used in this section that are defined in Part 51, Appendix N, of this chapter are used herein with the meanings so defined.

(b) This section is applicable within the Maryland portion of the National Capital Interstate AQCR.

(c) The State of Maryland shall establish an inspection and maintenance program applicable to all light-duty, medium-duty, and heavy-duty vehicles registered in the area specified in paragraph (b) of this section that operate on public streets or highways over which it has ownership or control. The State may exempt any class or category of vehicles that the State finds is rarely used on public streets or highways (such as classic or antique vehicles). No later than April 1, 1974, the State shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Provisions for inspection of all light-duty, medium-duty, and heavy-duty motor vehicles at periodic intervals no more than 1 year apart by means of a loaded emission test.

(2) Provisions for inspection failure criteria consistent with the failure of 30 percent of the vehicles in the first inspection cycle.

(3) Provisions to ensure that failed vehicles receive within two weeks, the maintenance necessary to achieve compliance with the inspection standards. These shall include sanctions against individual owners and repair facilities, retest of failed vehicles following maintenance, use of a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledgeable operators to perform the tasks satisfactorily, and use of such other measures as may be necessary or appropriate.

(4) A program of enforcement to ensure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This enforcement program might include spot checks of idle adjustments and/or a suitable type of physical tagging. This program shall include appropriate penalties for violation.

(5) Provisions for beginning the first inspection cycle by August 1, 1975, and completing it by July 31, 1976.

(6) Designation of an agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) After July 31, 1976, the State shall not register or allow to operate on public streets or highways any light-duty, medium-duty, or heavy-duty vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) After July 31, 1976, no owner of a light-duty, medium-duty, or heavy-duty vehicle shall operate or allow the operation of such vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(f) The State of Maryland shall submit, no later than February 1, 1974, a detailed compliance schedule showing the steps it will take to establish and enforce an inspection and maintenance program pursuant to paragraph (c) of this section, including:

(1) The text of needed statutory proposals and regulations that it will propose for adoption.

(2) The date by which the State will recommend needed legislation to the State legislature.

(3) The date by which necessary equipment will be ordered.

(4) A signed statement from the Governor or his designee identifying the sources and amounts of funds for the program. If funds cannot legally be obligated under existing statutory authority,

the text of needed legislation shall be submitted.

§ 52.1090 Bicycle lanes and bicycle storage facilities.

(a) Definitions:

(1) "Bicycle" means a two-wheel, nonmotor powered vehicle.

(2) "Bicycle lane" means a route for the exclusive use of bicycles, either constructed specifically for that purpose or converted from an existing lane.

(3) "Bicycle parking facility" means any storage facility for bicycles, which allows bicycles to be locked securely.

(4) "Parking space" means the area allocated by a parking facility for the temporary storage of one automobile.

(5) "Parking facility" means a lot, garage, building, or portion thereof, in or on which motor vehicles are temporarily parked.

(b) This section shall be applicable in the State of Maryland portion of the National Capital Interstate Air Quality Control Region.

(c) On or before July 1, 1976, the State of Maryland shall establish a network of bicycle lanes linking residential areas with employment, educational, and commercial centers in accordance with the following requirements:

(1) The network shall contain no less than 60 miles of bicycle lanes in addition to any in existence as of November 20, 1973.

(2) Each bicycle lane shall at a minimum:

(i) Be clearly marked by signs indicating that the lane is for the exclusive use of bicycles (and pedestrians, if necessary);

(ii) Be separated from motor vehicle traffic by appropriate devices, such as physical barriers, pylons, or painted lines;

(iii) Be regularly maintained and repaired;

(iv) Be of a hard, smooth surface suitable for bicycles;

(v) Be at least 5 feet wide for one-way traffic, or 8 feet wide for two-way traffic;

(vi) If in a street used by motor vehicles, be a minimum of 8 feet wide whether one-way or two-way; and

(vii) Be adequately lighted.

(3) Off-street bicycle lanes which are not reasonably suited for commuting to and from employment, educational, and commercial centers shall not be considered a part of this network.

(4) On or before October 1, 1974, the State of Maryland shall establish 25 percent of the total mileage of the bicycle lane network; on or before June 1, 1975, 50 percent of the total mileage shall be established; on or before July 1, 1976, 100 percent of the total mileage shall be established.

(d) On or before June 1, 1974, the State of Maryland shall submit to the Administrator a comprehensive study of a bicycle lane and bicycle path network. The study shall include, but not be limited to the following:

(1) A bicycle user and potential user survey, which shall at a minimum determine:

(i) For present bicycle riders, the origin, destination, frequency, travel time, and distance of bicycle trips;

(ii) In high density employment areas, the present modes of transportation of employees and the potential modes of transportation, including the number of employees who would convert to the bicycle mode from other modes upon completion of the bicycle lane network described in paragraph (c) of this section.

(2) A determination of the feasibility and location of on-street bicycle lanes.

(3) A determination of the feasibility and location of off-street lanes.

(4) A determination of the special problems related to feeder lanes to bridges, on-bridge lanes, feeder lanes to METRO and railroad stations, and feeder lanes to fringe parking areas, and the means necessary to include such lanes in the bicycle lane network described in paragraph (c) of this section.

(5) A determination of the feasibility and location of various methods of safe bicycle parking.

(6) The study shall make provision for the receipt of public comments on any matter within the scope of the study, including the location of the bicycle lane network described in paragraph (c) of this section.

(e) By June 1, 1974, in addition to the comprehensive study required pursuant to paragraph (d) of this section, the State of Maryland shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish this network pursuant to paragraphs (c) and (g) of this section. The compliance schedule shall identify in detail the names of streets that will provide bicycle lanes and the location of any lanes to be constructed especially for bicycle use. It shall also include a statement indicating the source, amount, and adequacy of funds to be used in implementing this section, and the text of any needed statutory proposals and needed regulations which will be proposed for adoption.

(f) On or before October 1, 1974, the State of Maryland shall submit to the Administrator legally adopted regulations sufficent to implement and enforce all of the requirements of this section.

(g) On or before June 1, 1975, the State of Maryland shall require all owners and operators of parking facilities containing more than 50 parking spaces (including both free and commercial facilities) within the area specified in paragraph (b) of this section to provide spaces for the storage of bicycles in the following ratio: one automobile-sized parking space (with a bicycle parking facility) for the storage of bicycles for every 75 parking spaces for the storage of autos.

(1) Bicycle parking facilities shall be so located as to be safe from motor vehicle traffic and secure from theft. They shall be properly repaired and maintained.

(2) The METRO Subway System shall provide a sufficient number of safe and secure bicycle parking facilities at each station to meet the needs of its riders.

(3) All parking facilities owned, operated, or leased by the Federal Government shall be subject to this paragraph.

(4) Any owner or operator of a parking facility which charges a fee for the storage of motor vehicles shall store bicycles at a price per unit per hour which is no greater in relation to the cost of storing them than is the price of parking for a motor vehicle in relation to the cost of storing it. Unless the owner or operator makes an affirmative showing to the State of Maryland of different facts, and agrees to charge in conformity with that showing, the ratio in costs and prices shall be determined by the maximum number of bicycles that can be stored in a single standard-sized automobile parking space.

§ 52.1091 Medium-duty air/fuel control retrofit.

(a) Definitions:

(1) "Air/Fuel Control Retrofit" means a system or device (such as modification to the engine's carburetor or positive crankcase ventilation system) that results in engine operation at an increased air/fuel ratio so as to achieve reduction in exhaust emissions of hydrocarbons and carbon monoxide from 1973 and earlier medium-duty vehicles of at least 15 and 30 percent, respectively.

(2) "Medium-duty vehicle" means a gasoline powered motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW.

(3) All other terms used in this section that are defined in Part 51, Appendix N, of this chapter are used herein with meanings so defined.

(b) This section is applicable within the Maryland portion of the National Capital Interstate AQCR.

(c) The State of Maryland shall establish a retrofit program to ensure that on or before May 31, 1976, all medium-duty vehicles of model years prior to 1973 which are not required to be retrofitted with an oxidizing catalyst or other approved device pursuant to § 52.1093 of this chapter, which are registered in the area specified in paragraph (b) of this section, are equipped with an appropriate air/fuel control device or other device as approved by the Administrator that will reduce exhaust emissions of hydrocarbons and carbon monoxide to the same extent as an air/fuel control device. No later than February 1, 1974, the State of Maryland shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section, including the text of statutory proposals, regulations, and enforcement procedures that the State proposes for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

(d) No later than April 1, 1974, the State shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (d)(3) of this section are enforced.

(3) Provisions for beginning the installation of the retrofit devices by August 1, 1975, and completing the installation of the devices on all vehicles subject to this section no later than May 31, 1976.

(4) A provision that no later than May 31, 1976, no vehicle for which retrofit is required under this section shall pass the annual emission tests provided for by § 52.1089 unless it has been first equipped with an approved air/fuel control device, or other device approved pursuant to this section, which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Methods and procedures for ensuring that those persons installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(6) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emissions testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

(e) After May 31, 1976, the State shall not register or allow to operate on its streets or highways any vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(f) After May 31, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implemented by this section.

(g) The State may exempt any class or category of vehicles from this section which the State finds is rarely used on public streets and highways (such as classic or antique vehicles) or for which the State demonstrates to the Administrator that air/fuel control devices or other devices approved pursuant to this section are not commercially available.

§ 52.1092 Heavy-duty air/fuel control retrofit.

(a) Definitions:

(1) "Air/Fuel Control Retrofit" means a system or device (such as modification to the engine's carburetor or positive crankcase ventilation system) that results in engine operation at an increased air-fuel ratio so as to achieve reduction in exhaust emissions of hydrocarbon and carbon monoxide from heavy-duty vehicles of at least 30 and 40 percent, respectively.

(2) "Heavy-duty vehicle" means a gasoline-powered motor vehicle rated at 10,000 lb gross vehicle weight (GVW) or more.

(3) All other terms used in this section that are defined in Part 51, Appendix N, are used herein with meanings so defined.

(b) This section is applicable within the Maryland portion of the National Capital Interstate AQCR.

(c) The State of Maryland shall establish a retrofit program to ensure that on or before May 31, 1977, all heavy-duty vehicles registered in the areas specified in paragraph (b) of this section are equipped with an appropriate air/fuel control retrofit or other device as approved by the Administrator that will reduce exhaust emissions of hydrocarbons and carbon monoxide at least to the same extent as an air/fuel control retrofit. No later than April 1, 1974, the State of Maryland shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section, including the text of statutory proposals, regulations, and enforcement procedures that the State proposes for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than January 1, 1975.

(d) No later than September 1, 1974, the State shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (d)(3) of this section are enforced.

(3) Provisions for beginning the installation of the retrofit devices by January 1, 1976, and completing the installation of the device on all vehicles subject to this section no later than May 31, 1977.

(4) A provision that starting no later than May 31, 1977, no vehicle for which retrofit is required under this section shall pass the annual emission tests provided for by § 52.1089 unless it has been first equipped with an approved air/fuel control retrofit, or other device approved pursuant to this section, which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Methods and procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(6) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emissions testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

(e) After May 31, 1977, the State shall not register or allow to operate on its streets or highways any vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(f) After May 31, 1977, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implementing this section.

(g) The State may exempt any class or category of vehicles from this section which the State finds is rarely used on public streets and highways (such as classic or antique vehicles) or for which the State demonstrates to the Administrator that air/fuel control retrofits or other devices approved pursuant to this section are not commercially available.

§ 52.1093 Oxidizing catalyst retrofit.

(a) Definitions:

(1) "Oxidizing catalyst" means a device that uses a catalyst installed in the exhaust system of a vehicle (and if necessary includes an air pump) so as to achieve a reduction in exhaust emissions of hydrocarbon and carbon monoxide of at least 50 and 50 percent, respectively, from light duty vehicles of 1971 through 1975 model years, and of at least 50 and 50 percent, respectively, from medium duty vehicles of 1971 through 1975 model years.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb gross vehicle weight (GVW) or less.

(3) "Medium-duty vehicle" means a gasoline-powered motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW.

(4) "Fleet vehicle" means any of 5 or more light duty vehicles operated by the same person(s), business, or governmental entity and used principally in connection with the same or related occupations or uses. This definition shall also include any taxicab (or other light duty vehicle-for-hire) owned by any individual or business.

(5) All other terms used in this section that are defined in Part 51, Appendix N, of this chapter are used herein with meanings so defined.

(b) This section is applicable within the Maryland portion of the National Capital Interstate AQCR.

(c) The State of Maryland shall establish a retrofit program to ensure that on or before May 31, 1977, all light-duty fleet vehicles of model years 1971 through 1975, and all medium-duty vehicles of model years 1971 through 1975 which are registered in the area specified in paragraph (b) of this section and are able to operate on 91 RON gasoline are equipped with an appropriate oxidizing catalyst retrofit device, or other device, as approved by the Administrator, that will reduce exhaust emissions of hydrocarbons and carbon monoxide to the same extent as an oxidizing catalyst retrofit device. No later than April 1, 1974, the State of Maryland shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program

pursuant to this section, including the text of statutory proposals, regulations, and enforcement procedures that the State proposes for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such data shall be no later than January 1, 1975.

(d) No later than September 1, 1974, the State shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (d)(3) of this section are enforced.

(3) Provisions for beginning the installation of the retrofit devices by January 1, 1976, and for completing the installation of the devices on all vehicles subject to this section no later than May 31, 1977.

(4) A provision that starting no later than May 31, 1977, no vehicle for which retrofit is required under this section shall pass the annual emission tests provided for by § 52.1089 unless it has been first equipped with an approved oxidizing catalyst device, or other device approved pursuant to this section, which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Methods and procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(6) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emissions testing at the time of device installation, or some other positive assurance that the device is installed and operating correctly.

(e) After May 31, 1977, the State shall not register or allow to operate on its streets or highways any vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(f) After May 31, 1977, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implementing this section.

(g) Any vehicle which is manufactured equipped with an oxidizing catalyst, or which is certified to meet the original 1975 light duty vehicle emissions standards set forth in section 202(b)(1)(a) of the Clean Air Act of 1970 (without regard to any suspension of such standards), shall be exempt from the requirements of this section.

§ 52.1094 Vacuum spark advance disconnect retrofit.

(a) Definitions:

(1) "Vacuum spark advance disconnect retrofit" means a device or system installed on a motor vehicle that prevents the ignition vacuum advance from operating either when the vehicle's transmission is in the lower gears, or when the vehicle is traveling below a predetermined speed, so as to achieve reduction in exhaust emissions of hydrocarbon and carbon monoxide from 1967 and earlier light-duty vehicles of at least 25 and 9 percent, respectively.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb gross vehicle weight (GVW) or less.

(3) All other terms used in this section that are defined in Part 51, Appendix N, of this chapter are used herein with meanings so defined.

(b) This section is applicable within the Maryland portion of the National Capital Interstate AQCR.

(c) The State of Maryland shall establish a retrofit program to ensure that on or before January 1, 1976, all light-duty vehicles of model years prior to 1968 registered in the area specified in paragraph (b) of this section are equipped with an appropriate vacuum spark advance disconnect retrofit device or other device, as approved by the Administrator, that will reduce exhaust emissions of hydrocarbons and carbon monoxide at least to the same extent as a vacuum spark advance disconnect retrofit. No later than February 1, 1974, the State of Maryland shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section, including the text of statutory proposals, regulations, and enforcement procedures that the State proposes for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

(d) No later than April 1, 1974, the State shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (d)(3) of this section are enforced.

(3) Provisions for beginning the installation of the retrofit devices by January 1, 1975, and completing the installation of the devices on all vehicles subject to this section no later than January 1, 1976.

(4) A provision that starting no later than January 1, 1976, no vehicle for which retrofit is required under this section shall pass the annual emission tests provided for § 52.1089 unless it has been first equipped with an approved vacuum spark advance disconnect retrofit device, or other device approved pursuant to this section, which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Methods and procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(6) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emissions testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

(e) After January 1, 1976, the State shall not register or allow to operate on its streets or highways any light-duty vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(f) After January 1, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implementing this section.

(g) The State may exempt any class or category of vehicles from this section which the State finds is rarely used on public streets and highways (such as classic or antique vehicles) or for which the State demonstrates to the Administrator that vacuum spark advance disconnect devices or other devices approved pursuant to this section are not commercially available.

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

Subpart VV—Virginia

1. In § 52.2420, paragraph (c) is revised to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) May 4, 1972, by the Virginia Air Pollution Control Board;

(2) April 11, May 30, July 9, and July 11, 1973.

2. In § 52.2422, the first paragraph is labeled as "(a)" and paragraph (b) is added to read as follows:

§ 52.2422 Extensions.

* * * * *

(b) The Administrator hereby extends for two years the attainment dates for the national standards for carbon monoxide and photochemical oxidants in the Virginia portion of the National Capital Interstate Region.

3. Section 52.2423 is revised to read as follows:

§ 52.2423 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Virginia's plan for the attainment and maintenance of the national standards.

(b) With respect to the transportation control strategies submitted on April 11, May 30, July 9, and July 11, 1973, the Administrator approves the measures for the National Capital region for carpool locator, express bus lanes, increased bus fleet and service, elimination of free on-street commuter parking, elimination of free parking by private employers, parking surcharge, inspection of vehicles, dry cleaning solvent use, and gasoline vapor recovery, with the exceptions set forth in §§ 52.2424, 52.2427, 52.2430, 52.2431, 52.2435, and 52.2436. Rectifying provisions are promulgated in this subpart.

§ 52.2424 [Amended]

4. In § 52.2424, paragraph (b) is corrected by inserting the word "sufficient" before the words "interim control measures."

5. In § 52.2427, paragraphs (a) and (b) are labeled as "reserved," paragraph (c) is amended by adding the following sentence at the end of the paragraph, and paragraph (d) is added to read as follows:

§ 52.2427 Source surveillance.

(a) [Reserved]

(b) [Reserved]

(c) * * * Rectifying provisions are promulgated in this section.

(d) *Monitoring transportation sources.* (1) This section is applicable to the Commonwealth of Virginia.

(2) In order to assure the effectiveness of the inspection and maintenance program approved in § 52.2423 and required by § 52.2441, and the retrofit devices required under §§ 52.2444, 52.2445, 52.2446, and 52.2447 the Commonwealth shall monitor the actual per-vehicle emissions reductions occurring as a result of such measures. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the Commonwealth of Virginia in accordance with § 51.7 of this chapter. The first quarterly report shall cover the period January 1 to March 31, 1976.

(3) In order to assure the effective implementation of the car pool locator, express bus lanes, increased bus fleet and service, elimination of free on-street commuter parking, elimination of free employee parking, and the parking surcharge approved in § 52.2423, the Commonwealth shall monitor vehicle miles traveled and average vehicle speeds for each area in which such sections are in effect and during such time periods as may be appropriate to evaluate the effectiveness of such a program. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the Commonwealth of Virginia in accordance with § 51.7 of this chapter. The first quarterly report shall cover the period from July 1 to September 30, 1974. The vehicle miles traveled and vehicle speed data shall be collected on a monthly basis and submitted in a format similar to Table 1.

TABLE 1

Time period.....
Affected area.....

Roadway type	VMT or average vehicle speed	
	Vehicle type (1)	Vehicle type (2)[1]
Freeway.....		
Arterial.....		
Collector.....		
Local.....		

[1] Continue with other vehicle types as appropriate.

(4) No later than March 1, 1974, the Commonwealth shall submit to the Administrator a compliance schedule to implement this section. The program description shall include the following:

(i) The agency or agencies responsible for conducting, overseeing, and maintaining the monitoring program.

(ii) The administrative procedures to be used.

(iii) A description of the methods to be used to collect the emission data, VMT data, and vehicle speed data; a description of the geographical area to which the data apply; identification of the location at which the data will be collected; and the time periods during which the data will be collected.

§ 52.2429 [Amended]

6. In § 52.2429, the attainment date table is amended by replacing the date "May 31, 1975" for attainment of the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the National Capital Interstate region with the date "May 31, 1977."

7. Section 52.2430 is revised to read as follows:

§ 52.2430 Legal authority.

(a) The requirements of § 51.11(c) of this chapter are not fully met because the plan does not adequately identify or provide copies of all laws or regulations necessary for implementing the transportation control measures.

(b) The requirements of § 51.11(f) of this chapter are not fully met because it is not clearly demonstrated that all local agencies have requisite legal authority, or that the State retains responsibility for implementing the transportation control measures.

8. Section 52.2431 is revised to read as follows:

§ 52.2431 Control strategy: Carbon monoxide and photochemical oxidants (hydrocarbons).

(a) The requirements of § 51.14(a)(1)(b) and (c) of this chapter are not met because the approvable measures in the transportation control plan are not adequate to attain the national standards in the National Capital region. Inadequate technical justification was provided for the claimed reductions in aircraft emissions, and no strategies were provided for these reductions.

(b) The requirements of § 51.14(a)(2)(iii) of this chapter are not fully met with respect to the expansion of the bus fleet and service because of lack of detail or agreements which will result in the expansion.

(c) The requirements of § 51.14(a)(2)(iv) of this chapter are not fully met because of the lack of an adequate schedule for bus acquisitions, for elimination of employee free parking, and for elimination of free on-street commuter parking.

§ 52.2432 [Reserved]

9. Section 52.2432 is revoked and reserved.

§ 52.2434 [Reserved]

10. Section 52.2432 is revoked and reserved.

11. Section 52.2435 is added to read as follows:

§ 52.2435 Compliance schedules.

(a) The requirements of § 51.15 are not met for the measures for parking surcharge, elimination of free on-street commuter parking, elimination of free employee parking, increased bus fleet and service, and exclusive bus lanes. Provisions to implement the requirements of § 51.15 are promulgated in this section.

(b) With respect to the parking surcharge measure approved in § 52.2423:

(1) The Commonwealth of Virginia shall no later than June 30, 1974, submit to the Administrator for his approval a precise description of areas within the Virginia portion of the National Capital AQCR which are at that time adequately served by mass transit, and those areas which in the judgment of the Commonwealth will be adequately served by mass transit by June 30, 1975. The documentation and policy assumptions used to select these areas shall be included with this submission.

(2) The Commonwealth of Virginia shall by June 30, 1975, and each succeeding year submit to the Administrator for his approval a revised list of those areas which are adequately served by mass transit. Additional areas must be included as mass transit service is increased, unless the Commonwealth of Virginia can affirmatively demonstrate that no additional areas can be included.

(3) Each political subdivision of the Commonwealth of Virginia which has jurisdiction over any area (or portion thereof) designated as adequately served by mass transit shall, no later than October 1, 1974, submit to the Administrator legally adopted regulations instituting the parking surcharge on all long term (6 hour) parking in all commercial parking facilities (except to the extent they are used for residential parking) and all facilities subject to §§ 52.2435(d) and 52.2437 in those areas adequately served by mass transit within the control of each such political subdivision. The parking surcharge shall be implemented and collected according to the following schedule:

June 30, 1975–Dec. 31, 1975	$0.50
January 1, 1976–June 30, 1976	1.00
July 1, 1976–Dec. 31, 1976	1.50
January 1, 1977	2.00

All monies collected under this program shall be turned over to the appropriate political subdivision. All proceeds from this program shall be used for the expansion and operation of mass transit. Any handicapped person who is unable to use mass transit shall not be subject to the surcharge. The parking surcharge shall not apply to any parking begun between the hours of 6 p.m. and 2 a.m.

(c) With respect to the measure for elimination of free on-street commuter parking approved in § 52.2423:

(1) Each potential subdivision of the Commonwealth of Virginia within the National Capital AQCR shall, no later than June 30, 1974, submit to the Administrator for his approval a compliance schedule, including legally adopted regulations, enforcement procedures, and a description of resources available. The compliance schedule shall provide:

(i) For implementing the on-street parking ban in all areas within which a surcharge will be required by paragraph (b) of this section. This program shall prohibit all parking for more than two hours by non-residents of the area subject to the ban during the hours from 7 a.m. to 7 p.m. Monday through Friday (excepting holidays) on any street within such areas. The program shall also provide for a sticker system, under which residents of such area may also be exempted from the ban, and for a system (whether by notification to the enforcement authorities, or otherwise) for also exempting bona fide visitors to residents of such areas from the ban.

(ii) The precise resources that will be devoted to enforcing this measure, the method of enforcement to be used (for example, chalking tires), and the penalties for violation. The compliance schedule shall at a minimum provide that violators shall be subject to a $10.00 fine.

(d) With respect to the measure for elimination of free employee parking approved in § 52.2423:

(1) For purposes of this paragraph "Commercial Parking Rate" shall mean the average daily rate charged by the three operators of parking facilities containing 25 or more commercial parking spaces that are closest in location to any employee parking space affected by this paragraph.

(2) The Commonwealth of Virginia shall, no later than June 30, 1974, submit to the Administrator for his approval a precise description of areas within the Commonwealth of Virginia which are at that time adequately served by mass transit, and those areas which in the judgment of the Commonwealth of Virginia will be adequately served by mass transit by June 30, 1975. The documentation and policy assumptions used to select these areas shall be included with this submission.

(3) The Commonwealth of Virginia shall by June 30, 1975, and each succeeding year, submit to the Administrator for his approval a revised list of those areas which are adequately served by mass transit. Additional areas must be included as mass transit service is increased, unless the Commonwealth of Virginia can affirmatively demonstrate that no additional areas can be included.

(4) Each political subdivision of the Commonwealth of Virginia which has jurisdiction over any area designated as adequately served by mass transit shall, no later than October 1, 1974, submit to the Administrator legally adopted regulations instituting commercial parking rates by June 30, 1975, on all employers, public (excluding federal government) or private with 25 or more employee spaces located in those areas adequately served by mass transit within the Virginia portion of the National Capital Interstate AQCR. Any handicapped person who is unable to use mass transit shall not be subject to the commercial parking rate. The commercial parking rate shall not apply to any employee parking begun between the hours of 6 p.m. and 2 a.m.

(e) With respect to the measure for increased bus fleet and service approved in § 52.2423, The Commonwealth of Virginia shall no later than January 31, 1974, submit a compliance schedule to put the program in effect. The compliance schedule shall, at a minimum, provide that the Commonwealth of Virginia shall, on or before March 1, 1974, submit to the Administrator a statement, signed both by a representative of the Commonwealth of Virginia and by a representative of the Washington Metropolitan Area Transit Authority (WMATA) indicating that, in the judgment of both of them, financial commitments have been made by the Commonwealth of Virginia or by its local governments for the purchase of buses. This statement, when taken in conjunction with the commitments made by the District of Columbia and the State of Maryland, must be sufficient to enable WMATA to purchase in the fiscal year beginning the next July 1 the number of buses indicated below:

Fiscal Year 1975—175 buses
Fiscal Year 1976—150 buses
Fiscal Year 1977—150 buses

The statement shall also indicate that WMATA has in fact committed to purchase that number of buses.

(f) With respect to the express bus lane measure approved in § 52.2423:

(1) The Commonwealth of Virginia shall no later than January 1, 1975, establish exclusive bus lanes in the following corridors:

(i) George Washington Parkway—Washington Street—Jefferson Davis Highway from Fort Hunt to National Airport.

(ii) U.S. Route 50 from Seven Corners to the Virginia-District of Columbia boundary.

Such lanes shall be inbound during the morning peak period and outbound during the evening peak period.

(2) The Commonwealth of Virginia shall submit to the Administrator, no later than March 1, 1974, a schedule showing the steps which it will take to establish exclusive bus lanes in those corridors enumerated in paragraph (f)(1) of this section. Each schedule shall be subject to approval by the Administrator and shall include as a minimum the following:

(i) Identification of streets or highways that shall have portions designated for exclusive bus lanes.

(ii) The date by which each street or highway shall be designated.

(3) Exclusive bus lanes must be prominently indicated by distinctively painted lines, pylons, overhead signs, or physical barriers.

(4) Application for substitution of a corridor for any of those listed in paragraph (f)(1) of this section shall be made by the Commonwealth of Virginia for the Administrator's approval no later than March 1, 1974.

12. Section 52.2436 is added to read as follows:

§ 52.2436 Rules and regulations.

(a) The requirements of § 51.22 are not met because regulations have not been adopted and submitted for the stationary source measures aimed at reducing gasoline handling and dry cleaning losses. Substitute regulations are promulgated in §§ 52.2438, 52.2439, and 52.2440.

13. Sections 52.2437 through 52.2447 are added to read as follows:

§ 52.2437 Federal parking facilities.

(a) Definitions. For the purposes of this section,

(1) "Administrative Officer" means the Administrator of General Services, the Marshal of the Supreme Court of the United States, the Architect of the Capitol, and any other representative of a Federal Government entity designated as such for the purposes of this section by the Administrator.

(2) "Commercial value" means a value which approximates commercial charges for space and services for like facilities in the immediate vicinity of a Federal facility. In the absence of commercial facilities, commercial value should be established using the fair market value of a Federal facility and the cost of services being provided as a basis.

(3) "Designated area" means an area defined by § 52.2435(b)(1).

(4) "Federal Government entity" means a Federal department, agency, bureau, board, office, commission, district, or an instrumentality of the executive, legislative, and judicial branches of the Federal Government. Foreign embassies are not subject to this regulation.

(5) "Parking facility" (also called "facility") means any lot, garage, building or structure, or any combination or portion thereof, in or on which motor vehicles are temporarily parked.

(6) "Residential parking space" means any parking space used primarily for the parking of vehicles of persons residing within one-half mile of the space.

(b) This section shall be applicable in the Commonwealth of Virginia portion

of the National Capital Interstate Air Quality Control Region.

(c) Commencing July 1, 1975, rates based upon the commercial value shall be charged employees for parking a motor vehicle in any facility which is owned, operated, leased or otherwise controlled by any Federal Government entity and which is located in a designated area; provided, however, that such commercial value shall not apply (1) to parking begun between the hours of 6:00 p.m. and 2 a.m., (2) to residential parking spaces contained in or on the facility, (3) to vehicles owned or leased by the Federal Government, and (4) to any vehicle exempted under paragraph (d)(2) of this section.

(d)(1) Each Administrative Officer shall adopt a plan which shall require each Federal Government entity under his authority to which this section applies to implement paragraph (c) of this section.

(2) The plan may provide for exemption from the requirements of paragraph (c) of this section for space assigned to handicapped persons who are physically unable to use mass transit.

(3) The Administrator of the Environmental Protection Agency will promulgate such a plan by May 1, 1974, for any parking facility of any Federal Government entity to which this section applies which is not under the authority of an Administrative Officer. Any such Federal Government entity may apply to the Administrator before January 4, 1974, for designation of an "Administrative Officer" and permission to submit its own plan.

(4) Each Administrative Officer shall submit to EPA, no later than July 1, 1974, an outline of the plan required by this paragraph, and the effective date of the plan, which date shall be no later than July 1, 1975. The plan required by this paragraph covering all subject facilities of government entities which are part of the executive branch of the Federal Government shall be coordinated with the Administrator of General Services.

§ 52.2438 Gasoline transfer vapor control.

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the Virginia portion of the National Capital Interstate AQCR.

(c) No person shall transfer gasoline from any delivery vessel into any stationary storage container with a capacity greater than 250 gallons unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 90 percent by weight of organic compounds in said vapors displaced from the stationary container location.

(1) The vapor recovery portion of the system shall include one or more of the following:

(i) A vapor tight return line from the storage container to the delivery vessel and a system that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Refrigeration-condensation system or equivalent designed to recover no less than 90 percent by weight of the organic compounds in the displaced vapor.

(2) If a "vapor-tight vapor return" system is used to meet the requirements of this section, the system shall be so constructed as to be readily adapted to retrofit with an adsorption system, refrigeration-condensation system, or equivalent vapor removal system, and so constructed as to anticipate compliance with § 52.2439.

(3) The vapor-laden delivery vessel shall be subject to the following conditions:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) The vapor-laden delivery vessel may be refilled only at facilities equipped with vapor recovery systems or the equivalent, which can recover at least 90 percent by weight of the organic compounds in the vapors displaced from the delivery vessel during refilling.

(iii) Gasoline storage compartments of one thousand gallons or less in gasoline delivery vehicles presently in use on the promulgation date of this regulation will not be required to be retrofitted with a vapor return system until January 1, 1977.

(d) The provisions of paragraph (c) of this section shall not apply to the following:

(1) Stationary containers having a capacity less than 550 gallons used exclusively for the fueling of implements of husbandry.

(2) Any container having a capacity less than 2,000 gallons installed prior to promulgation of this section.

(3) Transfers made to storage tanks equipped with floating roofs or their equivalent.

(e) Every owner or operator of a stationary storage container or delivery vessel subject to this section shall comply with the following compliance schedule:

(1) April 1, 1974—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the provisions of paragraph (c) of this section.

(2) May 1, 1974—Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

(3) January 1, 1975—Initiate on-site construction or installation of emission control equipment.

(4) February 1, 1976—Complete on-site construction or installation of emission control equipment.

(5) March 1, 1976—Assure final compliance with the provisions of paragraph (c) of this section.

(6) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(f) Paragraph (e) of this section shall not apply:

(1) To a source which is presently in compliance with the provisions of paragraph (c) of this section and which has certified such compliance to the Administrator by January 31, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by January 31, 1974, a proposed alternative schedule. No such schedule may provide for compliance after March 1, 1976. Any such schedule shall provide for certification to the Administrator, within 5 days after the deadline for each increment therein, as to whether or not that increment has been met. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(g) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (e) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

(h) Any gasoline dispensing facility subject to this section which installs a storage tank after the effective date of this section shall comply with the requirements of paragraph (c) of this section by March 1, 1976, and prior to that date shall comply with paragraph (e) of this section as far as possible. Any facility subject to this section which installs a storage tank after March 1, 1976, shall comply with the requirements of paragraph (c) of this section at the time of installation.

§ 52.2438 Control of evaporative losses from the filling of vehicular tanks.

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the Virginia portion of the National Capital Interstate AQCR.

(c) A person shall not transfer gasoline to an automotive fuel tank from a gasoline dispensing system unless the transfer is made through a fill nozzle designed to:

(1) Prevent discharge of hydrocarbon vapors to the atmosphere from either the vehicle filler neck or dispensing nozzle;

(2) Direct vapor displaced from the automotive fuel tank to a system wherein at least 90 percent by weight of the organic compounds in displaced vapors are recovered; and

(3) Prevent automotive fuel tank overfills or spillage on fill nozzle disconnect.

(d) The system referred to in paragraph (c) of this section may consist of a vapor-tight return line from the fill nozzle-filler neck interface to the dis-

pensing tank or to an adsorption, absorption, incineration, refrigeration-condensation system or its equivalent.

(e) Components of the systems required by § 52.2439 may be used for compliance with paragraph (c) of this section.

(f) If it is demonstrated to the satisfaction of the Administrator that it is impractical to comply with the provisions of paragraph (c) of this section as a result of vehicle fill neck configuration, location, or other design features of a class of vehicles, the provisions of this section shall not apply to such vehicles. However, in no case shall such configuration exempt any gasoline dispensing facility from installing and using in the most effective manner a system required by paragraph (c) of this section.

(g) Every owner or operator of a gasoline dispensing system subject to this section shall comply with the following compliance schedule:

(1) February 1, 1974—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the provisions of paragraph (c) of this section.

(2) June 1, 1974—Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

(3) January 1, 1975—Initiate on-site construction or installation of emission control equipment.

(4) May 1, 1977—complete on-site construction installation of emission control equipment or process modification.

(5) May 31, 1977—Assure final compliance with the provisions of paragraph (c) of this section.

(6) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of prograss, whether or not the required increment of progress has been met.

(h) Paragraph (g) of this section shall not apply:

(1) To a source which is presently in compliance with the provisions of paragraph (c) of this section and which has certified such compliance to the Administrator by January 31, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by January 31, 1974, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1977. Any such schedule shall provide for certification to the Administrator, within 5 days after the deadline for each increment therein, as to whether or not that increment has been met. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(i) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (g) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

(j) Any gasoline dispensing facility subject to this section which installs a gasoline dispensing system after the effective date of this section shall comply with the requirements of paragraph (c) of this section by May 31, 1977, and prior to that date shall comply with paragraph (g) of this section as far as possible. Any facility subject to this section which installs a gasoline dispensing system after May 31, 1977, shall comply with the requirements of paragraph (c) of this section at the time of installation.

§ 52.2440 Control of dry cleaning solvent evaporation.

(a) Definitions:

(1) "Dry cleaning operation" means that process by which an organic solvent is used in the commercial cleaning of garments and other fabric materials.

(2) "Organic solvents" means organic materials, including diluents and thinners, which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

(3) "Photochemically reactive solvent" means any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, as applied to the total volume of solvent.

(i) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

(ii) A combination of aromatic compounds with 8 or more carbon atoms to the molecule except ethylbenyenl: 8 percent;

(iii) A combination of ethylbenyene or ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

(b) This section is applicable to the Virginia portion of the National Capital Interstate Region.

(c) No person shall operate a dry cleaning operation using other than perchloroethylene, 1,1,1-trichloroethane, or saturated halogenated hydrocarbons unless the uncontrolled organic emissions from such operation are reduced at least 85 percent; provided, that dry cleaning operations emitting less than 8 pounds per hour and less than 40 pounds per day of uncontrolled organic materials are exempt from the requirement of this section.

(d) If incineration is used as a control technique, 90 percent or more of the carbon in the organic emissions being incinerated must be oxidized to carbon dioxide.

(e) Any owner or operator of a source subject to this section shall achieve compliance with the requirements of paragraph (c) of this section by discontinuing the use of photochemically reactive solvents no later than January 31, 1974, or by controlling emissions as required by paragraphs (c) and (d) of this section no later than May 31, 1975.

§ 52.2441 Inspection and maintenance program.

(a) Definitions:

(1) "Inspection and maintenance program" means a program for reducing emissions from in-use vehicles through identifying vehicles that need emission control related maintenance and requiring that such maintenance be performed.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb gross vehicle weight (GVW) or less.

(3) "Medium-duty vehicle" means a gasoline-powered motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW.

(4) "Heavy-duty vehicle" means a gasoline-powered motor vehicle rated at 10,000 lb GVW or more.

(5) All other terms used in this section that are defined in Part 51, Appendix N, are used herein with the meanings so defined.

(b) This section is applicable within the Virginia portion of the National Capital Interstate AQCR.

(c) In connection with the light-duty vehicle inspection and maintenance program for the area specified in paragraph (b) of this section approved by the Administrator pursuant to § 52.2423, the Commonwealth of Virginia shall establish an inspection and maintenance program applicable to all medium-duty and heavy-duty vehicles registered in any area specified in paragraph (b) of this section that operate on public streets or highways over which it has ownership or control. The Commonwealth may exempt any class or category of vehicles that the Commonwealth finds is rarely used on public streets or highways (such as classic or antique vehicles). No later than April 1, 1974, the Commonwealth shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Provisions for inspection of all medium-duty and heavy-duty motor vehicles at periodic intervals no more than 1 year apart by means of an idle emission test.

(2) Provisions for inspection failure criteria consistent with the failure of 30 percent of the vehicles in the first inspection cycle.

(3) Provisions to ensure that failed vehicles receive, within two weeks, the maintenance necessary to achieve compliance with the inspection standards. These shall include sanctions against individual owners and repair facilities, retest of failed vehicles following maintenance, use of a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledgeable operators to perform the tasks satisfactorily, and use of such other measures as may be necessary or appropriate.

(4) A program of enforcement to ensure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This enforcement program might include spot checks of idle adjustments and/or a suitable type of physical tagging. This program shall include appropriate penalties for violation.

(5) Provisions for beginning the first inspection cycle by January 1, 1975, and completing it by January 1, 1976.

(6) Designation of an agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) After January 1, 1976, the Commonwealth shall not register or allow to operate on public streets or highways any medium-duty or heavy-duty vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) After January 1, 1976, no owner of a medium-duty or heavy-duty vehicle shall operate or allow the operation of such vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(f) The Commonwealth of Virginia shall submit, no later than February 1, 1974, a detailed compliance schedule showing the steps it will take to establish and enforce an inspection and maintenance program pursuant to paragraph (c) of this section, including:

(1) The text of needed statutory proposals and regulations that it will propose for adoption.

(2) The date by which the Commonwealth will recommend needed legislation to the legislature.

(3) The date by which necessary equipment will be ordered.

(4) A signed statement from the Governor or his designee identifying the sources and amounts of funds for the program. If funds cannot legally be obligated under existing statutory authority, the text of needed legislation shall be submitted.

§ 52.2442 Bicycle lanes and bicycle storage facilities.

(a) Definitions:

(1) "Bicycle" means a two-wheel, nonmotor powered vehicle.

(2) "Bicycle lane" means a route for the exclusive use of bicycles, either constructed specifically for that purpose or converted from an existing lane.

(3) "Bicycle parking facility" means any storage facility for bicycles, which allows bicycles to be locked securely.

(4) "Parking space" means the area allocated by a parking facility for the temporary storage of one automobile.

(5) "Parking facility" means a lot, garage, building, or portion thereof, in or on which motor vehicles are temporarily parked.

(b) This section shall be applicable in the Commonwealth of Virginia portion of the National Capital Interstate Air Quality Control Region.

(c) On or before July 1, 1976, the Commonwealth of Virginia shall establish a network of bicycle lanes linking residential areas with employment, educational, and commercial centers in accordance with the following requirements:

(1) The network shall contain no less than 60 miles of bicycle lanes in addition to any in existence as of November 20, 1973.

(2) Each bicycle lane shall at a minimum:

(i) Be clearly marked by signs indicating that the lane is for the exclusive use of bicycles (and pedestrians, if necessary);

(ii) Be separated from motor vehicle traffic by appropriate devices, such as physical barriers, pylons, or painted lines;

(iii) Be regularly maintained and repaired;

(iv) Be of a hard, smooth surface suitable for bicycles;

(v) Be at least 5 feet wide for one-way traffic, or 8 feet wide for two-way traffic;

(vi) If in a street used by motor vehicles, be a minimum of 8 feet wide whether one-way or two-way; and

(vii) Be adequately lighted.

(3) Off-street bicycle lanes which are not reasonably suited for commuting to and from employment, educational, and commercial centers shall not be considered a part of this network.

(4) On or before October 1, 1974, the Commonwealth of Virginia shall establish 25 percent of the total mileage of the bicycle lane network; on or before June 1, 1975, 50 percent of the total mileage shall be established; on or before July 1, 1976, 100 percent of the total mileage shall be established.

(d) On or before June 1, 1974, the Commonwealth of Virginia shall submit to the Administrator a comprehensive study of a bicycle lane and bicycle path network. The study shall include, but not be limited to the following:

(1) A bicycle user and potential user survey, which shall at a minimum determine:

(i) For present bicycle riders, the origin, destination, frequency, travel time, and distance of bicycle trips;

(ii) In high density employment areas, the present modes of transportation of employees and the potential modes of transportation, including the number of employees who would convert to the bicycle mode from other modes upon completion of the bicycle lane network described in paragraph (c) of this section.

(2) A determination of the feasibility and location of on-street bicycle lanes.

(3) A determination of the feasibility and location of off-street lanes.

(4) A determination of the special problems related to feeder lanes to bridges, on-bridge lanes, feeder lanes to METRO and railroad stations, and feeder lanes to fringe parking areas, and the means necessary to include such lanes in the bicycle lane network described in paragraph (c) of this section.

(5) A determination of the feasibility and location of various methods of safe bicycle parking.

(6) The study shall make provision for the receipt of public comments on any matter within the scope of the study, including the location of the bicycle lane network described in paragraph (c) of this section.

(e) By June 1, 1974, in addition to the comprehensive study required pursuant to paragraph (d) of this section, the Commonwealth of Virginia shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish this network pursuant to paragraphs (c) and (g) of this section. The compliance schedule shall identify in detail the names of streets that will provide bicycle lanes and the location of any lanes to be constructed especially for bicycle use. It shall also include a statement indicating the source, amount, and adequacy of funds to be used in implementing this section, and the text of any needed statutory proposals and needed regulations which will be proposed for adoption.

(f) On or before October 1, 1974, the Commonwealth of Virginia shall submit to the Administrator legally adopted regulations sufficient to implement and enforce all of the requirements of this section.

(g) On or before June 1, 1975, the Commonwealth of Virginia shall require all owners and operators of parking facilities containing more than 50 parking spaces (including both free and commercial facilities) within the area specified in paragraph (b) of this section to provide spaces for the storage of bicycles in the following ratio: one automobile-size parking space (with a bicycle parking facility) for the storage of bicycles for every 75 parking spaces for the storage of autos. The Commonwealth shall also require that:

(1) Bicycle parking facilities shall be so located as to be safe from motor vehicle traffic and secure from theft. They shall be properly repaired and maintained.

(2) The METRO Subway System shall provide a sufficient number of safe and secure bicycle parking facilities at each station to meet the needs of its riders.

(3) All parking facilities owned, operated, or leased by the Federal Government shall be subject to this paragraph.

(4) Any owner or operator of a parking facility which charges a fee for the storage of motor vehicles shall store bicycles at a price per unit per hour which is no greater in relation to the cost of storing them than is the price of parking for a motor vehicle in relation to the cost of storing it. Unless the owner or operator makes an affirmative showing to the Commonwealth of Virginia of different facts, and agrees to charge in conformity with that showing, the ratio in costs and prices shall be determined by the maximum number of bicycles that can be

stored in a single standard-sized automobile parking space.

§ 52.2444 Medium duty air/fuel control retrofit.

(a) Definitions:

(1) "Air/Fuel Control Retrofit" means a system or device (such as modification to the engine's carburetor or positive crankcase ventilation system) that results in engine operation at an increased air-fuel ratio so as to achieve reductions in exhaust emissions of hydrocarbon and carbon monoxide from 1973 and earlier medium-duty vehicles of at least 15 and 30 percent, respectively.

(2) "Medium-duty vehicle" means a gasoline powered motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW.

(3) All other terms used in this section that are defined in Part 51, Appendix N, of this chapter are used herein with meanings so defined.

(b) This section is applicable within the Virginia portion of the National Capital Interstate AQCR.

(c) The Commonwealth of Virginia shall establish a retrofit program to ensure that on or before May 31, 1976, all medium-dfity vehicles of model years prior to 1973 which are not required to be retrofitted with an oxidizing catalyst or other approved device pursuant to § 52.2446, which are registered in the area specified in paragraph (b) of this section, are equipped with an appropriate Air/Fuel Control device or other device as approved by the Administrator that will reduce exhaust emissions of hydrocarbon and carbon monoxide to the same extent as an air/fuel control device. No later than February 1, 1974, the Commonwealth of Virginia shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section, including the text of statutory proposals, regulations, and enforcement procedures that the Commonwealth proposes for adoption. The compliance schedule shall also include a date by which the Commonwealth shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

(d) No later than April 1, 1974, the Commonwealth shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (d)(3) of this section are enforced.

(3) Provisions for beginning the installation of the devices by August 1, 1975, and completing the installation of the devices on all vehicles subject to this section no later than May 31, 1976.

(4) A provision that no later than May 31, 1976, no vehicle for which retrofit is required under this section shall pass the annual emission tests provided for by § 52.2441 unless it has been first equipped with an approved air/fuel control device, or other device approved pursuant to this section, which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Methods and procedures for ensuring that those persons installing the retrofit device have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(6) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emissions testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

(e) After May 31, 1976, the Commonwealth shall not register or allow to operate on its streets or highways any vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(f) After May 31, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implemented by this section.

(g) The Commonwealth may exempt any class or category of vehicles from this section which the Commonwealth finds is rarely used on public streets and highways (such as classic or antique vehicles) or for which the Commonwealth demonstrates to the Administrator that air/fuel control devices or other devices approved pursuant to this section are not commercially available.

§ 52.2445 Heavy duty air/fuel control retrofit.

(a) Definitions:

(1) "Air/Fuel Control Retrofit" means a system or device (such as modification to the engine's carburetor or positive crank case ventilation system) that results in engine operation at an increased air/fuel ratio so as to achieve reduction in exhaust emissions of hydrocarbon and carbon monoxide from heavy-duty vehicles of at least 30 and 40 percent, respectively.

(2) "Heavy duty vehicle" means a gasoline-powered motor vehicle rated at 10,000 lb gross vehicle weight or more.

(3) All other terms used in this section that are defined in Part 51, Appendix N, of this chapter are used herein with meanings so defined.

(b) This section is applicable within the Virginia portion of the National Capital Interstate AQCR.

(c) The Commonwealth of Virginia shall establish a retrofit program to ensure that on or before May 31, 1977, all heavy duty vehicles registered in the area specified in paragraph (b) of this section are equipped with an appropriate air/fuel control device or other device as approved by the Administrator that will reduce exhaust emissions of hydrocarbons and carbon monoxide to the same extent as an air/fuel control device. No later than April 1, 1974, the Commonwealth of Virginia shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section, including the text of statutory proposals, regulations, and enforcement procedures that the Commonwealth proposes for adoption. The compliance schedule shall also include a date by which the Commonwealth shall evaluate and approve devices for use in this program. Such date shall be no later than January 1, 1975.

(d) No later than September 1, 1974, the Commonwealth shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (d)(3) of this section are enforced.

(3) Provisions for beginning the installation of the retrofit devices by January 1, 1976, and completing the installation of the devices on all vehicles subject to this section no later than May 31, 1977.

(4) A provision that starting no later than May 31, 1977, no vehicle for which retrofit is required under this section shall pass the annual emission tests provided for by § 52.2441 unless it has been first equipped with an approved air/fuel control device, or other device approved pursuant to this section, which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Methods and procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(6) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emissions testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

(g) The Commonwealth may exempt any class or category of vehicles from this section which the Commonwealth finds is rarely used on public streets and highways (such as classic or antique vehicles) or for which the Commonwealth demonstrates to the Administrator that air/fuel control device or other devices approved pursuant to this section are not commercially available.

§ 52.2446 Oxidizing catalyst retrofit.

(a) Definitions:

(1) "Oxidizing catalyst" means a device that uses a catalyst installed in the exhaust system of a vehicle (and if necessary includes an air pump) so as to achieve reduction in exhaust emissions

of hydrocarbon and carbon monoxide of at least 50 and 50 percent, respectively, from light duty vehicles of 1971 through 1975 model years, and of at least 50 to 50 percent, respectively, from medium duty vehicles of 1971 through 1975 model years.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb gross vehicle weight (GVW) or less.

(3) "Medium-duty vehicle" means a gasoline-powered motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW.

(4) "Fleet vehicle" means any of 5 or more light-duty vehicles operated by the same person(s), business, or governmental entity and used principally in connection with the same or related occupations or uses. This definition shall also include any taxicab (or other light-duty vehicle-for-hire) owned by any individual or business.

(5) All other terms used in this section that are defined in Part 51, Appendix N, are used herein with meanings so defined.

(b) This section is applicable within the Virginia portion of the National Capital Interstate AQCR.

(c) The Commonwealth of Virginia shall establish a retrofit program to ensure that on or before May 31, 1977, all light-duty fleet vehicles of model years 1971 through 1975 and medium-duty vehicles of model years 1971 through 1975 which are registered in the area specified in paragraph (b) of this section and are able to operate on 91 RON gasoline, are equipped with an appropriate oxidizing catalyst retrofit device or other device, as approved by the Administrator, that will reduce exhaust emissions of hydrocarbons and carbon monoxide to the same extent as an oxidizing catalyst retrofit device. No later than April 1, 1974, the Commonwealth of Virginia shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section, including the text of statutory proposals, regulations, and enforcement procedures that the Commonwealth proposes for adoption. The compliance schedule shall also include a date by which the Commonwealth shall evaluate and approve devices for use in this program. Such date shall be no later than January 1, 1975.

(d) No later than September 1, 1974, the Commonwealth shall submit legally adopted regulations to the Administrator establishing such a program. The regulation shall include:

(1) Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (d)(3) of this section are enforced.

(3) Provisions for beginning the installation of the retrofit devices by January 1, 1976, and completing the installation of the devices on all vehicles subject to this section no later than May 31, 1977.

(4) A provision that starting no later than May 31, 1977, no vehicle for which retrofit is required under this section shall pass the annual emission test provided for by §§ 52.2423 and 52.2441 unless it has been first equipped with an approved oxidizing catalyst device, or other device approved pursuant to this section, which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Methods and procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(6) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emissions testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

(e) After May 31, 1977, the Commonwealth shall not register or allow to operate on its streets or highways any vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(f) After May 31, 1977, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implementing this section.

(g) Any vehicle which is manufactured equipped with an oxidizing catalyst, or which is certified to meet the original 1975 light-duty vehicle emission standards set forth in section 202(b)(1)(A) of the Clean Air Act of 1970 (without regard to any suspension of such standards), shall be exempt from the requirements of this section.

§ 52.2447 Vacuum spark advance disconnect retrofit.

(a) Definitions:

(1) "Vacuum spark advance disconnect retrofit" means a device or system installed on a motor vehicle that prevents the ignition vacuum advance from operating either when the vehicle's transmission is in the lower gears, or when the vehicle is traveling below a predetermined speed so as to achieve reduction in exhaust emissions of hydrocarbon and carbon monoxide from 1967 and earlier light-duty vehicles of at least 25 and 9 percent, respectively.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb gross vehicle weight (GVW) or less.

(3) All other terms used in this section that are defined in Part 51, Appendix N, are used herein with meanings so defined.

(b) This section is applicable within the Virginia portion of the National Capital Interstate AQCR.

(c) The Commonwealth of Virginia shall establish a retrofit program to ensure that on or before January 1, 1976, all light-duty vehicles of model years prior to 1968 registered in the area specified in paragraph (b) of this section are equipped with an appropriate vacuum spark advance disconnect retrofit device or other device, as approved by the Administrator, that will reduce exhaust emissions of hydrocarbons and carbon monoxide to the same extent as a vacuum spark advance disconnect retrofit. No later than February 1, 1974, the Commonwealth of Virginia shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section, including the text of statutory proposals, regulations, and enforcement procedures that the Commonwealth proposes for adoption. The compliance schedule shall also include a date by which the Commonwealth shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

(d) No later than April 1, 1974, the Commonwealth shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (d)(3) of this section are enforced.

(3) Provisions for beginning the installation of the retrofit devices by January 1, 1975, and completing the installation of the devices on all vehicles subject to this section no later than January 1, 1976.

(4) A provision that starting no later than January 1, 1976, no vehicle for which retrofit is required under this section shall pass the annual emission tests provided for by § 52.2423 unless it has been first equipped with an approved vacuum spark advance disconnect retrofit device, or other device approved pursuant to this section, which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Methods and procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(6) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emissions testing at the time of device installation, or some other positive assurance that the device is installed and operating correctly.

(e) After January 1, 1976, the Commonwealth shall not register or allow

to operate on its streets or highways any light-duty vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(f) After January 1, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implementing this section.

(g) The Commonwealth may exempt any class or category of vehicles from this section which the Commonwealth finds is rarely used on public streets and highways (such as classic or antique vehicles) or for which the Commonwealth demonstrates to the Administrator that vacuum spark advance disconnect devices or other devices approved pursuant to this section are not commercially available.

[FR Doc.73-25119 Filed 12-5-73;8:45 am]

federal register

THURSDAY, DECEMBER 6, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 234

PART III

ENVIRONMENTAL PROTECTION AGENCY

■

FUEL REGULATIONS

Control of Lead Additives in Gasoline

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

Control of Lead Additives in Gasoline

On February 23, 1972 (37 FR 3882), the Administrator proposed regulations providing for the general availability of lead-free gasoline by July 1, 1974 and a reduction in the lead content of leaded gasoline to 1.25 grams per gallon by 1977. The lead-free gasoline regulations were proposed primarily to ensure the availability of lead-free fuel for use in automobiles designed to meet Federal emission standards with lead-sensitive emission control devices. The Agency recognized that these regulations would also result in a reduction in lead emissions from the new automobile segment of the vehicle population, which would be equipped with those devices. However, based on public health consideration, it was considered necessary, to propose a reduction in the lead content of leaded gasoline as well.

After consideration of the information provided during public hearings and an extended comment period, as well as additional information on the health effects of airborne lead and the adverse effects of lead on emission control devices, the Administrator determined that the two regulations should be dealt with separately. On January 10, 1973, the regulations providing for lead-free gasoline were promulgated, and the regulatory sections providing for a reduction in the lead content of leaded gasoline were reproposed. (38 FR 1255 and 38 FR 1258)

The leaded gasoline regulations were reproposed because the Agency's position on the health effects associated with lead emissions changed substantially. The Administrator had originally proposed the regulations based on the conclusions that airborne lead levels exceeding 2 micrograms per cubic meter were associated with a sufficient risk of adverse physiological effects to endanger public health. After evaluation of the public comment and additional information on this issue, the Administrator determined that it was difficult, if not impossible, to establish a precise level of airborne lead as an acceptable basis for a control strategy. The original health effects analysis was revaluated in view of this finding. The resulting new health position paper concluded that airborne lead can either be directly absorbed through the lungs as people breathe, or can settle out of the air to contaminate dirt which may be consumed by children. Strong evidence existed which supported the view that through these routes airborne lead contributes to excessive lead exposure in urban adults and children. In light of this evidence of health risks, the Administrator concluded that it would be prudent to reduce preventable lead exposure.

The reproposed regulations provided for a reduction in the average lead content of leaded gasolines to 1.25 grams per gallon over a four year period as follows: 2.00 grams per gallon in 1975, 1.70 grams per gallon in 1976, 1.5 grams per gallon in 1977, and 1.25 grams per gallon in 1978. The specified average lead levels referred to the average lead levels of leaded gasoline produced by an individual refinery during any quarter of the specified year.

The final regulations contain a revised lead-reduction schedule based on the Administrator's determination that averaging over all grades of gasoline, including lead-free grades, is preferable to averaging over the leaded grades alone. The schedule has been adjusted to moderate the impact in the early years and to extend it for an additional year. This is discussed in greater detail below. The revised schedule prescribes lower allowable lead content levels, but the overall amount of lead used in gasoline would equal the lead usage expected to result from the reproposed leaded grade reduction schedule in 1979. The reduction schedule under this total pool averaging approach is 1.7 grams per gallon in 1975, 1.4 grams per gallon in 1976, 1.0 grams per gallon in 1978, and 0.5 grams per gallon in 1979. The various averaging alternatives considered by the Administrator are discussed below.

The reproposed reduction schedule was designed to accomplish a 60–65 percent decrease in lead usage from base 1971 by supplementing the projected increasing use beginning in 1974 of lead-free gasoline by new automobiles with catalytic (lead-sensitive) emission control systems. The schedule promulgated below also is designed to achieve the targeted decrease, and generally maintain the reproposed average lead contents for the leaded grades of gasoline.

The Administrator's judgment is that the promulgated reduction schedule is reasonable from the standpoint of protection of health and from the standpoint of economic and technological feasibility. While implementation of this schedule is reducing lead content of gasoline, a joint effort will be made by the Agency and the Department of Health, Education and Welfare to further examine lead emissions from automobile exhausts, to determine whether additional regulation is necessary.

Statutory basis. Section 211(c)(1) of the Clean Air Act authorizes EPA to "control or prohibit the manufacture, introduction into commerce, offering for sale, or sale of any fuel or fuel additive for use in a motor vehicle or motor vehicle engine * * * if any emission products of such fuel or fuel additive will endanger the public health or welfare". The scheduled reduction in the use of lead additives in gasoline to achieve a significant reduction in lead emissions from motor vehicles by 1978 is based on the finding that lead particle emissions from motor vehicles present a significant risk of harm to the health of urban populations, particularly to the health of city children. It is the Administrator's view that the statutory language quoted above does not require a determination that automobile emissions alone create the endangerment on which controls may be based. Rather, the Administrator believes that in providing this authority, the Congress was aware that the public's exposure to harmful substances results from a number of sources which may have varying degrees of susceptibility to control.

Health implications of airborne lead—Introduction. The issue concerning the contribution of automobile lead exhausts to the country's lead exposure problem is complex and controversial. In order to complete a fair assessment of this problem, EPA has made a concentrated effort to obtain and review all the medical and scientific evidence. The Agency has repeatedly requested information and comments from the medical and scientific communities as well as the general public. Since the reproposal of the regulations, information gathered through the comment period on the reproposed regulations, earlier comment periods on the originally proposed regulations, and surveys of relevant studies by EPA personnel have been thoroughly reviewed and evaluated by a task force of EPA medical experts and scientists. A paper entitled "EPA's Position on the Health Implications of Airborne Lead" sets forth in detail the Agency's evaluation that there is a health basis for reducing the use of lead in gasoline. A copy of this paper is available from the Publications Section, Environmental Protection Agency, 401 M Street SW, Room 238W, Washington, D.C. 20460.

General summary of health issue. Environmental lead exposure is a major health problem in this country. A small but significant portion of the urban adult population and up to 25 percent of children in urban areas are over-exposed to lead. The lead exposure problem is caused by a combination of sources including food, water, air, leaded paint, and dust. The aggregate contribution of lead from all these sources poses a significant threat to health. However, it is extremely difficult to determine what percentage of the problem each separate environmental factor contributes. Since these are additive sources whose importance varies considerably among individuals it is likewise difficult to determine what impact would be achieved by partial or total reduction of lead from any source. Should the lead in all sources be reduced, however, it seems clear that the situation would be substantially improved. Leaded gasoline is a source of air and dust lead which can be readily and significantly reduced in comparison to these other sources. It is also one of the few lead sources not yet subject to any controls other than EPA's lead-free gasoline regulations.

Lead from gasoline accounts for approximately 90 percent of airborne lead, total lead additive usage being well over 200,000 tons a year. Lead from stationary sources and deteriorating leaded paint from buildings, combined with lead from gasoline cause high lead levels in dirt and dust. Of these sources, lead from gasoline is the most ubiquitous source of lead found in both the air and the dirt and dust in urban areas. Human exposure to this lead takes place by in-

halation and by ingestion of dirt and dust contaminated by air lead fallout. Since exposure to lead among the general population is widespread, it is reasonable that efforts be made to reduce preventable sources of lead exposure including lead emissions resulting from lead in gasoline.

Many of those disagreeing with the reproposed regulations based their comments on EPA's failure to show sufficient evidence of adverse health effects specifically caused by the use of lead additives in gasoline. While most agree that the combustion of leaded gasoline causes an increase in the amount of lead in the environment, they do not believe that lead in gasoline represents a sufficient endangerment to health or a sufficient risk to the environment to warrant promulgation of controls. The arguments against the position set forth in EPA's reproposed regulations include the following: (1) EPA has failed to show a clear correlation between lead levels in the air and those in the blood of exposed individuals; (2) lead from dust and dirt does not represent a significant threat to body burden of lead; (3) leaded paint is the primary cause of childhood lead poisoning and lead in gasoline does not play an important role in lead poisoning or excessive lead exposure; (4) lead in food and water and not airborne lead are the principal sources of lead to the general population.

A discussion of the four major areas of criticism and a summary of the significant new information received since the regulations were reproposed are provided below.

I. *Is there a correlation between air lead levels and blood lead levels?* A portion of the comments received were critical of EPA's reproposed regulation on the basis that consistently strong correlations have not been found between air lead and blood lead levels. The conclusion expressed by many comments is that except for persons whose occupations bring them in close contact with environmental lead, exposure to airborne lead does not contribute to increased blood lead levels and does not pose a significant threat to health.

These comments cite several studies which did not demonstrate a strong correlation between air lead and blood lead levels. For example, The Seven Cities Study did not show a close correlation between increase in blood lead levels and simultaneous increases in air lead exposures. Blood lead levels were lower among the New York City residents studies than the Philadelphia residents, despite the fact that air lead exposures among the New York residents were actually greater than those in Philadelphia. Also cited as evidence against EPA's position is the observation that despite significant increases in the use of lead in gasoline in recent years there have been no discernible increases in blood lead levels of populations so exposed.

Residential differences in blood leads levels have also not always corresponded to differences in air lead exposures. For example, studies of primitive populations, as well as studies of rural U.S. populations, have shown that the blood lead levels in some of these groups are as high or higher than those of persons living in industrial areas, even though the air lead levels in those rural areas should have been much lower. A comparison between London day and night taxi drivers has also shown no significant differences in blood lead levels but did find differences in exposure to carbon monoxide suggesting that despite the possibility that air lead exposure in the day may have been higher than at night, this was not reflected in blood lead increases. However, differences in smoking intensity, as well as actual differences in air lead exposure between groups, could explain these results and neither were measured.

In summary, a number of comments have criticized EPA's position on the basis that there is not a good correlation between air lead exposure and blood lead levels.

The Agency has weighed against these criticisms studies which have shown that airborne lead does contribute significantly to lead exposure in the general population. For example, using a pilot lead isotope approach, preliminary data show that airborne lead at 2 $\mu g/m^3$ can contribute as much as ⅓ to total lead exposure in man. This result is consistent with data concerning the deposition of lead particles in the pulmonary tract and the absorption of such particles into the blood stream.

An unpublished study in Japan similar to the Seven Cities Study, but which has not yet been completely analyzed, has preliminarily demonstrated that airborne lead exposures below 2 $\mu g/m^3$ affect blood lead levels.

Chamber studies in carefully controlled environments, have shown significant increases in blood lead of men exposed to air lead slightly greater than 3 $\mu g/m^3$.

Differences in the blood lead levels between urban and suburban residents in the same geographic area have been found. When comparable groups with similar lead intakes from other sources besides air were studied, blood leads were consistently higher in urban areas and near highways where air lead concentrations were greatest. Thus while correlations between blood leads and air lead at lower exposure levels are not always good, the evidence indicates that air lead does contribute to general population lead exposure.

Failure to find consistent correlations does not in the Administrator's judgement invalidate the above conclusions. Studies which have come to contrary conclusions have generally failed to take into account the influence of other sources of lead on blood lead levels in people being studied. In the Seven Cities Study, for example, these other sources of lead influencing blood lead levels were not adequately considered in the blood lead-air lead comparisons. EPA has reanalyzed the Seven Cities Study and has found that air lead was a significant, though not the most influential factor affecting blood lead levels. Further, in the Seven Cities Study, urban-suburban differences in blood leads between comparable groups were consistently found which at least in part reflect differences in air lead exposure.

In summary, absorption of air lead does contribute to total lead exposure and when added to lead from other sources such as food and water results in total exposure that is excessive. Thus, the partial removal of lead from the air will help to reduce the degree of excess lead exposure which currently exists among adults and children in the United States.

II. *Does dust lead contribute to lead poisoning in children?* Many comments received by the Agency express the viewpoint that the primary cause of lead poisoning in children is ingestion of lead-based peeling paint. Investigations of cases of clinical lead poisoning in children have repeatedly demonstrated peeling leaded paint as the major source of exposure. Since peeling leaded paint has consistently been observed in the environment of lead poisoned children, many commentors thought it unlikely that lead in dust and dirt could make a significant contribution to this problem. They also point out that lead in dust could be caused by peeling or erosion of leaded paint in or near a home.

One commentor cites X-ray studies of the abdomen among children with lead-poisoning as showing paint chips in the majority of instances. Another argues that differences in blood lead levels between Black and Puerto Rican children could not be explained by exposure to different quantities of lead in dust. Further, studies have shown that animals do not absorb lead from dust as readily as they absorb lead from paint.

Commentors have criticized the Agency for considering that the El Paso Study supports the dustfall hypothesis related to lead in gasoline. In the El Paso Study, children living near a leadsmelter were examined for blood lead levels and for sources of lead in their environment. These results showed that children living nearest the smelter had the highest blood lead levels and that dust lead was a probable major cause. Many commentators, however, considered the El Paso Study applicable only to stationary lead sources and not to lead in gasoline which is different in particle size and chemical composition from smelter-emitted lead.

EPA recognizes the importance of leaded paint as a source of lead exposure for children and that it is the primary cause of clinical lead poisoning. However, based on the evidence available to it, EPA does not believe that leaded paint is the only significant source of lead contributing to excessive lead exposures in children. The Agency's position is that numerous sources contribute to childhood exposure including lead in food, water, air, dust, and dirt as well as paint. Among these sources, contaminated dust and dirt from motor vehicles exhausts are believed to be important exposure routes.

Currently, the contention that lead contamination of dust and dirt by automotive emissions is a significant source of lead exposure is a hypothesis consistent with information provided by a vari-

ety of studies. However, at this time, not all links in the argument have been established beyond dispute and no single study has collectively inter-related all steps in the exposure process to conclusively inter-related all steps in the exposure process to conclusively prove or disprove the hypothesis. Despite the existing uncertainties, comments received from the majority of scientists not affiliated with industrial or environmental groups support the contention that dust is an important source of exposure. This is based on the following evidence:

A. Environmental sampling in a number of cities has demonstrated the ubiquitous presence of lead contaminated dust in urban areas. These measurements were taken inside and outside of buildings including homes and schools. Dust lead measurements outside homes commonly ranged from 0.1 to 0.5 percent lead by weight. Measurements well in excess of 0.5 percent have also been recorded. Inside homes, samples were found to contain lead contents ranging from 0.05 to 0.2 percent and in some instances as high as 0.5 percent. Current Federal regulations have already established that lead concentrations in paint in excess of 0.5 percent represent a definite hazard to children and serious consideration is being given to reducing the allowable level to 0.06 percent. In testimony before the United States Senate, Dr. Merlin DuVal, at the time Assistant Secretary for Health and Scientific Affairs at HEW, commented on an appropriate safe level for lead in paint:

> Based on information now available to us, we are satisfied that it is technologically feasible, and desirable from a health viewpoint to move toward the .06 percent standard recommended by the American Academy of Pediatrics.

B. As was stated above, high lead concentrations in dust are prevalent in urban areas. It is not clear in all instances, which sources are contributing most to this contamination. Comments received by the agency point out that high lead levels in some cases may be caused by the chipping or peeling of leaded paint from interior and exterior surfaces. EPA agrees that this is true. In other cases, the lead dust content is clearly the result of lead emission from stationary sources such as smelters. However, EPA believes an important and the most ubiquitous source of lead in dust is the exhaust of automobiles using leaded gasoline. Annually, over 200,000 tons of lead are used as additives in gasoline. The vast majority of this lead is emitted into the environment. Although significant amounts of lead remain airborne for extended periods of time, evidence indicates that a large quantity of the exhaust lead rapidly settles to the ground within several hundred feet of the source. Measurements of lead in dust and soil further indicate that lead content decreases with increased distance from the roadway. It has also been found that dust lead levels in homes near heavily traveled roadways are significantly higher than in comparable homes located along side streets. It should be noted that the majority of studies reporting high levels of lead in dust and dirt did not associate sources of peeling leaded paint or stationary lead sources with the lead dust measurements. Accordingly, the Agency believes that in most circumstances lead from automobile exhaust is the primary source of lead in dust and soil in urban areas.

C. The general environment of urban children commonly includes dirt and dust contaminated with lead. A large percentage of children, especially between the ages of one and three years, are known to ingest non-food objects in their mouths. It has been demonstrated that children living in high dust lead environments have greater quantities of lead on their hands than children living in less contaminated environments. The existence of leaded dust on the hands of urban children has been highlighted by the common occurrence of inadvertent lead contamination of finger prick blood lead specimens taken from these children.

D. Children who ingest leaded dust and dirt can be expected to absorb some of the lead into their bodies. Though it is difficult to determine the precise amount of lead that would be absorbed, animal experiments suggest that appreciable quantities of this lead, whether from smelters, paint or gasoline exhaust, are absorbed. Further, it has also been shown that at least some children residing in environments heavily contaminated by leaded dust and dirt absorb enough to suffer from subclinical and even clinical effects of lead overexposure. This was particularly true in the case of El Paso, mentioned above. Though the lead source was a smelter, animal studies indicate that lead in dust due to leaded gasoline would be absorbed in quantities comparable to that emitted by the smelter. Another study from Charleston, South Carolina indicates that children residing in homes near high soil lead concentrations had a greater frequency of lead poisoning than children residing in less contaminated areas. This study suggests that lead from soil was absorbed, although it is not clear what sources were primarily responsible for those high soil lead levels. It should be further noted that instances such as those above, coupled with known high levels of lead in dirt and dust, indicate that children could easily ingest enough lead by this route to be significant.

E. Various studies indicate that cases of lead poisoning and significant overexposure are not always associated with urban home environments in which sources of peeling or chipping leaded paint were observed. These studies include children residing primarily in inner city areas. Admittedly children may be exposed to peeling or chipping leaded paint in environments away from their own homes. However, since several recent studies indicate that up to 50 percent of children with excessive lead exposure are known to not reside in homes where peeling lead based paint can be found, it is unlikely that peeling paint exposure away from the homes accounts totally for this difference. Furthermore, extension of blood lead screening programs outside of slum areas indicates that the lead exposure problem is found in children residing in higher income areas where peeling paint is not frequent and exposure to this source away from the home is less likely. In conjunction with these findings, residence near roadways have been found to contain higher quantities of lead than those measured away from the road. Findings such as these indicate that in some circumstances dust lead is an important factor and at times may be the primary factor contributing to excessive lead exposure associated with subclinical if not clinical effects.

F. Clinical symptoms resulting from very high lead exposure in children are known to be associated with permanent neurologic damage. It has also long been suspected, but not proven beyond doubt, that lead exposures below those sufficient to cause clinical symptoms in children are also harmful. In particular it has been observed that physiologically significant biochemical changes occur in children with excessive exposures below clinical toxicity and it has been proposed that these changes are reflective of subclinical changes that precede overt disease. Recently available scientific information, though far from completely resolving this issue, supports the view that adverse effects due to lead in children are not confined only to situations in which overt clinical symptoms of lead poisoning occur. Included in these findings are increased subtle neurological impairments among children more highly exposed to lead below levels known to cause clinical disease.

III. *Will a reduction of lead in gasoline reduce the incidence of clinical lead poisoning in children?* Ingestion of peeling paint has long been recognized as the primary cause of clinical lead poisoning in children. This position has been expressed in many comments received by the Agency including those from several noted authorities in the field of lead poisoning. For this reason, numerous comments have questioned the need to reduce lead in gasoline on the basis that this action would have little if any impact on reducing the incidence of clinical lead poisoning in children.

While EPA recognizes the importance of leaded paint as a source of lead for children and has supported governmental efforts to reduce this risk, the findings of several studies suggest that lead poisoning can develop in the absence of significant sources of leaded paint. Though this possibility does not affirm that reducing lead in gasoline will reduce the incidence of lead poisoning in children it indicates that lead in gasoline may, in conjunction with other nonpaint sources, contribute to the development of lead poisoning. Whatever the impact this reduction may have upon clinical lead poisoning, the action will significantly reduce lead exposure among children.

EPA is also concerned about the probability that children exposed to lead at

levels below those associated with clinical poisoning are also being adversely affected. Several effects identified as subclinical lead effects include impairment of fine motor functions, and altered behavior.

It is noteworthy that in a significantly large percentage of excessive lead exposure cases (up to 50 percent in some instances) peeling lead based paint in the home cannot be identified as a source of the exposure. Thus, while leaded paint is recognized as the major cause of childhood lead poisoning, it is not clear that leaded paint is singly responsible for the large degree of excess childhood lead exposure in this country.

IV. *Excess lead exposure among the general population could result from a combination of lead sources, not one of which by itself is sufficient to be a problem. Under these circumstances, would it not be preferable to formulate a control strategy based upon reducing lead levels among those sources that contribute the most to this total exposure?* It is generally agreed that food is the major source of lead to the general population. A World Health Organization expert committee reports that according to the results of total diet studies in industrialized countries, the total intake of lead from food generally ranges from 200–300 ug per person per day. WHO further states that based upon available data, these levels are similar to those found in the past 30–40 years and that no upward trend in lead levels in food is evident.

This information suggests that the level of lead in food has remained relatively constant in recent times. Though lead in food would certainly contribute to total lead exposure for the general population, lead in food is probably not the source that is most readily reduced in the event that total exposure to lead is excessive. According to WHO, "Any increase in the amount of lead derived from drinking water or inhaled from the atmosphere will reduce the amount that can be tolerated in food. The lead in air is probably the contribution that is most accessible to action for reducing the total body burden of lead, especially where this fraction is large compared with that absorbed from food."

V. *What new information has become available since reproposal of the regulation and as a result of the additional comment period?* The majority of comments addressed the evidence presented by EPA in support of its proposed regulation and did not introduce new evidence. The number of comments received were approximately evenly divided between those in favor and those against. The bulk of comments critical of EPA's health position was submitted by industry or industry affiliated scientists. Independent scientists who commented, not affiliated directly with the industry or environmental groups, were in favor of the regulation by approximately 2/1. Most favorable comments, though often from scientists knowledgeable in the field of lead, provided testimonial support rather than new evidence. Most new data that either was presented in comments or which subsequently became available to EPA does support the need to reduce lead emissions from automobiles. Among these latest data are the following:

(1) Studies of subclinical lead effects in children continue to suggest that fine motor function and behavior are affected. Though this issue is not completely resolved, the new data emphasize the potential subclinical risk.

(2) It has been reaffirmed that high dust lead levels, up to 1% lead content, have been found in children's play areas, inside schools and in homes.

(3) New evidence reaffirms that high dust lead levels can be caused by leaded gasoline. A recent study in Rochester, New York, demonstrates that high dust lead levels in homes are not always associated with peeling paint and that house dust lead levels are higher in urban than suburban homes. A study in Vermont has shown that higher concentrations of lead in house dust are found in homes located near busy roads compared to homes on sidestreets. This latter point is consistent with the previously known fact that air lead fallout decreases with increased distance from roadways. A study by EPA in New York City indicates that higher household dust and soil lead levels are found in areas with greater dust lead fallout from the air as compared to areas with little lead fallout.

(4) Young children living in homes with high dust lead contents have been found to have more lead on their hands than children in homes with low dust lead content. This finding provides an important link in the dust fall lead hypothesis. The finding is consistent with observations that finger prick blood-lead specimen taken from children are routinely contaminated by lead that is present on the fingers.

(5) Studies continue to indicate that a high degree of exposure to environmental lead is not confined to inner city areas. Cases of over-exposure continue to be reported from areas in which leaded paint would not be expected to be the predominant factor.

(6) Studies from Newark, New Jersey, observed that the frequency of lead poisoning and undue lead exposure is doubled among childern living close to major roadways compared to children living farther away.

Other means of achieving lead reductions. Before prescribing regulations based on public health consideration, the Administrator must consider "other technological or economically feasible means of achieving emission standards under section 202." Thus, if EPA determined that a reduction of lead emissions from motor vehicles is necessary for protection of public health or welfare, the feasibility of achieving such a reduction under section 202 (new motor vehicle emission standards) must be considered.

The primary alternative to the use of lead additive regulations to achieve reduction in lead emissions would be to impose a lead emissions standard which would result in the installation of "lead-traps" on motor vehicles. The possibilities of incorporating this alternative, however, are limited by the existing legal and technical realities.

EPA does have the authority to impose a lead emissions standard on new vehicles which would result in the use of lead traps. The earliest that such a regulation could be imposed, however, would be the 1976 model year. Most motor vehicle manufacturers are expected to use lead sensitive emissions control systems to meet the Federal emissions standards which are applicable to new vehicles in 1976. Lead traps cannot adequately protect these systems because they are not capable of trapping all of the lead emitted. Lead-free gasoline will be required in most new vehicles based on the information now before the Agency. See Aerospace Report, PB–205–981, available from National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22151. Accordingly, the use of lead traps is relevant principally with regard to in-use vehicles. EPA realizes that lead-tolerant emission control systems may be used on a progressively greater number of new vehicles in the future. However, many of the new technology lead tolerant control systems are expected to operate on low octane gasoline which may not require lead additives. Nevertheless, the Agency is continuing to study the feasibility of using lead traps on new vehicles in the future.

The Clean Air Act does not authorize EPA to establish national emission standards on in-use vehicles. Since lead traps cannot be used successfully on the vast majority of new vehicles and the Agency is legally incapable of requiring them on all in-use vehicles, the use of lead traps is really not a feasible alternative at this time in the Administrator's judgment.

Despite the legal authority obstacle EPA has examined the technological capabilities and costs of lead traps and has determined the regulation of lead additive use is the preferable method of controlling lead emissions.

Other emissions. Concern has been expressed that the control of lead additives may result in the use of other gasoline components or additives which may also have an adverse impact on health. EPA has evaluated the potential use of other additives or greater percentages of certain gasoline components in conjunction with the lower lead levels. This evaluation has been performed in recognition of the Agency's responsibility to assess the environmental consequences of its actions. (See Judge Leventhal's opinion in Portland Cement V. Ruckelshaus, 5 ERC 1593, 1599, U.S. App. D.C. (1973).)

Lead additives are used as efficient octane boosters in gasoline. If the use of lead is restricted, the refiner must use greater quantities of blending stocks with high aromatic hydrocarbon concentrations, or substitute anti-knock additives, to increase gasoline octane levels. Consequently, the Administrator has considered the effects of increased aromatic hydrocarbon content of gasoline or the use of manganese additives on emis-

sions from the general motor vehicle population and the effects of these emissions on health. EPA has also considered the impact of the regulations on particulate emissions.

A. *Impact due to increased use of aromatics.* The implementation of the promulgated and reproposed lead regulations is projected to result in a 5 to 7 percent increase in the average aromatics content of gasoline. Concern has been expressed that this increase will cause a complementary increase in the reactivity of automobile exhaust and in the quantity of polynuclear aromatic emissions from the motor vehicle population. EPA has determined that neither the reactivity of automobile exhaust or the emissions of polynuclear aromatics will increase above current levels due to the lead regulations.

Emissions reactivity. Gasoline is composed of three general types of hydrocarbon: aromatics, olefins, and paraffins. Aromatics and olefins are highly reactive and facilitate the formation of photochemical smog. Assuming no hydrocarbon emission controls, aromatics emissions are linearly related to the aromatic content of gasoline. Olefin emissions are directly related to the olefin and paraffin content of gasoline. An increase in the aromatic content of gasoline is accompanied by a decrease in the paraffin and olefin content. Consequently, reactive aromatic emissions increases resulting from an increase in the aromatic content of gasoline are generally offset by a decrease in the reactive olefin emissions due to a complementary reduction in the olefin and paraffin content of the specified gasoline. Accordingly, the increase in the aromatics content in gasoline will not have a significant impact on automobile emissions reactivity.

The lack of increase in exhaust reactivity due to increased use of aromatics has been verified in smog chamber studies completed by the Bureau of Mines as well as EPA. It should also be noted that aromatic emissions from the automobile population will continue to decrease as vehicles with increasingly stringent hydrocarbon emission control systems replace older uncontrolled vehicles on the road.

A detailed analysis estimating exhaust reactivity and the effect of the EPA fuel regulations has been conducted and reported by Dr. A. P. Altshuller in "Effects of Reduced Use of Lead in Gasoline on Vehicle Emissions and Photochemical Reactivity," February, 1972. This paper is available from the Environmental Protection Agency's Office of Public Affairs, Publications Section, Room 238 W, 401 M Street, SW., Washington, D.C. 20460.

Polynuclear aromatic emissions. Polynuclear aromatic hydrocarbons (PNA) are carcinogenic and are primarily caused by hydrocarbon emissions from stationary sources such as petroleum refineries and coke ovens. Currently automobile emissions account for less than 2 percent of total PNA emissions.

Polynuclear aromatic emissions from the general automobile population have been steadily declining since the introduction of hydrocarbon emission controls in 1968. Due to the continued attrition of older uncontrolled vehicles from the road and the introduction of new vehicles with stringent hydrocarbon controls, PNA emissions should be reduced by more than 75 percent from current levels by 1980. This assumes the implementation of both the promulgated lead-free and reproposed low-lead regulations will have a very slight impact on the rate of decrease in PNA emissions. According to a recent EPA analysis, PNA emissions will be reduced by 78 percent by 1980 assuming the implementation of the 1976 hydrocarbon emission standards. If the lead regulations are implemented, PNA emissions will decrease by 76 percent. (An analysis of this problem is contained in a paper entitled "Lead in Gasoline, Impact of Removal on Current and Future Automotive Emissions".) EPA concludes that the current use of lead additives endangers the public health to a greater degree than this difference of 2 percent in the rate of decrease of PNA emissions.

This relative endangerment judgment is based upon the following line of reasoning. Lead additive emissions from automobiles have been determined to pose a sufficient endangerment to health to warrant regulatory action. Mobile sources contribute less than 2 percent of the total polynuclear aromatics emissions. Implementation of the Federal emission standards without the lead additive emissions will result in an approximately 78 percent decrease in polynuclear aromatic emissions from current levels of automobile emissions. Implementation of the lead regulations will slow the rate of emissions decrease by about 2 percent. Assuming automobiles account for the same relative contribution of aromatics in 1980, implementation of the emission standards with the regulations as compared to without the regulations would only cause a 0.04 percent difference in reduction rate in total PNA emissions. In view of the continual decline in PNA emissions and any associated health risk, from stationary sources through particulate controls and from mobile sources through hydrocarbon controls, the health implication of the slight difference in PNA emissions due to the lead regulations is considered negligible.

Although the indication is that the lead regulations will not produce an aromatics or a PNA emission problem, EPA nevertheless has the authority to regulate the aromatic content of gasoline should such action become necessary.

B. *Particulate emissions from unleaded fuel.* Exhaust particulate resulting from the use of leaded and lead-free gasoline has been extensively examined. The examination concluded that since lead additives account for a major portion of exhaust particulates, the use of fuel without lead additives substantially decreases particulates emissions. This conclusion is true for vehicles equipped with emission control devices as well as uncontrolled automobiles.

C. *Use of substitute anti-knock additives.* Various anti-knock additives have been developed, but as is explained in the paper, "Lead in Gasoline" referred to above, the effectiveness of almost all of these additives is severely limited. Manganese is the only fuel additive besides lead which is now recognized as being a cost effective octane booster. While manganese additives are not currently in widespread use in gasoline, manganese may be used as a partial replacement for lead in gasoline. EPA has been examining the impact the use of manganese additives might have on control devices and on the public health.

One automobile manufacturer has recently completed tests using fuel containing 0.25 grams per gallon manganese in vehicles equipped with catalytic emission control systems. While no chemical poisoning was observed, a very high back pressure developed after several thousand miles. This back pressure was due to manganese oxides plugging the catalyst. Apparently, manganese oxides, unlike lead halides, are nonvolatile and physically destroy catalyst functioning by plugging. The 0.25 grams per gallon manganese is above the levels that would be used in fuel by only a factor of two. Accordingly, the plugging problem would eventually occur if manganese is used in lead-free gasoline. Furthermore, deterioration of catalyst performance would occur soon after an individual began using gasoline containing manganese additives. At the present time, the auto manufacturers have not requested that manganese additives be controlled. This may reflect the industry's expectation that manganese additives will not be used in lead-free gasoline. If it is used, EPA would have to consider regulating manganese additives under the authority of section 211(c)(1)(B) of the Clean Air Act.

Occupational experience indicates that airborne manganese at sufficiently high levels of exposure can cause damage to the central nervous system with symptoms similar to that in Parkinson's disease, and can cause manganese pneumonia. Available evidence indicates that dosages required to produce these adverse effects are several orders of magnitude above those that would be present in the ambient air as a result of even the widespread use of manganese as a gasoline additive. Thus, while there presently appears to be a reasonable margin of safety with use of manganese in gasoline, the health implications of this use require continued study. An EPA position paper on manganese is currently being prepared which will be available in the near future. This document will be based upon a comprehensive review of the information available on manganese directed by the National Academy of Sciences.

If regulation of manganese in gasoline for health reasons is found to be necessary, EPA has authority to do so under the Clean Air Act. Though the Agency does not currently have enough evidence to definitely say that manganese in gasoline would pose a threat to health, EPA would not favor the use of manganese in

gasoline until additional studies are completed. However, at this time, the use of manganese additives is judged not to pose as significant a risk to health as that from lead additives.

Cost and energy impacts. Recently EPA has worked with Bonner and Moore Associates to complete a study based on updated information of the impacts associated with the reproposed leaded grade regulations. This study separates the various costs according to two assumptions concerning the portions of the vehicle population which will use lead-free gasolines. The first case assumed all motor vehicles manufactured after 1975 will be equipped with lead sensitive catalytic emission control systems and will thus need lead-free gasoline. The second case assumed an ever increasing portion of the vehicles produced during model years after 1975 will be equipped with emission control systems capable of tolerating leaded gasoline. The second case assumed that by the 1985 model year, all new vehicles will have emissions control systems which can tolerate lead.

Based on this new data, EPA has calculated the annual consumer costs attributable to the low-lead regulations. This calculation includes the increased costs of raw stocks, as well as operating and production costs at the refinery. During 1980, capital investment in the refinery industry is predicted to be roughly $1.5 billion. The low-lead regulation will force the industry to invest an additional $82 million. If a lead-tolerant technology is gradually phased in and thus more leaded gasoline is used, the incremental investment impact of the low-lead regulation will be $113 million. This figure will increase the cost of producing gasoline by less than .1¢ per gallon.

Recently, much concern has been expressed about the potential impact lead regulations would have on the nation's crude oil supply. The low-lead regulations will not go into effect until 1975 and will have a minimal impact on crude oil requirements during this decade. Modeling studies completed by Bonner and Moore Associates demonstrated no positive impact in either 1975 or 1977 on crude usage. If it is assumed that additional leaded gasoline is required to fuel new vehicles equipped with lead tolerant emission control systems which might be partially phased in between 1976 and the end of the decade the impact represents less than a .4 percent increase in crude usage by 1980. If one assumes catalysts are used on all future model vehicles and consequently the quantity of leaded gasoline produced continues to decline, the low-lead regulations never have a significant impact on crude requirements.

It is instructive to compare these numbers with the energy impact of air conditioners in automobiles. Air conditioners have been estimated to have a 13 percent impact on fuel economy. In 1980 if 75 percent of the automobiles are equipped with air conditioners, the impact on crude oil requirements will be approximately 800 thousand barrels per day or roughly 4.4 percent of the nation's needs.

Averaging strategy. The lead regulations proposed on January 10, 1973, would permit each refinery (not company) to average its lead usage over quarterly production of leaded gasoline so long as the average lead content per gallon did not exceed the applicable standard. Leaded pool averaging was proposed for comment based upon the determination that this approach afforded optimum refining flexibility consistent with attainment of the Agency's goal of 60–65 percent reduction in lead usage.

In light of additional information and views received during the comment period, EPA has reviewed the merits of two alternatives to leaded pool averaging. These are (1) a system of total pool averaging, permitting a refinery to average its lead usage over all grades of gasoline produced including the unleaded grade, and (2) permitting each refinery a choice between leaded pool averaging and total pool averaging. Analysis of the impacts and practicalities of the alternative averaging approaches has led EPA to conclude that total pool averaging should be adopted.

Comparing the effects of leaded pool averaging and total pool averaging shows that refiners who market two grades of gasoline, one leaded and one unleaded grade, are significantly penalized by leaded pool averaging. Because two grade marketers are unable to count production of unleaded gasoline in computing the average, a leaded pool standard exerts pressure to market three grades of gasoline, including two leaded grades, to maximize allowable lead usage. Leaded pool averaging similarly tends to penalize three grade marketers who produce more than the industry average proportion of unleaded gasoline. It benefits refiners who produce little or no unleaded gasoline.

Total pool averaging is not expected to induce three-grade marketers to opt for two grades, but does not tend to discourage production of unleaded gasoline. A total pool standard permits each refiner to use the same amount of lead for equivalent gasoline production and is more neutral in its effect upon industry marketing decisions.

The alternative of allowing each refinery a choice between leaded pool and total pool averaging would permit each refinery to choose the system that maximizes lead usage. The price of this flexibility is that lead reduction goals would not be achieved. It is not possible under an option system to predict what reductions in lead usage would be achieved under the regulations. The reductions achievable under an option system would depend on the mix of leaded and unleaded gasoline sales, the sales volumes, and the marketing plans of all gasoline refiners. The option alternative does not permit reasonable estimates of the reductions in lead usage attainable under any given pair of standards.

A majority of the refiners who commented on the regulations recommended that total pool averaging be adopted. The Administrator finds that total pool averaging is in fact the fairest workable mechanism for accomplishing the necessary reduction in lead usage.

Computation of total pool standard. The promulgation of a total pool average standard requires that the reproposed leaded pool standard be adjusted to take account of projected sales of all gasoline. The method of computation is to multiply the numerical leaded pool standard by the percentage of leaded gasoline sales estimated for the particular year. For example, 2 grams per gallon × the percentage of 1975 sales of leaded gasoline= the total pool standard for 1975.

Future sales of unleaded and leaded gasoline cannot be predicted with complete assurance. Actual sales of unleaded gasoline will depend upon the number of vehicles requiring it to meet emission standards, the extent to which owners of vehicles not requiring unleaded gasoline will buy it, and the projected miles driven and fuel consumption of vehicles in the various model year classes.

A study entitled "Alternative Proposals for the Regulation of Lead Additives in Gasoline" prepared for EPA by the firm of Turner, Mason, and Solomon in June, 1972, sets forth estimates based on different assumptions affecting sales of leaded and unleaded gasoline. The estimates selected by EPA as most consistent with present trends in unleaded gasoline sales are provided in case I of the Turner, Mason and Solomon Report. Case I assumes no extension of the 1975 standards, eliminating the need for unleaded gasoline, but that owners of pre-1975 model year motor vehicles will purchase little or no unleaded gasoline.

EPA recognizes that the assumption that owners of pre-1975 vehicles will purchase little or no unleaded gasoline results in conservative estimates of unleaded gasoline sales, but this assumption is offset by the fact that not all 1975 vehicles will require unleaded gasoline.

Using the Case I estimates of future sales of leaded and unleaded gasoline, the conversion of the proposed leaded pool standard to a total pool standard is as follows:

Year	Leaded pool std.	Percent of sales unleaded	Total pool std.
1975	2.0	82.2/17.8	1.644=1.6
1976	1.7	69.8/30.2	1.186=1.2
1977	1.5	59.5/40.5	.89 = .9
1978	1.25	50.9/49.1	.63 = .6
1979	1.25	43.6/56.7	.54 = .5

The promulgated reduction schedule is derived from the table above, but the schedule has been adjusted to moderate the economic and technological impacts of the regulations during the period over which the reductions would be accomplished. To achieve the targeted 60–65% reduction in lead usage requires that the schedule be extended to include 1979. The total pool standard corresponding to the proposed leaded pool standard for 1979 is .5 gram per gallon. As stated above, the schedule promulgated is as follows:

January 1, 1975	1.7 grams per gallon.
January 1, 1976	1.4 grams per gallon.
January 1, 1977	1.0 grams per gallon.
January 1, 1978	.8 grams per gallon.
January 1, 1979	.5 grams per gallon.

This reduction schedule will achieve the 60–65 percent reduction in lead usage and emissions as planned and will also assure that industry's lead usage under total pool standards is approximately the same as the lead usage projected under the leaded pool standards previously proposed.

The standard will have to be evaluated in 1978 to determine what further reductions in the lead standard, if any, are necessary to maintain lead emissions at the desired level. Presumably no further reductions will be required if unleaded gasoline remains the fuel required for new motor vehicles. If unleaded gasoline is no longer required for new vehicles, the 1978 standard will be reexamined in light of increasing gasoline demand.

Combining refineries for purposes of averaging. Two refiners have requested that the regulations be changed to authorize EPA to approve combinations of refineries for purposes of computing the average instead of requiring averaging at each refinery. This approval would be requested to enable a company to concentrate production of leaded or unleaded gasoline at particular refineries.

EPA proposed averaging at each refinery instead of each company in order to mitigate any regional variation in lead emissions due to averaging. Regional variation could result from the mix of gasoline grades sold in a particular market if a company used its lead allotment mainly in one grade or from a company's decision to produce high-lead gasoline at an old southeast refinery and low-lead gasoline at a newer west coast facility, each serving different markets. Requiring lead levels to be moderated at each source is a reasonable effective means of minimizing variation in the area where the gasoline is actually sold.

Although one company has suggested that the location of the refineries in a particular EPA region might serve as a basis for approving combinations, this criterion does not provide assurance that the areas served by those refineries and other refineries would not be subject to variation in lead emissions. There is no necessary correlation between the location of the refineries and their service areas. The Administrator has concluded that there are no workable criteria for assessing the impact of combinations for purposes of averaging and that the refiners' desire for added flexibility in lead usage cannot be accommodated without compromising the objective of minimal variation in reduction in lead emissions in all parts of the country.

Averaging period. Many refiners requested an annual or semiannual averaging period instead of the quarterly period proposed. A longer averaging period would accommodate seasonal variations in lead usage. Because high volatility, high octane blending stocks are used in the winter season to facilitate cold starts, less lead is needed in winter blends. The refiners would like to be free to put more lead in summer blends, and a longer averaging period would make this possible.

The summer season is also the period of maximum exposure to airborne and dustborne lead for both children and adults. For this reason, EPA is unable to agree to the change proposed in the averaging period.

Small refiners. The reproposed regulations provided for a one-year delay of the requirement to comply with the lead reduction schedule for small refiners, as defined in § 80.20(b), in recognition of special lead-time problems faced by this group. EPA has reviewed the lead-time requirements of the small business refiners with particular reference to the effect on lead-time, if any, of the change to a standard based on total pool averaging. The Agency recognizes that under the reproposed leaded pool standard, refiners producing little or no unleaded gasoline received the benefit of a higher average lead level per gallon of leaded gasoline. Some small refiners fall into this category, and would have been able to use more lead under a leaded pool standard taking account of production of unleaded gasoline by other refiners.

EPA's evaluation of the small refiners' situation has led to the conclusion that these refiners require additional lead-time for compliance beyond the one year deferment previously proposed. This appears to be the case regardless of the averaging strategy adopted. Industry and consultants' estimates of time required by small refiners to plan, finance, and construct upgraded refining facilities range from two to three years from the date of promulgation of final standards. Accordingly, the Administrator has determined that it is reasonable and necessary to defer the requirement for compliance by small refiners until January 1, 1977. On this date, small refiners are required to comply with the 1977 standard.

Review of lead reduction program. In the January 10, 1973, reproposal of the regulations, the Administrator stated his intention to reduce the lead content in gasoline as much as possible, giving consideration (a) to the degree of reduction achieved by introduction of unleaded gasoline and (b) evidence on the feasibility of reducing lead from other environmental sources. It is too early to state whether unleaded gasoline sales will expand steadily through the seventies. Studies of potential reduction in lead from other sources are in progress. Accordingly, the Administrator has determined that it would be premature to announce a decision on the need for further reductions in lead in gasoline. EPA will review progress under the regulation as well as additional studies every three years, beginning in 1977. This review will afford a firmer basis for a decision on whether further action is necessary to regulate lead in gasoline to protect public health and welfare.

Reporting by lead additive manufacturers. The January 10, 1973 reproposal included a requirement that lead additive manufacturers would report quarterly to the Administrator on their shipments of lead to each refinery. No comments were received on this proposal, which is promulgated below as proposed. The basis for the requirement—that it is determined to be necessary for verification of lead additive usage reports by refineries—has not changed.

Prevention of violations by refiners. As a complementary measure to the January 10, 1973 promulgation of a strict liability provision in § 80.23 applicable to refiners, the Agency on that date proposed a provision specifying that it is the refiner's duty to prevent violations of § 80.22(a). Two refiners and one petroleum trade association commented that practical and legal considerations made the regulation unreasonable, particularly as regards the requirement on permitting violations. One other refiner commented that if the requirement was to be adopted, it should provide for a showing by the refiner that he in fact did not cause or permit a given violation.

The issue of vicarious liability under § 80.23 is now in litigation and the Agency is engaged in negotiations with refiners which may lead to revision of the provision. Accordingly, no action is being taken on the proposed § 80.20(c), but it is not being withdrawn.

Control of lead under Title I. One commentator has contended that the Clean Air Act requires the Administrator to establish a national ambient air-quality standard for lead under Title I or, at least, to impose controls under § 211 that would achieve results which would be as protective of health on as expeditious a timetable as could have been achieved under Title I. The commentator, an environmental group, concludes that the reproposed lead reduction schedule would achieve "far less effective and timely results than action under Title I because the reproposed schedule is so weak," and petitioned EPA for the issuance of national ambient air quality standards for lead.

It is clear from Agency actions to date that the Administrator has chosen to regulate lead emissions under section 211 of the Act. No action on lead under Title I is currently planned.

It is the Administrator's judgment that he may regulate a substance under section 211 without necessarily tailoring his action to what could have been accomplished under sections 108, 109, and 110, since section 211 is a co-equal grant of regulatory authority. The determination whether to issue a criteria document for a substance and thereby set Title I actions in motion is discretionary with the Administrator. Section 108 expressly recognizes this, inasmuch as it required the Administrator to list for action under Title I only those air pollutants "for which air quality criteria had not been issued before the date of enactment of the Clean Air Amendments of 1970, but for which he plans to issue air quality criteria. (emphasis added) This falls considerably short of a statutory directive to issue criteria for lead.

and may be contrasted readily with the requirements of section 202(b) of the Act specifically identifying carbon monoxide, hydrocarbons, and oxides of nitrogen for regulatory action. While, as the commentator points out, language in the Senate Report on its version of the 1970 Clean Air Act amendments stated that the bill would require issuance of a criteria document for lead, this must be construed as only a statement of the Committee's preference, since no such requirement appeared either in the language of the Senate or the conferees' bill.

The regulations promulgated below shall be effective on January 7, 1973.

(42 U.S.C. 1857f–6c, 1857g(a))

Dated: November 28, 1973.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

Part 80 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 80.1, the second sentence is revised to read as follows:

§ 80.1 Scope.

* * * These regulations are based upon a determination by the Administrator that the emission product of a fuel or additive will endanger the public health, or will impair to a significant degree the performance of a motor vehicle emission control device in general use or which the Administrator finds has been developed to a point where in a reasonable time it would be in general use were such regulations promulgated; and certain other findings specified by the Act.

2. In § 80.2, a new paragraph (m) is added as follows:

§ 80.2 Definitions.

* * * * *

(m) "Lead additive manufacturer" means any person who produces a lead additive or sells a lead additive under his own name.

3. A new § 80.20 is added as follows:

§ 80.20 Controls applicable to gasoline refiners.

(a)(1) In the manufacture of gasoline at any refinery, no gasoline refiner shall exceed the average lead content per gallon specified below for each 3-month period (January through March, April through June, July through September, October through December):

(i) 1.7 grams of lead per gallon, after January 1, 1975;

(ii) 1.4 grams of lead per gallon, after January 1, 1976;

(iii) 1.0 grams of lead per gallon, after January 1, 1977;

(iv) 0.8 grams of lead per gallon, after January 1, 1978;

(v) 0.5 grams of lead per gallon, after January 1, 1979.

(2) For each 3-month period (January through March, April through June, July through September, October through December) the average lead content per gallon shall be computed by dividing total grams of lead used at a refinery in the manufacture of gasoline by total gallons of gasoline manufactured at such refinery.

(3) For each 3-month period (January through March, April through June, July through September, October through December) commencing with the period January 1, 1975 through March 31, 1975, each refiner shall submit to the Administrator a report showing for each refinery (i) the total grams of lead in lead additive inventory on the first day of the period, (ii) the total grams of lead received during the period, (iii) the total grams of lead in lead additive inventory on the last day of the period, (iv) the total gallons of gasoline produced by such refinery during the period, and (v) the average lead content in each gallon of gasoline produced during the period. Reports shall be submitted within 15 days after the close of the reporting period, on forms supplied by the Administrator upon request.

(b) The provisions of paragraph (a)(1)(i) and (ii) of this section shall not be applicable to any refiner which does not have more than 30,000 barrels per day crude oil or bona fide feed stock capacity from owned or leased facilities or from facilities made available to such refiner under an arrangement such as, but not limited to, an exchange agreement (except one on a refined product for refined product basis), or a throughput or other form of processing agreement, with the same effects as though such facilities had been leased.

4. A new § 80.25 is added as follows:

§ 80.25 Controls applicable to lead additive manufacturers.

For each 3-month period (January through March, April through June, July through September, October through December) commencing with the period January 1, 1975 through March 31, 1975, each lead additive manufacturer shall submit to the Administrator a report showing the total grams of lead shipped to each refinery by such lead additive manufacturer during the period. Reports shall be submitted within 15 days after the close of the reporting period, on forms supplied by the Administrator upon request.

5. A new § 80.26 is added as follows:

§ 80.26 Confidentiality of information.

Information obtained by the Administrator or his representatives pursuant to this part shall be treated, in so far as its confidentiality is concerned, in accordance with the provisions of 40 CFR Part 2.

[FR Doc.73-25766 Filed 12-5-73;8:45 am]

federal register

THURSDAY, DECEMBER 6, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 234

PART IV

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

■

CONFIDENTIALITY OF DRUG ABUSE PATIENT RECORDS

Title 21—Food and Drugs

CHAPTER III—SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

PART 1401—CONFIDENTIALITY OF DRUG ABUSE PATIENT RECORDS

In the FEDERAL REGISTER of November 17, 1972 (Vol. 37, No. 223, pages 24636–24639), a new Part 401 was added to Title 21 of the Code of Federal Regulations entitled "Confidentiality of Drug Abuse Patient Records." (37 CFR 401). This part was promulgated as an interpretative regulation to deal comprehensively with both substantive and procedural problems which had arisen under section 408 of Public Law 92–255 (21 U.S.C. 1175), the Drug Abuse Office and Treatment Act of 1972.

By order published in the FEDERAL REGISTER on September 24, 1973 (38 FR 26111), Part 401, Chapter III of Title 21 of the Code of Federal Regulations was redesignated as Part 1401, Chapter III of Title 21 and §§ 401.01 through 401.73 therein were redesignated as 1401.01 to 1401.73, respectively. Accordingly, all references and changes herein relate to the numbered sections as redesignated rather than the numbered sections as originally published.

To provide information necessary to aid the Director of the Special Action Office for Drug Abuse Prevention in determining whether this regulation should be amended, revoked, or reissued, interested persons were invited to submit written data, views, and arguments. Numerous comments, suggestions, and recommendations were received from professional and other organizations and individuals as well as known authorities in the field of drug abuse treatment and rehabilitation. Without exception, the comments supported the underlying policy of protecting the privacy of patients in federally authorized or supported drug abuse prevention programs as a necessary step in reducing the incidence of drug abuse in our society.

The Special Action Office has given serious consideration to all of the comments, suggestions, and recommendations. Many of them could not be adopted without changes in section 408 of the act. Several were based on a misconstruction of the regulations and required no changes. Others raised questions regarding certain sections of the regulation which required clarification or changes. The Director has determined that all of the amendments, which are hereinafter set forth, are necessary or desirable in furtherance of the Government's policy of securing the privacy of patient records as an important part of its program of minimizing the adverse social consequences of drug abuse.

A summary review of the comments and recommendations and the action taken with respect to each are set forth below, followed by the full text of the regulation as revised.

1. *Definition of drug abuse prevention function.* Through inadvertence, the definition of "drug abuse prevention function authorized or assisted under provisions of the act or any act amended by the act" as appearing in § 1401.01 of the regulations, embraced only those programs which (1) are conducted by an agency or department of the United States Government or (2) are conducted by virtue of a license, permit, or other authorization from any such agency or department. It was intended that this definition also should include any drug abuse prevention function which is supported by any agency or department of the United States pursuant to Federal law. Section 1401.01 is so amended.

2. *Definition of medical personnel.* Under § 1401.01(g) the definition of "medical personnel" includes physicians, nurses, psychologists, counsellors, and supporting clerical and technical personnel. A recommendation has been made that this definition be clarified with respect to social workers and staff members in training positions. Section 1401.01(g) has been amended to make it clear that these persons are included in the definition, as well as to explicitly include financial and administrative personnel such as those processing insurance claims directly related to treatment.

3. *Definition of records.* Section 408(a) provides that: "Records of the identity, diagnosis, * * *" are to be kept confidential. The comment has been made that this section does not refer to "communications" and the question has been raised as to whether communications and other types of information were intended to be protected against unauthorized disclosures. While it is true that section 408 does not refer to "communications," it is obvious that the policy of the section would be defeated if drug treatment personnel were allowed to disclose communications or other unrecorded information received from the patient, whether or not they were permitted to disclose the records based upon such communications. Any other interpretation would defeat the principal objective of section 408 in attempting to encourage drug addicts to volunteer in a drug treatment program. We have construed section 408 as applying not only to "records" but also to all communications and other information relating to the patient's identity, diagnosis, prognosis, or treatment in a federally authorized or supported drug abuse prevention activity. Therefore, if information would be treated as confidential if recorded, it should receive the same protection if not recorded. Paragraph (h) of § 1401.01 has been added to express this interpretation.

4. *Applicability prior to March 1, 1972.* An inquiry has been received as to whether section 408 applies to records in existence prior to the publication of the regulations or the enactment of the statute. Section 408 of P.L. 92–255 applies to records "maintained in connection with the performance of any drug abuse prevention function authorized or assisted under any provision of this act or any act amended by this act." This is implemented by § 1401.02 which makes section 408 applicable to records made on or after March 21, 1972, the date of enactment of P.L. 92–255. Therefore, provisions of section 408 would apply to any records of a patient generated after March 21, 1972. Also, they would apply to all records of a patient generated prior to March 21, 1972, provided he was an active participant in a treatment program on that date and such participation represented a single continuous program. Therefore, the record of a patient actively participating in a federally authorized or supported drug abuse prevention program on March 21, 1972, should be considered as confidential in its entirety even though part of it was generated immediately prior to that date. Section 1401.02(a) of the regulations is amended to clarify this point.

5. *Disclosure to governmental personnel for purposes of obtaining benefits.* Section 1401.23 provides for disclosure with the patient's consent for the purpose of obtaining public benefits. A recommendation has been made that limitations should be set upon the nature and extent of the information legitimately needed to qualify for benefits. In effect, the patient already has the right to limit the extent of disclosure for purposes of obtaining these benefits. Section 1401.06 limits disclosure to information necessary in the light of the need or purpose for the disclosure and under § 1401.21, the patient in granting consent, must specify the type of information to be disclosed. In view of the restrictions in these two sections, no further limitations are deemed necessary in § 1401.23.

6. *Disclosure in connection with judicial or administrative proceedings.* Section 408(b)(1)(B) permits a patient to consent to disclosure to governmental personnel for the purpose of obtaining benefits to which the patient is entitled. Numerous questions have been raised concerning the authority of a patient to consent to a disclosure in a judicial or administrative proceeding which involves an issue relating to a patient's claim, benefit, or a right to which the patient is entitled. Under § 1401.24, similar disclosures are authorized in connection with parole, probation, or suspension of prosecution. To clarify this question, a new paragraph (d) has been added to § 1401.23. This section provides that whenever a patient is entitled to any claim or other benefit which is an issue in any judicial or administrative proceeding and some part or all of his drug abuse record is relevant to, and necessary in support of, such claim or benefit, such patient may consent to disclosure of his record to the extent needed to support such claim or other benefit. When any such disclosure is authorized, the court, administrative tribunal, or other governmental body or official should be alerted as to the need to maintain confidentiality and to avoid, to the extent practicable, any further disclosure of the record or the patient's identification.

7. *Evaluation of employment data for purposes of rehabilitation.* Section 408(b)(1)(B) of Public Law 92–255 (21 U.S.C. 1175(b)(1)(B)) permits disclosure with the patient's consent "to government

personnel for the purpose of obtaining benefits to which the patient is entitled." Section 101 of the Act contains an express finding that the success of Federal drug abuse programs and activities requires a recognition that education, treatment, and rehabilitation are interrelated. Section 103(b) defines "drug abuse prevention function" as any program relating to education, training, treatment, rehabilitation or research and includes "any such function even when performed by an organization whose primary mission is in the field of drug traffic prevention functions or is unrelated to drugs." The Director of the Special Action Office has determined that employers, employment agencies and employment services which have demonstrated their willingness to assist in the employment of persons who are present or past patients in a drug abuse treatment or rehabilitation program are performing an essential drug abuse prevention function. Section 1401.26 now provides that an evaluation of patient's progress or status in a treatment program may be furnished to an employer but only after the patient has been employed or has been accepted for employment. This section is now revised to permit limited disclosures to employers and employment agencies and services which have agreed to assist such patients, both present and past, in obtaining gainful employment. Disclosure is permitted only with the patient's consent and is limited to an evaluation of such patient's status or progress in treatment or rehabilitation program. Section 1401.26 is amended accordingly.

8. *Consent of a minor patient to disclose to parents.* Two questions have been raised concerning the disclosure of the records of a minor patient to his parents. The first question concerns the authority for such disclosure. The second question inquires as to whether a minor patient is authorized to give consent. The answer to the first question is set forth in § 1401.26(b) of the regulations. This section provides that information in the nature of a general evaluation of a patient's present or past status in a treatment program may be furnished to members of the patient's family if, in the judgement of a qualified physician or counsellor, such information would be helpful in the treatment or rehabilitation of the patient and the patient makes a written request that such information be furnished. It should be noted that this provision is limited to the disclosure of a mere evaluation of the patient's status or progress in a treatment program and also can only be done if requested by the minor.

Regarding the second question, whether a minor would have authority to consent to disclosure where otherwise permitted, the answer to this question would depend upon local law in view of the fact that section 408 establishes no specific rule on the question. Of course, if the minor is considered incompetent under local law, consent can then be rendered by a guardian or conservator or if deceased by his personal representative as provided in § 1401.04. However, this would apply only in cases where disclosure is otherwise authorized with patient's consent under section 408 or the regulations.

Neither of these comments require any change in the regulations since they have been dealt with already to the extent permissible under law. Therefore, no revisions are considered necessary.

9. *Health and other insurance claims.* There have been numerous instances in which patients, or former patients in a drug abuse prevention program, have encountered difficulty in supporting their claims for reimbursement or payment under health or other insurance arrangements or programs under which they are beneficiaries. A major cause of this difficulty is attributable to the reluctance of drug abuse programs to disclose the necessary information from the patient's record to support the claim notwithstanding the fact that any such payment or reimbursement is directly related to the patient's treatment, which is part of the definition of "drug abuse prevention function" in section 103(b) of Public Law 92-255. Therefore, in order to clarify the law governing records pertaining to such claims, a new § 1401.27 has been added specifically authorizing a limited disclosure of information in a patient's record with his consent to the extent necessary to support a claim for payment or reimbursement under a health or other insurance program for the benefit of the patient and under circumstances in which such claim is related to the performance of a drug abuse prevention function, i.e., treatment or rehabilitation.

10. *Disclosure to a registry.* Section 1401.43 of the regulations permits disclosure among programs and to a registry serving such programs. It has been suggested that the regulations should spell out the extent of supervision necessary for the maintenance of a registry. Otherwise, it has been argued, the potential for abuse of a centralized listing of persons so closely affiliated with illicit behavior could undermine the basic policy of confidentiality in section 408. Section 1401.43 is intended to permit the operation of a central intake facility to prevent simultaneous registration in more than one methadone program and to assure that potential patients are made aware of vacancies in any participating programs. Such a registry is simply an extension of the treatment program and since the registry is prohibited from making any disclosure except as authorized under section 408 and the regulations, there is adequate protection of the privacy of patients against unauthorized disclosures. Moreover, the information which can be collected or retained by such a registry is strictly limited to that which is necessary to the performance of its functions. Therefore, the Special Action Office deems it unnecessary to specify additional limitations at this time.

11. *Research, audits and program evaluations.* Referring to the fact that section 408(b)(2)(B) authorizes disclosure without the consent of the patient to "qualified personnel" for the purpose of conducting scientific research, management or financial audits or program evaluations, it was noted that § 1401.44 of the regulations does not offer any guidance as to what persons come under the classification of "qualified personnel."

"Qualified personnel" under section 408(b)(2)(B) of the act applies principally to two groups. The first group includes personnel making management or financial audits and program evaluations. Except in special circumstances, these functions would be performed only by Federal, State, or local governmental licensing, regulatory, or accrediting agencies which have oversight or other official responsibility with respect to such functions. The second group includes personnel conducting scientific research or evaluations. This group would include principally individuals, groups or organizations having primary responsibility for the collection, evaluation, and dissemination of information in connection with a scientific or program evaluation study for which actual drug abuse data is needed. Paragraph (b) has been added to § 1401.44 to define "qualified personnel" as used in section 408(b)(2)(B).

12. *Disclosure to State agencies as required by statute.* Several comments have been made that State statutes, in many instances, require a disclosure to the State Public Health Department or other State boards or agencies to carry out some local policy objective, such as a check on doctors to determine possible abuse in the treatment of drug addicted patients. Apparently, some doubt has been expressed that section 408 and the regulations do not cover this situation. Attention is directed to § 1401.44 which authorizes disclosure without the consent of a patient to qualified personnel for purposes of conducting scientific research, management audits, financial audits, or program evaluations. To the extent that personnel of State agencies or boards are serving some legitimate objective related to one of the purposes indicated in this section, disclosure to such personnel would seem to come within the intent of section 408(b)(2)(B) of Public Law 92-255 and § 1401.44 of the regulations. Attention is specifically invited, however, to the fact that section 408(b)(2)(B) protects the patient in that any qualified personnel receiving patient information is prohibited from disclosing, directly or indirectly, the identity of any individual patient. If any State law provided otherwise, the Federal policy as set forth in section 408(b)(2)(B) would prevail. Consequently, if the State personnel involved meet the qualifications test by reason of conducting scientific research, management or financial audits or program evaluations and they remain subject to the policy in section 408 with respect to further disclosure, in most instances disclosure to such personnel is authorized. However, a program director need not authorize a disclosure under section 408

(b)(2)(B) if he does not have assurance that the patient's rights of confidentiality are respected. It is believed, therefore, that a reasonable interpretation of this section will accommodate most problems that might arise thereunder and therefore no changes are being made at this time.

13. *Disclosure in court proceedings—court orders.* Several questions have been raised regarding disclosures in court proceedings and the procedure and authority for making such disclosures in certain situations.

(a) One comment referred to a situation in which the drug addiction of the husband was a ground for divorce and therefore was relevant to a proceeding for divorce initiated by the wife. Assuming other evidence is not available, the proper procedure in such a case would be to obtain a court order under section 408(b)(2)(C) based upon a showing of good cause. This would be done under § 1401.72 of the regulations and the court should be asked to receive the evidence in camera.

(b) Another question related to the lack of a requirement of notice to the patient and an opportunity to participate in a court proceeding under section 408(b)(2)(C) of the act. This question raised the issue that due process should require an opportunity to participate in what may be a critical stage of a criminal proceeding, otherwise the proceedings would be ex parte with only the applicant and the judge present. The further comment is made that the regulations contain no definitional guidance as to what constitutes the "public interest" in the granting of a court order and recommends that more specific guidance be included in any revision of the regulations. Attention is invited to § 1401.72 which sets forth information which should be included in an application for a court order under section 408(b)(2)(C) of the act. This information is intended to assist the court in making a finding as to whether disclosure in any particular case would be in the public interest. Until there is compelling evidence of a need to provide further clarification, the Special Action Office deems it undesirable to make additional changes on these points.

(c) A related comment suggests that section 408 requires that the court consider the possible injury to the patient and to the physician-patient relationship in any proceeding to determine whether an order should be granted in the public interest. It is indicated that in any such proceeding the identity of the patient will be disclosed and information concerning him as a patient will be the subject of discussion at the hearing and consequently in effect would constitute a damaging disclosure in violation of the intent of section 408. This is a valid comment but it assumes that the patient's identification will be disclosed at the hearing. Counsel, as well as the court, should be alerted to the dangers of such disclosure in order to avoid the identification of a specific patient as the subject of the hearing. This can be done by an agreement between counsel and the court that the patient's name will not be identified in the proceedings. Also, whenever it will serve the interests of justice, disclosure should be made in camera and the record sealed.

In view of the foregoing recommendations, it is hereby found that good cause exists to make the amendments in the regulation as described above. It is hereby determined that good cause exists to make these amendments effective immediately, that such amendments constitute interpretative rules within the meaning of section 553(b) of title 5, United States Code, and accordingly that notice and public procedure thereon prior to their effectiveness are not required by law. Therefore, it is ordered that title 21, Chapter III, Part 1401 of the Code of Federal Regulations be amended accordingly and as amended will read as hereinafter set forth, effective upon publication in the FEDERAL REGISTER.

By order of the Director of the Special Action Office for Drug Abuse Prevention, November 29, 1973.

GRASTY CREWS II,
General Counsel.

GENERAL PROVISIONS

AUTHORITY: The provisions of this Part 1401 are authorized under sections 213, 221, 222, and 408 of the Drug Abuse Office and Treatment Act of 1972 (Public Law 92-255; 21 U.S.C. 1122, 1131, 1132, and 1175), and other relevant provisions of law.

GENERAL PROVISIONS

§ 1401.01 Definitions.

For the purposes of this part, the following words shall have the meanings indicated:

(a) The term "Act" means the Drug Abuse Office and Treatment Act of 1972 (Public Law 92-255) including such amendments thereto as may be in effect at the time the provision referring to it is applied.

(b) The term "Director" means the Director of the Special Action Office for Drug Abuse Prevention.

(c) The term "drug abuse prevention function" means any program or activity relating to drug abuse education, training, treatment, rehabilitation, or research, and includes any such function even when performed by an organization whose primary mission is in the field of drug traffic prevention functions (as defined in 21 U.S.C. 1103(c)), or is unrelated to drugs.

(d) The term "drug abuse prevention function authorized or assisted under any provision of the Act or any act amended by the Act" means any drug abuse prevention function—

(1) Which is conducted or supported, in whole or in part, by any department, agency, or instrumentality of the United States, or

(2) For the lawful conduct of which in whole or part any license, permit, or other authorization is required to be granted by any department or agency of the United States.

(e) The term "patient" means any person who is or has been interviewed, examined, diagnosed, treated, or rehabilitated in connection with any drug abuse prevention function and includes any person who, after arrest on a criminal charge, is interviewed and/or tested in connection with drug abuse preliminary to a determination as to eligibility to participate in a drug abuse prevention program with the approval of the court.

(f) The term "governmental personnel" means those persons who are employed by the U.S. Government, by any State government, or by any agency or political subdivision of either, and includes Veterans Administration personnel as described in § 1401.23(b).

(g) The term "medical personnel" includes physicians, nurses, psychologists, counselors, social workers, and supporting administrative, financial, clerical, and technical personnel.

(h) The term "records" as used in section 408(a) shall include communications and other information, whether recorded or not, relating to the identity, diagnosis, prognosis or treatment of a patient.

§ 1401.02 Applicability.

(a) Except as provided in paragraph (b) of this section, this part applies to records or any part thereof made on or

after March 21, 1972, of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any drug abuse prevention function authorized or assisted under the Act or any act amended by the Act. This part applies also to records maintained for patients actively participating in a treatment program prior to March 21, 1972 where such prior treatment is part of one continuous treatment activity still subsisting on that date.

(b) The provisions of section 408 of the Act (21 U.S.C. 1175) and the remaining provisions of this part do not apply to any interchange of records entirely within the Armed Forces, within those components of the Veterans Administration furnishing health care to veterans, or between such components and the Armed Forces, but otherwise such section and this part apply to any communication to or from any person outside the Armed Forces or such components of the Veterans Administration.

§ 1401.03 General rules regarding confidentiality.

Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any drug abuse prevention function shall be confidential, may be disclosed only as authorized by this part, and may not otherwise be divulged in any civil, criminal, administrative, or legislative proceeding conducted by any Federal, State, or local authority, whether such proceeding is commenced before or after the effective date of this part.

§ 1401.04 Incompetent or deceased patients.

In any case in which disclosure is authorized with the consent of the patient, such consent may be given by a guardian, conservator, or other court-appointed designee in the case of an incompetent patient, and by an executor, administrator, or other personal representative in the case of a deceased patient.

§ 1401.05 Security precautions.

(a) Appropriate precautions should be taken for the security of records to which this part applies. The succeeding paragraphs of this section set forth examples of such precautions, but these should be added to or may be modified in the light of individual circumstances.

(b) The file of each patient maintained in connection with the performance of any drug abuse prevention function should be marked "Confidential Patient Information," as should any record identifying an individual as a drug abuse patient, including photographs, fingerprints, reports of skin abrasions indicating drug use, or other documentation of patient identification.

(c) Each file drawer, cabinet, or other container in which such files are kept should be conspicuously labeled with a cautionary statement such as the following:

CONFIDENTIAL PATIENT INFORMATION

Any unauthorized disclosure is a Federal offense.

§ 1401.06 Extent of disclosure.

Any disclosure made under this part, whether with or without the patient's consent, shall be limited to information necessary in the light of the need or purpose for the disclosure.

DISCLOSURES WITHOUT COURT AUTHORIZATION AND WITH CONSENT OF PATIENT

§ 1401.21 Form of consent.

(a) Where disclosure is authorized with the consent of the patient, such consent must, except as otherwise provided, be in writing and signed by the patient. Such consent must state—

(1) The name of the person or organization to whom disclosure is to be made,

(2) The specific type of information to be disclosed, and

(3) The purpose or need for such disclosure.

§ 1401.22 Disclosure to medical personnel.

With the patient's consent, disclosure to medical personnel is authorized for the purposes of diagnosis or treatment. The consent must be in writing and in the form prescribed in § 1401.21. All medical personnel to whom disclosure is made shall be subject to all of the rules on confidentiality as set forth in this part.

§ 1401.23 Disclosure to governmental personnel for purpose of obtaining benefits.

(a) *Benefits generally.* With the written consent of a patient, disclosure is authorized to governmental personnel for the purpose of obtaining benefits to which the patient is entitled. For the purposes of this section, benefits to which a patient is entitled include, but are not limited to, any welfare, medicare, or other public financial assistance authorized by Federal, State, or local law, the suspension of prosecution, the granting of probation or parole, public pension or retirement benefits, and any other benefit conferred by lawful authority.

(b) *Veterans benefits.* Disclosure may be made to Veterans Administration personnel for the purpose of determining a patient's eligibility for hospitalization, pension, or other veterans' benefits. For the purpose of this section, Veterans Administration personnel includes any personnel (whether or not employed or compensated by the Veterans Administration) authorized by the Veterans Administration to assist patients in the preparation and submission of their claims.

(c) *Welfare benefits.* Where treatment for drug abuse has been made a condition to the granting or continuation of a welfare or other public benefit, disclosure is authorized to governmental personnel responsible for the administration or determination of such benefits.

(d) *Claims or benefits adjudicated in judicial or administrative proceedings.* In any proceeding before a court, an administrative tribunal, or other governmental body or official having authority to approve or disapprove, or to recommend approval or disapproval, of a claim or other benefit to which a patient is entitled and all or some part of such patient's drug abuse record is relevant and necessary to the determination of such claim or other benefit, such patient may consent to, and authorize the disclosure of such record or portion thereof deemed necessary to support such claim or benefit. When any such disclosure is authorized, the court, administrative tribunal, or other governmental body or official should be alerted as to the need to maintain confidentiality and to avoid, to the extent practicable, any further disclosure of the record or the patient's identification.

§ 1401.24 Disclosure in connection with parole, probation, or suspension of prosecution.

(a) In the case of a drug abuser charged with a criminal offense or who is subject to parole or other probationary action and who has agreed to participate in a drug abuse prevention treatment program as a condition of release from confinement or as a condition to the dropping, deferral, or suspension of charges or judgment, disclosure of such person's treatment records in connection with such program is authorized if the patient consents in writing to participate in such program and consents to disclosure in accordance with § 1401.21.

(b) Disclosure pursuant to this section shall be limited to the patient's attorney and to governmental personnel having responsibility with respect to the prosecution of the patient or for supervising his probation or parole.

§ 1401.25 Disclosure to legal counsel.

(a) In any situation in which disclosure is permitted with the patient's consent for one or more of the authorized purposes as stated in this part and the patient has secured the advice of legal counsel, disclosure may be made to the patient's attorney upon the written application of the patient endorsed by the attorney.

(b) In any situation in which a patient seeks the advice of legal counsel on the question of waiving confidentiality, disclosure is authorized to the extent necessary to render such advice, if written application for such disclosure is made by the patient and endorsed by the attorney.

§ 1401.26 Evaluation in connection with rehabilitation.

(a) Whenever a patient or former patient has been employed or is seeking employment and such employment is conditioned upon his status or progress in a treatment program, an evaluation of such status or progress by qualified medical personnel may be furnished to responsible employment services, agencies, or employers which have demon-

strated their willingness to employ, or assist in the employment of, present or former drug abusers in a drug abuse treatment or rehabilitation program. Such organizations, agencies or employers shall maintain such evaluation as confidential and shall not disclose any part therof to any other person or organization. Any disclosure under this section shall be subject to all of the following conditions:

(1) The request for such an evaluation must be in writing and signed by the patient.

(2) The request must identify the employer (or official therein) cooperating in the patient's rehabilitation program.

(3) The treatment organization must verify the authenticity of the request by telephone or other means of communication and ascertain the extent that the information is need to verify the patient's treatment status.

(4) The information shall be limited to that reasonably necessary in view of the type of employment involved.

(5) No information may be furnished by a treatment organization unless the organization is satisfied on the basis of past experience or other credible information (which may in appropriate cases consist of a written statement by the employer) that such information will be used for the purpose of assisting in the rehabilitation of the patient and not for the purpose of identifying the individual as a patient in order to deny him employment or advancement because of his history of drug abuse.

(b) Information in the nature of a general evaluation of a patient's present or past status in a treatment program may be furnished to members of the patient's family if, in the judgment of a qualified physician or counsellor, such information would be helpful in treatment or rehabilitation of the patient and the patient makes a written request for such information to be furnished.

§ 1401.27 Disclosure for purposes of collecting health or other insurance claims.

A patient who has entered a drug abuse prevention program for diagnosis or treatment may for the purpose of such diagnosis or treatment (including the financing thereof) authorize the disclosure of information contained in his record to the extent necessary to support a claim for payment or reimbursement under a health or other insurance program carried by or in behalf of the patient and under which such patient is a beneficiary or participant. Any such disclosure shall be limited only to information which is directly relevant to, and necessary in support of, a claim for payment or reimbursement under such health or insurance program for the benefit of the patient and any information so disclosed remains subject to all of the restrictions of this part with respect to any further disclosure.

Disclosures Without Court Authorization and Without Consent of Patient

§ 1401.41 Disclosure without consent in general.

(a) Disclosure of a patient's records may be made without the consent of the patient and without authority of a court order as follows:

(1) To medical personnel to meet a medical emergency; and

(2) To qualified personnel for purposes of research, audits, or program evaluation.

§ 1401.42 Medical emergency.

Disclosure to medical personnel, either private or governmental, is authorized without the consent of a patient only when necessary to meet a bona fide medical emergency and only to the extent necessary to meet such emergency. For the purposes of this section a bona fide emergency may be considered to exist whenever competent medical authority has determined that the life or health of the patient involved may be impaired and medical treatment without the record could be detrimental to the patient's health. Where, for example, a person is incarcerated and claims to be a patient in a methadone treatment program, this claim may be verified by inquiry to the treatment center administering the program or to a registry such as is referred to in § 1401.43 in order to avoid overdose on the one hand, or the danger of untreated withdrawal on the other.

§ 1401.43 Records maintained in connection with chemotherapeutic treatment.

The communication of information relating to patient identity and dosage between or among programs approved by the Commissioner of Food and Drugs pursuant to § 130.44 of this title, or between such programs and a registry serving them, shall not be considered as a disclosure in violation of section 408(a) of the Act (21 U.S.C. 1175(a)), but any such information received by any such registry shall be fully subject to section 408 of the Act and to the provisions of this part.

§ 1401.44 Research, udits, and program evaluation.

(a) Disclosure without consent is authorized to qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner. Information so obtained may be used in enforcing lawful requirements imposed with respect to the operation of treatment programs employing controlled substances, but section 408(c) of the Act (21 U.S.C. 1175(c)) specifically prohibits the use of patient records to initiate or substantiate any criminal charges against a patient or to conduct any investigation of a patient, except as authorized under a court order granted under section 408(b)(2)(C) (21 U.S.C. 1175(b)(2)(C)). As used in this section, the term "qualified personnel" means persons whose training and experience are appropriate to the nature of the work in which they are engaged, and who are performing such work with adequate administrative safeguards against unauthorized disclosures.

Criminal Penalties

§ 1401.51 Penalty for unauthorized disclosure.

Subsection (e) of section 408 of the Act (21 U.S.C. 1175) provides that except as authorized under subsection (b) of that section, any person who discloses the contents of any record referred to in subsection (a) of that section shall be fined not more than $500 in the case of a first offense, and not more than $5,000 in the case of each subsequent offense.

Interpretation of Section 408(b)(2)(C) in Relation to Other Laws

§ 1401.61 Relationship of section 408(b)(2)(C) to other provisions of section 408 and to other legislation generally.

Section 408(b)(2)(C) of the Act (21 U.S.C. 1175(b)(2)(C)) empowers the courts, in appropriate circumstances, to authorize disclosures which would otherwise be prohibited by section 408(a). Both the positioning of this authority in the bill as initially passed by the Senate and the explicit crossreference in section 408(a) of the final Act make clear the congressional intent that section 408(b)(2)(C) operate as a mechanism for the relief of the 408(a) strictures and not as an affirmative grant of jurisdiction to authorize disclosures prohibited by other provisions of law, whether Federal or State. By the same token, it should be noted that the authority which section 408(b)(2)(C) of the Act (21 U.S.C. 1175(b)(2)(C)) confers on courts to issue orders authorizing the disclosure of records applies only to records referred to in section 408(a) (21 U.S.C. 1175(a))—that is, the records maintained by operating treatment or research programs, and not to secondary records generated by the disclosure of the 408(a) records to researchers, auditors, or evaluators pursuant to section 408(b)(2)(B).

§ 1401.62 Scope of orders; relationship to confidentiality provisions of Public Law 91-513.

(a) It is abundantly clear that section 408(b)(2)(C) was not intended to confer jurisdiction on any court to compel disclosure of any information, but solely to authorize such disclosure. An order or provision of an order based on some other authority, or a subpoena, or other appro-

priate legal process, is required to compel disclosure. To illustrate, if a person who maintains records subject to section 408 (a) of the Act is merely requested, or is even served with a subpoena, to disclose information contained therein which is a type whose disclosure is not authorized under section 408 of the Act or any of the foregoing provisions of this part, he must refuse such a request unless, and until, an order is issued under section 408(b)(2)(C). Such an order could authorize, but could not, of its own force, require disclosure. If there were no subpena or other compulsory process, the custodian of the records would have the discretion as to whether to disclose the information sought unless and until disclosure were ordered by means of appropriate legal process, the authority for which would have to be found in some source other than section 408 of the Act. This result is compelled by the language of section 408(b)(2) itself. The words used, "the content of such record may be disclosed * * * if authorized by an appropriate order" are too explicit and too well established as words of art to be interpreted as meaning "the content of such record shall be disclosed if required by an appropriate order."

(b)(1) This interpretation of the permissible scope of a 408(b)(2)(C) order is not only appropriate in the light of the purposes, language, and legislative history of the Act in which it appears, but also is necessary in order to harmonize that section with other legislation dealing with a narrower aspect of the same subject matter. By sections 3(a) and 502 (c) of the Comprehensive Drug Abuse Control and Treatment Act of 1970 (42 U.S.C. 242a(a); 21 U.S.C. 872(c)), Congress conferred on the Secretary of Health, Education, and Welfare and on the Attorney General, respectively, power to authorize persons engaged in drug research to withhold names and other identifying characteristics of persons who are the subject of such research, and expressly provided that when such authority has been obtained, its holder may not be compelled to disclose identifying information "in any Federal, State, or local civil, criminal, administrative, legislative, or other proceedings * * *"

(2) If section 408 of the 1972 Act were to be interpreted as an independent grant of authority to compel testimony, it would obviously be in direct conflict with the provisions of the 1970 Act discussed above. This becomes significant, for example, in the case of methadone, which for the purpose of treating opiate addiction on a longer-range basis is classified as an experimental drug which may not be administered except in connection with research. Nothing in either the language or the legislative history of the Act indicates any intent on the part of Congress to amend the provisions of the 1970 Act or to reduce the protection which can be afforded under them. Since the language of section 408 permits, if it does not require, a construction which harmonizes with the 1970 Act, it clearly should not be construed to authorize a court order in derogation of any exercise of the authority of the Secretary of Health, Education, and Welfare under section 242a(a) of title 42, United States Code, or the Attorney General under section 872(c) of title 21, United States Code.

INTERPRETATIVE GUIDELINES FOR APPLICATIONS AND ORDERS UNDER SECTION 408(b)(2)(C)

§ 1401.71 Applications for orders should be restricted to records of specified patients.

Section 408(b)(2)(C) empowers courts of competent jurisdiction to authorize disclosure only on a showing of good cause. That section expressly provides that in assessing whether good cause exists, the court must weight the public interest and the need for disclosure against the injury (a) to the patient, (b) to the physician-patient relationship, and (c) to the treatment services. Because these factors can only be weighted with respect to the particular patient involved, any application for such an order should relate only to the records (or a part thereof) of a specific patient and should include an identification of the patient and an indication whether the application is being made with or without his consent. This conclusion is buttressed by the form of section 408, which appears to have been deliberately cast in terms of the individual patient, e.g. section 408(b)(1), "If the patient * * * gives his written consent * * *." and 408(b)(2), "If the patient * * * does not give his written consent * * *", suggesting an intention that the disclosure order be limited to the records of a particular patient who either did or did not consent to the disclosure.

§ 1401.72 Information which should be furnished in support of application.

In those cases in which an application is not made by or with the consent of the patient, or is not joined in or consented to by the person or organization responsible for the records to which it relates, the Act implicitly requires that such application be supported by adequate information to enable the court to make the following findings:

(a) The nature of the public interest that would be served by granting the application;

(b) Any actual or potential injury, either economic or social, that could result to the patient or to the relationship of the patient to his physician;

(c) The effect that an order of disclosure would have on the administration of the drug-abuse prevention program; and

(d) A clear showing that the interests of the public are substantial in relation to possible injury to the patient or to the patient-physician relationship.

§ 1401.73 Suggested safeguards against unnecessary disclosures.

Section 408(b)(2)(C) implicitly negatives any court order requiring unlimited disclosure when limited disclosure would serve the purpose. It states that "in determining the extent to which any disclosure of all or any part of any record is necessary," the court is required to impose appropriate safeguards against unauthorized disclosure. To facilitate compliance with this requirement, it would be within the intent and spirit of this provision of section 408 that any such court order:

(a) Limit disclosure to those parts of the patient's record deemed essential to fulfill the objective for which the order was granted;

(b) Limit disclosure to those persons whose need for the information is the basis for the order;

(c) Require, where appropriate, that all information disclosed be held in camera; and

(d) Include any other appropriate measures to keep disclosure to a minimum, consistent with the protection of the patient, the physician-patient relationship and the administration of the drug abuse prevention program.

[FR Doc.73-25965 Filed 12-5-73;8:45 am]