

rate tariff No. 4-A. (2). Automobiles, trucks, and buses, viz: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobiles chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (3). Livestock, viz: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine. (4). Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. (5). Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6). Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7). Cement. (8). Logs. (9). Commodities of unusual or extraordinary value. (10). Fresh fruits and vegetables. Both intrastate and interstate authority sought. **HEARING:** Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

Alaska Docket No. 72-290-MF/O, filed October 10, 1972. Applicant: TRYGVE M. OLSEN AND JOHN & ETHEL ADCOX, a Partnership doing business as ILLAMNA BARGE AND TRUCKING CO., Iliamna, Alaska 99606. Applicant's representative: Theodore R. Dunn, 429 D Street, Anchorage, AK 99501. Certificate of public convenience and necessity sought to operate a powered barge service as follows: Transportation of freight between Iliamna and Naknek, Alaska. In addition the powered barge would be used to make deliveries of freight around the perimeter of Lake Iliamna. The trucking operation would supplement this by permitting freight one off loaded from the barges to be delivered to its final location destination. In addition the community of Nondalton, Alaska, would be served from Iliamna by truck as it is inaccessible by barge. Both intrastate and interstate authority sought. **HEARING:** Date, time, and place unknown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Alaska Transportation Commission, State of Alaska, Department of Commerce, 750 Mackay Building, 338 Denali Street, Anchorage, AK 99501, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 73-529 Filed 1-9-73; 8:45 am]

[Notice 178]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 4, 1973.

The following are notices of filing of applications¹ for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 56640 (Sub-No. 28 TA), filed December 21, 1972. Applicant: DELTA LINES, INC., Mail: Post Office Box 2081, 96204, 8201 Edgewater Drive, Oakland, CA 94621. Applicant's representative: Marshall G. Berol, 100 Bush Street, San Francisco, CA 94104. 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, and commodities in bulk, and commodities requiring special equipment, between Colton, Calif., and Calexico, Calif., serving all intermediate points; from Colton via Interstate Highway 10 to junction California Highway 111 (near Indio) thence via California Highway 111 to Calexico and return over the same route; between Riverside and Beaumont, Calif., serving all intermediate points; from Riverside over California Highway 60 to Beaumont and return over the same route; between junction California Highway 111 and Interstate Highway 10 (near White-water) and junction Interstate Highway 10 and California Highway 111 (near Indio), serving all intermediate points; from junction California Highway 111 and Interstate Highway 10 via California Highway 111 to junction California

¹Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

Highway 111 and Interstate Highway 10 and return over the same route; between junction California Highway 111 and California Highway 86 (near Coachella) to junction California Highway 111 and California Highway 86 (near Calexico), serving all intermediate points; from junction California Highway 111 and California Highway 86 via California Highway 86 to junction California Highway 111 and California Highway 86 and return over the same route; between junction California Highway 62 and Interstate Highway 10 and Twentynine Palms, Calif., serving all intermediate points and the off-route point of the Marine Corps Training Center near Twentynine Palms; from junction California Highway 62 and Interstate Highway 10 via California Highway 62 to Twentynine Palms, and return over the same route; between San Diego and Winterhaven, Calif., serving all intermediate points; from San Diego via Interstate Highway 8 (also U.S. Highway 80) to Winterhaven, and return over the same route; between San Diego, Calif., and junction Interstate Highway 8 and California Highway 94 near Live Oak Springs, Calif., serving all intermediate points; from San Diego via California Highway 94 to junction California Highway 94 and Interstate Highway 8, and return over the same route; between junction unnumbered road and Interstate Highway 8 west of Live Oak Springs, Calif., and junction unnumbered road and Interstate Highway 8, serving all intermediate points; from junction unnumbered road and Interstate Highway 10 via unnumbered road through Live Oak Springs, Boulevard and Jacumba to junction unnumbered road and Interstate Highway 8, and return over the same route; between junction Interstate Highway 8 and California Highway 98 (near Ocotillo) and junction Interstate Highway 8 and California Highway 98 via California Highway 98 to junction Interstate Highway 8 and California Highway 98 (near Gordon's Wells), serving all intermediate points; from junction Interstate Highway 8 and California Highway 98 via California Highway 98 to junction Interstate Highway 8 and California Highway 98, and return over the same route; between Calipatria, Calif., and junction California Highway 115 and California Highway 98, serving all intermediate points; from Calipatria via California Highway 115 to junction California Highway 115 and California Highway 98, and return over the same route; for 180 days. **NOTE:** Applicant states it does intend to tack with its own authority in MC 56640 and subs, and interline with other carriers at any common service point. Supported by: There are approximately 105 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named

below. Send protests to: A. J. Rodriguez, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 92168 (Sub-No. 2 TA), filed December 11, 1972. Applicant: BEATRICE M. RICHARDS, (HARRY F. RICHARDS, EXECUTOR), doing business as THEATRICAL FILM SERVICE, 61 Greenfield Street, Lawrence, MA 01843. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Motion picture film and theatre supplies*, from Boston, Mass., to Salem and Plaistown, N.H., and return from Salem and Plaistown, N.H., to Boston, Mass., for 180 days. Supporting shippers: Riverview Theatres, Inc., 901 River Street, Haverhill, MA 01830; Cinema Four Corp., 1130 North Main Street, Brockton, MA 02401. Send protests to: Max Gorenstein, Interstate Commerce Commission, Bureau of Operations, 2211B-J.F.K. Federal Building, Government Center, Boston, Mass. 02203.

No. MC 94201 (Sub-No. 110 TA), filed December 11, 1972. Applicant: BOWMAN TRANSPORTATION, INC., Post Office Box 17744, 1500 Cedar Grove Road, Atlanta, GA 30316. Applicant's representative: E. A. Wickman (Same address as above). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Copper, brass, or bronze tube, rod, fittings, castings and related products, and by-products*, from the plantsite, warehouse, and storage facilities of Federal Pacific Electric Co. located at or near Fulton, Miss., to points in Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Indiana, Massachusetts, Rhode Island, points in New York, New Jersey, and Connecticut within a 35-mile radius of Columbus Circle, N.Y., points in Ohio on, west, and north of a line beginning at a point on the Ohio-Pennsylvania State line near Sharon, Pa., and extending along U.S. Highway 62 to Columbus, Ohio, thence along U.S. Highway 23 to Circleville, Ohio, and thence along U.S. Highway 22 to Cincinnati, Ohio, points in Illinois on and bounded by a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Springfield, Ill., thence along Illinois Highway 29 to Peoria, Ill., thence along Illinois Highway 116 to Metamora, Ill., thence along Illinois Highway 89 to junction U.S. Highway 34, thence along U.S. Highway 34 to Chicago, Ill., thence along Lake Michigan to the Illinois-Indiana State line to point of beginning; between New York, N.Y., and Hartford, Conn., serving all intermediate points, and off-route points of Watertown, Litchfield, Torrington, Winsted, Wethersfield, Manchester, Newington, Guilford, Clinton, Westbrook, Groton, Deep River, New London, and Norwich, Conn., points in Fairfield County, Conn., points in Hudson, Bergen, Passaic, and Union Counties, N.J., points in Virginia,

Maryland, and Philadelphia, Pa., and its commercial zone, for 180 days. Supporting shipper: Mueller Brass Co., Division of UV Industries, Highway No. 25, Fulton, Miss. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 102401 (Sub-No. 16 TA), filed December 19, 1972. Applicant: TAYLOR HEAVY HAULING, INC., 20601 West Ireland Road, Post Office Box 2657 (Station A) 46612, South Bend, IN 46614. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Prestressed concrete forms and materials and supplies* for the erection of such concrete forms when transported in the same vehicle with such concrete forms, from the plantsite of Hass Concrete Products Co., at or near South Bend, Ind., to points in the lower peninsula of Michigan except points in Berrien, Cass, Saint Joseph, Van Buren, Allegan, and Barry Counties, Mich., for 180 days. Supporting shipper: Hass Concrete Products Co., 24423 Liberty Highway, South Bend, Ind. 46614. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 107460 (Sub-No. 40 TA), filed December 21, 1972. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, Lancaster, PA 17601. Applicant's representative: Donald D. Shipley (same address as above). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Aluminum doors and windows*, glazed and unglazed, and *aluminum extrusions*, from the plantsite of Capitol Products Corp. located at or near Kentland, Ind., to the plantsites of National Homes Corp. located at Horseheads, N.Y., Terryville, Conn., Collinsville, Va., and the plantsite of Knox Homes located at Thomson, Ga.; (2) *aluminum scrap*, from the plantsite of Capitol Products Corp., located at or near Kentland, Ind., to the plantsite of Bay Billets Corp. located at Sandusky, Ohio; and (3) *billets*, from the plantsite of Bay Billets Corp. located at or near Kentland, Ind., for 180 days. Supporting shipper: Capitol Products Corp., Kentland, Ind. 47951. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 117565 (Sub-No. 74 TA), filed December 20, 1972. Applicant: MOTOR SERVICE COMPANY, INC., Post Office Box 448, Route 3, Coshocton, OH 43812. Applicant's representative: John R. Hafner (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel shot*; (2) *abrasive and abrasive products*; and (3) *cleaning machines, and replacement*

parts thereof, from the plantsite and warehouse facilities of Alloy Metal Abrasives, Division of Ervin Industries, Inc., at or near Adrian, Mich., to points in the United States, excluding points in Ohio, Indiana, and the commercial zone of Chicago, Ill., for 180 days. Supporting shipper: Alloy Metal Abrasives, Division of Ervin Industries, Inc., 121 South Division Street, Ann Arbor, MI 48103. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 265 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 128124 (Sub-No. 20 TA), filed December 20, 1972. Applicant: ROCKO TRANSPORTATION, INC., Post Office Box 608, San Marcos, CA 92069. Applicant's representative: Ernest D. Salm, 8179 Havasu Circle, Buena Park, CA 90621. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Rock*, in bulk, from Gardner Ridge Quarry near Brookings, Oreg., to Crescent City Harbor, Crescent City, Oreg., for 180 days. Supporting shipper: Silberberger Constructors, Inc., Palomar Airport Road, Post Office Box 845, Carlsbad, CA 92008. Send protests to: John E. Nance, Officer-in-Charge, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 128273 TA, filed December 20, 1972. Applicant: REPUBLIC VAN & STORAGE OF ORANGE COUNTY, INC., 17821 Gillette Avenue, Irvine, CA 92705. Applicant's representative: Ernest D. Salm, 8179 Havasu Circle, Buena Park, CA 90621. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used household goods*, subject to the "King-pak" restrictions between points located in, and within 30 miles of Orange County, Calif., for 180 days. Supporting shipper: Purchasing and Contracting Office, U.S. Marine Corps, Post Office Box 1609, Oceanside, CA 92054. Send protests to: John E. Nance, Officer-in-Charge, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 128305 (Sub-No. 1 TA), filed December 22, 1972. Applicant: DELBERT E. ROBINSON, 337 East Center Street, Post Office Box 155, Fairview, UT 84629. Applicant's representative: Harry D. Pugsley, 315 East Second South, Salt Lake City, UT 84111. Authority sought to operate as a contract carrier, by motor vehicle, over regular routes, transporting: *Ground paper insulation*, from Midvale, Utah, to Boise, Idaho, via U.S. Highway I-15 from Midvale, Utah, to junction of I-80N (30S) north of Tremonton, and thence to Boise, Idaho via I-80N (30S), for 180 days. Supporting shipper: Westby Manufacturing Co., 9440 Franklin Road, Boise, ID 83704 (Don Allumbaugh, owner). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239

Federal Building, 125 South State Street, Salt Lake City, UT 84111.

No. MC 129600 (Sub-No. 11 TA), filed December 20, 1972. Applicant: POLAR TRANSPORT, INC., 27 York Avenue, Randolph, MA 02368; Office: 11 Holly Street, Hingham, MA 02043. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream confections, ice confections, ice water confections and sherbet*, from Suffield, Conn., to Worcester, Chicopee, Brockton, Lowell, and Boston, Mass.; Farmingdale, Lynbrook, Mount Vernon, Holtville, West Nyack, Corona, Syracuse, and Schenectady, N.Y.; East Paterson, Middlesex, Mt. Holly, Eatontown, and Lodi, N.J.; Gaithersburg and Baltimore, Md.; Pittsburgh and Turtle Creek, Pa.; Toledo and Cleveland, Ohio, and Tampa, Orlando, and North Miami, Fla. Restriction: Restricted to a transportation service to be performed under a contract or contracts with H. P. Hood, Inc., and its wholly owned subsidiary, American Mobiles Corp. for 180 days. Supporting shipper: American Mobiles Corp., 492 Rutherford Avenue (Rear) Charlestown, (Boston), Mass. 02129. Send protests to: District Supervisor John B. Thomas, Interstate Commerce Commission, Bureau of Operations, 150 Causeway Street, Boston, MA 02114.

No. MC 135201 (Sub-No. 6 TA), filed December 19, 1972. Applicant: B & F TURGEON, INC., 15 North Edgelawn, Aurora, IL 60506. Applicant's representative: E. J. Lease (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Parts, accessories and merchandise* normally distributed by retail and wholesale automotive outlets from Chicago, Ill., to East Gary, Hebron, and Valparaiso, Ind., and (2) *damaged, defective and returned shipments and parts, accessories and merchandise* normally distributed by retail and wholesale outlets from East Gary, Hebron, and Valparaiso, Ind., to Chicago, Ill., for 180 days. Supporting shipper: Standard Unit Parts Corp., 505 West 35th Street, Chicago, IL 60616. Send protests to: William J. Gary, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 135234 (Sub-No. 12 TA), filed December 20, 1972. Applicant: COMMERCIAL CARTAGE, INC., 101 Hudson Street, St. Albans, WV 25177. Applicant's representative: Marvin L. Meadows (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric wire and cable* on reels and *empty reels and materials* used in the manufacture of wire and cable, between plantsites and warehouses of

the Okonite Corp., at Richmond, Ky., Paterson, N.J., and Phillipsdale, R.I., to points in the United States on and east of U.S. Interstate 25, for 180 days. Supporting shipper: The Okonite Co., Ramsey, N.J. Attention: J. W. Roderick, manager-traffic. Send protests to: H. R. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 136408 (Sub-No. 6 TA), filed December 19, 1972. Applicant: CARGO CONTRACT CARRIER CORP., Post Office Box 206, U.S. Highway 20, Sioux City, IA 51102. Applicant's representative: Charles G. Peterson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, washing and polishing soaps and compounds, paints, varnishes and rust preventatives, oils and greases*, except in bulk, in tank vehicles, between Avenel, N.J.; Cleveland and Cincinnati, Ohio; Summit, Ill.; Detroit, Mich.; Des Moines, Iowa; Kansas City, Mo.; Omaha, Neb.; Sioux Falls, S. Dak., and Roseville, Minn. Restriction: The operations authorized are limited to a transportation service to be performed under a continuing contract with Economics Laboratory, Inc., and further limited to service between the plant and warehouses of Economic Laboratory, for 180 days. Supporting shipper: Economics Laboratory, Inc., Avenel Plant, 255 Blair Road, Avenel, NJ 07001. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 106 South 15th Street, 711 Federal Office Building, Omaha, NE 68102.

No. MC 138119 (Sub-No. 1 TA), filed December 20, 1972. Applicant: RAYMOND HARRISON, doing business as ASSOCIATED CASKET COMPANY, 7444 Washington Street, Pittsburgh, PA 15218. Applicant's representative: Louis Kwall, 2018 Monongahela Avenue, Pittsburgh, PA. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Burial caskets*, from Pittsburgh, Pa., to Morgantown and Wheeling, W. Va.; Cambridge, Ohio; Cumberland, Md., and other points in western Pennsylvania, west of U.S. Highway 15, for 180 days. Supporting shippers: Aurora Casket Co., Inc., Aurora, Ind. 47001, and Batesville Casket Co., Batesville, Ind. 47006. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 138243 (Sub-No. 1 TA), filed December 19, 1972. Applicant: RANDALL R. PATTERSON, doing business as COMPLETE AIR FREIGHT, 243 Rodrigues Avenue, Milpitas, CA 95035. Applicant's representative: Michael J. Stecher,

140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except household goods, commodities in bulk, and commodities requiring special equipment, between the San Francisco International Airport, Calif., on the one hand, and points in the counties of Sacramento, Yolo, Solano, and Placer, Calif., on the other, the above restricted to the transportation of traffic having immediate prior or immediate subsequent movement by air, for 180 days. Supporting shipper: Computer Hardware Inc., 2550 Fair Oaks Boulevard, Sacramento, CA 95825; Basic Vegetable Products, Inc., Box 599, Vacaville, Calif. 95688; Formica Corp., Formica Building, 120 East Fourth Street, Cincinnati, OH 45202; Wemco, 721 North B Street, Sacramento, CA. Mailing address: Post Office Box 15619, Sacramento, CA 95813; Shulman Air Freight Internat., 342 Allerton Avenue, International Airport Branch, San Francisco, CA 94080; Aero Special Air Freight, Inc., 1216 Rollins Road, Burlingame, CA 94010; Jet Air Freight, 380 Allerton Road, South San Francisco, CA 94080; Transcon Airfreight, 342 Allerton Avenue, South San Francisco, CA 94080; Wits Air Cargo, 216 Harris Court, South San Francisco, CA. Send protests to: Claud W. Reeves, District Supervisor, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 138274 TA, filed December 20, 1972. Applicant: SHIPPERS BEST EXPRESS, INC., 1656 West 14600 South, Riverton, UT 84065. Applicant's representative: Jerald Payne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Items dealt in and distributed by wholesale and retail grocers* (1) from points in Illinois, Minnesota, Iowa, South Dakota, Nebraska, and Texas to points Utah and Wyoming; (2) between points in Colorado, Utah, and Wyoming; (3) between points in California, Utah, Idaho, and Wyoming; (4) between points in Oregon, Utah, and Wyoming and (5) between points in Washington, Utah, and Wyoming, for 180 days. Note: Applicant intends to tack its requested authority with its existing authority at Salt Lake City, Utah. Supporting shipper: Dean and Co., 1500 South Redwood Road, Salt Lake City, UT 84104 (Mr. E. D. Shelledy—president). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, UT 84111.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-535 Filed 1-9-73;8:45 am]

[Notice 179]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 5, 1973.

The following are notices of filing of applications¹ for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the *FEDERAL REGISTER*, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the *FEDERAL REGISTER* publication, within 15 calendar days after the date of notice of the filing of the application is published in the *FEDERAL REGISTER*. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 53321 (Sub-No. 9 TA), filed December 21, 1972. Applicant: RAU CARTAGE, INC., 1107 East Noble Avenue, Monroe, MI 48161. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paperboard*, from Monroe, Mich., to Celina, Tenn., for 180 days. Supporting shipper: Time Container Corp., 1151 West Elm Street, Monroe MI 48161. Send protests to: District Supervisor Melvin F. Kirsch, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 115841 (Sub-No. 447 TA), filed December 21, 1972. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Office: 1215 Bankhead Highway West, Birmingham, AL 35204. Post Office Box 168, Concord, TN 37720. Applicant's representative: Roger M. Shaner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, from the plant and warehouse facilities of Needham Packing Co., Sioux City, Iowa, and Omaha, Nebr., to points in Florida, Georgia, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting

shipper: Needham Packing Co., 220 Badgerow Building, Sioux City, Iowa 51101. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 128575 (Sub-No. 9 TA), filed December 21, 1972. Applicant: GOLDEN WEST TRUCK CO., 12780 Southwest Prince Albert Street, Tigard, OR 97223. Applicant's representative: William F. Fox (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wooden beams, trusses, arches, plywood, groundwood sheets, lumber, timbers, fabricated or not fabricated, and necessary connecting hardware*, from (1) points in Lane County, Ore., to points in Washington; and (2) Snohomish, King, Pierce, Pacific, Gray Harbor, Lewis, Cowlitz, Skamania and Clark Counties, Wash., to points in Oregon, for 180 days. Supporting shipper: Al Disdero Lumber Co., Post Office Box 42247, Portland, OR 97242. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 138180 (Sub-No. 1 TA), filed December 21, 1972. Applicant: FRED O'BAKER AND FAY E. LEYDIG, doing business as VALLEY TRUCKING COMPANY, Post Office Box 176, Corriganville, MD 21524. Applicant's representative: D. L. Bennett, 129 Edgington Lane, Wheeling, WV 26003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk rock salt*, from Corriganville, Md., to points in Mineral, Hampshire, Hardy, and Morgan Counties, W. Va., for 180 days. Supporting shipper: Morton Salt Co., Main Street, Wadsworth, OH 44281. Send protests to: Joseph A. Nigemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Building, Wheeling, W. Va. 26003.

No. MC 138255 (Sub-No. 1 TA), filed December 14, 1972. Applicant: HERSCHEL A. WIMMER AND CHARLES T. HACKER, doing business as DAYTON AIR FREIGHT, 9000 Peters Pike, Vandalia, OH 45377. Applicant's representative: Herschel A. Wimmer (Same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except Classes A and B explosives, household goods, commodities in bulk and those requiring special equipment, between Cox Municipal Airport at Vandalia, Ohio and Detroit Metropolitan Airport at Romulus, Mich., restricted to the transportation of shipments having an immediately prior or subsequent movement by air, for 180 days. Supporting shipper: United Air Lines, Dayton Municipal Airport, Vandalia, Ohio 45377. Send protests to: Paul J. Lowry, District Supervisor, Bureau of

Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 138255 (Sub-No. 2 TA), filed December 14, 1972. Applicant: HERSCHEL A. WIMMER AND CHARLES T. HACKER, doing business as DAYTON AIR FREIGHT, 9000 Peters Pike, Vandalia, OH 45377. Applicant's representative: Herschel A. Wimmer (Same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except Classes A and B explosives, household goods, commodities in bulk and those requiring special equipment, between Cox Municipal Airport at Vandalia, Ohio, on the one hand, and, on the other, John F. Kennedy Airport and LaGuardia Airport, Jamaica, N.Y., and O'Hare Airport, Chicago, Ill., restricted to the transportation of shipments having an immediately prior or subsequent movement by air, for 180 days. Supporting shipper: Trans World Airlines, Inc., James M. Cox Municipal Airport, Vandalia, Ohio 45377. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 138229 (Sub-No. 1 TA), filed December 21, 1972. Applicant: P & M TRANSPORT, INC., Box 518, Morrisville, VT 05661. Applicant's representative: John P. Monte, 61 Summer Street, Barre, VT 05641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Talc, talc tailings and asphalt filler*, in bags and in bulk, from Johnson, Vt., to Burlington, and St. Johnsbury, Vt., for 90 days. Supporting shipper: Eastern Magnesite Talc Co., Subsidiary of: Engelhard Minerals & Chemical Corp., Menlo Park, N.J. 08817. Send protests to: District Supervisor Martin P. Monaghan, Jr., Bureau of Operations, Interstate Commerce Commission, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 138282 TA, filed December 22, 1972. Applicant: HENRY D. MAAS, Box 264, Arlee, MT 59821. Applicant's representative: Craig S. Sternberg, fourth Floor Hoge Building Seattle, Wash. 98104. Authority sought to operate a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Junk automotive and farm machinery bodies and parts and scrap iron*, from points in Montana and Idaho to Spokane, Wash., for 180 days. Supporting shipper: American Recycling Corp., P.O. Box 337, Parkwater Station, Spokane, WA 99211. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 138283 TA, filed December 22, 1972. Applicant: DANA CORPORATION, Round Lake, Minn. 56167. Applicant's representative: Earl H. Schdder, Jr.,

¹Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

P.O. Box 82028, Lincoln NE 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Candy, confectionery products, nuts and cookies and related advertising material, from the facilities used by Sather Cookie Co. at Round Lake, Minn., to points in the United States (except Alaska and Hawaii); and (2) the commodities in (1)

above and materials and supplies used in the packaging, processing, storage and distribution of the commodities enumerated in (1) above from points in the United States (except Alaska and Hawaii) to the facilities used by Sather Cookie Co. at Round Lake, Minn., for 150 days. Supporting shipper: Sather Cookie Co., Round Lake, Minn. 56167. Send protests to: District Supervisor

A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc. 73-336 Filed 1-9-73; 8:45 am]

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PART II



ENVIRONMENTAL PROTECTION AGENCY

■

REGULATION OF FUELS AND FUEL ADDITIVES

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER C—AIR PROGRAMS

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

On February 23, 1972, a notice of proposed rule making was published in the *FEDERAL REGISTER* (37 FR 3882), setting forth proposed regulations promulgating Federal standards for the use of lead and phosphorus additives in gasoline. Pursuant to the above notice, several public hearings were held. In addition, numerous written comments were received during an extended public comment period. After consideration of the hearings' testimony and other comments, and after further consideration of the available information on health effects of airborne lead and the adverse effect of leaded gasoline on emission control devices, the regulations have been divided into two separate pieces of regulatory action: proposed regulations based upon the health effects of airborne lead, which provide for the reduction of lead in all grades of leaded gasoline, and final regulations, which provide for the general availability of lead-free gasoline. The regulations on reduction of lead for health reasons are being repropounded because the Agency's basis for the reduction has been substantially revised. The proposed regulations are published in this issue of the *FEDERAL REGISTER*, accompanied by an explanation of the basis for the repropounding. The regulations providing for the availability of lead-free and phosphorus-free fuel, modified as determined to be appropriate by the Agency, are promulgated below. The basis for this promulgation is explained below.

When the proposed regulations were published, the Administrator had determined that emission products of lead and phosphorus additives would impair to a significant degree the performance of emission control systems which include catalytic converters that motor vehicle manufacturers are developing to meet the 1975-76 motor vehicle emission standards and that are likely to be in general use if lead and phosphorus additives are controlled or prohibited for use in certain motor vehicle gasolines. This determination was based upon consideration of the available scientific and economic data including a cost-benefit analysis comparing motor vehicle emission control devices or systems which are or will be in general use and require control or prohibition of lead additives in gasolines with emission control devices or systems which are or will be in general use and do not require such control or prohibition of those additives. After identifying the emission control systems or devices under consideration by automobile manufacturers for

meeting the 1975-76 standards, the Administrator determined that one system, the catalytic converter, would be in general use in the 1975 model year. Accordingly, a comparison of systems or devices was not feasible. Since publication of the proposed rule making, additional information on this subject has been submitted to the Agency during public hearings on the suspension of 1975 model year light duty motor vehicle emission standards, and the lead regulations hearings and comment period. This information provides further support for the Administrator's determination.

Therefore, the proposed provision for the general availability by July 1, 1974, of essentially lead-free and phosphorus-free gasolines of an octane quality suitable for 1975 and subsequent model year light duty vehicles is included in the final regulations. Copies of the cost-benefit analysis referred to above, entitled *Aerospace Report, PB-205-981*, are available for \$4.50 each from National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, VA 22151.

At the time of the proposed rule making, the Administrator concluded that the proposed control of the use of lead additives and phosphorus-containing additives in lead-free gasoline would not cause the use of any other fuel or fuel additive that will produce emissions which will endanger the public health or welfare to the same or greater degree. Since that time, additional information has been developed which further supports the Administrator's earlier conclusion. This additional information and the basis for the original finding are set forth in a paper entitled "Effects of Reduced Use of Lead in Gasoline on Vehicle Emissions and Photochemical Reactivity" (with addendum). Copies of this paper are available from the Publications Section, Environmental Protection Agency, 401 M Street SW., Room 238W, Washington, DC 20460.

In the preamble to the proposed regulations, the Administrator invited comments concerning the effect of various levels of sulfur concentrations in lead-free and phosphorus-free gasoline on catalytic emission control systems, the impact of a sulfur limitation on the petroleum industry, and the impact of a sulfur limitation on motor vehicle performance and the cost of gasoline to the consumer. In light of these comments, the Administrator has determined that the currently available information is not adequate to clearly determine the impact of gasoline sulfur levels on emission control devices. Accordingly, additional information on both the effects of sulfur on catalyst deterioration and the impact of a sulfur regulation on the oil industry is required before regulatory action can be proposed.

The regulations as proposed provided that the lead content of unleaded gasoline not exceed 0.05 gram of lead per gallon. This maximum trace lead level is based upon the determination that it

would provide adequate protection for catalyst emission control devices and that delivery of unleaded gasoline meeting this specification is within the capability of the petroleum industry.

Most of the auto manufacturers initially asserted that the standard should be set at a maximum of 0.03 gram per gallon or less to prevent impairment of the effectiveness of the catalytic emission control devices. More recently, several manufacturers have stated that the proposed trace lead standard of 0.05 gram per gallon would be acceptable if such a standard assured that the average lead content of unleaded gasoline were 0.03 gram per gallon.

Spokesmen for the petroleum industry urged that the trace lead standard be set at 0.07 gram per gallon, the specification for unleaded gasoline established by the American Society for Testing and Materials. This specification was chosen on the basis of: (a) The capacity of the distribution system to deliver gasoline with low trace lead levels and (b) the reproducibility of the test methods. The experience of the petroleum industry as a whole in delivery of unleaded gasoline was conceded to be limited. The one company with substantial experience in the distribution of unleaded product is currently able to meet a 0.05 standard most of the time.

The regulations provide for the general availability of a lead-free and phosphorus-free gasoline with specified trace lead levels of 0.05 gram of lead per gallon. It is the Administrator's determination that without regulatory action requiring retail outlets to market at least one grade of such gasoline, availability of that product to the general public in all areas of the country would be uncertain, and may not be sufficient to assure the protection of catalytic control devices. This regulation will determine the range of trace lead in gasoline which will be available to the consuming public for use in motor vehicles with control devices (e.g., from 0 gram lead to 0.05 gram lead). Based on the available data on marketing of unleaded gasolines, the Agency projects that a 0.05 gram of lead per gallon maximum will result in a 0.03 gram per gallon average lead content. Since the Agency's motor vehicle certification regulations require that gasoline generally available at retail outlets be used in vehicle certification tests, 1975 model year vehicle certification testing will be required to be conducted using gasolines having a minimum lead content of 0.03 gram per gallon.

EPA has received numerous comments from the automobile industry requesting that the trace phosphorus level in the lead-free and phosphorus-free gasoline be lowered from the proposed level of 0.01 gram of phosphorus per gallon to 0.005 gram of phosphorus per gallon and below. After evaluating the catalyst deterioration data submitted in support of these requests, the Administrator has determined that the trace phosphorus level must be lowered to 0.005 gram of phosphorus per gallon in order to prevent

catalyst deterioration which would preclude compliance with the emission standards for the useful life of 1975 and later model year vehicles. Though some members of the oil industry contend that a lower phosphorus level would remove some of the existing flexibility in the use of phosphorus detergent additives, the Agency has determined that the need for any such flexibility is outweighed by the need to prevent catalyst deterioration. Moreover, nonphosphorus additives are fast becoming the predominant detergents in unleaded gasoline and are already in large scale use.

Representatives of the petroleum industry have sought clarification of the term "owner or operator" of a retail outlet used in paragraphs (c), (d), and (g) of § 80.22 of the regulations as proposed. These paragraphs have been modified to adopt the terms of the definition of "owner or operator" contained in section 111(a)(5) of title I of the Clean Air Act which defines an "owner or operator" as any person who "owns, leases, operates, controls, or supervises" a regulated facility.

The final regulations do not include the proposed prohibition of the dyeing of unleaded gasolines or the proposed requirement that leaded gasolines be conspicuously colored. Based on comments received on the control of transport of unleaded gasoline, the Agency has determined that a color-coding system is not necessary to the implementation of this regulation.

The Agency agrees with comments received that engine octane demand decreases with increase in altitude, and has added to the requirement that retail outlets market unleaded gasoline of at least 91 octane a provision allowing reduction in octane number in high altitude areas.

The proposed regulations set forth labeling requirements for retail outlets and motor vehicles and dimensions specifications for pump nozzles and automobile fuel filler inlets to prevent accidental use of leaded gasoline in vehicles equipped with emission control devices requiring the use of unleaded fuel. The regulations include slight changes in the required fuel filter inlet and pump nozzle dimensions proposed, in accordance with the recommendations of the Society of Automotive Engineers.

The country's independent gasoline marketers have expressed concern that the major refiners, who currently provide their supply of leaded gasoline, will not produce enough unleaded gasoline during the transition period following the regulation's effective date to supply both the majors' branded outlets and the independent outlets. Based on the results of the Agency's evaluation of the independent marketers' supply problems, the Administrator has determined that it would be premature to conclude that gasoline refiners will be unable or unwilling to provide adequate supplies of unleaded gasoline to retail outlets required by these regulations to offer it. If the shortage of unleaded gasoline

feared by the independent marketers materializes, this Agency will consider whether additional measures are necessary to assure the general availability of unleaded gasoline.

Comments were received which objected to the imposition of liability upon major brand refiners for sales at their retail outlets of unleaded gasoline containing lead in violation of the standard. The regulation retains this provision, with slight wording changes, based upon the Agency's determination that the contamination of unleaded gasoline associated with transportation of the product can best be prevented by the major refiners who have control or the ability to control their distribution networks. However, in order to clearly indicate that there is a positive duty on the major brand refiner to prevent any violation of the unleaded gasoline standard at his retail outlets, the Agency is proposing in this issue of the FEDERAL REGISTER a regulation specifically imposing this duty.

The regulations promulgated below shall be effective on February 9, 1973.

Dated: January 4, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

A new Part 80 is added to Chapter I, Title 40 of the Code of Federal Regulations, as follows:

Subpart A—General Provisions

Sec.	
80.1	Scope.
80.2	Definitions.
80.3	Test methods.
80.4	Right of entry; tests and inspections.
80.5	Penalties.

Subpart B—Controls and Prohibitions

80.20	[Reserved]
80.21	Controls applicable to gasoline distributors.
80.22	Controls applicable to gasoline retailers.
80.23	Liability for violations.
80.24	Controls applicable to motor vehicle manufacturers.

AUTHORITY: Secs. 211 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f-6c).

Subpart A—General Provisions

§ 80.1 Scope.

This part prescribes regulations for the control and/or prohibition of fuels and additives for use in motor vehicles and motor vehicle engines. These regulations are based upon a determination by the Administrator that the emission product of a fuel or additive 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.

§ 80.2 Definitions.

As used in this part:

(a) "Act" means the Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

(b) "Administrator" means the Administrator of the Environmental Protection Agency.

(c) "Gasoline" means any fuel sold in any State¹ for use in motor vehicles and motor vehicle engines, and commonly or commercially known or sold as gasoline.

(d) "Research octane number" means a measurement of a gasoline's knock characteristics which is determined by American Society for Testing and Materials analytical method designated D-2699.

(e) "Lead additive" means any substance containing lead or lead compounds.

(f) "Leaded gasoline" means gasoline which is produced with the use of any lead additive or which contains more than 0.05 gram of lead per gallon or more than 0.005 gram of phosphorus per gallon.

(g) "Unleaded gasoline" means gasoline containing not more than 0.05 gram of lead per gallon and not more than 0.005 gram of phosphorus per gallon.

(h) "Refinery" means a plant at which gasoline is produced.

(i) "Refiner" means any person who owns, leases, operates, controls, or supervises a refinery.

(j) "Retail outlet" means any establishment at which gasoline is sold or offered for sale to the public.

(k) "Retailer" means any person who owns, leases, operates, controls, or supervises a retail outlet.

(l) "Distributor" means any person who transports or stores or causes the transportation or storage of gasoline at any point between any gasoline refinery and any retail outlet.

§ 80.3 Test methods.

The lead and phosphorus content of gasoline shall be determined in accordance with test methods to be prescribed by the Administrator.

§ 80.4 Right of entry; tests and inspections.

The Administrator or his authorized representative upon presentation of appropriate credentials shall have a right to enter upon or through any retail outlet or the premises or property of any distributor and shall have the right to make inspections, take samples, and conduct tests to determine compliance with this part and the Act.

§ 80.5 Penalties.

Any person who violates these regulations shall forfeit and pay to the United States a civil penalty of \$10,000 for each and every day of the continuance of

¹ "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

such violation, which shall accrue to the United States and be recovered in a civil suit in the name of the United States, brought in the district where such person has his principal office or any district in which he does business. The Administrator may, upon application by the person against whom any such penalty has been assessed, remit or mitigate any such forfeiture. The Administrator shall have authority to determine the facts upon all such applications.

Subpart B—Controls and Prohibitions

§ 80.20 [Reserved]

§ 80.21 Controls applicable to gasoline distributors.

After July 1, 1974, no distributor shall sell to any distributor or retailer any gasoline which he represents is unleaded gasoline unless such gasoline does, in fact, meet the defined requirements for unleaded gasoline in § 80.2(g).

§ 80.22 Controls applicable to gasoline retailers.

(a) After July 1, 1974, no retailer or his employee or agent shall introduce, or cause or allow the introduction of, leaded gasoline into any motor vehicle which is labeled "unleaded gasoline only," or which is equipped with a gasoline tank filler inlet which is designed for the introduction of unleaded gasoline.

(b) After July 1, 1974, every person who owns, leases, operates, controls, or supervises a retail outlet at which 200,000 or more gallons of gasoline was sold during any calendar year beginning with the year 1971 shall offer for sale at least one grade of unleaded gasoline of not less than 91 Research Octane Number at such retail outlet: *Provided, however,* That the octane number of unleaded gasoline offered for sale in areas where altitude is greater than 2,000 feet may be reduced one (1) octane number for each succeeding 1,000 feet but not more than three (3) octane numbers in total.

(c) After July 1, 1974, every person who owns, leases, operates, controls, or supervises six or more retail outlets shall offer for sale at least one grade of unleaded gasoline of not less than 91 Research Octane Number at no fewer than 60 percent of such outlets: *Provided, however,* That the octane number of unleaded gasoline offered for sale in areas where altitude is greater than 2,000 feet may be reduced one (1) octane number for each succeeding 1,000 feet but not more than three (3) octane numbers in total.

(d) After July 1, 1974, every retailer shall prominently and conspicuously display in the immediate area of each gasoline pump stand the following notice:

Federal law prohibits the introduction of any gasoline containing lead or phosphorus into any motor vehicle labeled "UNLEADED GASOLINE ONLY."

Such notice shall be no smaller than 36-point bold type and shall be located so as to be readily visible to the retailer's employees and customers.

(e) After July 1, 1974, every retailer shall affix to each gasoline pump stand a permanent legible label as follows:

(1) For gasoline pump stands containing pumps for introduction of unleaded gasoline into motor vehicles, the label shall state:

Unleaded gasoline.

(2) For gasoline pump stands containing pumps for introduction of leaded gasoline into motor vehicles, the label shall state:

Contains lead antiknock compounds.

Any label required under this paragraph shall be located so as to be readily visible to the retailer's employees and customers.

(f) After July 1, 1974, every retailer shall equip all gasoline pumps as follows:

(1) Each pump from which leaded gasoline is sold shall be equipped with a nozzle spout having a terminal end with an outside diameter of not less than 0.930 inch (2.362 centimeters).

(2) Each pump from which unleaded gasoline is sold shall be equipped with a nozzle spout which meets the following specifications:

(i) The outside diameter of the terminal end shall not be greater than 0.840 inch (2.134 centimeters);

(ii) The terminal end shall have a straight section of at least 2.5 inches (6.34 centimeters) in length;

(iii) The retaining spring shall terminate 3.0 inches (7.6 centimeters) from the terminal end.

(g) If more than one grade of gasoline is dispensed from a gasoline pump or pump stand, the Administrator may grant an exception to paragraph (e) or (f) of this section where it has been demonstrated to his satisfaction that an alternate system of labeling or equipment will comply with the objectives of paragraph (e) or (f) of this section.

§ 80.23 Liability for violations.

Liability for violations of paragraph (a) of § 80.22 shall be determined as follows:

(a) (1) Where the corporate, trade, or brand name of a gasoline refiner or any of its marketing subsidiaries appears on the pump stand or is displayed at the retail outlet from which the gasoline was sold, the retailer and such gasoline refiner shall be deemed in violation. The refiner shall be deemed in violation irrespective of whether any refiner, distributor, or retailer, or the employee or agent of any refiner, distributor, or retailer may have caused or permitted the violation.

(2) Where the corporate, trade, or brand name of a gasoline refiner or any of its marketing subsidiaries does not appear on the pump or pump stand or

is not displayed at the retail outlet from which the gasoline was sold, the retailer and any distributor who sold the retailer gasoline contained in the retail outlet storage tank which supplied that pump at the time of the violation shall be deemed in violation.

(b) (1) In any case in which a retailer and any gasoline refiner or distributor would be in violation under paragraph (a) (1) or (2) of § 80.22 the retailer shall not be liable if the retailer can demonstrate that the violation was not caused by him or his employee or agent.

(2) In any case under paragraph (a) (2) of § 80.22 in which two or more distributors have sold the retailer gasoline contained in the retail outlet storage tank which supplied the pump from which the gasoline was sold, any of such distributors who can demonstrate that the violation was not caused by him or his employee or agent shall not be liable.

(c) In any case in which a retailer or his employee or agent introduced leaded gasoline from a pump from which leaded gasoline is sold into a motor vehicle which is equipped with a gasoline tank filler inlet designed for the introduction of unleaded gasoline, only the retailer shall be deemed in violation.

§ 80.24 Controls applicable to motor vehicle manufacturers.

The manufacturer of any motor vehicle equipped with an emission control device which the Administrator has determined will be significantly impaired by the use of leaded gasoline shall:

(a) Affix two permanent, legible labels reading "Unleaded Gasoline Only" to such vehicle at the time of its manufacture, as follows:

(1) One label shall be located on the instrument panel so as to be readily visible to the operator of the vehicle: *Provided, however,* That the required statement may be incorporated into the design of the instrument panel rather than provided on a separate label; and

(2) One label shall be located immediately adjacent to the gasoline filler tank inlet, outside of any filler inlet compartment, and shall be located so as to be readily visible to any person introducing gasoline to such filler inlet.

Such labels shall be in the English language in block letters which shall be of a color that contrasts with their background.

(b) Manufacture such vehicle with a gasoline tank filler inlet having a restriction with an inside diameter not greater than 0.910 inch (2.311 centimeters), which prevents the insertion of a nozzle with a spout larger than prescribed in § 80.22(f) (2) (i). Such filler inlet shall be designed so as to activate immediately any automatic shutoff device on any nozzle subject to § 80.22(f) (1) when the introduction of gasoline into such filler inlet from such a nozzle is attempted.

[FR Doc. 73-302 Filed 1-9-73; 8:45 am]