

No. MC-FC-74655. By order of December 6, 1973, the Motor Carrier Board approved the change in control of the license in No. MC-12948 issued October 13, 1965, to Amity Travel Service, Inc., Stoystown, Pa., through purchase by Robert J. Tischler and Kay Tischler, 2827 Brownsville Road, Pittsburgh, Pa. 15227, of stock from William Bennix and Grace Bennix, 117 Curry Hollow Road, Pittsburgh, Pa. 15236, the said license authorizing the corporation to engage in operations at Stoystown and Amity, Pa., in connection with the transportation of passengers and their baggage, in special and charter operations, in round-trip sightseeing or pleasure tours, beginning and ending at points in Somerset, Bedford, Washington, and Greene Counties, Pa., and extending to points in the United States, including Alaska and Hawaii.

No. MC-FC-74731. By order of December 3, 1973, the Motor Carrier Board approved the transfer to Pudenz Truck Line, Inc., Breda, Iowa, of Certificate No. MC-2726 issued October 26, 1955, to Dennis Pudenz, Carroll, Iowa, authorizing the transportation of livestock from Auburn, Iowa, and points within 15 miles of Auburn to Omaha, Nebr.; and feed, oil, lumber, and livestock from Omaha, Nebr., to Auburn, Iowa, and points within 15 miles of Auburn. Miss Verna E. Frank, Accountant, 2002 Crestview Drive, Carroll, Iowa 51401.

No. MC-FC-74828. By order of December 3, 1973, the Motor Carrier Board approved the transfer to Poppert Trucking, Inc., City of Industry, Calif., of Permit No. MC-133984 (Sub-No. 2) issued to M. A. Poppert, dba Poppert Trucking Company, City of Industry, Calif., authorizing the transportation of: Commercial store fixtures, climate control equipment and parts therefor, between points in Arizona, California, Nevada, Oregon, Idaho, and Washington. Jerry Solomon Berger, Attorney, 9454 Wilshire Blvd., Beverly Hills, Calif., 90212.

No. MC-FC-74843. By order of December 3, 1973, the Motor Carrier Board approved the transfer to E. W. Belcher Trucking, Inc., 201 Dallas Drive, Denton, Texas, 76201, of the operating rights in Certificates No. MC-133494 (Sub-No. 2), MC-133494 (Sub-No. 3) and MC-133494 (Sub-No. 6) issued November 6, 1970, October 12, 1972 and May 10, 1973 respectively to E. W. Belcher, doing business as Belcher Trucking Co., 201 Dallas Drive, Denton, Texas 76201, authorizing the transportation of various commodities from and to specified points and areas in Arkansas, Louisiana, Mississippi, Tennessee and Texas.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 73-26327 Filed 12-12-73; 8:45 am]

MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 7, 1973.

The following applications for motor common carrier authority to operate in

intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a) (6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Arizona Docket No. 2778 (Sub-No. 1556) (AMENDMENT), filed November 20, 1973. Applicant: CITY DELIVERY, INC., 1742 W. Linden, Phoenix, Ariz. 85007. Applicant's representative: Richard B. Wilks, 114 W. Adams, Suite 310, Phoenix, Ariz. 85003. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of General commodities, (1) special delivery, seven-day per week—twenty-four-hour per day service between all points and places in the State of Arizona; (2) unscheduled same-day service from all points and places within a 10-mile radius of the Phoenix terminal to all points and places within a 130-mile radius of the Phoenix terminal provided that shipment is at Phoenix terminal by 9:00 a.m.; (3) unscheduled, next-day service from all points and places within a 130-mile radius of the Phoenix terminal to all points and places within a 130-mile radius of the Phoenix terminal provided that pickup is made by 9:00 a.m.; (4) unscheduled two-day and later service to and from all points and places not covered under same-day or next-day service; (5) service other than special delivery and unscheduled same-day service shall be restricted to the transportation of shipments weighing more than 50 pounds or exceeding 108 inches in length and girth combined; (6) all references to mile radius refer to road miles between points, scheduled pickups within the 10-mile radius of the Phoenix terminal shall be made for delivery to the Phoenix terminal by 9:00 a.m. all other pickups shall be unscheduled; (7) all general commodities shall be transported except liquids in bulk, monies and valuables, explosives, refrigerated products, house trailers, cement, cement blocks, and materials in dump trucks; and (8) all in addition to the authority presently authorized by the certificate. Interstate, intrastate and foreign commerce authority sought.

HEARING: January 22, 1974 (4 days) at the Capitol Annex Building, 1688 West Adams, Phoenix, Ariz. at 9:30 A.M. Requests for procedural information should be addressed to the Arizona Corporation Commission, 1688 West Adams, Room 216, Phoenix, Ariz. 85007, and should not

be directed to the Interstate Commerce Commission.

California Docket No. 54459 (AMENDMENT), filed November 27, 1973. Applicant: AMERICAN TRANSFER CO., 2810 Jensen Avenue (P.O. Box 1226), Fresno, Calif. 93706. Applicant's representative: Marvin Handler, 100 Pine Street #2550, San Francisco, Calif. 94111. By this application applicant seeks to substitute and amend page 2 of Exhibit "B" to add Ione, Calif., as an off-route point on two routes, so that it will read as follows: (1) Between all points and places in the San Francisco territory, as described in Part 2; and (2) Between all points and places on or within 15 lateral miles of the following routes: (a) Between San Francisco and Sacramento via Interstate Highway 80; (b) Between Interstate Highway 80 near Pinole and Stockton via California State Highway 4; (c) Between San Francisco and Stockton via Interstate Highway 80, California State Highway 17, Interstate Highways 580, 205, and 5, California State Highways 120 and 99; (d) Between Tracy and Fresno via California State Highways 33, 152, and 180; (e) Between Dos Palos and junction California State Highway 99 via California State Highway 152; (f) Between junction Interstate Highways 580 and 5 and Interstate Highway 580 near Tracy, via Interstate Highway 580; (g) Between junction of Interstate Highway 5 south of Bakersfield and Sacramento via California State Highway 99, serving Ione as an off-route point; (h) Between Sacramento and Lincoln via Interstate Highway 80, and California State Highway 65; (i) Between junction California State Highways 33 and 180, and Maricopa via California State Highway 33; (j) Between Maricopa and junction California State Highway 99 via California State Highway 166; (k) Between Dunnington and Los Angeles Basin Territory via Interstate Highway 5, serving Ione as an off-route point; (l) Between junction California State Highway 99 near Bakersfield and California State Highway 198 near Exeter via California State Highway 65; (m) Between junction California State Highways 65 and 198 to junction Interstate Highway 5 via California State Highway 198; (n) Between California State Highway 99 near Fowler and Clovis via unnumbered highway known as Clovis Avenue; (o) Between Calwa and Sanger via unnumbered highway known as Jensen Avenue; (p) Between junction California State Highway 99 near Fowler and Reedley via unnumbered highway known as Manning Avenue; (q) Between California State Highway 99 near Selma and Dinuba via unnumbered highway known as Mountain View Avenue; (r) Between California State Highway 99 near Goshen and Dinuba via unnumbered highway known as Alta Avenue; (s) Between Wasco and junction California State Highway 198 near Hanford via California State Highway 43; (t) Between Fresno and junction Interstate Highway 5 near Kettleman City via California State Highway 41; and (u) Between Buttonwillow and McKittrick via California State Highway 58. Intrastate, interstate

and foreign commerce authority sought. **HEARING:** Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, 350 McAllister Street, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

Oklahoma Docket No. MC 31004 (Sub-No. 3), filed October 23, 1973. Applicant: TRI CITIES WAREHOUSE, INC., P.O. Box 75538, Oklahoma City, Okla. 73107. Applicant's representative: William L. Anderson, 4700 N. Thompson, Oklahoma City, Okla. 73105. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of Contents of box cars or trailer load shipments within the State of Oklahoma. Intrastate, interstate, and foreign commerce authority sought. **HEARING:** December 26, 1973, at 340 Jim Thorpe Office Building, Oklahoma City, Okla., at 9:00 A.M. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Oklahoma Corporation Commission, 340 Jim Thorpe Office Building, Oklahoma City, Okla. 73105, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc. 73-26324 Filed 12-12-73; 8:45 am]

[Notice No. 167]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 5, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 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 10095 (Sub-No. 3 TA), filed November 27, 1973. Applicant: RAYMOND BRACHT, doing business as BRACHT TRANSPORTATION CO., P.O. Box 151, 223 East Railway, Milbank, S. Dak. 57252. Applicant's representative: Raymond Bracht (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: lactose (milk sugar), in bags, empty wooden cheese containers completely disassembled, (1) from Milbank, S. Dak., to Sturgis, Mich., and Columbus, Ohio, and (2) from Springfield, Mo., to Milbank, S. Dak. for 180 days. **SUPPORTING SHIPPER:** Valley Queen Cheese Factory, Inc., P.O. Box 351, Milbank, S. Dak. 57252. **SEND PROTESTS TO:** J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 15945 (Sub-No. 13 TA), filed November 26, 1973. Applicant: BRINGWALD TRANSFER INC., 2820 Decker Road, Vincennes, Ind. 47591. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Steel wire, from the plantsite of Laclede Steel Company, Inc., at Alton, Ill., to Washington, Ind., for 180 days. **SUPPORTING SHIPPER:** Laclede Steel Company, Equitable Building, St. Louis, Mo. 63102. **SEND PROTESTS TO:** District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn. Street, Indianapolis, Ind. 46204.

No. MC 93224 (Sub-No. 22 TA), filed November 28, 1973. Applicant: S & N FREIGHT LINE, INCORPORATED, Bryant & Kempsville Roads, Post Office Box 12147 (Thomas Corner Station), Norfolk, Va. 23502. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Diesel fuel, in bulk, in tank vehicles, from Chesapeake, Va., to Jefferson, Ohio, for 180 days. **SUPPORTING SHIPPER:** L. R. Capshaw Inc., 4920 Southern Blvd., Virginia Beach, Va. 23462. **SEND PROTESTS TO:** District Supervisor Robert W. Waldron, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Bldg., Richmond, Va.

No. MC 107403 (Sub-No. 864 TA), filed November 28, 1973. Applicant: MALLACK, INC., 10 W. Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Nitroparaffin derivatives, in bulk, in tank vehicles, from Terre Haute, Ind., to Sterlington, Pa. for 180 days. **SUPPORTING SHIPPER:** Coy A. Orman, Assistant Mgr. of Transportation, Commercial

Solvents Corporation, P.O. Box 207, Terre Haute, Ind. 47808. **SEND PROTESTS TO:** Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Wm. J. Green, Jr., Federal Bldg., 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 107403 (Sub-No. 865 TA), filed November 28, 1973. Applicant: MALLACK, INC., 10 W. Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sulfur hexafluoride, in bulk, from Metropolis, Ill., to Bay Port, Tex., for 180 days. **SUPPORTING SHIPPER:** Daniel J. Crowley, Supervisor, Distribution Analysis, Allied Chemical Corporation, P.O. Box 1087R Columbia Road, Morristown, N.J. 07960. **SEND PROTESTS TO:** Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Wm. J. Green, Jr., Federal Bldg., 600 Arch St., Rm. 3238, Philadelphia, Pa. 19106.

No. MC 107496 (Sub-No. 920 TA), filed November 27, 1973. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, P.O. Box 855 (Box zip 50304), Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquefied petroleum gas, in bulk, from the site of the terminal of Northern Propane Gas Co. at or near Rosemount, Minn., to points in Wisconsin, Iowa, North Dakota, South Dakota, Minnesota, and Upper Michigan, for 150 days. **SUPPORTING SHIPPER:** Northern Propane Gas Company, 4820 Excelsior Blvd., Minneapolis, Minn. 55416. **SEND PROTESTS TO:** Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 921 TA), filed November 27, 1973. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, P.O. Box 855 (Box zip 50304), Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Molasses, in bulk, from Memphis, Tenn., to points in Arkansas and Mississippi, for 150 days. **SUPPORTING SHIPPER:** Cargill, Incorporated, Cargill Building, Minneapolis, Minn. 55402. **SEND PROTESTS TO:** Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 108449 (Sub-No. 366 TA), filed November 28, 1973. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same address as applicant). Authority sought to operate as a common

carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Minot, N. Dak. (Farstad Petroleum Co.), to Mansfield and Fremont, Ohio, for 180 days. **SUPPORTING SHIPPER:** The Ohio Brass Company, 380 N. Main Street, Mansfield, Ohio 44902. **SEND PROTESTS TO:** District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg. & U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 111375 (Sub-No. 70 TA), filed November 28, 1973. Applicant: **PIRKLE REFRIGERATED FREIGHT LINES, INC.**, Mail: P.O. Box 3358, Off: County CV and Acker Road, Madison, Wis. 53704. Applicant's representative: Charles W. Singer, 2440 E. Commercial Blvd., Fort Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Foodstuffs* (except fresh meats), and (b) *fresh meat* when moving in mixed loads with the commodities in (a) above, from Chicago, Ill., and points in its Commercial Zone as described by the Commission, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; (2) (a) *Food* (except meats), *food sauces and food ingredients*, and *advertising specialties and related supplies* when moving in conjunction with food (except meats), food sauces and food ingredients, and (b) *Meats* (except fresh meat) when moving in mixed loads with the commodities in (a) above, from Chicago, Ill., and points in its commercial zone as described by the Commission, to points in New Mexico; and (3) *Meats, meat products, and meat by-products* as defined in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Chicago, Ill., and points in its Commercial Zone as described by the Commission, to Los Angeles, San Francisco, and San Diego, Calif., for 180 days. **SUPPORTING SHIPPERS:** There are approximately 33 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. **SEND PROTESTS TO:** Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 W. Wilson Street, Room 202, Madison, Wis. 53703.

No. MC 114969 (Sub-No. 36 TA), filed November 23, 1973. Applicant: **PROPANE TRANSPORT, INC.**, P.O. Box 232, 1734 State Route 131, Milford, Ohio 45150. Applicant's representative: John L. Alden, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, between points in Kent County, Mich., on the one hand, and, on the other, points in Indiana and Ohio, for 180 days. **SUPPORTING SHIPPERS:** Y M, Inc., P.O. Box 169, Fre-

mont, Ohio 43420, and Superior Lima Division, Sheller-Globe Corporation, 1200 East Kibby Street, Lima, Ohio 45802. **SEND PROTESTS TO:** Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514-B Federal Bldg., 550 Main Street, Cincinnati, Ohio 45202.

No. MC 134404 (Sub-No. 15 TA), filed November 28, 1973. Applicant: **AMERICAN TRANS-FREIGHT, INC.**, P.O. Box 499, So. Bound Brook, N.J. 08880. Applicant's representative: James L. Delaney (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel bath tubs, lavatories, sinks, and plumbers fittings and supplies*, from Salem, Ohio, to Montgomery, Ala.; Hartford, Rockville, and Waterbury, Conn.; the District of Columbia; Clearwater, Delray Beach, Ft. Lauderdale, Miami, Orlando, Pompano Beach, and Riviera Beach, Fla.; Atlanta and Marietta, Ga.; Belleville, Cook County, Ill.; Valparaiso, Ind.; Sioux City, Iowa; Topeka, Kans.; Bowling Green, Elkhorn City, Lexington, Louisville, and Paducah, Ky.; New Orleans, La.; Lewiston, Portland, and Waterville, Maine; points in Anne Arundel, Baltimore, Frederick, Howard, Montgomery, and Prince Georges Counties, Md.; points in Essex, Greenfield, Hampden, Middlesex, New Bedford, Norfolk, Plymouth, and Suffolk Counties, Mass.; Detroit, Flint, Pontiac, and Southfield, Mich.; Kansas City and St. Louis, Mo.; Grand Island and Omaha, Nebr.; Manchester, N.H.; points in Atlantic, Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Ocean, and Passaic Counties, N.J.; points in Albany Middletown, Nassau County, New York City, Niagara Falls, Rochester, Suffolk County, and Syracuse, N.Y.; Charlotte, Greenville, and Wrightsville, N.C.; Fargo, and Grand Rapids, N. Dak.; points in Allegheny County, Altoona, Bethlehem, Harrisburg, Lansdale, New Castle, Philadelphia, and Reading, Pa.; Greenville and Myrtle Beach, S.C.; Sioux Falls, S. Dak.; Johnson City and Memphis, Tenn.; Alexandria, Fairfax, Falls Church, Fredericksburg, Manassas, McLean, Richmond, and Winchester, Va.; and Huntington, W. Va., for 180 days. **SUPPORTING SHIPPER:** American Standard, Inc., P.O. Box 2003, New Brunswick, N.J. 08903. **SEND PROTESTS TO:** District Supervisor Robert S. H. Vance, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 139214 (Sub-No. 1 TA), filed November 28, 1973. Applicant: **ALBERT BIEBER**, Box 307, McLaughlin, S. Dak. 57642. Applicant's representative: Albert Bieber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular houses and related materials*, from McLaughlin, S. Dak., to points in North Dakota, for 180 days. **SUPPORTING SHIPPER:** Standing Rock Housing Corp., McLaughlin, S. Dak. 57642, A. Roland Holt, General Manager. **SEND**

PROTESTS TO: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 139243 (Sub-No. 1 TA), filed November 12, 1973. Applicant: **DAVISON TRANSPORT, INC.**, Sunset Avenue, North Bend, Ohio 45052. Applicant's representative: Melvin E. Marmer, 17th Floor Central Trust Tower, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in dump trucks, from North Bend, Ohio, to points in Ohio, Indiana, Kentucky, and Michigan, for 180 days. **SUPPORTING SHIPPERS:** Vistron Corporation, 1074 Guildhall Building, Cleveland, Ohio 44115, and Agrico Chemical Company, P.O. Box 3166, Tulsa, Okla. 74101. **SEND PROTESTS TO:** Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514-B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

No. MC 139249 (Sub-No. 1 TA), filed November 26, 1973. Applicant: **WALTER R. MC LAUGHLIN**, Oak Lane & Ashbourne Road, Cheltenham, Pa. 19012. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automated data processing media and business papers, reports, and records* (except cash letters) no single shipment to exceed ten pounds in weight, between the facilities of National Cash Register Data Processing Center in West Windsor Township, Mercer County, N.J., on the one hand, and, on the other, points in Delaware, Bucks, Montgomery, and Philadelphia Counties, Pa., for 180 days. **RESTRICTION:** The operations authorized above are limited to a transportation service to be performed under a continuing contract or contracts with persons who operate savings and loan institutions. **SUPPORTING SHIPPERS:** (1) Conshohocken Federal Savings & Loan Association, Fayette St. & Second Ave., Conshohocken, Pa.; (2) First Federal Savings and Loan Association of Bucks County, 118 Mill Rd., Bristol, Pa. 19007; (3) Olney Federal Savings and Loan Association, 401 W. Tabor Rd., Philadelphia, Pa. 19120; (4) York Road Federal Savings and Loan Association of Jenkintown, 123 York Rd., Jenkintown, Pa.; and (5) Main Line Federal Savings and Loan Association, 44 E. Lancaster Ave., Ardmore, Pa. **SEND PROTESTS TO:** Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, William J. Green, Jr., Federal Building, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

MOTOR CARRIERS OF PASSENGERS

No. MC 109802 (Sub-No. 31 TA), filed November 28, 1973. Applicant: **LAKE-LAND BUS LINES, INC.**, East Blackwell Street, Dover, N.J. 07801. Applicant's representative: Charles J. Williams, 47

Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express*, in the same vehicles with passengers, (1) Between Denville, N.J. and Wayne, N.J.: from Denville, N.J., over Interstate Highway 80 to junction with New Jersey Highway 23 and U.S. Highway 46, in Wayne, N.J., and return over the same route, as an alternate route for operating convenience only, in connection with applicant's existing routes to and from New York, N.Y., as set forth in Certificate No. MC 109802 and Subs thereto, serving no intermediate points, except for purposes of joinder only; (2) Between Parsippany-Troy Hills, N.J., and Wayne, N.J.: (a) from junction of U.S. Highway 46 and Interstate Highway 80 in Parsippany-Troy Hills, N.J., over Interstate Highway 80 to Wayne, N.J.; (b) from junction of Interstate Highway 80 and Cherry Hill Road, in Parsippany-Troy Hills, N.J., over U.S. Highway 80 to Wayne, N.J.; and (c) from junction of U.S. Highway 46, Interstate Highway 287, and U.S. Highway 46 in Parsippany-Troy Hills, N.J., over U.S. Highway 80 to Wayne, N.J., and return over the same routes, as alternate routes for operating convenience only, in connection with applicant's existing routes to and from New York, N.Y., as set forth in Certificate No. MC 109802 and Subs thereto, serving no intermediate points, except for purposes of joinder only;

(3) Between Wayne, N.J., and New York, N.Y.: from the junction of New Jersey Highway 23 and Interstate Highway 80 in Wayne, N.J., over Interstate Highway 80 to junction with Interstate Highway 95 in Ridgefield Park, N.J., thence over Interstate Highway 95 to Secaucus, N.J. (Interstate Highway 95 being known as the New Jersey Turnpike between Ridgefield Park, N.J., and Secaucus, N.J.), thence over Interstate Highway 95 exit road to junction with Interstate Highway 495 in North Bergen, N.J., thence over Interstate Highway 495 to New York, N.Y., and return over the same route using Interstate Highway 95 (New Jersey Turnpike) access road in North Bergen, N.J., for operating convenience only, in connection with applicant's existing routes to and from New York, N.Y., as set forth in Certificate No. MC 109802 and Subs thereto, serving no intermediate points, except for purposes of joinder only; (4) Between Parsippany-Troy Hills, N.J., and Montville, N.J.: from Intersection of U.S. Highway 46 and Interstate Highway 287, in Parsippany-Troy Hills, N.J., over Interstate Highway 287 to its junction with Main Street, in Montville, N.J., and return over the same route, as an alternate route for operating convenience only, in connection with applicant's existing routes to and from New York, N.Y., as set forth in Certificate No. MC 109802 and Subs thereto, serving no intermediate points, except for purposes of joinder only; and (5) Between Netcong, N.J., and Hackensack, N.J.: from Netcong, N.J., over access roads to Interstate Highway 80,

thence over Interstate Highway 80 to junction with New Jersey Highway 517, serving no intermediate points, thence over New Jersey Highway 517 to Hackensack, N.J., and return over the same routes, in connection with applicant's existing routes to and from New York, N.Y., as set forth in Certificate No. MC 109802 and Subs thereto, for 180 days.

NOTE.—Applicant proposes to tack or join the proposed routes with the regular routes authorized in Certificate No. MC 109802 and in Subs 12, 13, 22, and 24. The tacking will take place at the termini set forth in the above-described routes. The authority sought will not permit applicant to serve any new points or territory.

SUPPORTING SHIPPERS: There are approximately 118 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Joel Morrow, Bureau of Operations, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

By The Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[PR Doc.73-26330 Filed 12-12-73; 8:45 am]

[Notice 100]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 7, 1973.

The following applications (except as otherwise specifically noted, each application (on applications filed after March 27, 1972) states that there will be significant effect on the quality of the human environment resulting from approval of its application), are governed by § 1100.247¹ 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

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 200 (Sub-No. 262), filed October 23, 1973. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, Mo. 64142. Applicant's representative: Ivan E. Moody, Suite 1200, Temple Building, 903 Grand Ave., Kansas City, Mo. 64106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, mineral wool, material wool products and materials, roofing material, and products, and materials used in the installation of, the aforementioned products and materials, from the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, to points in Indiana (except Indianapolis and points in the Chicago, Ill., Commercial Zone); Lower Peninsula of Michigan (except those in the Detroit Commercial Zone); and Ohio.*

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 340 (Sub-No. 27), filed October 24, 1973. Applicant: QUERNER TRUCK LINES, INC., 1131-33 Austin Street, San Antonio, Tex. 78208. Applicant's representative: M. Ward Bailey,

2412 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Amarillo, Tex., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, Mississippi, Rhode Island, Illinois, Indiana, Texas, Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Michigan, restricted to shipments originating at the plantsite and facilities utilized by John Morrell and Company.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex. or Chicago, Ill.

No. MC 2226 (Sub-No. 104) (PARTIAL CORRECTION), filed August 13, 1973, published in the FR issue of November 8, 1973, and republished in part as corrected this issue. Applicant: RED ARROW FREIGHT LINES, INC., 3901 Seguin Road, P.O. Box 1897, San Antonio, Tex. 78297. Applicant's representative: Phillip Robinson, The 904 Lavaca Building, P.O. Box 2207, Austin, Tex. 78767. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Dallas and Amarillo, Tex., serving Fort Worth, Wichita Falls, and all intermediate points between Wichita Falls and Amarillo; (c) From Dallas over the Texas Turnpike Authority Toll Road to Fort Worth, thence over U.S. Highway 287 to Amarillo, and return over the same route.

NOTE.—The purpose of this republication is to correctly indicate the request in route (1)(c) above, which was previously published in error. The rest of the notice remains as previously published. Common control was approved in Docket No. MC-F-9959. If a hearing is deemed necessary, applicant requests it be held at both Lubbock and Austin, Tex., in that order.

No. MC 2253 (Sub-No. 65), filed October 25, 1973. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, N.C. 28021. Applicant's representative: James E. Wilson, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Chattanooga and Copperhill, Tenn., as off-route points in connection

with applicant's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 2392 (Sub-No. 88), filed October 29, 1973. Applicant: WHEELER TRANSPORT SERVICE, INC., P.O. Box 14248, West Omaha Station, Omaha, Nebr. 68114. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid feed and liquid feed ingredients*, in bulk, in tank vehicles, (1) from points in Butler County, Kans., to points in Colorado, Iowa, Missouri, Nebraska, and Oklahoma; and (2) from Pryor, Okla., to Fremont, Nebr.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 2360 (Sub-No. 136), filed October 30, 1973. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum foil and sheet, aluminum foil and sheet containers, plastic sheet, plastic containers, caps and covers for aluminum and plastic containers, and material, equipment, and supplies used in the manufacture and distribution of said commodities*, between Clayton, N.J., on the one hand, and, on the other, points in Alabama, North Carolina, South Carolina, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Applicant states that the requested authority can be tacked at Wilmington, Del., with existing authority to serve points in New Jersey and Illinois. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 2860 (Sub-No. 137), filed October 24, 1973. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Suite 300, Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Amarillo, Tex., to points in Connecticut, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Delaware, Florida, Georgia, North Carolina, and South Carolina, restricted to shipments origi-

inating at plantsite and facilities utilized by John Morrell & Co.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 9153 (Sub-No. 2), filed October 23, 1973. Applicant: J. R. CHRISTONI, INC., North Cherry Street Extension, Wallingford, Conn. 06492. Applicant's representative: J. R. Christoni, Sr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Steel*, from the plantsites of Highway Safety Corporation located at or near Glastonbury, Conn., on the one hand, and, on the other, points in Massachusetts, Rhode Island, New York, and New Jersey.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at the destination points named above to provide service between Glastonbury, Conn., on the one hand, and, on the other, points in the Town of Newington, Wallingford, and points within 15 miles of Wallingford, and the plantsite of Brickman-Joy Corp. in the City of Hartford, Conn. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., New York, N.Y., or Boston, Mass.

No. MC 11220 (Sub-No. 136), filed October 23, 1973. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. 38101. Applicant's representative: James J. Emigh, P.O. Box 59, Memphis, Tenn. 38101. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except automobiles set up on wheels, dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving points in that part of De Soto County, Miss., on and bounded by a line beginning at the Tennessee-Mississippi state line and extending along Germantown Road to junction Goodman Road, thence along Goodman Road to junction Center Hill Road, thence along Center Hill Road to the Tennessee-Mississippi state line and thence along the Tennessee-Mississippi state line to point of beginning, as off-route points in connection with carrier's authorized regular-route operation from and to Memphis, Tenn. (The area described above is generally referred to as the Holiday Industrial Park, De Soto County, Miss.)

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Jackson, Miss.

No. MC 13900 (Sub-No. 17), filed October 24, 1973. Applicant: MIDWEST HAULERS, INC., 228 Superior Street, Toledo, Ohio 43604. Applicant's representative: Harold G. Hernly, 118 North Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*

ties which are at the time moving on bills of lading of freight forwarders as defined in Section 402(a)(5) of the Act, (1) serving Allentown, Pa. as an intermediate point and Reading, Pa. as an off-route point in connection with carrier's regular route operations between Cincinnati, Ohio, and Newark, N.J., over U.S. Highway 22; and (2) serving New York, N.Y., as an intermediate point in connection with carrier's regular route operations between Washington, D.C., and Bridgeport, Conn., over U.S. Highway 1.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 14552 (Sub-No. 51), filed October 15, 1973. Applicant: J. V. McNICHOLAS TRANSFER CO., a Corporation, 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: Paul F. Beery, Suite 1660, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from the plant site of Bethlehem Steel Corporation at Lackawanna, N.Y., to points in Illinois, Indiana, Ohio, and the lower peninsula of Michigan.

NOTE.—Applicant holds contract carrier authority in MC 123991 and Subs 4 and 7, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 25798 (Sub-No. 248), filed October 15, 1973. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plant site and warehouse facilities of Morton Frozen Foods, Div. of Continental Baking Co., Inc., located at or near Crozet, Va., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and West Virginia.

NOTE.—Common control was approved in MC-F-8953. Applicant states that the requested authority can be tacked with its existing authority, at the plant site and warehouse facilities of Morton Frozen Foods located at Crozet, Va., to provide a through service: in the lead certificate from Hendersonville, N.C., to points in Maine and New Hampshire, and from Winter Haven, Fla., to points in Maine, New Hampshire, and West Virginia; in Sub-No. 11 and 22 (combined) from points in Florida to points in Maine and New Hampshire; in Sub-No. 25 from Auburndale, Leesburg, Plymouth, and Frostproof, Fla., to points in Maine and New Hampshire; in Sub-No. 26 from Seabrook, N.J., and Baltimore, Md., to the destination points named above; in Sub-No. 33 from South St. Paul, Minn., to the destination points named above; in Sub-No. 34 from Brunswick and St. Simons Island, Ga., and Ocala and Jacksonville, Fla., to points in Maine and New Hampshire; in Sub-No. 46 from Auburndale, Leesburg, and Plymouth,

Fla., to points in Maine and New Hampshire; in Sub-No. 74 from Burnsville, Minn., to the destination points named above (except points in West Virginia); in Sub-No. 80 from Gloucester, Mass., to the destination points named above (except points in West Virginia); in Sub-No. 82 from Crookston, Duluth, Minneapolis, and Mankato, Minn., Fargo, N. Dak., and Sioux City, Iowa, to the destination points named above (except points in West Virginia); in Sub-No. 100, from the plant site of Armour & Co. located at or near Sterling, Ill., to the destination points named above; in Sub-No. 109 from Darien, Wis., to points in West Virginia; in Sub-No. 110 from Fort Atkinson, Wis., to the destination points named above (except points in West Virginia, Pennsylvania, and New York); in Sub-No. 114 from the plant site of Swift & Co. located at or near Grand Island, Nebr., to the destination points named above; in Sub-No. 116 from Monmouth, Ill., to the destination points named above (except points in West Virginia); in Sub-No. 126 from Des Moines, Fort Dodge, and Webster City, Iowa, to the destination points named above (except points in West Virginia); in Sub-No. 136 from Seabrook, N.J., to the destination points named above; in Sub-No. 156 from Akron, Ohio, to the destination points named above (except points in West Virginia); and in Sub-No. 171 from the plant site and storage facilities utilized by Wilson & Co., Inc., located at or near Logansport, Ind., to the destination points named above. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 26396 (Sub-No. 102), filed October 23, 1973. Applicant: POPELKA TRUCKING COMPANY, a Corporation, doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products, lumber, and lumber products*, from points in Flathead County, Mont., to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Kallispell and Columbia Falls, Mont. (Flathead County) in Sub-No. 83, to provide a through service from Beaver and Yakima, Wash.; Priest River, Troy, Calder, Priest Lake, Mountain Home, Tamarack, Kooskia, and Emmett, Idaho; and points in Lane, Wasco, Jackson, Josephine, Linn, Tillamook, Multnomah, Douglas, Polk, Coos, Benton, Yamhill, and Marion Counties, Oreg., to the destination points named herein. If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont.

No. MC 26396 (Sub-No. 103) (CORRECTION), filed October 4, 1973, published in the FR issue of November 29, 1973, as MC-26396 (Sub-No. 99) and republished as corrected this issue. Applicant: POPELKA TRUCKING CO., a Corporation, doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Jacob P. Billig, 1126 16th St. NW., Washington, D.C. 20036.

NOTE.—The purpose of this republication is to indicate the correct Docket Number as-

signed to this proceeding in No. MC-26396 (Sub-No. 103). The rest of the notice remains as previously published.

No. MC 27817 (Sub-No. 110), filed October 29, 1973. Applicant: H. C. GABLER, INC., R.D. #3, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except in bulk), from points in Derry Township (Dauphin County), Pa., and Lebanon, Pa., to points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Maryland, District of Columbia, Virginia, North Carolina, South Carolina, West Virginia, Ohio, and Indiana; and (2) *materials and supplies* used in the production of foodstuffs (except in bulk), from points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Maryland, District of Columbia, Virginia, North Carolina, South Carolina, West Virginia, Ohio, and Indiana, to points in Derry Township (Dauphin County), Pa., and Lebanon, Pa., restricted in (1) and (2) above to traffic originating at and destined to the points designated above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 29753 (Sub-No. 4), filed October 29, 1973. Applicant: BOB AIKINS LINES, INC., P.O. Box 264, Lawrenceburg, Ind. 47025. Applicant's representative: Norbert B. Flick, Executive Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden barrels*, from Lawrenceburg, Ind., to Overpeck, Ohio.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Louisville, Ky.

No. MC 30237 (Sub-No. 25), filed October 1, 1973. Applicant: YEATTS TRANSFER COMPANY, a Corporation, Box 666, Altavista, Va. 24517. Applicant's representative: W. Barney Arthur, Box 551, 513 Main St., Altavista, Va. 24517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, as defined in Appendix II to the report in "Description in Motor Carrier Certificate", 61 M.C.C. 209, from points in Appomattox County, Va., to points in Virginia, and the District of Columbia, and returned shipments of new furniture on return.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority, in the base certificate at Rocky Mount, Va., to provide a through service from points in Appomattox County, Va., to points in Delaware, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, West Virginia, and the District of Columbia; in Sub-No. 10 at Altavista and Rocky Mount, Va., to provide a through service from points in Appomattox County, Va., to points in Maine, Connecticut, Massachusetts, New

Hampshire, Rhode Island, and Vermont; and in Sub-No. 18 at Altavista and Rocky Mount, Va., to provide a through service from points in Appomattox County, Va., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, South Carolina, Tennessee, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30319 (Sub-No. 146), filed November 23, 1973. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY OF TEXAS AND LOUISIANA, a Corporation, 7600 South Central Expressway, Dallas, Tex. 75216. Applicant's representative: Lloyd M. Roach, 1517 West Front Street, Tyler, Tex. 75701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving New Orleans, La., and its Commercial Zone as an off-route point in connection with carrier's regular route operations in Texas and Louisiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans or Baton Rouge, La.

No. MC 32779 (Sub-No. 9), filed October 24, 1973. Applicant: SILVER EAGLE COMPANY, a Corporation, 35425 16th Ave. So., Federal Way, Wash. 98002. Applicant's representative: Robert R. Hollis, 400 Pacific Bldg., Portland, Ore. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined in 17 M.C.C. 467, commodities in bulk, and commodities which because of size or weight require the use of special equipment), (1) Between Portland, Ore., and Port of Entry at the intersection of U.S. Highway 97 and the United States-Canadian Border near Oroville, Wash.: From Portland over Interstate Route 80N to junction with U.S. Highway 197 east of The Dalles, Ore., thence over U.S. Highway 197 to junction U.S. Highway 97 near Goldendale, Wash., thence over U.S. Highway 97 to junction Washington State route 131 near Ellensburg, Wash., thence over Washington State route 131 to junction U.S. Highway 97 south of Liberty, Wash., thence over U.S. Highway 97 to the United States-Canadian border north of Oroville, Wash., and return over the same route, serving intermediate and off-route points in Okanogan, Douglas, and Chelan Counties, Wash., and the off-route point of Quincy, Wash., (2) Between Portland, Ore., and Port of Entry at the intersection of U.S. Highway 97 and the United States-Canadian border near Oroville, Wash.: From Portland over Interstate Route 5 to junction with Washington State route 18 near Federal Way, Wash., thence over Washington State route 18 to junction Interstate Route 90 near North Bend, Wash., thence over Interstate Route 90 to junction U.S.

Highway 97 near Cle Elum, Wash., thence over U.S. Highway 97 to U.S. Highway 97 to United States-Canadian border north of Oroville, Wash., and return over the same route, serving intermediate and off-route points in Okanogan, Douglas, and Chelan Counties, Wash., and the off-route point of Quincy, Wash., (3) Between Seattle, Wash., and Port of Entry at the intersection of U.S. Highway 97 and the United States-Canadian border near Oroville, Wash.: From Seattle over Interstate Route 5 to junction with Washington State route 18 near Federal Way, Wash., thence over Washington State route 18 to junction Interstate Route 90 near North Bend, Wash., thence over Interstate Route 90 to junction U.S. Highway 97 near Cle Elum, Wash., thence over U.S. Highway 97 to the United States-Canadian border north of Oroville, Wash., and return over the same route, serving intermediate and off-route points in Okanogan, Douglas, and Chelan Counties, Wash., and the off-route point of Quincy, Wash., (4) Between Spokane, Wash., and Port of Entry at the intersection of U.S. Highway 97 and the United States-Canadian border near Oroville, Wash.:

From Spokane over Interstate Route 90 to junction Washington State route 281 near George, Wash., thence over Washington State route 281 to junction Washington State route 28 at Quincy, Wash., thence over Washington State route 28 to junction U.S. Highway 97 near Wenatchee, Wash., thence over U.S. Highway 97 to United States-Canadian border north of Oroville, Wash., and return over the same route, serving intermediate and off-route points in Okanogan, Douglas, and Chelan Counties, Wash., and the off-route point of Quincy, Wash. Restriction: The separate grants of authority embraced by this application may not be combined among themselves or with any other certificate authority now held by applicant to provide a through service over the routes of applicant between Spokane, Wash., on the one hand, and, on the other, Seattle, Wash., or Portland, Ore.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Portland, Ore., or Seattle or Spokane, Wash.

No. MC 33641 (Sub-No. 107), filed October 19, 1973. Applicant: IML FREIGHT, INC., 2175 S. 3270 West, Salt Lake City, Utah 80217. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion*, from Garfield and Salt Lake City, Utah, to Franklin Center, Pa.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Salt Lake City, Utah.

No. MC 37523 (Sub-No. 8), filed October 29, 1973. Applicant: FREDONIA TRUCK LINE, R.R. 4, Fredonia, Kans. 66736. Applicant's representative: Richard Shaw, P.O. Box 361, 716 Maple Street,

Coffeyville, Kans. 67337. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed mill feeds and dry feed ingredients*, from points in Wilson County, Kans., to points in Oklahoma, Missouri, Arkansas, Texas (except Brazoria, Chambers, Ft. Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties, Tex.).

NOTE.—Applicant presently holds motor contract carrier authority in MC 123056, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 44128 (Sub-No. 39), filed October 30, 1973. Applicant: EPES TRANSPORT SYSTEM, INCORPORATED, 830 S. Main Street, Blackstone, Va. 23834. Applicant's representative: James E. Wilson, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Odenton, Md., as an off-route point to applicant's presently authorized regular route between Richmond, Va., and Philadelphia, Pa., restricted to traffic moving to or from the warehouse and plant facilities of the Diamond Packing Division of Diamond International Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 44639 (Sub-No. 78), filed October 19, 1973. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel (except commodities in bulk), between Franklin, Va., on the one hand, and, on the other, New York, N.Y., and points in Hudson County, N.J.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 44913 (Sub-No. 13), filed August 31, 1973. Applicant: E. ROSCOE WILLEY, INC., P.O. Box 116, Secretary, Md. 21664. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal cans and closures*, from Cambridge, Md., to Suffolk, Va.

NOTE.—Applicant states that the requested authority can be tacked with its existing

authority at Cambridge, Md., to provide a through service from Philadelphia, Pa., to Suffolk, Va. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 48958 (Sub-No. 116), filed September 4, 1973. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Robert W. Wright, Jr., P.O. Box 16404, Denver, Colo. 80216. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from points in Porter County, Ind., to points in Colorado, New Mexico, Texas, Illinois, Iowa, Missouri, and Nebraska.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at points in New Mexico to serve points in Utah, Arizona, and California. Also tacking is possible at points in Nebraska to serve points in Kansas, in Docket No. MC-F-11702. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 341), filed October 29, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Metal containers and metal container ends*, and (2) *accessories and equipment* used in connection with the manufacture and distribution of metal containers and metal container ends, when moving with those commodities, from the plant and warehouse sites of the National Can Corporation located at or near Obetz, Ohio, to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the plant and warehouse sites of the National Can Corporation located at or near Obetz, Ohio.

NOTE.—Common control was approved in MC-F-10280 and MC-F-11307. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 52704 (Sub-No. 107), filed October 23, 1973. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Suite 246, Atlanta, Ga. 30309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Charcoal* (except in bulk), and *lighter fluid* (naphtha distillate), *hickory chips*, *fireplace logs* and *vermiculite*, other than crude, when moving in mixed shipments with charcoal, from Dothan, Ala., to points in Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, and (2) *materials and supplies*, such as, *bags*, *twine*, *hickory chips*, *lighter fluid* (naphtha distillate), *fireplace logs*, and *vermicu-*

lite, other than crude (except in bulk), from the above named destination States to the plantsite of Kingsford Company at or near Dothan, Ala.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 52953 (Sub-No. 43), filed October 26, 1973. Applicant: ET&WNC TRANSPORTATION COMPANY, 132 Legion Street, Johnson City, Tenn. 37601. Applicant's representative: H. M. Cook (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), serving Holiday Industrial Park (DeSoto County), Miss., as an off-route point in connection with applicant's regular route authority.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn.

No. MC 59150 (Sub-No. 83), filed October 29, 1973. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, from the plantsite and warehouse facilities of International Paper Company in Hancock County, Ga., to points in Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Jacksonville, Fla., Atlanta, Ga., or Washington, D.C.

No. MC 59367 (Sub-No. 88), filed November 1, 1973. Applicant: DECKER TRUCK LINE, INC., 3584 5th Avenue South, P.O. Box 915, Fort Dodge, Iowa 50501. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Gypsum and gypsum products*, and *materials and supplies* used in the installation and distribution thereof, from Fort Dodge, Iowa, to points in Nebraska, North Dakota, South Dakota, Minnesota, Kansas, Missouri, Iowa, Indiana, and Michigan; and (2) *paper and paper articles*, from points in Illinois, to points in Iowa.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Omaha, Nebr.

No. MC 59957 (Sub-No. 42) (CLARIFICATION), filed June 21, 1973, published in the FR issue of November 23, 1973, and republished as clarified this issue. Appli-

cant: MOTOR FREIGHT EXPRESS, a Corporation, Arsenal Road & Toronita Road, York, Pa. 17402. Applicant's representative: Walter M. F. Neugebauer (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the site of Motor Freight Express Terminal in Marlboro (Middlesex County), Mass., as an off-route point in connection with carrier's regular route operations between New Haven, Conn. and Boston, Mass.

NOTE.—The purpose of this republication is to indicate that applicant seeks to serve the terminal site, rather than provide service from the terminal site as was previously published in error. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 61783 (Sub-No. 31), filed July 19, 1973. Applicant: GEORGIA-FLORIDA-ALABAMA TRANSPORTATION COMPANY, a Corporation, 1541 Reeves Street, Dothan, Ala. 36301. Applicant's representative: Maurice F. Bishop, 603 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the plantsite and storage facilities of General Motors Corp., Packard Electric Division, located at or near Clinton, Miss., as an off-route point in connection with carrier's regular-route operations to and from Jackson, Miss.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Jackson, Miss.

No. MC 64808 (Sub-No. 17) (CORRECTION), filed October 5, 1973, published in the FR issue of November 29, 1973, as MC-109124 (Sub-No. 17), and republished as corrected this issue. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Avenue, Fairmont, W. Va. 26554. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Glazing units*, *glass and glass products*, and *machinery, materials, equipment and supplies*, used in connection with the manufacture, sale, transportation, or distribution of glazing units, glass and glass products (except commodities in bulk), between the plantsite of Fourco Glass Company, Jerry's Run, (Flemington District, Taylor County), W. Va., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michi-

gan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to transportation of shipments originating at and destined to the above named origin and destination territory.

NOTE.—The purpose of this republication is to indicate the correct Docket Number assigned to this proceeding. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 69116 (Sub-No. 159), filed October 23, 1973. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving York and Livingston, Ala., as off-route points in connection with applicant's otherwise authorized regular-route operations).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Meridian, or Jackson, Miss.

No. MC 69116 (Sub-No. 160), filed October 23, 1973. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Iron and steel products, metal or metal alloy products, and nickel, iron, chromium, alloy products*, serving West Leechburg (Westmoreland County) and Bagdad (Armstrong County), Pa., as off-route points in connection with applicant's presently authorized regular-route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 82492 (Sub-No. 89), filed October 25, 1973. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* in mixed shipments and when moving at the same time and in the same vehicle with foodstuffs, *drugs and plastic and rubber articles* (except commodities in bulk), from points in Indiana and the lower peninsula of Michigan, to points in Illinois.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing

authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Chicago, Ill., or Washington, D.C.

No. MC 82841 (Sub-No. 132), filed October 23, 1973. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fence, gates, posts, rails, and pickets*, from Gladstone and Stephenson, Mich., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 83835 (Sub-No. 112), filed October 29, 1973. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and aluminum pipe, sprinkler systems, and materials and supplies* used in the manufacture of such commodities (except in bulk), between the plant sites of Gifford-Hill & Co., Inc., located at Lubbock, Tex.; Colby, Kans.; Brinkley, Ark.; and Grand Island, Nebr., on the one hand, and, on the other, points in the United States (except Hawaii), restricted to shipments originating at or destined to the above-named plant sites.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 87720 (Sub-No. 153), filed October 10, 1973. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laboratory and hospital equipment; and chemicals*, except in bulk, from Bridge-water Township (Somerset County), N.J., to St. Louis, Mo., Chicago, Ill., Houston, Tex., Santa Clara, Calif., Raleigh, N.C., Atlanta, Ga., and Rochester, N.Y.; and (2) *materials, supplies and equipment* used in the manufacture, distribution or sale of the commodities described in (1) above, except in bulk, from the foregoing destinations, to Bridge-water Township (Somerset County), N.J., under contract with Fisher Scientific Company.

NOTE.—Applicant holds common carrier authority in MC 135684 Sub-No. 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 92633 (Sub-No. 24), filed October 29, 1973. Applicant: ZIRBEL TRANSPORT INC., 420 28th Street North, Lewiston, Idaho 83501. Applicant's representative: Jack S. Shepherd (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logging, mining, and contractors' materials, supplies, and equipment*, between points in Spokane County, Wash., Nez Perce County, Idaho, and points in Montana.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at points in Nez Perce County, Idaho, and Spokane County, Wash., to provide service between points in Oregon, Washington, and Idaho, on the one hand, and, on the other, points in Montana. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash., or Boise, Idaho.

No. MC 94201 (Sub-No. 115), filed December 11, 1972. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Ave., Gadsden, Ala. 35903. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copper, brass, or bronze tube, rod, fittings, castings, and related products and by-products*, from the plantsite, warehouse, and storage facilities of the Federal Pacific Electric Company located at or near Fulton, Miss., to points in Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Indiana, Massachusetts, Rhode Island, Virginia, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Ohio, Illinois, and the District of Columbia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 94350 (Sub-No. 342), filed October 26, 1973. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobile in initial shipments, from points in Steuben and Oneida Counties, N.Y., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 96324 (Sub-No. 24), filed October 23, 1973. Applicant: GENERAL DELIVERY, INC., P.O. Box 1816, Fair-

mont, W. Va. 26554. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Containers and closures for containers*, from Winchester, Va., Cumberland, Md., Short Gap and Martinsburg, W. Va., and Chattanooga, Tenn., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 15 at Pittsburgh, Pa., and Red House, Md., to serve Morgantown, W. Va.; at points in Greene and Fayette Counties, Pa., to serve points in Monongalia County, W. Va.; and at Short Gap and Martinsburg, W. Va., to provide a through service from points in West Virginia to the destination points named above; and in Sub-No. 16 at points in Virginia and Ohio, and at Baltimore, Md., to serve, Fairmont, W. Va. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 99375 (Sub-No. 2), filed October 29, 1973. Applicant: SACRAMENTO FREIGHT LINES, INC., 621 Harbor Boulevard, West Sacramento, Calif. 95691. Applicant's representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Wine and vinous products*, in vehicles equipped with mechanical refrigeration and heating units, from points in California north of the northern-most boundary lines of San Luis Obispo, Kern, and San Bernardino Counties; to points in the United States (except Alaska and Hawaii), and (2) *returned empty reusable beverage containers*, from points in the United States (except Alaska and Hawaii), to the origin points listed in (1) above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Sacramento or San Francisco, Calif.

No. MC 99610 (Sub-No. 15) (CORRECTION), filed July 23, 1973, published in the FEDERAL REGISTER issue of October 4, 1973, and republished, as corrected, this issue. Applicant: ROSS NEELY EXPRESS, INC., 1500 Second Street, Pratt City, Birmingham, Ala. 35214. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Equipment, materials, and supplies*, used in the manufacture of mobile homes, (2) *material handling equipment; equipment, materials, and supplies* used in the manufacture of material handling equipment and (3) *parts, attachments, and accessories* used in connection with the commodities described in (1) and (2) above, between Winfield, Ala., on the one hand, and, on the other, points in the United States (except Alaska and

Hawaii), restricted against the transportation of commodities in bulk.

NOTE.—Applicant states that the requested authority can be tacked with its existing and pending authority at Winfield, Ala., to provide a through service from Dothan, Andalusia, Birmingham, points within 125 miles of Birmingham, Mobile, and points within 15 miles of Mobile, Ala., to points in the United States. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 100666 (Sub-No. 255), filed October 19, 1973. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ground waste paper and glue applicators, and parts thereof*, in mixed shipments with *ground waste paper and glue*, from the plant and warehouse facilities of National Cellulose Corporation at Houston, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 100666 (Sub-No. 257), filed October 29, 1973. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cereal binders, sealing compounds, corn flour, industrial flour, industrial starches, and processed grain products* (except commodities in bulk, animal and poultry feed and feed ingredients, and edible flour), from McPherson, Kans., to points in Oklahoma and New Mexico.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 102223 (Sub-No. 15), filed October 29, 1973. Applicant: FRETTE-NICHOLSON TRUCK LINES, INC., P.O. Box 206, Ankeny, Iowa 50021. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766, from Columbus Junction and Waterloo, Iowa, to points in Illinois, on and south of Interstate Highway 74.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing

authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 102616 (Sub-No. 883), filed October 16, 1973. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Gasoline and fuel oils*, in bulk, in tank vehicles, from Clermont, Ind., to points in Kentucky.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 103051 (Sub-No. 289), filed October 25, 1973. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave. North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Chatham County, Ga., to points in North Carolina and South Carolina.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 106398 (Sub-No. 690), filed October 29, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Monroe County, Miss., to points in the United States (except Alaska and Hawaii).

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 107012 (Sub-No. 192), filed October 29, 1973. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway East & Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Michael L. Harvey (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Physical fitness and gymnasium equipment and apparatus*, uncrated, from points in Los Angeles County, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 107012 (Sub-No. 193), filed October 29, 1973. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway East & Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Michael L. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet, carpet padding, and materials and supplies* used in the installation of carpet and carpet padding, from points in Lyrly, Ga., and Greenville and Landrum, S.C., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control and dual operations were approved in MC-F-9464. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 107452 (Sub-No. 4), filed October 30, 1973. Applicant: R. D. BROWN, doing business as DAN BROWN TRUCKING, Greybull Heights, Greybull, Wyo. 82426. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drilling mud bentonite and barite*, between points in Wyoming, Colorado, Utah, Idaho, Montana, Nevada, North Dakota, on and west of North Dakota Highway 30, and those in South Dakota located west of the Missouri River and on or north of U.S. Highway 14.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Billings, Mont., Denver, Colo., or Casper, Wyo.

No. MC 107460 (Sub-No. 46), filed October 29, 1973. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, Lancaster, Pa. 17601. Applicant's representative: Donald D. Shipley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal roofing and accessories thereof and fabricated metal products*, from the plantsite of Fabral Corporation, located at or near Gridley, Ill., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming; and (2) *materials and supplies* used in the manufacture of metal roofing (except commodities in bulk), from points in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New

Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming, to the plantsite of Fabral Corporation, located at or near Gridley, Ill., under a continuing contract or contracts with Fabral Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 107515 (Sub-No. 880), filed October 29, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plant site and warehouse facilities utilized by J. H. Filbert, Inc., located at or near Atlanta, Ga., to points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas, and Texas (except Alaska and Hawaii), restricted to traffic originating at and destined to the points named.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 108207 (Sub-No. 375), filed October 29, 1973. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Dallas, Tex. 75207. Applicant's representative: J. B. Ham, Post Office Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass roving* impregnated with resin, from Jackson, Ohio, to Litchfield Park, Ariz.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Dallas, Tex.

No. MC 108207 (Sub-No. 376), filed October 29, 1973. Applicant: FROZEN FOOD EXPRESS, a Corporation, 318 Cadiz Street, Dallas, Tex. 75207. Applicant's representative: J. B. Ham, P.O. Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Davenport, Iowa, to Liberal, Kans.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Dallas, Tex.

No. MC 108298 (Sub-No. 35), filed October 29, 1973. Applicant: ELLIS TRUCKING COMPANY, INC., 1205 South Platt River Drive, Denver, Colo. 80223. Appli-

cant's representative: Eldon E. Bresee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Holiday Industrial Park located in DeSoto County, Miss., as an off-route point in connection with applicant's regular route operations to and from Memphis, Tenn.

NOTE.—Common control was approved in Docket No. MC-F-7530. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Memphis, Tenn.

No. MC 109124 (Sub-No. 17) (CLARIFICATION), filed October 1, 1973, published in the FR issue of November 29, 1973, and republished as clarified this issue. Applicant: SENTRY TRUCKING CORPORATION, 210 Alexis Road, Toledo, Ohio 43612. Applicant's representative: James M. Burtch, 100 E. Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building, paving, roofing, and insulating materials*, from Oregon, Ohio, to points in Illinois, Indiana, Michigan, Kentucky, Pennsylvania, New York, and West Virginia; and (2) *material and supplies* used in the manufacture of building, paving, roofing, and insulating materials, from points in Illinois, Indiana, Michigan, Kentucky, Pennsylvania, New York, and West Virginia, to Oregon, Ohio.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Oregon, Ohio, to provide a through service from Chicago, Chicago Heights, Joliet, Waukegan, and Wilmington, Ill., and Lowell, South Bend and East Chicago, Ind., to points in New York, Pennsylvania (east of Highway 219), West Virginia (south of U.S. Highway 50), and Kentucky (except Ashland, Caveington, and Newport). The purpose of this republication is to clarify applicant's request for authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109689 (Sub-No. 257), filed October 23, 1973. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from Salt Lake City, Utah, and points within 10 miles thereof, to points in Arizona, Idaho, Wyoming, and Clark County, Nev.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 238 at Salt Lake City, Utah, to provide a through service from Fredonia, Ariz., to points in Idaho and Wyoming; and at Fredonia, Ariz., to serve points in Colorado, New Mexico, Utah, and additional points in Nevada; and in Sub-No. 52 at Salt Lake City, Utah, to provide a through service from points in Utah to the destination points named above. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 110563 (Sub-No. 116), filed October 18, 1973. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Candy and confectionary, chocolate candy, milk chocolate, or confectionary*, from Freehold, N.J., to points in Pennsylvania, Ohio, Kentucky, Michigan, Indiana, Illinois, Wisconsin, Missouri, Kansas, Iowa, Nebraska, Minnesota, North Dakota, South Dakota, and Oklahoma, restricted to traffic originating at Freehold, N.J.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 110563 (Sub-No. 118), filed October 18, 1973. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Candy and foodstuffs*, from New York, N.Y., North Bergen and Englewood, N.J., and points in Bergen, Essex, and Hudson Counties, N.J., to points in Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, Missouri, Iowa, Nebraska, Kansas, Minnesota, North Dakota, and South Dakota, restricted to traffic originating at the plantsites and warehouse facilities utilized by Delson Candy Co.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 111545 (Sub-No. 192), filed October 23, 1973. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., P.O. Box 6426, Station A, Marietta, Ga. 00062. Applicant's representative: Robert E. Born (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Electrical transformers, circuit breakers, and parts* which by reason of size or weight requires the use of special equipment; and (2) *Electrical equipment and parts* which do not require the use of special equipment when moving in connection with commodities in (1) above between Rankin County, Miss., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—The requested authority can be tacked (a) with applicant's specified commodity authority between points in Texas on the one hand, and, on the other, points in Mississippi; and (b) between points in Texas on the one hand, and, on the other, points in Missouri and Oklahoma. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Milwaukee, Wis., or Washington, D.C.

No. MC 112184 (Sub-No. 42), filed October 25, 1973. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, a Corporation, 11250 Kinsman Road, Newbury, Ohio 44065. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Liquid resins, core compounds, formaldehyde, acetone, methanol, phenol, ethanol, and nitrogen fertilizer solutions* in bulk in tank vehicles, between the plantsite of Georgia Pacific Corporation, located in Franklin County, Ohio, on the one hand, and, on the other, points in Indiana (except Gary and Griffith), Michigan (except Kalamazoo and Mt. Clemens), and Pennsylvania (except Erie and Petrolia), under a continuing contract with Georgia Pacific Corporation.

NOTE.—Applicant holds common carrier authority in MC-112184 Sub-No. 2 and other Subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 112893 (Sub-No. 49), filed October 29, 1973. Applicant: BULK TRANSPORT COMPANY, a Corporation, P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: Fred H. Figue (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Green Bay, Madison, Milwaukee, and Two Rivers, Wis., to Walcott, Iowa.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113651 (Sub-No. 161), filed September 17, 1973. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen and nonfrozen*, from Presque Isle, Caribou, Portland, and Washburn, Maine, to points in New York, Pennsylvania, Ohio, Michigan, Indiana, Illinois, Missouri, Kentucky, Tennessee, West Virginia, Arkansas, Virginia, Alabama, Maryland, Georgia, North Carolina, South Carolina, Florida, Mississippi, and Vermont, restricted to traffic originating at Presque Isle, Caribou, Portland, and Washburn, Maine, and destined to the named destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 114045 (Sub-No. 390), filed October 29, 1973. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as ap-

plicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Drugs, toilet preparations, cosmetics, soap, shampoo, shave cream, hair goods, and advertising matter*, in vehicles equipped with mechanical temperature control, from Cockeysville (Baltimore County), Md., to Dallas, Tex., Los Angeles, and Brisbane, Calif.

NOTE.—Common control was approved in Docket No. MC-F-8619. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Washington, D.C.

No. MC 114211 (Sub-No. 210), filed October 23, 1973. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Pipe, conduit and tubing and fittings and accessories* thereof, from Wheatland, Pa., to points in Iowa, Nebraska, South Dakota, and Minnesota; and (2) *returned shipments* of the commodities described in (1) above, from the destination points named in (1) above, to Wheatland, Pa.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City or Des Moines, Iowa, or Omaha, Nebr.

No. MC 114273 (Sub-No. 151), filed October 29, 1973. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Furniture*, from Christiansburg, Bedford, and Martinsville, Va., to points in Iowa.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 152), filed October 29, 1973. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Flat glass*, from Floreffe, Pa., to Truesdale, Mo.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114725 (Sub-No. 54), filed October 29, 1973. Applicant: WYNNE

TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and liquid feed ingredients*, in bulk, in tank vehicles, (1) from points in Butler County, Kans., to points in Colorado, Iowa, Missouri, Nebraska, and Oklahoma, and (2) from Pryor, Okla., to Fremont, Nebr.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114896 (Sub-No. 10), filed October 17, 1973. Applicant: **PURULATOR SECURITY, INC.**, 1341 West Mockingbird Lane, Dallas, Tex. 75202. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food coupons*, between points in the United States (except Alaska and Hawaii), and (2) *United States Bonds*, between points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with General Services Administration.

NOTE.—Common control was approved in MC-F-11658 and MC-F-11680. Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114965 (Sub-No. 51), filed October 23, 1973. Applicant: **CYRUS TRUCK LINE, INC.**, Box 327, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, Box 328, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: No. 2 *diesel fuel*, from Kansas City Power and Light, Northeast Station, First and Park, Kansas City, Mo., and Amoco Refinery, Sugar Creek, Mo., to Kansas City Power & Light, LaCygne Station, at or near LaCygne, Kans.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 115841 (Sub-No. 461), filed October 29, 1973. Applicant: **COLONIAL REFRIGERATED TRANSPORTATION, INC.**, 1215 Bankhead Highway, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, (1) from Gulfport, Miss., to points in Alabama, Arkansas, Georgia, Florida, California, Mississippi, Oklahoma, and Texas, and (2) from points in Mississippi to Gulfport, Miss., restricted to traffic originating at and destined to the named points.

NOTE.—Common control was approved in MC-F-7304. If a hearing is deemed necessary,

applicant requests it be held at Chicago, Ill., Pittsburgh, Pa., or Washington, D.C.

No. MC 115841 (Sub-No. 462), filed October 29, 1973. Applicant: **COLONIAL REFRIGERATED TRANSPORTATION, INC.**, 1215 Bankhead Highway, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite of Madison Foods, Inc., located at or near Madison, Nebr., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

NOTE.—Common control was approved in MC-F-7304. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not designate a location.

No. MC 115841 (Sub-No. 463), filed October 29, 1973. Applicant: **COLONIAL REFRIGERATED TRANSPORTATION, INC.**, 1215 Bankhead Highway, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Office supplies*, including mucilage, ink, paint, ink pads, pens and pencils, duplicating fluid, advertising matter, business machine ribbons, display racks, cleaning compounds, carbon paper, carbon paper sets, adhesives, and paper (except commodities in bulk), from Crossville, Tenn., to Los Angeles, Calif.

NOTE.—Common control was approved in MC-F-7304. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 115917 (Sub-No. 28), filed October 30, 1973. Applicant: **UNDERWOOD & WELD COMPANY, INC.**, P.O. Box 247, Crossnore, N.C. 28616. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt, salt products, and salt byproducts*, in containers or blocks; (2) *pepper*, in packages, in mixed shipments with the commodities named in (1) above; (3) *animal and poultry mineral feed mixtures*, in packages, in mixed shipments with the commodities named in (1) above; and (4) *materials and supplies* used in agricultural, water treatment, food processing, wholesale,

grocery, and institutional supply industries (except in bulk), in mixed shipments with the commodities named in (1) above, from Watkins Glen, N.Y., to points in Alabama, Florida, Virginia, and West Virginia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116273 (Sub-No. 165), filed November 1, 1973. Applicant: **D & L TRANSPORT, INC.**, 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Milton, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116626 (Sub-No. 9), filed October 29, 1973. Applicant: **C. W. EANES, RFD. 1, Box 6, Gretna, Va. 24557**. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (including laminated wood flooring), from points in Campbell and Charlotte Counties and Lynchburg, Va., to points in Kentucky and Tennessee.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 116859 (Sub-No. 13), filed October 26, 1973. Applicant: **CLARK TRANSFER, INC.**, P.O. Box 190, Route 130 & Dulty Lane, Burlington, N.J. 08016. Applicant's representative: David A. Sutherland, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, displays, exhibits, and objects of art*, between points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117119 (Sub-No. 490), filed October 23, 1973. Applicant: **WILLIS SHAW FROZEN EXPRESS, INC.**, P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Kraft Foods at or near Springfield, Mo., to points in Arizona, California, Colorado, Idaho, Nevada,

Oregon, Utah, Washington, and New Mexico, restricted to points in named origins and destined to points in named destinations.

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Dallas, Tex.

No. MC 117344 (Sub-No. 230), filed October 29, 1973. Applicant: THE MAXWELL CO., a Corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stivers—John L. Alden, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Liquid cleaning compound*, in bulk, in rubber-lined tank vehicles, from Cincinnati, Ohio, to Buffalo, N.Y., and points in Pennsylvania.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 117940 (Sub-No. 101), filed October 25, 1973. Applicant: NATION-WIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic articles*, other than in bulk, from Little Falls and Clearwater, Minn., and Hudson, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC-114789 Sub-No. 1 and other Subs, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 118159 (Sub-No. 137), filed October 25, 1973. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Jack R. Anderson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766, from Amarillo, Tex., to points in Arkansas, Louisiana, and Mississippi, restricted to shipments originating at plantsite and facilities utilized by John Morrell & Co.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Kansas City, Mo., or Tulsa, Okla.

No. MC 118202 (Sub-No. 26), filed October 30, 1973. Applicant: SCHULTZ

TRANSIT, INCORPORATED, P.O. Box 406, 323 Bridge Street, Winona, Minn. 55987. Applicant's representative: Eugene A. Schultz (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from the plant site and storage facilities utilized by Sunflower Beef Packers, Incorporated, at York, Nebr., to points in New York, Pennsylvania, New Jersey, Maryland, Ohio, Massachusetts, and Chicago, Ill., and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC-134631 Sub-No. 4, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 118202 (Sub-No. 28), filed October 25, 1973. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 503, Winona, Minn. 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Manufactured mulch*, from Findlay and Barberton, Ohio, and Chicago, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 134631 (Sub-No. 4), therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 118518 (Sub-No. 9), filed October 25, 1973. Applicant: MUKLUK FREIGHT LINES, INC., 3111 C Street, Anchorage, Alaska 99503. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, and commodities requiring special equipment), between points in the Kenai Peninsula south of an imaginary line extending east and west through Girdwood, Alaska, including Girdwood, Alaska.

NOTE.—Common control was approved in MC-F-27420. Applicant states that the requested authority can be tacked with its existing authority at Girdwood, Alaska, to provide service between points in the Kenai Peninsula and additional points in Alaska. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118806 (Sub-No. 30), filed October 26, 1973. Applicant: ARNOLD BROS. TRANSPORT, LTD., 739 Lagimodiere Boulevard, Winnipeg, Manitoba,

Canada. Applicant's representative: Daniel C. Sullivan, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods and class A and B explosives) (1) between Noyes, Minn., and the port of entry on the International Boundary line between the United States and Canada near Noyes, Minn.; and (2) between Pembina, N. Dak., and the port of entry on the International Boundary line between the United States and Canada near Pembina, N. Dak.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118806 (Sub-No. 31), filed October 26, 1973. Applicant: ARNOLD BROS. TRANSPORT, LTD., 739 Lagimodiere Boulevard, Winnipeg, Manitoba, Canada. Applicant's representative: Daniel C. Sullivan, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber, millwork, forest products, such commodities as are manufactured or distributed by lumber mills and lumber yards*, from the ports of entry on the International Boundary line between the United States and Canada at or near Pembina, N. Dak., and Noyes, Minn., to points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic in foreign commerce.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118831 (Sub-No. 109), filed October 23, 1973. Applicant: CENTRAL TRANSPORT, INCORPORATED, Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry synthetic plastic resins*, in bulk, from Scottsboro, Ala., to Elizabethton, Tenn.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with Sub 85, on chemicals, at Scottsboro, Ala., to provide a through service from Lanette, Ala., to Elizabethton, Tenn. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., Raleigh, N.C., or Atlanta, Ga.

No. MC 119656 (Sub-No. 20), filed October 29, 1973. Applicant: NORTH EXPRESS, INC., 219 E. Main Street, Winamac, Ind. 46996. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel fluxing compound*, from El Dorado and Chicago, Ill., and Painesville, Ohio, to the plant site and warehouse facilities of Cravens Insul. Co., Inc., at North Judson, Ind.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing

authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 119789 (Sub-No. 186), filed October 25, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 1612 East Irving Blvd., Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Amarillo, Tex., to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia, restricted to shipments originating at plantsite and facilities utilized by John Morrell and Co.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Washington, D.C.

No. MC 119789 (Sub-No. 187), filed October 25, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 1612 East Irving Blvd., Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Recreational equipment and sporting goods*, from Old Forge, Pa., to Arizona, Arkansas, California, Colorado, Kansas, Louisiana, Missouri, Nevada, New Mexico, Oklahoma, Texas, and Utah.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa., or Washington, D.C.

No. MC 119792 (Sub-No. 38), filed October 18, 1973. Applicant: CHICAGO SOUTHERN TRANSPORTATION CO., INC., 3215 South Hamilton, Chicago, Ill. 60632. Applicant's representative: William J. Boyd, 29 South LaSalle Street, Suite 330, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, products, meat by-products, and packinghouse products*, from Gulfport, Miss., to Kentucky, Tennessee, Georgia, Florida, North Carolina, South Carolina, Illinois, Indiana, Wisconsin, Michigan, Ohio, Minnesota, Nebraska, Iowa, Kansas, and Missouri.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New Orleans, La.

No. MC 120841 (Sub-No. 6), filed September 24, 1973. Applicant: WALTER J. DUNLAP AND W. A. BIRCKBICHLER, doing business as BLACK & WHITE EXPRESS, a partnership, 217 American Avenue, Butler, Pa. 16001. Applicant's

representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15218. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Frozen and perishable foods requiring refrigeration, in temperature-controlled vehicles*, (a) between points in Butler County, Pa.; and (b) from points in Butler County, Pa., to points in Pennsylvania; and (2) *the return of refused, damaged or rejected shipments to the point of origin*.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 121281 (Sub-No. 8), filed October 26, 1973. Applicant: BIG MAC TRUCKING CO., a Corporation, 1335 Boyles Street, P.O. Box 15069, Houston, Tex. 77020. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bricks*, from points on the International Boundary line between the United States and the Republic of Mexico, to points in Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Antonio or Houston, Tex.

No. MC 123004 (Sub-No. 3), filed October 23, 1973. Applicant: THE LUPER TRANSPORTATION COMPANY, a Corporation, 350 East 21st Street, Wichita, Kansas 67219. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Amarillo, Tex., to points in Arizona, Arkansas, California, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Memphis, Tenn., restricted to shipments originating at plantsite and facilities utilized by John Morrell and Co.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123048 (Sub-No. 285), filed November 1, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53406. Applicant's representative: Paul L. Martinson, Post Office A, Racine, Wis. 53401. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Grain bugles and feed mixers*, from Tonkawa, Okla., to the port of entry on the International Boundary line between the United States and Canada located in North Dakota.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing

authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123099 (Sub-No. 6), filed October 25, 1973. Applicant: HOWARD ANDERSON, doing business as ANDERSON'S TRUCKING COMPANY, RD 4, Box 11, Wellsboro, Pa. 16901. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, between Rochester, N.Y., on the one hand, and, on the other, points in Pennsylvania (except points in Potter, Tioga, Lycoming, Northumberland, and Clinton Counties).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Syracuse or Buffalo, N.Y.

No. MC 123639 (Sub-No. 154), filed October 25, 1973. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site and storage facilities of Madison Food Company at or near Madison, Neb., to points in Arizona, California, Colorado (except points in the Denver, Colo. Commercial Zone), Connecticut, Delaware, Idaho, Illinois, Indiana (except points in Illinois and Indiana in the Chicago, Ill. Commercial Zone), Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123872 (Sub-No. 14), filed October 23, 1973. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Drawer 2607, Hickory, N.C. 28601. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, commodities in bulk in

tank vehicles), from the plantsite of Missouri Beef Packers, Inc., at Rock Port, Mo., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Hickory or Charlotte, N.C., or Washington, D.C.

No. MC 123872 (Sub-No. 15), filed October 30, 1973. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Drawer 2607, Hickory, N.C. 28601. Applicant's representative: Theodore Polidoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, commodities in bulk, in tank vehicles), from the plant site and warehousing facilities of Hygrade Food Products Corporation, at or near Storm Lake, Iowa, to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hickory, N.C., or Washington, D.C., or Charlotte, N.C.

No. MC 124221 (Sub-No. 43), filed October 19, 1973. Applicant: HOWARD BAER, P.O. Box 27, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plant site of KB Specialty Foods (a wholly-owned Kroger Co. subsidiary) at or near Greensburg, Ind., to Kroger Co. distribution centers and storage facilities located at Atlanta, Ga.; Charleston, W. Va.; Cincinnati, Cleveland, Solon, and Columbus, Ohio; Detroit and Grand Rapids, Mich.; Kansas City and St. Louis, Mo.; Little Rock, Ark.; Louisville, Ky.; Memphis and Nashville, Tenn.; Peoria, Ill.; Salem and Roanoke, Va.; Houston, Fort Worth, and Dallas, Tex.; and Irwin and Pittsburgh, Pa.; including points in the commercial zones of the said points named above; (2) *unsold, outdated, or damaged items* of the above-named commodities on return; and (3) *foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plant site of Orval Kent Food Co., Inc., Chicago, Ill., and Kroger Co. warehouses or storage facilities at Cincinnati Ohio, and its commercial zone (except those points in the Commercial Zone in Kentucky), to the plant site of KB Specialty Foods at or near Greensburg, Ind., restricted to a transportation service under a continuing contract with The Kroger Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio; Indianapolis, Ind.; or Washington, D.C.

No. MC 124576 (Sub-No. 7), filed October 23, 1973. Applicant: WILLIAMS TRANSPORTATION, INC., U.S. Highway 85 North, P.O. Box 218, Belle Fourche, S. Dak. 57717. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* used and dealt in by retail and wholesale lumber yards (except cement in bulk), between points in Colorado, South Dakota, Nebraska, Minnesota, and Wyoming (except cement in bags from Laramie, Wyo., and points within 10 miles of Laramie, to Henry, Nebr., and points within 150 miles of Henry), under contract with Lampert Lumber Company.

NOTE.—Applicant is presently authorized in MC-124576 (Sub-No. 1) to provide the service requested herein (with the exception of Colorado). The purpose of this application is to add the state of Colorado to the already authorized service territory. Applicant agrees to surrender said Sub-No. 1 Permit upon the granting of the instant application. If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn., or Rapid City, S. Dak.

No. MC 124692 (Sub-No. 125), filed October 25, 1973. Applicant: SAMMONS TRUCKING, a Corporation, P.O. Box 1447, Missoula, Mont. 59801. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Peoria, Chicago Heights, and Chicago, Ill., and East Chicago, Ind., to points in Minnesota, North Dakota, South Dakota, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority, to provide additional service. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124887 (Sub-No. 5), filed October 25, 1973. Applicant: ELBERT GRADY SHELTON, doing business as SHELTON TRUCKING, Route One, Box 230, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal products, charcoal pellets, vermiculite, charcoal lighter fluid, woodchips, fireplace logs, sawdust and wax impregnated* (except commodities in bulk), from points in Houston County, Ala., to points in Florida and Georgia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tallahassee, Fla., or Atlanta, Ga.

No. MC 125023 (Sub-No. 19), filed October 17, 1973. Applicant: SIGMA-4 EXPRESS, INC., 3825 Beech Ave., Erie,

Pa. 16508. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages, in containers, and related advertising materials moving therewith*, (a) from Fort Wayne, Ind., to points in West Virginia, (b) from Milwaukee, Wis., to Vandergrift, Pa., and (c) from Columbus, Ohio, to Elmira Heights, N.Y., and (2) *empty malt beverage containers* on return movements.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 125512 (Sub-No. 7), filed September 16, 1973. Applicant: ELTON F. BURISH, doing business as ELTON BURISH TRUCKING, Route 2, Box 58A, Marathon, Wis. 54448. Applicant's representative: Mrs. Elton Burish (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Wood chips*, in bulk, from Iron Wood Products Corporation, Eli Street, Bessemer (Gogebic County), Wis.; and (2) *sawdust and shavings*, in bulk, from Northern Hardwoods Division of Copper Range Co., located on Michigan Highway 26 near South Range (Adams Township), Houghton County, Mich., to points in Brokaw, Green Bay, Kaukauna, Marshfield, Mosinee, Nekeosha, Rhinelander, Rothschild, Sheboygan Falls, Tomahawk, and Wausau, Wis., in (1) and (2) under contract with Copper Range Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Wausau, Wis., or Houghton, Mich.

No. MC 125533 (Sub-No. 6), filed October 29, 1973. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, Ohio 44312. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Clay products*, from Pottstown, Pa., to points in that part of Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Rhode Island, Virginia, and the District of Columbia within 300 miles of Pottstown, Pa.; (2) *rejected or damaged shipments of clay products, and materials and supplies* used in the manufacture of clay products, from the above-specified destination territory named in (1) above to Pottstown, Pa.; (3) *clay products*, from Clearfield, Pa. to points in Delaware, Maryland, New York, New Jersey, Virginia, West Virginia, and the District of Columbia; (4) *rejected and unused clay products, and materials and supplies* used in the manufacture of clay products, (a) from points in Delaware, Maryland, New York, New Jersey, Virginia, West Virginia, and the District of Columbia, to Clearfield, Pa., and (b) from points in West Virginia, to Pottstown, Pa.; (5) *clay products*, (a) from Pottstown, Pa., to points in Connecticut,

Maryland, Massachusetts, New York, Ohio, Rhode Island, Virginia, Maine, New Hampshire, and Vermont, except points in that part of Connecticut, Maryland, Massachusetts, New York, Ohio, Rhode Island, and Virginia within 300 miles of Pottstown, and (b) from the site of the plant of the Clow Corporation at Clearfield, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, Ohio, Rhode Island, and Vermont.

(6) *Clay products*, from Pottstown and Clearfield, Pa., to points in Illinois, Indiana, Michigan, North Carolina, South Carolina, Tennessee, and Wisconsin; (7) *returned clay products and materials and supplies* used in the manufacture of clay products, (a) from points, in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Wisconsin, and the District of Columbia, to Pottstown, Pa., and (b) from points in Connecticut, Illinois, Indiana, Maine, Massachusetts, Michigan, New Hampshire, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, and Wisconsin, to Clearfield, Pa.; (8) *clay products*, (a) from Mogadore, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin; (b) from Parral, Ohio, to points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia; (9) *returned clay products, and materials and supplies* used in the manufacture of clay products, (a) from points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, to Mogadore, Ohio; (b) from points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, to Parral, Ohio; and (c) from points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, to Strasburg, Ohio, (a), (b), and (c) restricted against the transportation of the above-specified commodities, in bulk; (10) *clay products*, (a) from the site of the United States Concrete Pipe

Company plant at Mogadore, Ohio, and the site of the Clow Corporation plants at Midvale and Parral, Ohio, to points in Maine, Vermont, New Hampshire, Connecticut, Rhode Island, and Massachusetts, and (b) from the site of the United States Concrete Pipe Company plant, at Mogadore, Ohio, to points in New Jersey, Delaware, and the District of Columbia;

(11) *Empty containers, pallets, returned clay products, and materials and supplies* used in the manufacture of clay products, from their respective destination points, to Mogadore, Midvale, and Parral, Ohio; (12) *refractory materials, refractory products, and materials* used in the installation of refractory materials and refractory products, (a) from the plant site of Clow Corporation, at Clearfield, Pa., to points in Connecticut, Ohio, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (b) from the plant site of the United States Concrete Pipe Company at Mogadore, Ohio, and the plant site of Clow Corporation, at Parral, Ohio, to points in Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, and Vermont; (c) from the plant site of the United States Concrete Pipe Company at Mogadore, Ohio, to points in Delaware, New Jersey, and the District of Columbia; (d) from Pottstown, Pa., to points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Virginia, Vermont, and the District of Columbia; and (e) from Clearfield, Pa., to points in Delaware, Maryland, New York, New Jersey, Virginia, West Virginia, and the District of Columbia;

(13) *Refractory materials, refractory products, and materials* used in the installation of refractory materials and refractory products which had a prior origination at Clearfield and Pottstown, Pa., and Mogadore and Parral, Ohio, from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia to Clearfield and Pottstown, Pa., and Mogadore and Parral, Ohio; (14) *fire pipe and attachments, parts, and fittings* therefor, (a) from Berlin, N.H., to points in Delaware, Maine, Maryland, New Jersey, New York, North Carolina, Tennessee, and Virginia; and (b) from points in Lumberton Township, N.J., to points in Delaware, Kentucky, Maine, New York, North Carolina, Tennessee, Vermont, and Pennsylvania; (15) *manhole covers, gratings, castings, and attachments, parts, and fittings* therefor, from Brillion, Wis., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; (16) *plastic pipe and attachments, parts and fittings* therefor, from Kenilworth, N.J., to points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Michigan, Minnesota, Missouri, New York, North Carolina,

Ohio, Pennsylvania, Tennessee, Vermont, and Wisconsin; (17) *cast iron pipe and attachments, parts, and fittings* therefor, from Williamstown, N.J., to points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Michigan, Minnesota, Missouri, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, and Wisconsin;

(18) *Fibre pipe, plastic pipe, cast iron pipe, manhole covers, gratings, and castings, and attachments, parts, and fittings* therefor, (a) from the plant sites and warehouses of Clow Corporation at Pottstown, Pa., to points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Michigan, Minnesota, Missouri, New York, North Carolina, Ohio, Rhode Island, Tennessee, Vermont, and Wisconsin; and (b) from the plant sites and warehouses of Clow Corporation, at Mogadore, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (19) *returned shipments* of the commodities specified in (14) through (18) above, from the above-specified destination points to their respective origin points; (20) *equipment, materials, and supplies* (except liquid commodities, in bulk, in tank vehicles) used in the manufacture, packaging, and sale of clay and concrete products, from Oakdale and Croydon, Pa., Relay, Md., and Portage, Mich., to Ancor, Diamond, and Uhrichsville, Ohio; (21) *polyvinyl chloride* (except in bulk), from East Providence, R.I., to Uhrichsville, Ohio; (22) *manhole covers, gratings, and castings, and attachments, parts, and fittings* therefor from Neenah, Wis., to points in Ohio and Indiana; steel, and *castings, and attachments, parts, and fittings* therefor, from Mogadore, Ohio, to Fort Lauderdale and Ocala, Fla.;

(24) *Cast iron pipe, cast iron pipe fittings, iron fire hydrants, iron body valves, iron valve boxes, lubricants, nuts, bolts, and plastic or rubber gaskets*, from Coshocton, Ohio, to points in Kentucky and Tennessee; (25) *returned shipments* of the commodities specified in (24) above, from points in Kentucky and Tennessee to Coshocton, Ohio; (26) *iron fire hydrants, iron body valves, iron valve boxes, lubricants, nuts, bolts, and plastic or rubber gaskets*, from Coshocton, Ohio to points in Ohio, Michigan, Indiana, Pennsylvania, West Virginia, Illinois, and New York; (27) *returned shipments* of the commodities specified in (26) above, from points in Ohio, Michigan, Indiana, Pennsylvania, West Virginia, Illinois, and New York to Coshocton, Ohio; (28) *returned shipments of cast iron pipe and cast iron pipe fittings*, from points in Ohio, Michigan, Indiana, and Pennsylvania to Coshocton, Ohio; (29) *cast iron pipe and cast iron pipe fittings*, from Coshocton, Ohio, to points in New York; (30) *returned shipments* of the commodities specified in (29) above, from

points in New York to Coshocton, Ohio; (31) *metal castings*, between Coshocton, Ohio, and points within 10 miles of Coshocton, and Newcomerstown, Ohio, and points within 10 miles of Newcomerstown, on the one hand, and, on the other, points in the Chicago, Ill., Commercial Zone, as defined by the Commission; (32) *cast iron pipe and fittings, cast iron manhole covers, radiators, pig lead, jute caulking, and materials* used in the production thereof, from Newcomerstown and Coshocton, Ohio, to points in Ohio, Michigan, Indiana, and Pennsylvania; (33) *cast iron pipe, cast iron pipe fittings, cast iron manhole covers, pig lead, and jute caulking*, from Newcomerstown and Coshocton, Ohio, to points in West Virginia and Illinois; (34) *scrap iron, pig iron, and returned shipments of cast iron pipe and fittings*, from points in West Virginia and Illinois, to Newcomerstown and Coshocton, Ohio;

(35) *Radiators*, from Newcomerstown and Coshocton, Ohio, to Chicago, Ill.; (36) *sprinkler systems and parts and accessories therefor, and tools, materials, equipment, and supplies* (except commodities in bulk), used in the sale, packaging, distribution, installation, and repair of such systems, parts, and accessories, from Monroe, Ind., to points in Colorado, Connecticut, Delaware, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (37) *tools, equipment, materials, and supplies* (except commodities in bulk) used in the manufacture, sale, packaging, distribution, installation, and repair of sprinkler systems and parts, and accessories therefor, including returned shipments of such systems, parts, and accessories, from the destination points named in (36) above, to Monroe, Ind.; (38) *iron and steel conduit and metallic tubing, and fittings* for such commodities (except pipe used in, or in connection with, the construction, operation, maintenance, servicing, or dismantling of pipelines), (a) from Ambridge and New Kensington, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (b) from Niles, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Pennsylvania, and the District of Columbia;

(39) *Clay and refractory materials and products, and materials and supplies* used in the installation thereof (except commodities in bulk), from Carol Stream and Streator, Ill., to points in Connecticut, Indiana, Iowa, Maine, Maryland,

cut, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, Wisconsin, and the District of Columbia; (40) *cast iron pipe, cast iron fittings, and parts, valves, machinery and fire hydrants*, from Florence, N.J., to Charleston, W. Va., Norfolk, Va., Providence and Newport, R.I., Boston, Worcester, Springfield, and Salem, Mass., and points in New York, Pennsylvania, Delaware, Maryland, and Connecticut; (41) *damaged or returnable cast iron pipe, cast iron fittings, and parts, valves, machinery, and fire hydrants*, from Charleston, W. Va., Norfolk, Va., Providence and Newport, R.I., Boston, Worcester, Springfield, and Salem, Mass., and points in New York, Pennsylvania, Delaware, Maryland, and Connecticut, to Florence, N.J.; (42) *cast iron pipe, cast iron fittings, valves, hydraulic machinery, and hydraulic machinery parts and fire hydrants*, from Florence, N.J., to points in Massachusetts (except Boston, Worcester, Springfield, and Salem, Mass.), and points in Rhode Island (except Providence and Newport, R.I.); (43) *concrete pipe*, from Dover, South Kearny, Little Ferry, and Kenilworth, N.J., to New York, and points in Westchester and Nassau Counties, N.Y., on return except as otherwise authorized;

(44) *Cast iron pipe and cast iron fittings, parts, and valves*, from Florence, N.J., to points in Maine, New Hampshire, Vermont, and the District of Columbia; (45) *clay and refractory materials and products and materials and supplies* used in the installation thereof, from Carol Stream and Streator, Ill., to points in Delaware, Kentucky, North Carolina, and Virginia; (46) *material and supplies* (except liquid commodities, in bulk, in tank vehicles), used in the manufacturing and distribution of cast iron products, from points in Illinois, Indiana, Iowa, Maryland, Michigan, North Carolina, Ohio, Pennsylvania (except Plymouth Meeting), South Carolina, Virginia, and West Virginia, to points in Burlington County, N.J., restricted against the transportation (a) of sand, gravel, and limestone, in bulk, in dump trucks, from points in Bucks, Montgomery, Delaware, and Philadelphia Counties, Pa., (b) of refractory products, fluxing compounds, and rimming agents from points in Allegheny, Armstrong, Butler, and Westmoreland Counties, Pa., and (c) of shipments originating at points in Canada; (47) *plastic pipe, and hydrants, valves, fittings, couplings, and materials and supplies* used in the installation thereof, from the facilities of Clow Corporation, at or near Buckhannon, W. Va., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas;

(48) *Clay and refractory products, fittings, attachments, and materials and supplies* used in the installation thereof, from the facilities of Clow Corporation, at or near Somerville, N.J., to points in Pennsylvania, New York, Connecticut, Massachusetts, Rhode Island, Maine,

Vermont, New Hampshire, Delaware, Maryland, Virginia, Ohio, North Carolina, Indiana, Michigan, Illinois, Kentucky, Wisconsin, Tennessee, and the District of Columbia; (49) *materials and supplies* used in the manufacture and distribution of clay and refractory products, fittings, and materials and supplies used in the installation thereof, from points in West Virginia and points in the states named in paragraph (48) above, to the facilities of Clow Corporation, at or near Somerville, N.J.; and (50) *propane gas*, in bulk, from Marcus Hook, Pa., to the plant site and storage facilities of Griffin Pipe Products Co. located at or near Florence, and Burlington County, N.J.; (1) through (50) described above shall not be tacked or joined, directly or indirectly, for the purpose of performing any through service.

NOTE.—Applicant seeks by this application to convert its contract carrier authority in MC 102982 and subs thereunder to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 127042 (Sub-No. 128), filed October 23, 1973. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98 (Leeds Station), Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lard, cooking oils, shortening, oleo, margarine, monoglyceride, diglyceride, and triglyceride* (except in bulk), from Bradley, Ill., to points in Minnesota, Wisconsin, North Dakota, and South Dakota.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in Sub 8 at points in North Dakota, South Dakota, and Minnesota to serve Sioux City, Iowa, and all intermediate points and off-route points in the regular route authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127505 (Sub-No. 60), filed October 29, 1973. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, Route #2, Mendota, Ill. 61342. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Glass wool matting and padding*, from Shawnee, Ohio, to points in Minnesota, and Wisconsin; and (2) *flat glass* (except that which because of size or weight requires the use of special equipment or special handling), from Floreffe, Pa., to Truesdale, Mo.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Philadelphia, Pa.

No. MC 127791 (Sub-No. 6), filed October 19, 1973. Applicant: WELLS CARTAGE LIMITED, 726 Powell Street, Vancouver 4, B.C., Canada. Applicant's representative: George R. LaBissoniere, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as

a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Chemical solvents* in bulk liquid form, from Vancouver, Wash., to ports of entry on the International Boundary line between the United States and Canada located at or near Blaine, Wash.; and (2) *canned seafoods*, from Anacortes, Bellingham, and Seattle, Wash., to the ports of entry on the International Boundary line between the United States and Canada located at or near Blaine, Wash.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 128008 (Sub-No. 1), filed October 26, 1973. Applicant: VALLEY CARTAGE, INC., 960 Spruce Street, Terre Haute, Ind. 47808. Applicant's representative: R. C. Brentlinger (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials and supplies when shipped in the same vehicle*, from Milwaukee, Wis., to the warehouse facilities of Brentlinger Distributing Co., Inc., at or near Terre Haute, Ind., and *empty malt beverage containers on return*, under continuing contract with Brentlinger Distributing Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 128024 (Sub-No. 7), filed October 29, 1973. Applicant: BUILDING TRANSPORTATION COMPANY, a Corporation, 10540 N. Central Expressway, P.O. Box 22261, Dallas, Tex. 75222. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings, and equipment, materials and supplies* used in the construction thereof, between points in the United States including Alaska but excluding Hawaii under a continuing contract or contracts with Morgan Portable Building Corporation and its affiliate Morgan-Dallas Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 128521 (Sub-No. 4), filed October 25, 1973. Applicant: BIRMINGHAM-NASHVILLE EXPRESS, INC., 317 Arlington Ave., P.O. Box 7429, Nashville, Tenn. 37210. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and articles requiring special equipment), serving Western Electric Warehouse site located at intersection of U.S. Highway 31 and Alabama Highway 17, in Shelby County, Ala., as an off-route point in connection with ap-

plicant's regular route to and from Birmingham, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Nashville, Tenn.

No. MC 128685 (Sub-No. 17), filed October 23, 1973. Applicant: DIXON BROS., INC., P.O. Box 636, Newcastle, Wyo. 82701. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepackaged homes and buildings, complete or in sections, and equipment, supplies, and component parts* used in the construction, erection or completion of such homes and buildings, from the plant site and warehouse facilities of Nordas American Homes near Minnesota Lake, Minn., to points in Colorado, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either St. Paul, Minn., Rapid City, S. Dak., or Casper, Wyo.

No. MC 128951 (Sub-No. 8), filed October 23, 1973. Applicant: ROBERT H. DITTRICH, doing business as BOB DITTRICH TRUCKING, 312 North Garden Street, New Ulm, Minn. 56073. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers and fertilizer ingredients, liquid and dry, in bulk and in bags, and urea, liquid and dry, in bulk and in bags*, (1) from Duluth, Minn., to points in Wisconsin; (2) from Duluth, Mankato, and Moorhead, Minn., to points in North Dakota and South Dakota; and (3) from Fargo, N. Dak., to points in South Dakota and Minnesota.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Minneapolis, or St. Paul, Minn.

No. MC 129516 (Sub-No. 25), filed October 25, 1973. Applicant: PATTON'S INC., 2300 Canyon Road, Ellensburg, Wash. 98926. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer*, (a) from points in Sacramento, Alameda, San Joaquin, and Yolo Counties, Calif., to points in Oregon and Washington and (b) from points in Snohomish County, Wash., to ports of entry on the International Boundary line between the United States and Canada at or near Blaine, Sumas, and Oroville, Wash. and (c) from points in Clark County, Wash., to points in Oregon and to ports of entry on the International Boundary line between the United States and Canada at or near Blaine, Sumas, and Oroville, Wash.; and (2) *borax, boron, and borate products*,

from Boron, Calif., to ports of entry on the International Boundary line between the United States and Canada located at or near Blaine and Sumas, Wash.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 129876 (Sub-No. 7), filed October 25, 1973. Applicant: DUBOIS TRUCKING, INC., P.O. Box 502, Montpelier, Vt. 05602. Applicant's representative: John P. Monte, 61 Summer Street, Barre, Vt. 05641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, including No. 1 and 2 oil, i.e., kerosene and heating oil, from So. Portland, Maine, and Rensselaer, N.Y., to Berlin, Vt., under a continuing contract or contracts with Green Mountain Power Corporation of Burlington, Vt.

NOTE.—Applicant presently holds motor common carrier authority in MC 119808 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., Boston, Mass., or Albany, N.Y.

No. MC 129973 (Sub-No. 10), filed October 31, 1973. Applicant: FIELD MARKETING SERVICES, INC., 825 Third Avenue, New York, N.Y. 10022. Applicant's representative: William J. Lippman, 1819 H. St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books, and educational materials, equipment, and supplies*, between points in Hudson, Essex, and Union Counties, N.J., and New York City, N.Y., on the one hand, and, on the other, points in New Castle County, Del.; Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa.; Nassau, Orange, Rockland, Suffolk, and Westchester Counties, N.Y.; and points in New Jersey (except between Hudson, Essex, and Union Counties, N.J., on the one hand, and, on the other, points in Nassau, Suffolk, and Westchester Counties, N.Y.), under continuing contract with Encyclopaedia Britannica, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 133106 (Sub-No. 40), filed October 24, 1973. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1858, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Commodities* dealt in and sold by food business houses; (b) *empty commodities* when moving in mixed loads with those named in part (a), from New York, Pennsylvania, New Jersey, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Oklahoma, Nebraska, Colorado, Texas, Idaho, California, Kentucky,

Washington, Oregon, to the facilities utilized by Allied Supermarkets at or near Liberal, Kansas, under continuing contract with Allied Supermarkets Inc., Ideal Food Division.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Wichita, Kans.

No. MC 133485 (Sub-No. 9) (CLARIFICATION), filed September 26, 1973, published in the FR issue of November 29, 1973, and republished as clarified this issue. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminster Street, Providence, R.I. 02909. Applicant's representative: Morris J. Levin, 1620 Eye Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bullion, coin, and precious metals*, in armored cars escorted by armed guards, (a) between Providence, R.I., on the one hand, and, on the other, points in Connecticut on and west of the Connecticut River; (b) between Providence, R.I., on the one hand, and, on the other, ports of entry on the International Boundary line between the United States and Canada located in New York, Vermont, and Maine; and (c) between the Chicago, Ill., Commercial Zone, on the one hand, and, on the other, New York, and West Point, N.Y., and Providence, R.I.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at Providence, R.I., to serve points in southern Massachusetts, New York, and New Jersey. The purpose of this republication is to clarify applicant's tacking possibilities. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or New York, N.Y.

No. MC 133534 (Sub-No. 9), filed September 28, 1973. Applicant: ROBERT V. MARKT, 1405 Riffe Terrace, Box 85 Station A, St. Joseph, Mo. 64503. Applicant's representative: Lucy Kennard Bell, Suite 910, Fairfax Bldg., 101 West Eleventh St., Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and storage facilities of Missouri Beef Packers, Inc., located at or near Rockport, Mo., to points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, and the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City or Jefferson City, Mo.

No. MC 134323 (Sub-No. 57), filed October 17, 1973. Applicant: JAY LINES, INC., 720 N. Grand Street, Amarillo, Tex. 79105. Applicant's representative: Gailyn L. Larsen, 521 S. 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought

to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Swift Fresh Meats Company, at or near Brownwood, Tex., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, under contract with Swift Fresh Meats Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 134405 (Sub-No. 14), filed October 29, 1973. Applicant: BACON TRANSPORT COMPANY, P.O. Box 1134, Ardmore, Okla. 73401. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation Life Center, 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Roofing materials* (except composition roofing), from the plantsite of Trumbull Asphalt Co. located at or near Del City, Okla., to points in Kansas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 134467 (Sub-No. 6), filed October 29, 1973. Applicant: POLAR EXPRESS, INC., P.O. Box 691, Springdale, Ark. 72764. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Shortening and animal and vegetable oils and blends thereof* (except in bulk), from the plantsites and storage facilities utilized by Armour Foods Company at or near Helena, Ark., to points in Louisiana, Mississippi, Alabama, Georgia, Florida, Tennessee, North Carolina, South Carolina, Kentucky, West Virginia, Virginia, Maryland, Delaware, Ohio, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia, restricted to traffic moving in mechanically refrigerated equipment.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Phoenix, Ariz.

No. MC 134501 (Sub-No. 10) (CLARIFICATION), filed September 10, 1973, published in the FR issue of November 15, 1973, and republished as clarified, this issue. Applicant: UFT TRANSPORT COMPANY, a Corporation, P.O. Box 1118, Irving, Tex. 75060. Applicant's rep-

resentative: T. M. Brown, 600 Leininger Building, Oklahoma City, Okla. 73115. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture and fixtures*, from Youngstown, Ohio, and Sturgis, Mich., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority may be tacked with its existing authority at Youngstown, Ohio, and Sturgis, Mich., to provide a through service: from Camden, Little Rock, Stamps, and Waldron, Ark., to points in the United States; and at Sturgis, Mich., to provide a through service from points in Arkansas, Colorado, Idaho, Illinois, Indiana, Kentucky, Minnesota, Montana, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Shelby County, Tenn., to points in the United States. The purpose of this republication is to clarify tacking information. If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio, or Pittsburgh, Pa.

No. MC 134696 (Sub-No. 5), filed October 25, 1973. Applicant: BEAR CAT, INC., 2936 Hillyard Street, P.O. Box 334, Klamath Falls, Ore. 97601. Applicant's representative: Earle V. White, 2400 SW. Fourth Avenue, Portland, Ore. 97201. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Asphalt, road oil, petroleum fuels, and cutter stock*, in bulk, (1) from Bakersfield, Calif., to Arden, Nev.; and (2) from Arden, Nev., to points in Iron, Garfield, Kane, Washington, Beaver, and Piute Counties, Utah; Mohave County, Ariz.; and San Bernardino, Kern, and Inyo Counties, Calif., under continuing contract with Witco Chemical Corp.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Ore., or Los Angeles, Calif.

No. MC 134783 (Sub-No. 14), filed October 30, 1973. Applicant: DIRECT SERVICE, INC., P.O. Box 786, Plainview, Tex. 79072. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766, from points in Lubbock, Tex., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134838 (Sub-No. 5), filed October 17, 1973. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., 2561 Plant Atkinson Road, Smyrna, Ga. 30080. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave. NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut buildings, pre-cut sections of buildings, component parts, and equipment and materials incidental to the erection and completion of such buildings and sections, from Atlanta, Ga., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.*

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 134903 (Sub-No. 1), filed October 23, 1973. Applicant: KENTUCKY MOTOR FREIGHT, INC., 110 Crestwood Avenue, Louisville, Ky. 40206. Applicant's representative: Donald Duff, 6th Floor, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) Between Louisville and Grayson, Ky.: From Louisville over Interstate Highway 64 to junction U.S. Highway 60 near Owingsville, thence over U.S. Highway 60 to Grayson, and return over the same route, serving all intermediate points east of Owingsville and its commercial zone; (2) Between junction Interstate Highway 64 and U.S. Highway 60 near Owingsville and Grayson, Ky.: From Junction Interstate Highway 64 and U.S. Highway 60 over Interstate Highway 64 to its junction with Kentucky Highway 7, thence over Kentucky Highway 7 to Grayson, and return over the same route, serving no intermediate points; (3) Between junction Interstate Highway 64 and Kentucky Highway 2 and Olive Hill, Ky.: From junction Interstate Highway 64 and Kentucky Highway 2 over Kentucky Highway 2 to Olive Hill, and return over the same route, serving no intermediate points; and (4) Between junction Interstate Highway 64 and Kentucky Highway 32 and Morehead, Ky.: From junction Interstate Highway 64 and Kentucky Highway 32 over Kentucky Highway 32 to Morehead, and return over the same route, serving no intermediate points.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lexington or Louisville, Ky.

No. MC 134922 (Sub-No. 56), filed October 29, 1973. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cyfert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Canned goods and frozen foods, from Oxford, Pa., to points in Arkansas, Georgia, Illinois, Louisiana, Michigan, Minnesota, Missouri, North Carolina, Ohio, Oklahoma, Tennessee, Texas, and Utah.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Little Rock, Ark.

No. MC 135007 (Sub-No. 39), filed October 29, 1973. Applicant: AMERICAN TRANSPORT, INC., P.O. Box 37406 Millard Station, Millard, Nebr. 68137. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except commodities in bulk), between the plantsites and storage facilities utilized by Spencer Foods, Inc. at or near Hartley, Spencer, and Cherokee, Iowa, and Schuyler and Fremont, Nebr., under contract with Spencer Foods, Inc.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 135420 (Sub-No. 4), filed October 22, 1973. Applicant: L & H REFRIGERATED EXPRESS, INC., 2313 Fairview Drive, P.O. Box 61, Norfolk, Nebr. 68701. Applicant's representative: R. D. Huseeth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and storage facilities of Madison Foods, Inc., located at or near Madison, Nebr., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Norfolk, Omaha, or Lincoln, Nebr., or Chicago, Ill.

No. MC 135435 (Sub-No. 2), filed October 29, 1973. Applicant: DALE SMART, doing business as DALE SMART TRUCKING, 4950 Fannett, Beaumont, Tex. 77705. Applicant's representative: Mike Cotten, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Forgings, from Beaumont and Houston, Tex., to points in Illinois, and (2) returned shipments of forgings, from points in Illinois, to Beaumont and Houston, Tex., under a continuing contract, or contracts,*

with Beaumont Well Works Company, Inc., of Beaumont, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 136201 (Sub-No. 2), filed October 15, 1973. Applicant: ROCKY MOUNTAIN FEED INGREDIENTS SERVICE, INC., 1524 Lockwood Road, Billings, Mont. 59101. Applicant's representative: Hugh Sweeney, 2720 Third Avenue North, P.O. Box 1321, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients and molasses, in bulk in tank vehicles and in bags, between points in Colorado, Idaho, Montana, Minnesota, Nebraska, North Dakota, South Dakota and Wyoming.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 136208 (Sub-No. 2), filed October 29, 1973. Applicant: CREAGER TRUCKING CO., INC., 710 North Columbia Blvd., Portland, Ore. 97217. Applicant's representative: George R. La Bissoniere, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, from Arlington, Centralia, and Wapato, Wash., and points in Multnomah County, Ore., to points in Arizona, Colorado, Nevada, Indiana, Oregon, and Utah.*

NOTE.—Applicant presently holds motor contract carrier authority in MC 129352 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 Portland, Ore.

No. MC 136232 (Sub-No. 3), filed October 25, 1973. Applicant: FRALEY'S, INCORPORATED, Route 1, Big Stone Gap, Va. 24219. Applicant's representative: Harry J. Jordan, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, between Duffield, Va., on the one hand, and, on the other, Birmingham, Decatur, and Dora, Ala., under contract with Virginia Birmingham Bolt, Inc., located at Big Stone Gap, Va.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va., or Washington, D.C.

No. MC 136474 (Sub-No. 5), filed October 29, 1973. Applicant: ALLIED DELIVERY AND INSTALLATION, INC., 230 Willow St., Nashville, Tenn. 37210. Applicant's representative: Robert L. Baker, 500 Court Square Bldg., 300 James Robertson Pky., Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lamps, lighting fixture, and parts therefor, between points in Alabama, Kentucky, Mississippi, and Tennessee (except Carthage and Martin, Tenn.).*

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 136474 (Sub-No. 6), filed October 26, 1973. Applicant: ALLIED DELIVERY AND INSTALLATION, INC., 230 Willow St., Nashville, Tenn. 37210. Applicant's representative: Robert L. Baker, 500 Court Square Bldg., 300 James Robertson Pky., Nashville, Tenn. 37210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by Home Products Distributors, between Nashville, Tenn., on the one hand, and, on the other, points in Bedford, Bledsoe, Cannon, Cheatham, Clay, Coffee, Cumberland, Dickson, Davidson, DeKalb, Pentress, Franklin, Giles, Grundy, Hickman, Houston, Humphreys, Jackson, Lawrence, Lincoln, Macon, Marshall, Maury, Montgomery, Moore, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Stewart, Trousdale, Van Buren, Warren, Wayne, Williamson, Wilson, and White Counties, Tenn.; and Allen, Barren, Christian, Logan, Simpson, Todd, Trigg, and Warren Counties, Ky.*

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 136500 (Sub-No. 3), filed October 25, 1973. Applicant: HARRY D. DIEPHOLZ, doing business as DIEPHOLZ TRUCKING, 3453 Western Avenue, Mattoon, Ill. 61938. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs (except in bulk), from the plantsites and facilities of the Kraftco Corporation and its Division, Kraft Foods, at or near Champaign, Ill., to points in Montana, North Dakota, and South Dakota, under contract with Kraftco Corporation, and Kraft Foods Division of Kraftco Corporation.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 136689 (Sub-No. 2), filed October 29, 1973. Applicant: SLAUGHTER TRANSPORTATION CORPORATION, 1806 Holland Avenue, Houston, Tex. 77029. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty plastic bottles in containers from the plantsite of Sewell Plastics, Inc., at or near Reserve, La., to the plantsite of The Clorox Company, in Houston, Tex., under continuing contract with The Clorox Company.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 138138 (Sub-No. 2), filed October 29, 1973. Applicant: NATHAN

INMAN, doing business as NATE'S TRUCKING, Room 15, 200 West Main Street, Turlock, Calif. 95380. Applicant's representative: J. Wilmar Jensen, 1514 H Street, Modesto, Calif. 95354. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-fabricated disassembled homes, from Manteca, Calif., to points in Nevada, under contract with Lear Siegler, Inc./Cuckler Division Life Style Homes.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif., otherwise anywhere in California.

No. MC 138612 (Sub-No. 1), filed August 8, 1973. Applicant: E. B. HILL EXCAVATORS LIMITED, 431 Robie Street, Truro, Nova Scotia, Canada. Applicant's representative: E. B. Hill (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, from Ashland, Maine, to points on the International Boundary line between the United States and Canada located at or near Houlton, Maine.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 138304 (Sub-No. 5), filed October 29, 1973. Applicant: NATIONAL PACKERS EXPRESS, INC., Suite 330, 29 S. LaSalle St., Chicago, Ill. 60603. Applicant's representative: Craig B. Sherman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty bomb casings—airial, iron or steel, from Garden City, N.Y., to Receiving Officer, Naval Ammunition Depot, McAlester, Okla.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., New York, N.Y., or Washington, D.C.

No. MC 138328 (Sub-No. 4), filed October 15, 1973. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32nd Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: D. L. Ehrlich (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients, from points in Louisiana and Texas, to points in Idaho, Oregon and Washington.*

NOTE.—Applicant holds contract carrier authority in MC-133233 Sub-No. 1 and other subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Twin Falls, Idaho.

No. MC 138375 (Sub-No. 7), filed October 25, 1973. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, from the plantsite and facilities of Keystone Steel & Wire Division, Keystone Consolidated Industries,*

Inc., at or near Peoria, Ill., to points in Louisiana, Texas, New Mexico, Arizona, California, Washington, and Oregon, under contract with Keystone Steel & Wire Division of Keystone Consolidated Industries, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 138432 (Sub-No. 2), filed October 25, 1973. Applicant: GARLAND GEHRKE, Route 1, Lincoln, Ill. 62656. Applicant's representative: Robert H. Levy, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, from St. Louis, Mo., to points in Illinois.*

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138438 (Sub-No. 4), filed October 15, 1973. Applicant: DONALD M. BOWMAN, JR., Route 3, Box 26, Hagerstown, Md. 21740. Applicant's representative: Charles E. Creager, Post Office Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, conduit, couplings, fittings, and accessories necessary for the installation thereof, in vehicles equipped with mechanical unloading devices (except commodities in bulk), from the plantsite and storage facilities of Certain-teed Products Corporation, Williamsport, Md., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia; and (2) vinyl siding and accessories necessary for the installation thereof, from the plantsite and storage facilities of Certain-teed Products Corporation at Williamsport, Md., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.*

NOTE.—Applicant holds contract carrier authority in MC-117613 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138439 (Sub-No. 1), filed October 29, 1973. Applicant: V & J REFRIGERATED SERVICE, INC., 18121 88th Street West, Edmonds, Wash. 98020. Applicant's representative: George R. La Bissoniere, 130 Andover Park East, Suite 101, Seattle, Wash. 98188. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine and alcoholic beverages, between points in California, on the one hand, and, on the other, points in King, Pierce, and Snohomish Counties, Wash., under a continuing contract*

or contracts with J. W. Brown & Associates and Odom Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 138548 (Sub-No. 3), filed October 25, 1973. Applicant: INDIAN OAKS TRANSPORTATION CO., a Corporation, 10346 S. Indianapolis Blvd., Chicago, Ill. 60617. Applicant's representative: James R. Madler, 327 S. La Salle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Iron and steel articles* (except commodities described in *Mercer Extension—Oil Field Commodities* 74 M.C.C. 459 and 543 (1946)), and (b) *aluminum and aluminum articles* from Bradley, Ill., to points in North Dakota, South Dakota, Minnesota, and Kansas, and (2) *aluminum and aluminum articles*, from Bradley, Ill., to points in Indiana, Iowa, Missouri, Wisconsin, Nebraska, and the lower peninsula of Michigan.

NOTE.—Applicant states that the requested authority can be tacked with pending application, Sub 2, at Bradley, Ill., to provide a through service from points in Porter County, Ind., to points in North Dakota, South Dakota, and Kansas, and at points in Minnesota to serve points in Porter County, Ind.

No. MC 138875 (Sub-No. 9) (CLARIFICATION), filed August 28, 1973, published in the FR issue of November 29, 1973, and republished as corrected this issue. Applicant: SHOEMAKER TRUCKING COMPANY, 8624 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh, P.O. Box 7651, Boise, Idaho 83707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products* including plywood and built-up woods; *composition board*; and *building materials* as described in Appendix VI of Descriptions Case 61 M.C.C. 209, between points in Oregon, Washington, and California, on the one hand, and, on the other, points in Idaho.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to correctly identify the Appendix number of the commodity description. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, or Portland, Oreg.

No. MC 138896 (Sub-No. 4), filed October 24, 1973. Applicant: AJAX TRANSPORT COMPANY, a Corporation, 550 East Fifth Street South, South St. Paul, Minn. 55075. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packing-houses* (except hides and commodities in bulk in tank vehicles) as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Car-*

rier Certificates 61 M.C.C. 209 and 766, from Minneapolis and St. Paul, Minn., and their commercial zones, to points in Gogebic, Houghton, Ontonagon, Marquette, and Baraga Counties, Mich., and points in Adams, Ashland, Barron, Bayfield, Brown, Buffalo, Burnett, Chippewa, Clark, Columbia, Crawford, Dane, Dodge, Douglas, Dunn, Eau Claire, Fond du Lac, Forest, Grant, Iron, Jackson, Juneau, La Crosse, Langlad, Lincoln, Marathon, Marquette, Monroe, Oneida, Outagamie, Pepin, Pierce, Polk, Portage, Price, Richland, Rusk, St. Croix, Sauk, Sawyer, Shawano, Taylor, Trempealeau, Vernon, Vilas, Washburn, Waupaca, Waushara, Winnebago, and Wood Counties, Wis.

NOTE.—Applicant holds contract carrier authority in MC 119391 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 138907 (Sub-No. 1) (AMENDMENT), filed July 25, 1973, published in the FR issue of September 20, 1973, and republished as amended this issue. Applicant: MORIS WEBSTER AND RODNEY WEBSTER, doing business as WEBSTER BROTHERS, St. Vincent, Minn. 56755. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, from points in Minnesota, to points on the International Boundary line between the United States and Canada in Minnesota, under contract with L. V. Patterson Ltd.

NOTE.—The purpose of this republication is to indicate applicant's territorial description as described above. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 139010 (Sub-No. 1), filed October 9, 1973. Applicant: ARIZONA ENTERPRISES, INC., 1918 W. Grant Street, Phoenix, Ariz. 85009. Applicant's representative: Michael W. McLaughlin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* as described in Appendix VI, to the report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209, between points in Arizona, New Mexico, California, Nevada, Texas, Utah, Colorado, Oklahoma, Arkansas, Kansas, Missouri, Washington, Oregon, Idaho, and Wyoming, under contract with Shake Distributors, Phoenix, Ariz., and Roofing Wholesale Co., Inc., Phoenix, Ariz.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 139059 (Sub-No. 2), filed October 15, 1973. Applicant: EAST COAST TRANSPORTATION CO., INC., 3765 NW. 71 Street, Miami, Fla. 33147. Applicant's representative: Bernard C. Pestcoe, 19 West Flagler Street, Miami, Fla. 33130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General*

commodities (except those of unusual value, commodities in bulk, Classes A and B explosives, commodities requiring special equipment and household goods as defined in *Practices of Motor Common Carriers of Household Goods* 17 M.C.C. 467), between points in Dade, Broward, Palm Beach, and Monroe Counties, Fla., on traffic moving in interstate or foreign commerce.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 139095 (Sub-No. 2), filed October 25, 1973. Applicant: DIUGUID TRANSPORT SERVICE, INC., 900 North 16th Street, Herrin, Ill. 62948. Applicant's representative: Elmer Jenkins, 123 East Main Street, Benton, Ill. 62812. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline and distillates*, from Henderson, Ky., to Marion, Ill., under contract with Bill Edwards, doing business as Edwards Oil Company, Marion, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 139117 (Sub-No. 1), filed October 24, 1973. Applicant: STANLEY AMSDEN, doing business as STANLEY AMSDEN TRUCKING, General Delivery, Centerville, Mo. 63633. Applicant's representative: Stanley Amsden (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Dent and Reynolds Counties, Mo., to points in Illinois, Indiana, Ohio, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis or Springfield, Mo.

No. MC 139125 (Sub-No. 2), filed October 15, 1973. Applicant: CLAUDE E. WHEELER, doing business as GRAIN TRANSPORT, Box 82, Ordway, Colo. 81063. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beet pulp pellets, alfalfa pellets, alfalfa wafers, alfalfa cubes, and manufactured dry livestock feed*, between points in Colorado on and east of Interstate Highway 25, points in Kansas and Oklahoma on and west of Interstate Highway 35, points in Texas on and north of Interstate Highway 40, and points in Nebraska, under a continuing contract, or contracts, with Foxley & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pueblo or Denver, Colo.

No. MC 139197 (Sub-No. 2), filed October 29, 1973. Applicant: MADISON TRANSPORTATION, INC., Vaughn Drive, P.O. Box 421, Madison, Ind. 47250. Applicant's representative: Robert W. Loser, II, 1009 Chamber of Commerce

Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Leather fiberboard, scrap leather, and materials* used or useful in the manufacture of leather fiberboard (except commodities in bulk), between Madison, Ind., on the one hand, and, on the other, points in Illinois, Kentucky, Massachusetts, Michigan, Missouri, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin under a continuing contract or contracts with Robus Products Corporation of Madison, Ind.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 139207 (AMENDMENT), filed October 9, 1973, published in the FR issue of November 29, 1973, and republished as amended, this issue. Applicant: HAROLD F. McNABB AND J. D. WADSWORTH, JR., a partnership, doing business as McNABB WADSWORTH TRUCKING COMPANY, 1410 Lynn Garden Drive, Kingsport, Tenn. 37665. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass and glass products*, from Kingsport and Greenland, Tenn., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, under contract with ASG Industries, Inc. of Kingsport, Tenn.

NOTE.—The purpose of this republication is to add Alabama as a destination point. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 139208 filed October 23, 1973. Applicant: PORT TERMINAL TRANSPORTATION, INC., P.O. Box 2217, Mohawk & Tyler Streets, Port Newark, N.J. 07114. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having prior or subsequent movement by motor common carriers in bulk, between the facilities of X-Rail Systems, Inc., located at or near Boston, Mass., Newark, N.J., Baltimore, Md., Pittsburgh, Pa., on the one hand, and, on the other, points in New Jersey, Connecticut, Massachusetts, New Hampshire, Vermont, Rhode Island, Maine, New York, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 139209 filed October 23, 1973. Applicant: ARCHIE E. HUCKABEE, INC., P.O. Box 1098, 940 E. 66th Street, Lubbock, Tex. 79412. Applicant's representative: John C. Sims, 1608 Broadway, Lubbock, Tex. 79401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Amarillo, Tex., to points in Arkansas, Alabama, Mississippi, Tennessee, Louisiana, and Georgia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex.

No. MC 139212 filed October 23, 1973. Applicant: ERB TRANSPORT, LIMITED, 290 Hamilton Road, New Hamburg, Ontario, Canada. Applicant's representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products, cheese, and butter*, between ports of entry on the International Boundary line between the United States and Canada at Fort Erie and Niagara Falls, N.Y., on the one hand, and, on the other, points in Niagara, Erie, Chautauque, Orleans, Monroe, Genesee, Wyoming, Wayne, Cayuga, Onondaga, Seneca, Yates, and Livingston Counties, N.Y.; Erie, New Castle, Pittsburgh, and Aliquippa, Pa.; and Youngstown, Akron, and Warren, Ohio, restricted to traffic moving in foreign commerce originating in or destined to points in Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 139215 (Sub-No. 1), filed October 31, 1973. Applicant: AMERICAN CARRIERS, INC., 7860 "F" Street, Omaha, Nebr. Applicant's representative: Arlyn L. Westergren, 530 Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and storage facilities utilized by Swift Fresh Meats Company at Grand Island, Nebr., to points in Florida, Georgia, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 139237 filed October 18, 1973. Applicant: ABBS TRANSFER COMPANY, a Corporation, South Highway 79, Rapid City, S. Dak. 57701. Applicant's representative: Robert F. LaFleur, 607½ Mt. Rushmore Rd., Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in that part of South Dakota west of the Missouri River, restricted to the transportation of shipments having a prior or subsequent movement in containers, and further restricted to the performance of

pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating and decontainerization of such shipments.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Rapid City or Pierre, S. Dak.

No. MC 139251 filed November 1, 1973. Applicant: COYLE ENTERPRISES, INC., 2360 East Elvira Road, Tucson, Ariz. 85706. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except articles of unusual value, class A and B explosives, commodities in bulk, and those requiring special equipment) between the Tucson International Airport, Tucson, Ariz., and Nogales, Ariz., restricted to traffic having a prior or subsequent movement by air.

NOTE.—Applicant holds contract carrier authority in MC 128809, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Tucson, Ariz., or Nogales, Ariz.

No. MC 139254 filed October 29, 1973. Applicant: BROOKS TRANSPORTATION, INC., 30650 Carter Street, Solon, Ohio 44139. Applicant's representative: Richard A. Zellner, 800 National City, East 6th Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clothing and wearing apparel and all components used in the manufacture thereof* and (2) *materials, supplies, equipment, machinery and machinery parts and accessories* used in the manufacture, distribution, packing, warehousing, and sale of the commodities set forth in (1) above, (except commodities in bulk in tank vehicles), between points in the United States (except Alaska, Hawaii, Maine, Montana, North Dakota, South Dakota, Vermont, and Wyoming) under a continuing contract or contracts with Bobbie Brooks, Incorporated, and its subsidiaries and affiliates.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 139255 filed October 26, 1973. Applicant: EAST PENN TRUCKING COMPANY, a Corporation, R. D. #1, Lehighton (Carbon County), Pa. 18235. Applicant's representative: S. Berne Smith, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Minerals and mineral mixtures* (except in bulk in tank or hopper type equipment), between the Borough of Bowmanstown and East Penn Township (Carbon County), Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii) under a continuing contract or contracts with Prince Manufacturing Company of Bowmanstown, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 139256 filed October 29, 1973. Applicant: FRANK C. FLEEGER, doing business as FLEEGER TRUCKING, 5341 Waveland Avenue, Chicago, Ill. 60641. Applicant's representative: Edward G. Finnegan, 134 N. LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Photographic products, film, chemicals, paper, electric and electronic parts, and supplies and metal cabinets*, from Chicago, Ill., to points in Illinois, Iowa, North Dakota, South Dakota, Nebraska, Missouri, Kansas, Minnesota, Wisconsin, Indiana, Michigan, Kentucky, and Ohio, under contract with Agfa-Gevaert, Inc., located at Lincolnwood, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139257 filed October 25, 1973. Applicant: FLOCK BROS., INC., Coulter Avenue, South Greensburg, Pa. 15601. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel*, between the plant site of Moore Metal Manufacturing Company, South Greensburg, Pa., on the one hand, and, on the other, points, in New York, New Jersey, Maryland, West Virginia, Ohio, Indiana, and Michigan, restricted to a transportation service under a continuing contract with Moore Metal Manufacturing Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 139260 filed October 25, 1973. Applicant: REHAGEN TRUCK LINE, INC., Westphalia, Mo. 65085. Applicant's representative: B. W. LaTourette, Jr., 611 Olive St., Suite 1850, St. Louis, Mo. 63101. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Westphalia and Jefferson City, Mo., serving all intermediate points: From Westphalia, Mo., over U.S. Highway 63 to junction U.S. Highway 50; thence over U.S. Highway 63/U.S. Highway 50 to Jefferson City, Mo., and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis or Jefferson, Mo.

No. MC 139261 filed October 18, 1973. Applicant: BUCKEYE EXPRESS, INC., Willis Day Industrial Park, Perrysburg, Ohio 43551. Applicant's representative: John J. Keller, 145 W. Wisconsin Ave., Neenah, Wis. 54956. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, chain grocery, and food business houses, institutions, catalogue show room stores, and home center*

stores; and in connection therewith, *equipment, materials and supplies* used in the manufacture, distribution, and conduct of such business, between Perrysburg, Ohio, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with International Automated Machines, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio.

No. MC 139258 filed October 25, 1973. Applicant: GERALD R. HORNBuckle, doing business as G. R. HORNBuckle, R. R. 3, Morrisonville, Ill. 62546. Applicant's representative: Robert T. Lawley, 300 Reich Bldg., Springfield, Ill. 62701. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer ingredients*, in bulk, between points in Illinois, Indiana, Iowa, Kentucky, Missouri, and Ohio, under continuing contract with Swift Chemical Company and Kaiser Agricultural Chemicals, a Division of Kaiser Aluminum and Chemical Sales, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.; St. Louis, Mo.; or Springfield, Ill.

No. MC 139277 filed November 8, 1973. Applicant: AL E. HALL, doing business as AL E. HALL TRUCKING, P.O. Box 25, Gridley, Ill. 61744. Applicant's representative: Patrick H. Smyth, 327 South LaSalle Street, Suite 1000, Chicago, Ill. 60604. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Metal roofing and siding, fabricated metal products, and parts, attachments, and accessories*, from Gridley, Ill., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, West Virginia, and Wisconsin; and (2) *materials, supplies, and equipment* for the commodities described in (1) above, from points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, West Virginia, and Wisconsin, to Gridley, Ill., under contract in (1) and (2) with Fabral Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 188), filed October 23, 1973. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: L. C. Major, Suite 301 Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage*, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Florida (except points in Calhoun, DeSoto, Gulf, Hardee, Liberty, and

Wakulla Counties, Fla.), and points in Appling, Bacon, Barrow, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Brantley, Bryan, Bulloch, Butts, Camden, Candler, Carroll, Catoosa, Charlton, Chatham, Chattooga, Clarke, Clay, Clayton, Cobb, Coffee, Cook, Coweta, Crisp, Dade, DeKalb, Dodge, Dooly, Douglas, Effingham, Elbert, Emanuel, Floyd, Franklin, Fulton, Glynn, Gordon, Gwinnett, Habersham, Hall, Haralson, Harris, Hart, Henry, Houston, Irwin, Jeff Davis, Jefferson, Johnson, Lamar, Laurens, Liberty, Long, Lowndes, McIntosh, Madison, Meriwether, Monroe, Muscogee, Oconee, Pike, Pulaski, Quitman, Richmond, Spalding, Stephens, Talbot, Telfair, Tift, Toombs, Troup, Turner, Twiggs, Walker, Ware, Wayne, Whitfield, and Wilcox Counties, Ga., and extending to points in the United States, including Alaska but excluding Hawaii; and (2) *passengers and their baggage*, in one-way and round trip charter operations, beginning and ending at points in Broward, Charlotte, Collier, Flagler, Hillsborough, Lee, Manatee, Orange, Osceola, Pinellas (except points north of Florida Highway 688), Polk, Sarasota, Seminole, and Volusia Counties, Fla., and extending to points in the United States, including Alaska but excluding Hawaii.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.; Atlanta, Ga.; and Jacksonville, St. Petersburg, and Miami, Fla.

No. MC 2060 (Sub-No. 10), filed October 26, 1973. Applicant: PINE HILL-KINGSTON BUS CORPORATION, 12 Pine Grove Avenue, Kingston, N.Y. 12401. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th Street, Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between Oneonta, N.Y., and New York, N.Y.; From Oneonta over New York Highway 28 to Mount Tremper, N.Y., thence over New York Highway 212 to Woodstock, N.Y., thence over New York Highway 375 to junction New York Highway 28, thence over New York Highway 28 to Kingston, N.Y. (also from Oneonta over New York Highway 28 via Mount Tremper to Kingston, N.Y.), thence over New York Highway 9W to Newburgh, N.Y., thence over New York Highway 32 to junction New York Highway 17, thence over New York Highway 17 via Harriman, N.Y., to the New York-New Jersey State Boundary line (also from Kingston over New York State Thruway to Suffern, N.Y., thence over New York Highway 17 to the New York-New Jersey State Boundary line), thence over New Jersey Highway 17 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction depressed highway leading to the Lincoln Tunnel, thence over depressed highway and via Lincoln Tunnel to New York, N.Y., and return over the same route, serving those

intermediate points between Oneonta and a point 1 mile west of the westerly city line of Kingston, N.Y., and those points in New Jersey.

NOTE.—Common control was approved in MC-F-9039. Applicant presently holds authority sought within the scope of this application, restricted to serving only those intermediate points between Oneonta, N.Y., and a point 1 mile west of the westerly city line of Kingston, N.Y. The purpose of this application is to permit the servicing of those intermediate points located in New Jersey as well. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 29890 (Sub-No. 39) (PARTIAL CORRECTION), filed September 11, 1973, published in the FR issue of November 15, 1973, and republished in part as corrected this issue. Applicant: ROCKLAND COACHES, INC., 126 N. Washington Avenue, Bergenfield, N.J. 07621. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage in the same vehicle with passengers*, (2) Serving the Park-Ride lot at the Vince Lombardi Service Center on the New Jersey Turnpike in Ridgefield, N.J., via access roads to and from the Turnpike, as an intermediate point in connection with carrier's regular-route authority between Clarkstown (Rockland County), N.Y., and New York, N.Y., which is restricted against service at intermediate points along the New Jersey Turnpike; and (7) Between Oradell and Paramus, N.J.: From junction Oradell Avenue and Forest Avenue at the Oradell-Paramus boundary line, over Oradell Avenue to junction Pascack Road in Paramus, and return over the same route, serving all intermediate points.

NOTE.—The purpose of his partial republication is to clarify the requests for authority in (2) and (7) above. The rest of the notice remains as previously published. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 138981 (Sub-No. 2), filed October 15, 1973. Applicant: ANDREW P. REYMER, an individual, doing business as LANCASTER LIMOUSINE SERVICE, 228 East Main Street, Mount Joy, Pa.

17552. Applicant's representative: William A. Chesnutt, 1225 19th Street NW., 500 Jefferson Building, Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations limited to the transportation of not more than 17 passengers in any one vehicle, not including the driver thereof, between points in Lancaster County, Pa., on the one hand, and, on the other, Washington National and Dulles International Airports, at or near Washington, D.C.; Friendship International Airport, at or near Baltimore, Md.; Newark Airport, at or near Newark, N.J.; John F. Kennedy International and LaGuardia Airports, at or near New York, N.Y.; and Port Authority docks at New York, N.Y., Baltimore, Md., and Norfolk, Va., restricted to the transportation of persons having prior or subsequent transportation by air or water.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lancaster, Pa., or Harrisburg, Pa.

No. MC 139210 filed September 24, 1973. Applicant: WESLEE ENTERPRISES INC., doing business as ALASKA-YUKON MOTORCOACHES, 1440 Washington Building, 1325 Fourth Avenue, Seattle, Wash. 98101. Applicant's representative: Paul C. Gibbs (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express* in the same vehicle with passengers, in special and charter operations; (1) Between Fairbanks, Alaska and Valdez, Alaska: From Fairbanks over Alaska Highway 2 to junction Alaska Highway 4, thence over Alaska Highway 4 to Valdez, and return over the same route; (2) Between Anchorage, Alaska, and Valdez, Alaska: From Anchorage over Alaska Highway 1 to junction Alaska Highway 4, thence over Alaska Highway 4 to Valdez, and return over the same route; (3) Between Anchorage, Alaska, and the International Boundary line between the United States and Canada at the Yukon Territory: From Anchorage over Alaska Highway 1 to junction Alaska Highway 2, thence

over Alaska Highway 2 to the International Boundary line between the United States and Canada at the Yukon Territory, and return over the same route; (4) Between the International Boundary line between the United States and Canada at British Columbia and Haines, Alaska: From British Columbia, over Alaska Highway 7 to Haines, also serving Porcupine, and return over the same route; and (5) Between Haines, Alaska, and Skagway, Alaska: From Haines over unnumbered highway to Skagway, and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Anchorage or Fairbanks, Alaska.

No. MC 139259, filed October 26, 1973. Applicant: EUGENE A. LA BONTÉ, Box 40, Tecumseh Road, Stoney Point, Ontario, Canada. Applicant's representative: Robert A. Sullivan, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers* consisting of groups belonging to service clubs, social clubs, church organizations, and groups of pupils for educational trips, and *their baggage and express* in the same vehicle with passengers, in charter operations, between the International Boundary between the United States and Canada at the St. Clair and Detroit Rivers and points in Branch, Hillsdale, Lenawee, Monroe, Calhoun, Jackson, Washtenaw, Wayne, Eaton, Ingham, Livingston, Oakland, Macomb, St. Clair, Ionia, Clinton, Shiawassee, Genesee, Lapeer, Gratiot, Saginaw, Tuscola, Sanilac, Midland, Bay, Arenac, and Huron Counties, Mich., restricted to charter operations originating at the Town of Tilbury; the Police Village of Comber, in the Township of Tilbury West; or the Police Village of Stoney Point, in the Township of Tilbury North, Ontario, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-26315 Filed 12-12-73; 8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

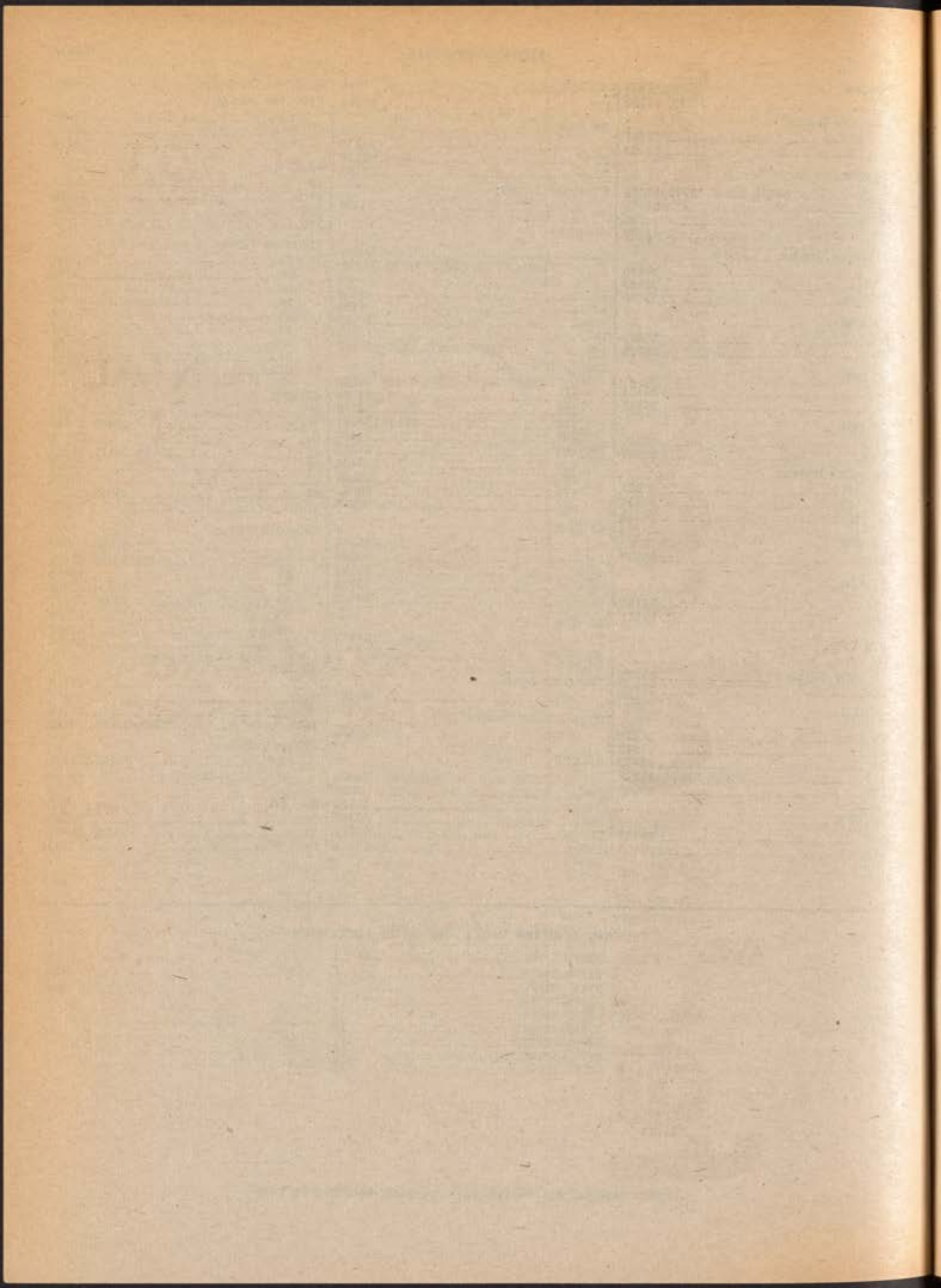
The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during December.

3 CFR	Page	8 CFR	Page	16 CFR	Page
PROCLAMATIONS:		100	34183	13	33277, 33279, 34316-34318
4256	34101	103	34188	303	34112
EXECUTIVE ORDERS:		234	34315	425	33766
10480 (Suspended in part by E.O. 11748)	33575	238	34188	429	33766
11526 (Superseded by E.O. 11749)	34177	9 CFR		1508	33593
11527 (Superseded by E.O. 11749)	34177	76	33455	1700	33280
11662 (Superseded by E.O. 11749)	34177	92	34188	PROPOSED RULES:	
11678 (Superseded by E.O. 11749)	34177	94	33763	1	33618
11725 (Superseded in part by E.O. 11749)	34177	97	33763	1508	33405
11726 (Superseded in part by E.O. 11748)	33575	113	33764	17 CFR	
11748	33575	201	33965	210	33282, 33973
11749	34177	PROPOSED RULES:		PROPOSED RULES:	
4 CFR		317	33308	230	33779
351	34260	381	33308	240	34331, 34341, 34345
5 CFR		10 CFR		249	34345
213	33487, 33577, 33757, 33758, 34103, 34104, 34289	30	33969	18 CFR	
PROPOSED RULES:		31	33969, 34110	2	33766
731	33315	32	34110	3	34318
6 CFR		40	33970	141	34318
150	33577, 33758, 33976, 34119, 34207, 34313	70	33970	157	33766
152	33581, 34313	150	33970	19 CFR	
155	33488, 33489, 34207	PROPOSED RULES:		1	33284
Rulings	33489, 33582, 34121, 34312	Ch. II	34414	153	33593
7 CFR		12 CFR		PROPOSED RULES:	
2	34181	204	33456	1	34328
210	34105	544	33456	6	33979
215	34105	545	34315	162	34208
220	34105	563	33457	20 CFR	
245	34315	563c	33457	410	33464
250	33965	PROPOSED RULES:		21 CFR	
724	34106	563b	34060	1	33284, 33465
811	33759	563c	34060	2	33593
814	34181	13 CFR		135d	33767
871	33273	111	33588	141a	34324
873	33582	14 CFR		146a	34324
905	33761	39	33391, 33764, 33765, 33971	149c	33767
907	33761, 33965, 34110, 34314	71	33277, 33391-33394, 33464, 33588, 33765, 33766, 33972, 34111, 34112, 34316	151c	34188
910	33762	73	33394	1401	33744
926	33762	75	33394, 33766	PROPOSED RULES:	
959	33763	93	33972	1	33492
981	34183	95	33589	102	33984
1030	33455	97	33589	130	33774, 34329
1464	33276	385	33972	273	34330
1872	33763	PROPOSED RULES:		1000	33313
1873	33586	71	33404, 33501, 33603, 33774, 33994, 34123	1040	34083
PROPOSED RULES:		73	33994	1301	33774
30	33979	202	34208	22 CFR	
818	33400	15 CFR		PROPOSED RULES:	
909	33400	Ch. III	34316	41	33603
928	33400, 33491	6	33482	23 CFR	
1701	33774, 33983	376	33590	1	33465
		377	33592, 34442	24 CFR	
		399	34442	1914	33465, 33466, 33767, 33768, 34189
		1000	33486	1915	33467, 34326
				PROPOSED RULES:	
				201	34330

25 CFR	Page	36 CFR	Page	45 CFR—Continued	Page
221	34189, 34190	212	33474	PROPOSED RULES:	
PROPOSED RULES:		38 CFR		103	33565
60	33401	3	34115	170	33985
153	33402	21	33303, 34116	185	33874
26 CFR		36	33771	46 CFR	
1	33290, 33395, 33973, 34203	PROPOSED RULES:		77	33474
20	34190	3	34129	96	33474
25	34190	40 CFR		195	33474
601	33300	52	33368, 33556, 33702, 33973, 34116, 34240, 34325	310	34118
PROPOSED RULES:		80	33734	PROPOSED RULES:	
1	33490	112	34164	30	33494
31	33490	164	34117	50	34122
301	33490	166	33303	54	34122
27 CFR		180	33398, 33973, 33974, 34117	56	34122
5	33470	PROPOSED RULES:		61	34122
70	33767	52	33563, 33775, 33777, 34124, 34330	64	33494
28 CFR		80	34126	90	33498
0	33471	169	34129	98	33498
50	34203	180	33604, 33997	528	33501
29 CFR		401	34410	47 CFR	
1910	33397	402	34410	0	33597, 33974
1926	33397	406	33438	1	33302, 33475
PROPOSED RULES:		409	33846	64	33475
1910	33983	418	33852	73	33598, 34119, 34325
1926	33983	425	33860	76	33398
1952	34328	41 CFR		87	33974
30 CFR		1-1	33594	95	33302, 34325
75	33397	1-4	33594	97	33974
31 CFR		1-18	33596	PROPOSED RULES:	
202	34181	15-1	33772	2	33604, 33617
203	34181	101-25	33596	73	33405, 33406, 34129
32A CFR		42 CFR		81	33604
Ch. VI:		1	34117	87	33604, 33618
BDC Notice 3	33472	43 CFR		89	33604, 33617
OI 1	34203	PROPOSED RULES:		91	33604
33 CFR		421	34122	93	33604
62	33472	PUBLIC LAND ORDERS:		94	33604
66	33473	5362	33597	49 CFR	
74	33472	45 CFR		7	34112
110	33473, 33474, 33973	205	34324	99	33975
117	33593	206	33380	1023	33772
34 CFR		237	34324	1033	33302, 33399, 33482
200	33769	248	33380	PROPOSED RULES:	
251	33770	249	33383	567	33404, 33775
		1204	34118	571	33501

FEDERAL REGISTER PAGES AND DATES—DECEMBER

33267-33383	Dec. 3
33385-33445	4
33447-33567	5
33569-33749	6
33751-33958	7
33959-34091	10
34095-34170	11
34171-34281	12
34283-34443	13



federal register

THURSDAY, DECEMBER 13, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 239

PART II



ENVIRONMENTAL PROTECTION AGENCY

■

COOLING WATER INTAKE STRUCTURES

**Proposal Regarding Minimizing Adverse
Environmental Impact**

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Parts 401, 402]

COOLING WATER INTAKE STRUCTURES

Proposal Regarding Minimizing Adverse Environmental Impact

Notice is hereby given of proposal of the regulations set forth below concerning determinations required to insure that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact. The regulations are intended to implement section 316(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1326; Pub. L. 92-500; 86 Stat. 816 et seq.) (the Act).

Section 316(b) of the Act requires that "any standard established pursuant to section 301 or section 306 of this Act and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact." The Environmental Protection Agency (EPA) will be publishing a series of regulations establishing effluent limitations guidelines for existing sources and standards of performance for new sources pursuant to sections 301, 304(b), and 306 of the Act. These regulations will be set forth under Parts 401 et seq. of Title 40 CFR.

The regulations set forth below in tentative form provide for an amendment to 40 CFR Part 401 (General Provisions concerning effluent limitations guidelines and standards of performance) and the establishment of a new Part 402, 40 CFR. The General Provisions set forth in Part 401 were published in proposed form on August 22, 1973 (38 FR 22606, 22608). The regulations below amend Part 401 as proposed to add section 316(b) to the catalogue of applicable legal authorities set forth under 40 CFR 401.12. In addition, new § 401.14 below provides that the location, design, construction, and capacity of cooling water intake structures for any point source for which a standard is established pursuant to section 301 or 306 shall reflect the best technology available for minimizing adverse environmental impact in accordance with the provisions of 40 CFR Part 402.

New Part 402 as proposed is intended to provide a framework for the case-by-case determination of the best technology available for minimizing adverse environmental impact resulting from the location, design, construction and operation of cooling water intake structures. The provisions of Part 402 do not set forth mandatory design and operational requirements since the factors to be considered would lead to highly site-specific determinations of the best technology available for minimizing adverse environmental impact. However, when considering cooling water intake requirements in connection with application for NPDES permits pursuant to section 402

of the Act, the factors set forth in Part 402 must be examined in order to establish requirements for minimizing adverse environmental impact. The regulations of Part 402 are therefore intended to serve as an outline of the factors to be considered, and the data required, in order to arrive at an environmentally sound decision concerning cooling water intake structure, location, design, construction, and operation.

The Part 402 regulations were developed in the course of studies undertaken in support of effluent limitations guidelines and standards of performance for the steam electric power generating industry. Water withdrawal for cooling by all industrial point sources now amounts to approximately 70 trillion gallons per year. Steam electric powerplants withdraw approximately 80 percent of this, or 60 trillion gallons per year, which is roughly 15 percent of the total flow of waters in U.S. rivers and streams. The intake flow for a typical steam electric powerplant is 40 billion gallons per year.

The intake flow for typical petroleum refineries, primary metals manufacturing plants, chemical manufacturing plants, and pulp and paper mills are about one-tenth the intake flow of typical steam electric powerplants. Flows from large rubber, wood, food, stone, clay and glass products manufactures are typically about one-hundredth the flow of powerplants. Cooling water intake flows for textile mills and leather manufacturers are typically about one-thousandth the flow of powerplants. However, the maximum cooling water volumes for specific establishments will be dependent on factors such as products, processes employed, size of plant, degree of recirculation employed in the cooling water system, etc.

Adverse environmental impacts that could occur from cooling water intakes relate to the net damage or destruction of benthos, plankton and neuston organisms by external interaction with the intake structure and by internal interaction with the industrial cooling system. Important aspects of the intake which relate to adverse environmental impacts are the intake volume, the number and types of organisms which interact externally with the intake or which interact internally with the industrial cooling system, the configuration and operational characteristics of the intake and plant cooling system, the thermal characteristics of the cooling system, and the chemicals added to the cooling system for biological control.

(a) *Applicable technology.* The range of technologies corresponding to the control of the number and types of organisms which interact externally with the intake is comprised of two factors—the choice of the location of the intake relative to the location of the organisms, and the full array of process modifications including the use of recirculating cooling water systems employing off-stream means to transfer process heat directly to the atmosphere and to minimize or in some cases eliminate the use of cooling water. The technology for con-

trolling the number and types of organisms which interact internally with the cooling system is compromised of one factor in addition to location and flow volume controls as cited above for intake interactions, i.e., the degree to which the configuration and operation of the intake means prevents the entry of these organisms into the cooling system. The technology for preventing the entry of these organisms while minimizing damage due to external interactions with the organisms is diverse, including a multiplicity of physical and behavior barriers and covering various fish bypass and removal systems.

Devices which cause damage due to internal interactions with process cooling systems relate to the design and operation of these systems with respect to mechanical, thermal, and chemical characteristics. For example, the presence of a cooling tower in a nonrecirculating cooling system could affect the amount of organism damage due to the pumping, temperature changes, and possible chemical additives employed with the tower.

A document entitled "Development Document for Proposed Best Technology Available for Minimizing Adverse Environmental Impact of Cooling Water Intake Structures" further details the analysis undertaken in support of the regulations being proposed below. The draft contractor's report on the steam electric power industry circulated for comments in early July, 1973, contained the cooling water intake structures technology considered in the EPA document cited above.

A copy of the "Development Document" is available for inspection at the EPA Information Center, Room 227, West Tower, Waterside Mall, 4th & M Street, SW., Washington, D.C., at all EPA regional offices, and at State water pollution offices. Copies of the document are being sent to persons or institutions affected by the proposed regulations, or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). In this regard, all persons who have requested the Development Documents for "Steam Electric Power Plants," "Iron and Steel Manufacturing" or "Ferroalloy Manufacturing" will also receive a copy of the "Cooling Water Intake Structures" Development Document. An additional limited number of copies of the report are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Phillip B. Wisman.

(b) *Costs.* The Development Document contains information concerning the performance and costs of various technologies for minimizing environmental damage from cooling water intake structures for steam electric power plants. The analysis indicates that in general the costs associated with the choice of intake location or application of various intake devices to minimize damage due to internal interactions will

have a small economic impact on steam electric power plants.

The Agency expects the same measures necessary to minimize adverse environmental impacts from steam electric power plant cooling water intakes will be applicable to other industries utilizing cooling water in their manufacturing processes. Since the steam electric power industry utilizes the greatest volume of cooling water, the total cost which will result from applying the best technology available for cooling water intake structures will clearly be greatest in that industry. Although the Agency possesses some data with respect to the cost of the application of the cooling water intake requirements to other industries, the Agency recognizes that the Development Document for cooling water intakes was prepared with specific reference to the steam electric power industry. Therefore, the Agency requests comments, and if possible additional data, concerning the cost and economic impact of the application of the measures listed in the Development Document to industries other than the steam electric power industry. These comments should be directed toward the costs and impacts of biological studies required for assessing environmental damages as well as the costs and impacts of remedial measures. Comments which provide such additional information as to costs should include a detailed explanation of the methodology used to derive the cost estimates. Additional issues about which the Agency seeks specific comments are: The question of whether, and how, a distinction should be drawn between existing and new cooling water intake structures and the question of whether, and how, a distinction should be drawn between large and small volume cooling water intake structures.

(c) *Summary of public participation.* Prior to this publication, the agencies and groups listed below were consulted with respect to the development of the regulations below. (Members of this group were also consulted with respect to the effluent limitations guidelines and standards of performance for the steam electric power industry). A draft of the development document containing the cooling water intake structures information was sent to all participants and comments were solicited on that report.

(1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State Pollution Control Agencies; (3) the Edison Electric Institute; (4) American Public Power Association; (5) Atomic Industrial Forum, Inc.; (6) Tennessee Valley Public Power Association; (7) The American Society of Mechanical Engineers; (8) Hudson River Sloop Restoration, Inc.; (9) The Conservation Foundation; (10) Environmental Defense Fund, Inc.; (11) Natural Resources Defense Council, Inc.; (12) Business and Professional People for the Public Interest; (13) The American Society of Civil Engineers; (14) Water Pollution Control Federation; (15) National Wildlife Federation; (16) National As-

sociation of Electric Companies; (17) National Rural Electric Cooperative Association; (18) New England Interstate Water Pollution Control Commission; (19) Ohio River Valley Sanitation Commission; (20) Government of Guam; (21) Trust Territory of the Pacific Islands; (22) Puerto Rico; (23) Delaware River Basin Commission; (24) U.S. Department of Commerce; (25) U.S. Department of the Interior; (26) U.S. Water Resources Council; (27) U.S. Department of Treasury; (28) U.S. Atomic Energy Commission; (29) U.S. Department of Defense; (30) U.S. Department of Agriculture; (31) Tennessee Valley Authority; and (32) U.S. Department of Housing and Urban Development.

The following organizations responded with comments relative to the cooling water intake structures information: Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); Honorable Mike McCormack; U.S. Department of the Treasury; Atomic Industrial Forum, Inc.; Delaware River Basin Commission; Edison Electric Institute; U.S. Atomic Energy Commission; U.S. Water Resources Council; Southern Electric Generating Company; Consumers Power Company; American Electric Power Service Corporation; Virginia Electric and Power Company; Duke Power Company; Commonwealth Edison; Southern Services, Inc.; Public Service Electric and Gas Company; Tennessee Valley Authority; Los Angeles Department of Water and Power; Bechtel Power Corporation; New York Power Pool; U.S. Department of Agriculture; Gulf Power Company; Mississippi Power Company; Consolidated Edison Company of New York, Inc.; Georgia Power Company; American Public Power Association; National Advisory Committee on Oceans and Atmosphere; Tennessee Valley Public Power Association; Detroit Edison; Southwestern Electric Power Company; City Public Service Board of San Antonio; U.S. Department of Defense; U.S. Department of Commerce; Florida Power and Light Company; Federal Power Commission; Natural Resources Defense Council, Inc.; Hudson River Fishermen's Association; Tampa Electric Company; State of Illinois Environmental Protection Agency; State of Maryland Department of Natural Resources; State of Michigan Department of Natural Resources; State of Ohio Environmental Protection Agency; State of North Carolina Department of Natural and Economic Resources; State of Texas Water Quality Board.

The primary issues raised in the development of the proposed regulations and the treatment of these issues herein are as follows. Public comments on all these suggestions are solicited.

1. Some commenters suggested the consideration of type and design of intakes on a case-by-case basis due to the high degree of site specificity involved. While this view is warranted with respect to the outcome, a certain degree of national uniformity can be prescribed relative to the factors that must be con-

sidered. Section 402.12 below is intended to fulfill this need.

2. Some commenters suggested that the evaluation of existing intake structures be concerned with their environmentally related performance rather than their location, configuration, and operation. While environmentally related performance would provide a measure of the effect desired, it must be related to control technology in order to be assured that adverse environmental impacts are minimized in any particular case.

3. Some commenters feel that location is by far the most important aspect of intake technology related to environmental impact. Furthermore, they feel that no large intake structure should be located in an estuarine water body. This would mean that all powerplants on estuaries would be required to employ closed-cycle cooling systems. While location is no doubt the most important factor involved, and estuarine sites in general would have a high potential for adverse environmental impact, no data is available to support evaluations leading to specific intake structure requirements other than on a case-by-case basis.

4. Some commenters feel that the biological data gathered to support consideration of factors related to cooling water intake structures should be obtained by the Environmental Protection Agency or under contract with independent research organizations. The qualifications of the investigator and the data obtained should stand on the merits of each case.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing an effluent limitation guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304(b), 306 and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before January 14, 1974 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 F.R. 21202).

Dated: December 7, 1973.

JOHN QUARLES,
Acting Administrator.

Part 401 is proposed to be amended as follows:

PART 401—GENERAL PROVISIONS

Sec.
401.14 Cooling water intake structures.

§ 401.12 Law authorizing effluent limitations guidelines, standards of performance and pretreatment standards for new sources.

(1) Section 316(b) of the Act provides that any standard established pursuant to section 301 or section 306 of the Act and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact.

§ 401.14 Cooling water intake structures.

The location, design, construction and capacity of cooling water intake structures of any point source for which a standard is established pursuant to section 301 or 306 of the Act shall reflect the best technology available for mini-

mizing adverse environmental impact, in accordance with the provisions of Part 402 of this chapter.

PART 402—BEST TECHNOLOGY AVAILABLE FOR MINIMIZING ADVERSE ENVIRONMENTAL IMPACT OF COOLING WATER INTAKE STRUCTURES

Part 402 is proposed to read as follows:

Sec.
402.10 Applicability.
402.11 Specialized definitions.
402.12 Best technology available for cooling water intake structures.

§ 402.10 Applicability.

The provisions of this part are applicable to cooling water intake structures for point sources for which effluent limitations guidelines are established pursuant to section 301 or standards of performance are established pursuant to section 306 of the Act.

§ 402.11 Specialized definitions.

For the purpose of this part:

(a) The term "cooling water intake structure" shall mean the total structure used to direct water from a water body into the point source subject to the provisions of this part whenever the intended use of a major fraction of the water so directed is to absorb waste heat rejected from the process or processes employed or from auxiliary operations on the premises, including air conditioning.

(b) The term "existing cooling water intake structure" shall mean any cooling water intake structure, the construction of which was commenced before the date of publication of these proposed regulations.

(c) The term "new cooling water intake structure" shall mean any cooling water intake structure, the construction of which has been commenced on or after the date of publication of these proposed regulations.

(d) The term "Development Document" shall mean the document entitled "Development Document for Proposed Best Technology Available for Minimizing Adverse Environmental Impact of Cooling Water Intake Structures", and published by the U.S. Environmental Protection Agency.

§ 402.12 Best technology available for cooling water intake structures.

(a) The applicable factors set forth in the Development Document shall be considered to determine that the best available technology for minimizing the adverse environmental impact is reflected in an existing cooling water intake structure of a point source subject to standards established under sections 301 and 304(b) of the act.

(b) The factors set forth in the Development Document shall be used to determine that the location, design, construction and capacity of a cooling water intake structure of a point source subject to standards established under the provisions of section 306 and that the location, design, construction and capacity of a new cooling water intake structure of a point source subject to the standards established under the provisions of sections 301 and 304(b) of the Act reflect the best technology available for minimizing the adverse environmental impact.

[FR Doc.73-26421 Filed 12-12-73; 8:45 am]

federal register

THURSDAY, DECEMBER 13, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 239

PART III



FEDERAL ENERGY OFFICE

PROPOSED MANDATORY FUEL ALLOCATION REGULATIONS



DEPARTMENT OF COMMERCE

Domestic and International Business Administration

Commodity Control List and Monitoring System

FEDERAL ENERGY OFFICE

[10 CFR Ch. II]

MANDATORY PETROLEUM ALLOCATION REGULATIONS

Notice of Proposed Rulemaking

In order to accommodate new energy regulations being issued by the Federal Energy Office, the heading of Title 10 of the Code of Federal Regulations is changed to read: Title 10—Energy. In addition, a new Chapter II, Federal Energy Office is added, reading as set forth below.

This notice of proposed rulemaking sets forth a program for the allocation of crude oil, residual fuel oil and all refined petroleum products. This regulation is a mandatory regulation which becomes effective on December 27, 1973 after consideration of comments from the public.

The Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159) signed into law on November 27, 1973, grants to the President of the United States, and directs him to exercise, specific temporary authority to alleviate supply shortages of crude oil, residual fuel oil and all refined petroleum products produced in, imported into or refined in the United States. That authority is to be exercised in a manner which minimizes any adverse impact of supply shortages and dislocations on the domestic economy and the American people. The Emergency Petroleum Allocation Act further authorizes the President to delegate such authority as he is granted to whichever Federal or State officers, departments or agencies he deems appropriate. Pursuant to this grant of authority, Executive Order 11748 (38 FR 33575, Dec. 6, 1973) was issued on December 4, 1973. That Executive Order delegated the Presidential authority under the Act, as well as the Presidential authority under the Economic Stabilization Act of 1970, as amended, to the Administrator, Federal Energy Office.

Shortages of crude oil, residual fuel oil, and refined petroleum products caused by inadequate domestic production, environmental constraints, and the unavailability of imports sufficient to satisfy domestic demand, now exist or are imminent. Such shortages have created or may create severe economic dislocations and hardships, including increased unemployment, closing of factories and businesses, reduction of crop plantings and harvesting, and curtailment of vital public services, including the transportation of food and other essential goods. Such hardships and dislocations jeopardize the normal flow of commerce and constitute a national energy shortage which could threaten the public health, safety, and welfare and therefore requires prompt remedial action by the Executive Branch of the Federal Government.

The mandatory petroleum products allocation program provided for in this proposed regulation is such action. As set forth in the regulatory provisions, this proposed allocation scheme provides, to

the extent practicable and necessary to carry out the purposes of the Emergency Petroleum Allocation Act, for:

(A) Protection of public health, safety and welfare (including maintenance of residential heating, such as individual homes, apartments, and similar occupied dwelling units), and the national defense;

(B) Maintenance of all public services (including facilities and services provided by municipally, cooperatively, or investor owned utilities or by any State or local government or authority, and including transportation facilities and services which serve the public at large);

(C) Maintenance of agricultural operations, including farming, ranching, dairy, and fishing activities, and services directly related thereto;

(D) Preservation of an economically sound and competitive petroleum industry; including such priority needs as are required to restore and foster competition in the producing, refining, distribution, marketing and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, small refiners, nonbranded independent marketers, and branded independent marketers;

(E) The allocation of suitable types, grades, and quality of crude oil to refineries in the United States to permit such refineries to operate at full capacity;

(F) Equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all refiners, nonbranded independent marketers, branded independent marketers, and among all users;

(G) Allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of exploration for, and production or extraction of fuels, and for required transportation related thereto;

(H) Economic efficiency; and

(I) Minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms.

In addition, the regulation prescribes—

(A) A dollar-for-dollar pass-through of net increases in the cost of crude oil, residual fuel oil, and refined petroleum products to all marketers or distributors at the retail level; and

(B) The use of the same date in the computation of markup, margin, and posted price for all marketers or distributors of crude oil, residual fuel oil, and refined petroleum products at all levels of marketing and distribution.

The development of this proposed program was based upon forecasts of shortages in petroleum products expected during the first quarter of 1974. On that basis, this proposed allocation program provides for overall equitable redistribution of such supplies to mitigate adverse economic consequences of the shortages.

Petroleum has been a major source of energy in the United States. While in many situations other fuels can substitute for petroleum, in the immediate fu-

ture the supply of such fuels is limited. Thus, the shortage of petroleum, heightened by the Arab oil embargo, has developed into a general shortage of energy. For this reason, the program set forth in this regulation takes into consideration the desirability and likelihood of substitution of coal, natural gas or electricity for petroleum. While such substitution appears to be generally desirable, no mandatory requirements to accomplish such a goal are provided herein.

It is intended that the allocations and methods of pricing set forth in this regulation will encourage energy conservation and increasingly efficient use of the energy that continues to be used, as well as incentives for increasing the supply of energy available to the United States.

In order to minimize undesirable economic impacts, priority status in the allocations proposed herein has been given to uses essential to the public and welfare, and national defense over certain general consumer uses. Examples include:

1. Each home, all industries, and all commercial and governmental buildings are expected to conserve energy used for space heating and cooling. Each of these classes is expected to control heating in the winter and air conditioning in the summer to maintain the temperature levels assigned to class.

2. Operators of private transportation are expected to conserve petroleum by reducing vehicle operations, carpooling, using mass transportation, using more energy efficient vehicles when possible, etc.

3. The Department of Defense shall receive 100 percent of its current requirements essential for mission performance as reviewed and approved in advance by the Administrator, Federal Energy Office.

The proposed allocation program assumes that petroleum supplies will fall short of unconstrained demand at current prices over a period of years. Allocation as proposed in this program is viewed as a temporary expedient to insure equity, and prevent economic excesses during a period of transition to a more stable long-term solution. Attempts have been made to design the allocation and pricing mechanisms permitting relatively free market conditions in the future and looking toward eventual abandonment of most or all of the allocation mechanisms.

Periodically, an official appointed by the President (or his delegate) will publish petroleum forecasts. These will include estimates of the amounts of petroleum and petroleum derivatives expected to be available to the United States in the succeeding time period. They will also contain "target" mixes of products to be refined from the available crude oil based on the expected energy consumption patterns for the period. Allocation parameters (such as percentages) and prices for the period will be based on these target figures.

There is currently in effect a voluntary program applicable to gasoline, residual fuel oil and crude oil. In addition, there

are presently effective a mandatory propane allocation program and a mandatory middle distillate fuel allocation program covering kerosene, jet fuel, home heating oil, range oil, stove oil, diesel oil and gas oil. These programs shall remain in effect until December 27, 1973, at which time the proposed regulation published herein shall become effective and supersede all existing allocation programs for these fuels.

Subpart C of the proposed program, applicable to crude oil and refiners, specifies a mandatory program for the allocation of crude oil to refiners and a mandatory refinery yield control program to provide a refined products mix that will conform as nearly as possible to the demands of the various allocation systems proposed herein.

The crude oil allocation program operates to allocate both domestic and imported crude oil to refiners on a pro-rata basis. Each quarter the estimated supply is divided by the total refinery capacity to determine the supply/capacity ratio which will be announced by the Federal Energy Office. Refiners whose supplies exceed the ratio will be required to offer their excess supplies for sale. Refiners whose supplies are below the ratio are eligible to buy available stocks until they reach the proper supply/capacity ratio. Sales and purchases will be made in accordance with usual business practices within the industry.

The refinery yield control program requires each refiner to produce a total amount of gasoline during a period not greater than a specified fraction of the amount of gasoline produced during the base period. The fraction is to be 95 percent initially and may be revised quarterly by the Federal Energy Office. Refiners are urged to maximize the production of distillates, residual fuel oils and petrochemical stocks in their resulting products mix.

Subpart D provides for a mandatory allocation program for propane, butane, and propane-butane mixes. It is intended that this program will (1) meet the needs, within certain specified volume limitations, of priority customers of propane, butane, and propane-butane mixes, (2) allocate equitably to nonpriority customers, and (3) impose constraints upon shipments of propane from merchant storage facilities.

Priority customers will be allocated up to 100 percent of current requirements or a maximum percentage or volume of the quantities purchased during the period October 3, 1972 through April 30, 1973, or purchased during calendar year 1972, depending on the priority use. Nonpriority customers will be allocated an equitable share of the propane remaining after the priority needs are met. The distribution rules will insure that all priority needs are met before allocations are made to nonpriority customers, and that all certified needs shall be met before any purchaser receives supplies in excess of his certified need.

Subpart E sets forth the allocation scheme for gasoline excluding aviation

fuel. The following users are to be allocated 100 percent of current requirements: Emergency services, fuel production, public passenger transportation, and agriculture.

Business users, including nonprofit and government users, are allocated 100 percent of their 1972 use. All other users are allocated not more than 90 percent of their 1972 use.

Subpart F sets forth the allocation program for middle distillate fuels on the basis of two categories of users. In Category I, users for purposes of fuel production and public passenger transportation are allocated 100 percent of current requirements subject to certain ceiling limitations. Users for space heating purposes are allocated 100 percent of current requirements consistent with a mandatory reduction in ambient indoor temperatures. Vital community services and medical, dental and nursing services are allocated 110 percent of their 1972 use.

In Category II, users for the following purposes are allocated 110 percent of their 1972 use: Industrial and manufacturing, food production and processing and cargo, freight, and mail hauling. All other users are allocated 100 percent of their 1972 use.

Subpart G prescribes the allocation scheme for aviation fuels. Except for emergency operations and mercy missions which are to be allocated 100 percent to 150 percent of the 1972 volumes, there are three categories of aviation uses. Among civil air carriers domestic carriers are to be allocated 95 percent of their 1972 use until January 7, 1974, and 85 percent thereafter. Small regional airlines are to be allocated 95 percent of their 1972 use until January 7, 1974 and 90 percent thereafter. International carriers are allocated 100 percent of 1972 use before January 7, 1974 and 85 percent thereafter.

In general aviation, commercial and industrial users are allocated 90 percent of their 1972 use, business and executive users 80 percent and personal pleasure and instructional users are allocated 70 percent of their 1972 use. Non-military Federal agencies and the States are allocated 85 percent of their 1972 use.

Subpart H prescribes the allocation scheme for residual fuel oil. Users for purposes of energy production, food production, essential community services, marine shipping and heating for health services will receive 100 percent of current needs.

Heating users will be allocated residual fuel oil on the basis of a schedule of mandatory reductions in ambient inside temperature.

The electric utility industry will be allocated residual fuel oil on the basis of a computation to be made by the Federal Energy Office by which utilities using residual fuel oil will receive a reduced supply of fuel so that each utility within each PAD or PAD grouping will receive an equal electricity outback to the extent possible.

Industrial users and all other users will receive their current requirements up to 100 percent of 1973 use.

Subpart I sets forth the allocation scheme for other products not provided for elsewhere in the regulation, such as lubricants and petrochemical feedstocks and other products not mentioned by name.

For lubricants and other products, except petrochemical feedstocks, no priorities are specified and for allocations normal business practices apply. There will be pro-rata reductions if demands exceed supply.

For petrochemical feedstocks allocations are based on up to 120 percent of 1972 base use. Any excess supplies over this amount are first allocated to current purchasers on a pro-rata basis and supplies over that amount may be sold at the supplier's discretion.

Part 201 of the regulation proposed herein, relates to the price regulations. With respect to economic units and transactions subject to this Part, the maximum price which a seller may charge and a buyer may pay is the price permitted pursuant to the provisions set forth in Part 150 of Title 6 of the Code of Federal Regulations.

Part 203 of the proposed regulation relates to administrative procedures. This Part sets forth an equitable system of procedures to govern the allocation program, including provisions for complaints and violations, requests, penalties and enforcement and appeals and review.

Because of the emergency nature of the Mandatory Petroleum Products Allocation Program, and for other good cause appearing, it is hereby determined that publication of this Chapter in accordance with normal rulemaking procedure is impracticable and that good cause exists for making these regulations effective in less than 30 days. Notwithstanding the abbreviated rulemaking procedure, however, comments and views regarding the proposed chapter may be filed to be received not later than 5 p.m., e.s.t., December 20, 1973.

Additional comments on the various parts and subparts of this proposed regulation should be directed separately as follows:

- Box 10: Preamble, general provisions, general definitions—Subparts A & B.
- Box 11: Crude oil and refinery capacity—Subpart C.
- Box 12: Propane and butane—Subpart D.
- Box 13: Motor Gasoline—Subpart E.
- Box 14: Middle Distillates—Subpart F.
- Box 15: Aviation Fuels—Subpart G.
- Box 16: Residual Fuel Oil—Subpart H.
- Box 17: Other Petroleum Products—Subpart I.
- Box 18: Subparts J-M.
- Box 20: Price Regulations—Part 201.
- Box 30: Procedural Regulations—Part 202.

Direct comments to:

William E. Simon, Administrator
(c/o the appropriate box as above)
Federal Energy Office
1016 16th Street, NW.
Washington, DC 20036
(Economic Stabilization Act of 1970 as amended by the Economic Stabilization Act

Amendments of 1973, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575.)

Effective date. In consideration of the foregoing, this chapter will become effective as a final regulation on December 27, 1973.

Issued in Washington, D.C. on December 11, 1973.

JOHN C. SAWHILL,
Deputy Administrator,
Federal Energy Office.

- Part
200 Mandatory Petroleum Products Allocation Regulations
201 Mandatory Petroleum Product Allocation Price Regulations
202 Administrative Procedural Regulations

PART 200—MANDATORY PETROLEUM PRODUCTS ALLOCATION REGULATIONS

Subpart A—General Provisions

- Sec.
200.1 Scope.
200.2 Exclusions.
200.3 Exceptions.
200.4 Exemptions.
200.5 Termination.
200.6 Preemption.
200.7 Force majeure.
200.8 Violations and compliance.
200.9 Sanctions.
200.10 [Reserved]
200.11 Injunctions and other relief.
200.12 Administrative actions.
200.13 Adjustments to the allocation program.
200.14 Normal business practices.
200.15 Relationship with other Government programs.
200.16 Delegation to State governors.
200.17 Ratification of prior directives, orders, and actions.
200.18 Separability.
200.19 Pricing regulations.
200.20 Procedural regulations.
200.21 Petitions by governors.
200.22 Department of Defense allocations.

Subpart B—Definitions

- 200.23 Scope.
200.24 General definitions.

Subpart C—Crude Oil

- 200.25 Scope of coverage.
200.26 Definitions.
200.27 Allocation.
200.28 Distribution system.
200.29 Method of allocation.
200.30 Procedures and timing requirements.
200.31 Crude oil sales periods.
200.32 Mandatory refinery yield control program.

Subpart D—Propane and Butane

- 200.33 Scope of coverage.
200.34 Definitions.
200.35 Allocation.
200.36 Method of allocation.
200.37 Distribution system.

Subpart E—Motor Gasoline

- 200.38 Scope of coverage.
200.39 Definitions.
200.40 Allocation.
200.41 Distribution system.
200.42 Method of allocation.
200.43 Reporting requirements and responsibilities.

Subpart F—Middle Distillates

- 200.44 Scope.
200.45 Definitions.
200.46 Allocation.

- Sec.
200.47 Distribution system.
200.48 Method for allocation.
200.49 Adjustments.
200.50 Responsibilities and reporting requirements.

Subpart G—Aviation Fuels

- 200.51 Scope of coverage.
200.52 Definitions.
200.53 Allocation.
200.54 Distribution system.
200.55 Method of allocation.
200.56 Responsibilities and reporting requirements.

Subpart H—Residual Fuel Oil

- 200.57 Scope of coverage.
200.58 Definitions.
200.59 Allocation.
200.60 Distribution system.
200.61 Method of allocation.
200.62 Responsibilities and reporting.

Subpart I—Other Products

- 200.63 Scope of coverage.
200.64 Definitions.
200.65 Allocation.
200.66 Distribution system.
200.67 Method of allocation.
200.68 Responsibilities.

Subpart J—Antitrust Applicability

- 200.69 Effect on antitrust laws.

Subpart K—Reporting and Recordkeeping Requirements

- 200.70 General.

Subpart L—Allocation, Market Share and Market Entry

- 200.71 Market share and market entry consideration.

Subpart M—Delegation of Authority to State Offices and Local Boards

- 200.72 State and local authority.

AUTHORITY: Economic Stabilization Act of 1970, as amended by the Economic Stabilization Act Amendments of 1973, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575.

PART 200—MANDATORY PETROLEUM PRODUCTS ALLOCATION REGULATIONS

Subpart A—General Provisions

§ 200.1 Scope.

The provisions in this subpart apply to this chapter with respect to the domestic allocation through normal distribution systems of crude oil, residual fuel oil, and refined petroleum products as herein defined produced in or imported into the United States.

§ 200.2 Exclusions.

The regulations in this chapter do not apply to:

(a) The first sale of crude oil produced in the United States from any lease whose average daily production of crude oil for the preceding calendar year does not exceed ten barrels per well when operating at the maximum rate of production and in accord with recognized conservation practices;

(b) Paraffin wax, as herein defined: Wax removed from petroleum distillates and residues by chilling, dewaxing, and de-oiling. When separating from solutions it is a colorless, more or less translucent, crystalline mass, slightly greasy to touch, and consisting of a mixture of

solid hydrocarbons in which the paraffin series predominates. Included are all marketable wax whether crude scale or refined, in three grades as follows:

(1) *Microcrystalline*. Wax extracted from certain petroleum residues and having a finer and less apparent crystalline structure than paraffin wax, and having the following physical characteristics:

(i) Penetration at 77° F. (D-1321)—60 maximum.

(ii) Viscosity at 210° F.S.U.S. (D-88)—60 minimum (10.22 CS/150 maximum (31.8 CS)).

(iii) Oil content (D-721)—5 percent maximum.

(2) *Crystalline, Fully Refined*. A paraffin wax having the following physical characteristics:

(i) Viscosity at 210° F.S.U.S. (D-88)—59.9 maximum (10.18 CS).

(ii) Oil Content (D-721)—0.5 percent maximum.

(iii) Other—+20 Color, Saybolt, Min.

(3) *Crystalline, Other*. A paraffin wax having the following physical characteristics:

(i) Viscosity at 210° F.S.U.S. (D-88)—59.9 maximum (10.18 CS).

(c) **PETROLEUM COKE**, as herein defined: A solid residue; the final product of the condensation process in cracking. Consisting mainly of highly polycyclic aromatic hydrocarbons very poor in hydrogen, including petroleum coke which when calcinated yields almost pure carbon or artificial graphite suitable for production of carbon or graphite electrodes, structural graphite, motor brushes, dry cells, etc. This definition includes both forms listed below:

(1) *Marketable*. Those grades of coke produced in delayed or fluid cokers which may be recovered as relatively pure carbon. This "green" coke may be further purified by calcining or may be sold in the "green" state.

(2) *Catalyst*. In many catalytic operations (i.e., catalytic cracking) carbon is deposited on the catalyst, deactivating the catalyst. The catalyst is reactivated by burning off the carbon, using it as a fuel in the refinery process. This carbon or coke is not recoverable in a concentrated form. For statistical purposes, the amount of catalyst coke may be estimated by using an average weight percent (1.5%–8.5%) of charging stock.

(d) *Asphalt*, as herein defined: A dark brown to black cementitious material in which the predominating constituents are bitumens, which occur in nature or are obtained in petroleum processing. Consistency can vary from a liquid to a solid. Essentially, it is totally soluble in carbon disulfide and prepared as the residue from the distillation of an asphaltic crude oil or as the insoluble portion of an asphaltic crude oil or as the insoluble portion of an extraction process utilizing propane or other suitable solvent. The definition includes crude asphalt as well as finished products such as: cements, fluxes, the asphalt content of emulsions (exclusive of water), and petroleum distillates blended with asphalt to make cutback

asphalts. Included within this definition are the following forms of asphalt:

(1) *Asphalt-Emulsified.* A fluid asphalt product composed of asphalt and water compounded and processed with emulsification agents to produce a stable suspension of minute globules of asphalt in water, or alternatively, a suspension of minute globules of water in a liquid asphalt. Emulsified asphalts may be either the anionic or cationic types.

(2) *Asphalt-Cement.* A solid or semisolid asphalt which has not been modified by the addition of a low or intermediate boiling range solvent, emulsification, or by the addition of inorganic fillers, and has been especially prepared as to quality and consistency for direct use in the manufacture of bituminous pavements, or in manufacture of roofing materials or other industrial products. It can be fluxed or unfluxed.

(3) *Asphalt-Flux.* A high boiling hydrocarbon liquid or liquid asphalt used to reduce the consistency or viscosity of hard asphalt to the point required for use. More commonly used to designate soft asphalts for the roofing industry.

(4) *Asphalt-Cutback.* Asphalt products produced by blending asphalt with solvents such as naphtha, kerosene, No. 2 Fuel Oil, diesel oil or other volatile solvents. Upon exposure to the atmosphere the volatile product evaporates leaving the asphalt.

(e) Road oil (slow curing oil), as herein defined: Any heavy petroleum oil, including residual asphaltic oils, used as a dust palliative and surface treatment of roads and highways. It is generally produced in six grades from 0, the most liquid, to 5, the most viscous.

(f) Refinery gas, as herein defined: A form of gas normally produced in the refining of crude oil which is predominately used for refinery fuel. If these refinery gases are further refined or separated into component products, these products are subject to allocation under Subpart I of this part unless specifically excluded therein.

§ 200.3 Exceptions.

When necessary to accomplish the purposes of the Act, exceptions to these regulations may be ordered by Federal Energy Office (hereinafter "FEO") upon appropriate findings made pursuant to request submitted as required under the provisions of Subpart B of Part 202 of this chapter.

§ 200.4 Exemptions.

Pursuant to the provisions of Section 4(g)(2) of the Act and in accordance with the provisions thereof, upon a finding that:

(a) Application of these regulations to crude oil, residual oil or a refined petroleum is not necessary to carry out this Act;

(b) That there is no shortage of such oil or product; and

(c) Exempting such oil or product from the regulations of this Chapter will not have an adverse impact on the supply of any other oil or refined petroleum prod-

uct subject to these regulations, the FEO may prescribe an amendment to these regulations exempting such oil or product from these regulations for a period of not more than ninety (90) days. *Provided, however,* That any such amendment shall be subject to the approval of the Congress under the requirements provided in the Act.

§ 200.5 Termination.

The regulations in this chapter and subsequent amendments thereto shall remain in effect until midnight, February 28, 1975: *Provided, that,* Such termination shall not prejudice any action, civil or criminal, not finally determined on that date, nor any action or proceeding based upon any act committed prior to midnight, February 28, 1975.

§ 200.6 Preemption.

Except to the extent provided in this part, or specifically provided elsewhere in this chapter, the regulations in this chapter preempt any other regulatory scheme or statutory provisions applicable to the allocation of the products subject to these regulations, whether Federal or State, to the extent that any such scheme or provision is inconsistent with any provision of these regulations.

§ 200.7 Force majeure.

The regulations in this chapter with respect to the allocation of the products subject to this chapter, to the extent required to accomplish the purposes of the Act, supersede the provisions of any private agreement, understanding or contractual arrangement to the extent that any such arrangement is inconsistent with the provisions of this chapter, or the purposes of the Act. It shall be a defense to any legal proceeding brought for breach of any such private agreement, understanding or contractual arrangement that such breach resulted solely from compliance with any provision of this chapter.

§ 200.8 Violations and compliance.

Any practice which circumvents or results in the circumvention of the requirements of any provision of the regulations of this chapter or any order issued pursuant thereto is a violation of the regulations of this chapter.

§ 200.9 Sanctions.

Sanctions for the violation of the provisions of this Chapter or any order issued pursuant thereto are set forth in §§ 202.21 and 202.22 of this chapter.

§ 200.10 Injunctions and other relief.

Provisions for injunctions and other relief are set forth in §§ 202.23 and 202.24 of this chapter.

§ 200.12 Administrative actions.

Upon a finding that any figures or data used under the regulations of this chapter in the calculation of allocation of any product subject to these regulations is incorrect or otherwise inaccurate, the Federal Energy Office may take ap-

propriate action to adjust any such figures or data and any allocations based thereon to a level otherwise permitted under this chapter.

§ 200.13 Adjustments to the allocation program.

To meet imbalances that may occur in the supplies of any product subject to the regulations of this chapter, the Federal Energy Office may order the transfer of amounts of any such product from one region or area to another. Further, the FEO may allocate any such supplies of such products among suppliers in order to remedy supply imbalances. To the extent practicable, such transfers or allocations will be accomplished using existing transportation systems for such products.

§ 200.14 Normal business practices.

Suppliers will deal with purchasers according to normal business practices. Nothing in this program shall be construed to require suppliers to sell to purchasers who do not arrange proper credit or payments for products. However, no supplier may require or impose discriminatively more stringent credit terms or payment schedules on purchasers than the normal business practice of the supplier, nor may any supplier modify any other normal business practice so as to result in circumvention of any provision of this chapter.

§ 200.15 Relationship with other Government programs.

(a) Except as specifically provided in Subpart J of this part, or elsewhere in the provisions of this subpart, no provision of this chapter is intended to conflict with any rule or regulation of the Mandatory Oil Import Program, the Clean Air Act, or the Federal Antitrust Laws.

(b) The Federal Energy Office will assist the States in establishing their program for assignment of state reserves and in alleviating exceptional hardship cases.

§ 200.16 Delegation to state Governors.

(a) *State offices.* Pursuant to section 5(b) of the Emergency Petroleum Allocation Act of 1973, the Governor or chief executive of each State is hereby authorized to create a State Office of Petroleum Allocation within his jurisdiction. Each State Office will assume responsibilities specified in the provisions of this Chapter or in orders issued pursuant to the Emergency Petroleum Act of 1973.

(b) *Local boards.* The Governor or chief executive of each State is hereby authorized to create a local Petroleum Allocation Board for each county, metropolitan area, or other geographic or political unit within his jurisdiction. *Provided, however,* That no area of any State shall be served by more than one board. A sufficient number of boards shall be established in each State to ensure their geographic accessibility and responsiveness to appropriate requests and petitions.

§ 200.17 Ratification of prior directives, orders and actions.

Unless modified by any provisions of this chapter, any directive, order or action in effect pursuant to section 203 (a) (3) of the Economic Stabilization Act of 1970, as amended will remain in effect:

- (a) Until its expiration by its own terms; or
- (b) Until its revocation or amendment by any directive or order or superseding regulation issued under the provisions of this chapter; or
- (c) Until the expiration of the Act, whichever of these shall first occur.

§ 200.18 Separability.

If any provision of the regulations of this chapter, or the applicability thereof, is held invalid, the remainder of the provisions of this chapter shall not be affected thereby.

§ 200.19 Pricing regulations.

The pricing provisions applicable to this chapter are provided in Part 201 of this chapter.

§ 200.20 Procedural regulations.

The procedural provisions applicable to this chapter are provided in Part 202 of this chapter.

§ 200.21 Petitions by governors.

The Governor of any State may petition the Federal Energy Office to alter priorities or the allocation rules for crude oil, residual fuel oil, or any refined petroleum product, or both, within that State or for all States.

§ 200.22 Department of Defense allocations.

Allocation of crude oil, residual fuel oil, or any refined petroleum product to the Department of Defense will be in the amount of 100% of current requirements except for space heating and housekeeping requirements. However, all such requirements shall be submitted to the Administrator of the Federal Energy Office on a quarterly basis and may take effect only following his approval thereof.

Subpart B—Definitions

§ 200.23 Scope.

The sections of this subpart define terms used repeatedly throughout this chapter. These definitions apply to all portions of this chapter except as provided in this section. A term of general application defined in this subpart is occasionally used in a different sense in a particular portion of this chapter. In such a case, the term is specifically redefined in the section or subpart in which it is used differently, and the scope of the redefinition is stated therein. Terms whose use is limited to a specific section or subpart are defined in that section or subpart.

§ 200.24 General definitions.

"The Acts" are the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-

159) and section 2 of the Economic Stabilization Act of 1973 (Pub. L. 93-28).

"Adjusted non-priority base period volume" means the amount which is assigned by the Federal Energy Office to a wholesale purchaser or by the Local Board to other purchasers for non-priority uses, in lieu of the actual non-priority base period purchases or usage of the purchaser, and which a supplier must use as a base for calculating non-priority allocations.

"Adjusted priority base period volume" means the amount which is assigned by the Office of Petroleum Allocation to a wholesale purchaser or by the Local Board to other purchasers for priority uses, in lieu of the actual priority base period purchases or usage of the purchaser and which a supplier must use as a base for calculating priority allocation.

"Adjustment" means a change in a person's authorized supply volume. Such adjustments shall be supplied by the petitioner's authorized supplier during the designated period. Such adjustments shall be made only upon written authorization pursuant to Subpart B of Part 202 of this chapter. An adjustment may either increase the person's supply volume, regardless of that person's allocation level as determined in this Part 200, or result in a redistribution of volumes supplied during the designated period. All adjustments are subject to proportional reduction due to an allocation fraction or other proportional deduction as set forth in this Part 200.

"Adverse action" means an action by the Federal Allocation Officer, the Regional Administrator, the Administrator of F.E.O., or authorized State official, denying in whole or in part a requested interpretation, ruling or other action on the merits which is contrary to the position asserted by the person seeking the interpretation, ruling or action, excluding a notice of violation.

"Agricultural production" means the commercial farming, dairy, livestock and fishing activities and services directly related to the planting, cultivation, harvesting, processing and distribution of fibre, tobacco, and food intended for human consumption and animal feed.

"Allocated substance" means crude oil, residual fuel oil, or any refined petroleum product subject to allocation pursuant to this regulation.

"Allocation fraction" means a fraction calculated as described in this regulation, which each supplier will use to apportion his non-priority allocable supply among all his purchasers based on their non-priority base period volumes.

"Allocation level" means the proportion of a purchaser's certified need that his supplier is authorized by this regulation to deliver to him if sufficient amounts are available. The allocation level varies with the class of purchaser or the end-use to be made of the allocated substance.

"Allocation requirement" means the product of a purchaser's priority need

non-priority need, priority heating need or non-priority heating need, multiplied by the applicable allocation level.

"Assigned customer" is any user of middle distillate who is assigned a supplier by the Federal Energy Office and whom the supplier must supply for the duration of this program unless otherwise directed.

"Assignment" means an action taken by the Administrator, Federal Energy Office, or an authorized State official, designating that an authorized wholesale customer or purchaser or end-user, be supplied at an allocation level determined by the Federal Energy Office or authorized State official, by a specified supplier.

"Aviation gasoline" means petroleum based fuels designed for use in aircraft internal combustion engines and complying with MIL-G-5572 specification (ASTM Specification D-910-70).

"Base period" means the corresponding month in a twelve month span designated in Subpart C, D, E, F, G, H, or I of this part.

"Certification of need" is the act of providing a supplier with base period allocation volumes or current requirements data upon Federal Energy Office forms or otherwise pursuant to this regulation.

"Complaint" means an allegation, supported by relevant facts, of a violation of the regulations.

"Crude oil" means a mixture of hydrocarbons that exist in the liquid state in natural underground reservoirs and remain liquid at atmospheric pressure after passing through surface separating facilities.

"Degree-day formula" means any one of the various systems in use by retailers to provide end-users with automatic delivery service.

"Emergency services" are law enforcement, fire fighting, and emergency medical services.

"End-user" is any ultimate consumer of residual fuel oil or refined petroleum products.

"Energy production" means the exploration, drilling, mining, refining, processing, production and distribution of coal, natural gas, geothermal energy, petroleum or petroleum products, nuclear energy, and electrical energy by hydroelectric means. For the purposes of all subparts except Subparts F and H of this part, the term energy production includes the production and distribution of electrical energy by any means.

"Importer" means any firm, corporation, cooperative, governmental unit or other person that imports any allocated substance into this country.

"Independent marketer" for purposes of this regulation means either a branded independent marketer or a non-branded independent marketer.

(a) The term "branded independent marketer" means a person who is engaged in the marketing or distributing of refined petroleum products pursuant to—

(1) An agreement or contract with a refiner (or a person who controls, is controlled by, or is under common control with such refiner) to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner (or any such person), or

(2) An agreement or contract under which any such person engaged in the marketing or distributing of refined petroleum products is granted authority to occupy premises owned, leased, or in any way controlled by a refiner (or person who controls, is controlled by, or is under common control with such refiner),

but who is not affiliated with, controlled by, or under common control with any refiner (other than by means of a supply contract, or an agreement or contract described in paragraph (a) (1) or (2)) of this definition, and who does not control such refiner.

(b) The term "nonbranded independent marketer" means a person who is engaged in the marketing or distributing of refined petroleum products, but who (1) is not a refiner, (2) is not a person who controls, is controlled by, is under common control with, or is affiliated with a refiner (other than by means of a supply contract), and (3) is not a branded independent marketer.

"Independent refiner means a refiner who (a) obtained, directly or indirectly, in the calendar quarter which ended immediately prior to November 27, 1973, more than 70 per centum of his refinery input of domestic crude oil (or 70 per centum of his refinery input of domestic and imported crude oil) from producers who do not control, are not controlled by, and are not under common control with, such refiner, and (b) marketed or distributed in such quarter and continues to market or distribute a substantial volume of gasoline refined by him through branded independent marketers or non-branded independent marketers.

"Local Board" means a public body made up of individuals appointed by the governor or chief executive of a State to consider requests for relief based on exceptional hardship.

"Local governmental unit" means any county, city, or other political subdivision of a State, and any special purpose district.

"LPG" means propane and butane, but not ethane.

"Medical and nursing buildings" are buildings that house medical, dental and nursing practices including the use of clinics, hospitals, nursing homes and other facilities (including those for the elderly) listed in Appendix I of 6 CFR 300.18 and 300.19.

"Middle distillates" means any derivatives of petroleum used for burning, including kerosene, kerosene-base jet fuel, home heating fuel, range oil, stove oil and diesel fuel, which have a fifty percent

boiling point in the ASTM D86 standard distillation test falling between 371° and 700° F.

"Motor gasoline" means a mixture of volatile hydrocarbons, suitable for operation of an internal combustion engine, whose major components are hydrocarbons with boiling points ranging from 140° to 390° F. and whose source is through distillation of petroleum and cracking, polymerization, and other chemical reactions by which the naturally occurring petroleum hydrocarbons are converted to those that have superior fuel properties.

"Non-priority allocable supply" means the difference between the total allocable supply of the allocated substance of the supplier and the sum of the allocation requirements for priority uses and, in the case of middle distillates, for heating uses of his purchasers.

"Non-priority allocation requirement" for a supplier of end-users is the product of the aggregate non-priority needs of all his end-use purchasers for each non-priority class of use multiplied by the applicable allocation level for that use classification. The non-priority allocation requirement for suppliers selling for resale is the aggregate non-priority allocation requirements for his purchasers. Suppliers selling for both end-use and resale should combine these two figures to determine their priority allocation requirement.

"Non-priority base period volume" of a purchaser means non-priority purchases or, in the case of middle distillates, usage of the allocated substance, during the corresponding month of the base period.

"Non-priority base period volume of a supplier" means the sum of the non-priority base period volumes and the adjusted non-priority base period volumes of his purchasers for each month.

"Non-priority heating allocation requirement" for a supplier of end-users is the product of the aggregate non-priority heating needs of all his end-use purchasers for each priority class of use multiplied by the applicable allocation level for that use classification. The non-priority heating allocation requirement for suppliers selling for resale is the aggregate non-priority heating allocation requirements of his purchasers. Suppliers selling for both end-use and resale should combine these two figures to determine their non-priority heating allocation requirement.

"Non-priority heating need" of an end-user is that portion of his non-priority base period volume of an allocated substance used for space heating purposes, modified by a usage factor or otherwise in accordance with this regulation.

"Non-priority need" means the non-priority base period volume or adjusted non-priority base period volume of an end-user.

"Notice of violation" means a written statement issued to a person by the Fed-

eral Allocation Officer or the Regional Administrator setting forth one or more charges of alleged violations of the Program.

"Priority allocation" means the quantity of the substance being allocated which a supplier must distribute to all of his purchasers for their priority need as provided elsewhere in these regulations.

"Priority allocation requirement" for a supplier of end-users is the product of the aggregate priority needs of all his end-user purchasers for each priority class of use multiplied by the applicable allocation level for that use classification. The priority allocation requirement for a supplier selling for resale is the aggregate priority allocation requirements of his purchasers. Suppliers selling for both end-use and resale should combine these two figures to determine their priority allocation requirement.

"Priority base period volume" of a purchaser means the priority purchases or, in the case of middle distillates, usage of the allocated substance, during the corresponding month of the base period.

"Priority base period volume of a supplier" means the sum of the priority base period volumes and the adjusted priority base period volumes of his purchasers for each month.

"Priority heating allocation requirement" for a supplier of end-users is the product of the aggregate priority heating needs of all his end-use purchasers for each priority class of use multiplied by the applicable allocation level for that use classification. The priority heating allocation requirement for suppliers selling for resale is the aggregate priority heating allocation requirements of his purchasers. Suppliers selling for both end-use and resale should combine these two figures to determine their priority heating allocation requirement.

"Priority heating need" of an end-user is that portion of his priority base period volume or (in cases where the relevant allocation level is in terms of current requirements) current requirements of an allocated substance used for space heating purposes, modified by a usage factor or otherwise in accordance with this regulation.

"Priority need" means the priority base period volume, adjusted priority base period volume, or (where the relevant allocation level is in terms of current requirements) current requirements of an end-user.

"Public health, safety, and welfare" are those qualities of life preserved and protected by hospitals and law enforcement, fire fighting, and emergency medical services, both public and private. In addition, public health is protected by the maintenance of residential heating in individual homes, apartments, and similar occupied dwelling units. Public health is also protected by the provision of sanitation services.

"Public services" are

(a) All services provided by all levels of government, including local governmental units;

(b) Mail delivery;

(c) Transportation services, as defined in this subpart; and

(d) Facilities and services provided by municipally, cooperatively, or investor owned utilities.

"Refined petroleum product" means gasoline, kerosene, distillates (including Number 2 fuel oil), LPG, refined lubricating oils, or diesel fuel.

"Regional Administrator" means, for the purpose of this regulation, the Director of a Regional Office of the FEO. The Regional Administrators shall be located in Boston, Massachusetts; New York, New York; Philadelphia, Pennsylvania; Atlanta, Georgia; Chicago, Illinois; Dallas, Texas; Kansas City, Missouri; Denver, Colorado; San Francisco, California; and Seattle, Washington.

"Regional office" means regional office of the Federal Energy Office.

"Residual fuel oil" means those fuel oils commonly known as Nos. 4, 5, and 6 fuel oils, Bunker C and all other fuel oils which have a fifty percent boiling point over 700° F. in the APTM D86 standard distillation test.

"Sanctions" means the penalties as described in Subpart F, of part 202 of this chapter.

"School" means an educational institution up through the secondary level that maintains a regular facility and curriculum and has a regularly organized body of students in attendance at the place where its educational activities are regularly carried on. The term school, as used in this regulation, does not include institutions of higher learning.

"Small refiner" means a refiner whose total refinery capacity (including the refinery capacity of any person who controls, is controlled by, or is under common control with such refiner) does not exceed 175,000 barrels per day.

"State" means each of the 50 States, the District of Columbia, Puerto Rico, possessions and territories within the Custom Territory of the United States.

"State office" means the office designated by the governor or chief executive of each State, pursuant to this regulation, to handle requests for assistance from the State reserve.

"State Reserve" is that amount of those products subject to the State Reserve under this Part 200 which a supplier intends to distribute within that State. The State reserve represents a call on future supplies and will not be taken from current supplies except when deemed essential by the State office to meet temporary exceptional hardship. When the State reserve is depleted due to calls on present supplies, suppliers affected may deduct the depleted portion from their supplies available for distribution during the succeeding month as long as such deduction is distributed proportionately over all of that supplier's customers. The State office will make withdrawals from the State reserve on a monthly basis, but may authorize withdrawals from the State reserve for up to 60 days.

"Supplier" means any refiner, importer, marketer, jobber, distributor, terminal operator, firm, corporation (in-

cluding any broker), cooperative, Federal, State or local governmental unit or other person who supplies any allocated substance either to end-users or for resale. A supplier may also be a wholesale purchaser.

"Total allocable supply" means the total supply of each allocated substance of a supplier. This includes supplies produced and/or received during the allocation month, plus a portion of inventory pro rated so as to assure a fairly constant allocation fraction for non-priority uses throughout the period of peak use.

"Transportation services" are
(a) Surface, including water and rail, facilities and services for carrying passengers whether public or privately owned, which serve the general public; and
(b) Transportation of pupils to school in a school bus.

"Utility" means a facility subject to regulation by a Federal or State commission, that generates electricity, by any means, and sells it to the public.

"Wholesale customer or purchaser" means any firm, corporation, cooperative, Federal, State, or local governmental unit, or other person that purchases allocated substances in bulk (tankwagon or larger volume per delivery) or in annual volumes of at least 84,000 gallons for each allocated substance considered. A wholesale purchaser may also be a supplier.

Subpart C—Crude Oil

§ 200.25 Scope of coverage.

(a) This subpart provides for the mandatory allocation of all crude oil produced in or imported into the United States and a program of refinery yield control.

(b) However, stripper wells not operating at the maximum feasible rate of production and in accord with recognized conservation are not excluded from the coverage of this subpart.

(c) This subpart applies to all producers, refiners, and others who purchase crude oil from producers directly or indirectly for resale or transfer to refineries. However, only refiners are required to report to the FEO and to take certain actions based on directives by the FEO. For purposes of this program, crude oil includes lease condensate. All persons able to increase the amount of imported crude oil, through competition or control, are especially encouraged to do so.

§ 200.26 Definitions.

(a) Refineries are those industrial plants, regardless of capacity, operating on feedstocks of crude petroleum and producing finished products in any sector of the petroleum fuels or petrochemical industry.

(b) Refiners are those persons, companies, or other corporate entities that own, operate or control the operations of one or more refineries.

(c) Refining capacity is defined as the greater of that capacity reported to the Bureau of Mines prior to December 1, 1973, or actual crude oil runs (on a calendar day basis) as reported to the Bu-

reau of Mines for January through November, 1973. In the event a refiner has received a starter allocation under section 25 of the Oil Import Regulations for a refining expansion since reporting refining capacity to the Bureau of Mines, the refiner may elect to report his new capacity to the Bureau of Mines as the previously reported capacity plus the refinery expansion for which a starter allocation was awarded.

(d) For purposes of this section the term crude oil will include lease condensate.

§ 200.27 Allocation.

(a) All refiners will be treated equitably under this program.

§ 200.28 Distribution system.

(a) Refiners who are required to sell crude oil must offer this crude oil, directly or through exchange, to refiners who are eligible to purchase crude oil under this program. The crude oil offered must be suitable for processing in and practical for delivery to plants of purchasing refiner.

(b) The type of crude oil purchased or sold, the location of each sale, and the terms and conditions of sale shall be agreed upon by individual companies conducting the transactions consistent with normal business practice, subject to provisions of these regulations and to the applicable laws in effect at the time of the transaction.

(c) In the event of supply disruptions that substantially affect the program, or any refiner, the FEO may terminate or reduce the sales volumes of any agreements made as required by this program, publish new lists or partially new lists, and issue additional instructions for sales to bring the program back into reasonable balance.

(d) Refiners who are eligible to purchase crude oil under this program and who desire to purchase crude oil but are unable to negotiate a contract for crude oil within the time period allotted may request that the FEO compel a refiner, required to sell crude oil, to sell an acceptable type of crude oil to the deficit refiner. Upon such request, the FEO may direct a refiner who has not sold its required volume to sell crude to the deficit refiner. Should the deficit refiner then decline to purchase the crude oil specified by the FEO, any of that refiner's rights to purchase that volume of crude oil based on the allocation program are forfeited during the quarter, provided that all other terms of the allocation program have been met by the seller.

(e) Refiners required to sell crude oil under the provisions of this program who have not negotiated contracts for the sale of the required volumes to refiners allowed to purchase crude oil, within 30 days of issuance of legal notification shall notify the FEO and may be directed by the FEO to sell certain volumes of a particular crude oil to specified customers to comply with the program.

(f) Any refiner who has not negotiated a contract to sell or purchase the required

amount of crude oil within 30 days, and an eligible purchaser has requested assistance of FEO, and who are directed to buy or sell crude oil to comply with this program by the FEO, shall each pay to the FEO an administrative fee of 25 cents per barrel of crude oil directed to be sold or purchased. This administrative fee cannot be passed on to a refiner's customers through a product price increase.

(g) Exchanges of crude oil may be utilized to comply with the purchase and sell provisions of this program, provided they are on a barrel for barrel basis. Normal quality exchange differentials are allowed.

§ 200.29 Method of allocation.

(a) One program is established for all of the U.S. For purposes of this subpart, Puerto Rico and the Virgin Islands are included in PAD Districts I-IV and Guam is included in PAD District V.

(b) Notwithstanding any provision to the contrary contained herein, upon written notice given to the then purchaser of crude at least 30 days prior to the commencement of any allocation quarter that this program is in effect, a producer may sell all or any portion of his crude oil to another purchaser for that allocation quarter. New crude petroleum and released crude as defined in 6 CFR 150.354 shall be priced in accordance with that regulation.

(c) Based upon acceptable estimates of total supplies of crude oil to become available during a given quarterly period in relationship to total refinery capacity, refiner supply/capacity ratio will be calculated and announced by FEO.

(1) Refiners whose estimate of crude supplies to become available during the quarter would result in a supply/capacity ratio exceeding FEO's prescribed ratio are required to offer for sale and sell crude oil supplies to eligible purchasers in amounts sufficient to reduce the aggregate supply/capacity ratio for its refineries to the respective FEO ratio.

(2) An eligible purchaser listing, consisting of those refiners whose refinery operations are so deficient in crude oil supplies to become available that their supply/capacity ratio is more than 0.02 below the FEO ratio, will be published in the form of a legal notification together with a listing of those required to sell.

(d) The price at which crude oil shall be offered for sale as required by this program in Districts I-IV or District V during any particular month that this subpart is in effect shall be the weighted average price of all crude oil delivered to the seller's plants in Districts I-IV, or District V (calculated as two separate values), during a particular month, plus a 6 percent handling fee, plus any transportation adjustment specified in paragraph (f) of this section, plus a gravity adjustment as specified in paragraph (g) of this section. Each refiner required to sell oil under this program shall maintain records, which shall be made available to the FEO upon request, listing the volumes and delivered prices of all crude oils delivered to its refineries during each

month. Two separate weighted average costs shall be calculated, one for crude oils delivered to refineries in Districts I-IV and one for crude oils delivered to refineries in District V.

(e) For the purpose of calculating the weighted average delivered price, the delivered cost of each domestic crude oil shall be the purchase price of the crude oil, at the point of purchase, plus any gathering or trucking allowances, pipeline tariffs, water transportation costs, terminalling costs and exchange differentials paid to deliver the crude oil to the seller's refineries. For imported crude oil, the delivered price shall be the contract purchase price, if purchased from a separate company, or the price at which the foreign crude oil is transferred to the U.S. corporation for income tax purposes at the point of purchase, if purchased from a foreign subsidiary, plus any pipeline tariffs, water transportation costs, terminalling costs, exchange differentials, import fees, insurance, duty, and taxes paid to deliver crude oil to the seller's refineries. All costs are as defined by the COLC (if defined) to calculate raw material cost pass-throughs.

(f) Actual additional transportation expenses incurred to move the offered crude oil to the purchaser's refinery shall be paid by the purchaser. Actual transportation expenses saved as a result of moving the offered crude oil directly to the purchaser's refinery shall be deducted from the selling price.

(g) Each refiner required to sell crude oil will also calculate a weighted average gravity ("API") for all crude oil estimated to be delivered to refineries in Districts I-IV and District V. The price of crude oil offered for sale will be the weighted average price plus or minus 2¢ per barrel per "API" that the actual crude oil being offered for sale is above or below the weighted average "API" in District I-IV and 5¢/Bbl. that the actual crude oil being offered for sale is above or below the weighted average "API" gravity in District V.

§ 200.30 Procedures and timing requirements.

(a) *Initial report.* At a date specified by the Administrator, FEO, each refiner will provide the FEO with a report showing the following:

(1) Estimated runs of all various types of crude oil for the refiner during the period from January 1, 1974, through April 30, 1974.

(2) The capacity of each of its refineries as reported to the Bureau of Mines prior to December 1, 1973, or alternatives as previously mentioned.

(3) The estimated amount of crude oil to be delivered to other refiners plants for processing for its own account under a processing agreement.

(b) *Subsequent reports.* Within fifteen (15) days following the end of a calendar quarter, each refiner will provide the FEO with a report showing the following:

(1) Estimated runs of all various types of crude oil for the refiner during the current quarter.

(2) Actual runs of all various types of crude oil for the refiner during the preceding quarter.

(3) Any changes in refining capacity since the previous report. In order for reported capacity expansions to be eligible for use in determining crude oil allocations, it will be necessary that the refinery expansions qualify for allocation under Section 25 of the Oil Import Regulations.

(4) The estimated amount of crude oil to be delivered to other refiners plants during the quarter for processing for the account of the reporting refiner under a processing agreement.

(5) The actual amount of crude oil delivered to other refiners for processing for the account of the reporting refiner during the preceding quarter.

(c) (1) The report shall identify each domestic and foreign crude oil by stream or name and give the average daily volume delivered or estimated to be delivered to each refiner. All reports shall be certified for correctness by an officer of the company. Supporting documents may be required by the FEO as it deems necessary.

(2) The projected volume of imported crude oil reported shall be that which the company anticipates importing from January 1, 1974, through April 30, 1974, and succeeding three month periods.

(d) Following receipt of the above report, the FEO will publish a legal notification showing required sales volumes and purchase opportunities for each refiner in Districts I-V and will constitute instructions to the refiners to sell the required volumes of crude oil or inform them of their opportunities to purchase additional supplies. The commencement date for making sales as required under this program will be the date the lists are published. Any agreements for the sale or purchase of crude oil after that date shall be retroactive to such date.

(e) Within 30 days of the date the lists are published, each refiner shall make a report to the FEO showing purchases and sales made to comply with the program.

(f) For succeeding quarters, the FEO will recalculate the fraction of available supplies and republish the list showing required sales volumes and purchase opportunities. The volumes on the sales and purchase list will be modified by the difference between the estimated available volume of crude oil during the preceding quarter and the actual volumes of crude oil delivered to refiners during the preceding quarter. Refiners are urged to maintain the same buy/sell relationships, where possible, during succeeding quarters.

(g) Each transaction made to comply with this program shall be reported to the FEO. This report will indicate the selling and purchasing refiner, the estimated weighted average crude oil cost of the selling refiner for the first month of the sales contract modified by any allowed transportation cost adjustments, and the identity and volumes of the crude oil sold.

(h) All exchanges of foreign oil for domestic crude oil in effect at the initiation of this regulation shall remain in effect as long as the foreign crude oil being delivered for exchange continues to be available. In the event that supplies of foreign crude oil being exchanged become unavailable through circumstances not under the control of the person, firm, or corporation that is supplying the foreign crude oil, and other replacement crude oils cannot be secured, then the exchange agreement may be terminated, upon 7 days notice, provided that a full report is sent to the FEO and that the FEO is notified by telegram at the time of the notice.

(i) It shall be each refiner's responsibility to report to the FEO any changes in available supply subject to allocation. Such reports may be filed at any time. Periodic reports listing available supply and changes in supply, including new supply, shall also be filed quarterly within 15 days after the end of each quarter.

(j) In the event that a refiner's estimated supply has been reduced during the allocation period through circumstances not within his control, the refiner shall properly document the circumstances to the FEO which will then investigate and attempt to resolve the shortfall equitable as provided in paragraph (c) of this section.

§ 200.31 Crude oil sales periods.

(a) The first crude oil sale period shall be for the four month period January 1, 1974, through April 30, 1974. Subsequent crude oil sales shall be for three month periods beginning May 1, 1974.

(b) Within fifteen (15) days following the end of the first quarter (March 31, 1974), refiners will report their estimated performance for the current quarter and actual performance for the preceding quarter. The FEO will perform necessary calculations and issue necessary buy and sell instructions by the time the previous sales made to comply with this program are concluded. Thus, the program should work such that the three month sales periods lag the three month performance periods by one month.

§ 200.32 Mandatory refinery yield control program.

(a) *Intent of program.* It is the intent of the refinery yield program to meet the essential requirements of the aviation fuels, distillate, residual fuels and petrochemical feedstocks allocation programs by reducing the total supply of gasoline and encouraging refiners to maximize production of these essential products. It is assumed that the requirements for these essential products will be reduced to absolutely essential levels through various conservation programs. Gasoline production is to be curtailed to an assigned fraction of production during the base period. The assigned fraction of base period production will be adjusted quarterly as required and is initially to be 95 percent of base period production of all gasoline stocks. Since gasoline supplies will be significantly re-

duced, it will be necessary for all users to curtail severely gasoline consumption during the period of this emergency allocation program. Refiners are urged to maximize production of distillates, residual fuel oil and petrochemical feedstocks. Production increases for these products should be made at those refineries where increased volumes can be distributed to areas of the country experiencing shortages, consistent with process capability.

(b) *Coverage of program.* This program applies to all petroleum refiners and all refineries located in the United States. The mandatory provisions of the program will apply to the production of gasoline and petroleum fractions used in blending in all cases where the final finished product is gasoline.

(c) *Basis of product control—gasoline.* Each refiner can produce a total amount of gasoline from crude oil at all refineries during a period equal to the amount of gasoline produced during the corresponding period of 1972 multiplied by a gasoline production fraction. For purposes of initial calculations the gasoline production fraction is 0.95. However, this fraction will be adjusted by the FEO on a quarterly basis as circumstances warrant. Each refiner will sell or distribute gasoline to all its customers in accordance with the gasoline allocation program.

(d) *Reporting.* Refiners shall report to the FEO on each refinery for each calendar month the input of petroleum and output product flows, also of crude petroleum and refinery products. Such reports shall be forwarded to FEO no later than five working days after the last day of the month for which the report is made.

(e) *Exceptions.* The intent of this program is maximization of petroleum products in critical short supply. Any application for an exception to allocations applicable to refiners because of refinery equipment limitations, quality of crude feedstocks available, or for any reasons, would be granted only if FEO determines that information submitted by the refiner and other information such as the results of on-site inspections conclusively supports such application.

Subpart D—Propane and Butane

§ 200.33 Scope of coverage.

(a) This subpart applies to the mandatory allocation of propane, butane, and propane-butane mixes.

(b) Ethane is specifically excluded from the provisions of this subpart.

§ 200.34 Definitions.

(a) "Propane" is, for the purposes of this regulation, a hydrocarbon whose chemical composition is predominantly C_3H_8 . Similarly, "butane" is predominantly C_4H_{10} . All propane-butane mixes are included in this definition, including those deliberately produced by any means and containing other materials, where the intent is to contravene the intent and purpose of these regulations, or where the mixture is commercially accepted as propane or butane or can be

used satisfactorily as either one. Otherwise, raw mixed streams of natural gas liquids, or liquefied refinery gases with their homologues are excluded. Also excluded are butane and propane streams produced in a refinery and intended for gasoline blending or used as feedstock to produce gasoline blending components in the refinery. Propane, butane, or other included forms and mixtures subsequently produced from such raw, mixed streams are included. The propane in the ethane-propane mixes will be included in the calculation of any propane priority volumes. Unless clearly excluded, the use of the word propane in these regulations is intended to include butanes, as well as other forms and mixtures. The use of the word propane will always include butane-propane and other mixes intended to augment propane supply to priority and non-priority uses.

(b) "Priority customers" are (1) those end-use customers consuming propane on or before the effective date of these regulations; (2) those who will become such as a result of substantial legal obligation existing on that date other than a contract or other commitment to buy propane; or, (3) those who will become such as a result of "normal turn-over," to the extent they consume propane for any of the following uses where no feasible alternate fuel is available. The order of listing of the following priority customers in no way indicates any priority as between those customers.

(b-1) "Priority customer uses" are:

(1) "Residential use"—Direct usage in a residential dwelling or place of worship for space heating, refrigeration, cooking, water heating, and other residential uses.

(2) "Industrial vehicles or equipment" (such as forklift and other equipment) used primarily in enclosed facilities where alternative vehicles or equipment cannot be utilized because of gaseous emissions.

(3) "Commercial use"—Direct usage by those customers engaged primarily in the sale of goods or services and for uses other than those involving manufacturing and electrical generation. The use of propane up to an consumption of 35,000 gallons per year per location will be met. Requirements in excess of this amount may be satisfied in whole or in part under § 200.36(d) if the end-use customer is eligible for a non-priority allocation.

(4) "Peak shaving"—The use of propane for peak shaving (the use of propane-air mixtures to supplement normal supplies of pipeline gas for distribution by gas utilities during period of high demands) is limited to volumes of propane and butane equivalent to those amounts contracted for, or purchased for delivery during, the heating season extending from September 1, 1972 through April 30, 1973, regardless of whether those volumes were used during such heating season. Propane shall not be used for peak shaving as long as the gas utility continues service to interruptible non-priority (other than for process fuel, plant protection fuel, or raw materials

use) industrial customers or any customer who can use alternate fuels other than natural gas.

(5) "Marketing of Bottled Gas"—The sale of propane in cylinders with a capacity of one hundred pounds or less, provided that the cylinders are not manifolded at time of sale. No restrictions apply if the sale is at a retail or wholesale level. Included are sales by dispensing stations selling less than 15,000 gallons per year.

(6) "Industrial"—Industrial users include customers primarily engaged in a process which creates or changes raw or unfinished materials into another form or product. The industrial use of propane as a priority will be limited to those uses where no substitute for propane is available. The term "where no substitute for propane is available" is further defined as uses such as process fuel, plant protection fuel, or in plants which depend solely on propane as the fuel. Industrial users which use propane as a standby fuel for purposes other than process fuel or plant protection may use a priority volume up to that volume consumed in a like period of October 2, 1972 to April 30, 1973 on approximately a monthly ratable basis. Any standby volume fuel requirements greater than what is herein set out may be obtained under § 200.37(a).

(7) "Petrochemical use"—The chemical conversion of propane by existing petrochemical plants for the manufacture of petrochemicals or their precursors.

(8) "Gasoline blending and processing use"—The use of butanes from sources other than internal production in the refinery where produced, as herein excluded under paragraph (a) of this section as a component blend and processing into components which are blended into gasoline.

(c) "Normal turnover"—As residential and other small end-use customers move or otherwise cease to require delivery of propane, the storage tanks used are generally reclaimed by the resellers who own the tanks; it is intended that resellers reuse these tanks by taking on new, similar customers. Replacement of obsolescent or unsafe tanks by new or reconditioned tanks appropriately sized for the same service is permitted. A new owner of a residence or a new operator of another smaller end-use customer's facility from which the tanks were removed, should have precedence over entirely new persons in receiving service.

(d) "Merchant storage" means those storage facilities which store propane for the owners of such storage facilities and/or for others.

(e) "Reseller"—is any person, firm, corporation, or subdivision thereof to the extent that it carries on the trade or business of purchasing propane and reselling it without substantially changing its form, other than that marketing activity which qualifies as a priority use under § 200.34(b)(3)(v).

(f) "Supplier"—is any person, corporation, or subdivision thereof to the extent

that it produces propane in a natural gas processing plant, refinery, fractionating plant, or elsewhere, or who imports propane for sale, transfer, or exchange to another supplier or to a reseller. "Supplier" shall include those products of natural gas who have their gas processed for their account by others and retain title to their liquids produced.

(g) "Base period" is the calendar year 1973.

§ 200.35 Allocation.

The certified need is that quantity which is certified under § 200.37 and which serves as the basis for allocation to each customer within the limitations prescribed herein.

(a) *Residential*. 95 percent of current requirements and adjusted for degree days or other means for weather adjustment.

(b) *Agricultural production*. 100 percent of current requirements.

(c) (i) *Transportation services*. 100 percent of current requirements.

(ii) *Other transportation*. 90 percent of previous year's equivalent month of base period and limited to those vehicles presently using propane.

(d) *Medical and nursing buildings*. 100 percent of current requirements.

(e) *Industrial vehicles or equipment*. 90 percent of current requirements.

(f) *Emergency services, sanitation and telecommunication*. 100 percent of base period.

(g) *Energy production*. 100 percent of current requirements.

(h) *Commercial use*. The use by those as set out in the definition section.

(i) *Peak shaving*. The use of propane as set out in § 200.34(b-1)(4).

(j) *Marketing of Bottled Gas*. The sale as set out in § 200.34(b-1)(5).

(k) *Schools*. 90 percent of base period.

(l) *Industrial*. 90 percent of base period.

(m) *Petrochemicals*. 90 percent of base period.

§ 200.36 Method of allocation.

(a) Normal inventory management practices will be used by suppliers.

(b) Sales by suppliers: Suppliers who produce for, or otherwise supply propane to, other suppliers will deliver to those suppliers the same proportion of their total propane available for sale, transfer, or internal use as a raw material feedstock as they delivered from each separate producing location in the period September 1, 1972 through November 30, 1973. The requirements of paragraph (a) of this section will be met before those of § 200.37 (c) and (d).

(c) Priority allocation: (1) All propane resellers must first provide propane for the priority requirements of their priority customers to whom they sold, or with whom they had a contract to sell, propane at any time subsequent to August 31, 1973, and of priority customers, assigned under paragraph (a) of this section before making sales to non-priority customers. No priority customer may receive product from more than one reseller without advising each of the re-

sellers as to the identity of all others and the share each will have.

(2) Suppliers or other resellers must provide to those resellers, to whom they sold or transferred propane in the period September 1, 1972 through November 30, 1973, the propane that those resellers need to meet the requirements of their priority customers. In those instances where a reseller was supplied by more than one supplier, or other reseller, his needs for his priority customers shall be supplied to him in the same proportion as those sources sold to him in the period September 1, 1972 through November 30, 1973. Any reseller who has not purchased propane from any supplier subsequent to August 31, 1973, will be supplied propane by that supplier from whom the reseller last purchased propane.

(3) No reseller may refuse to supply a priority customer whose requirements correspond to the normal commercial practices of the reseller. However, no reseller may be required to serve a customer whose method, location, or terms of delivery differ significantly from the reseller's established business practices.

(4) Each reseller to priority customers shall certify to his supplier or reseller his best estimate of the requirements for priority customers, and that to the best of his knowledge each customer's alleged priority use is in fact a priority use.

(i) No supplier shall be required to supply to resellers (or resellers to supply to priority customer) all of the estimated quantity, if actual consumption by priority customers is less than estimated. Similarly, no supplier shall refuse to supply to resellers (or resellers to priority customers) more than the estimated quantity if needed, subject to the limitations of § 200.37(b)(2).

(ii) Such certifications shall be in the hands of suppliers 7 working days prior to the end of each month, and shall give reasonable estimates of the reseller's priority customers' needs through April 30, 1974.

(5) All propane received by resellers under priority certification shall be sold only to priority customers, or to other resellers for ultimate sale to priority customers.

(d) Non-priority allocation: (1) Each month suppliers will redetermine their total supplies of propane available for sale, transfer, or internal use as a raw material feedstock for the period October 3, 1973 through April 30, 1974. From this amount they will subtract the projected requirements of their and their resellers' current priority customers. The difference is the suppliers' net available supply. Total supplies will include inventories, expected imports, purchases, production, and any sales redirected under § 200.37(a).

(2) Resellers shall certify to their suppliers or other resellers no later than 15 days from the date this allocation program becomes effective the amount of propane sold to non-priority customers during the period October 3, 1972 through April 30, 1973. In those instances where a reseller was supplier by more than one

supplier or reseller in that period he shall apportion his purchases among them in the same ratio as he bought from them in that same period.

(3) The supplier will estimate a national allocation fraction for non-priority supply as follows: Divide the net available supply by the sum of the suppliers' sales to non-priority customers, internal raw material uses, and non-priority sales to resellers as certified above, all during the period October 3, 1972 through April 30, 1973. This allocation fraction and supporting data will be updated monthly and certified by all suppliers and shall be sent to the Administrator postmarked not later than two (2) days prior to the end of each month.

(4) The quantity of propane which must be offered for sale to any particular reseller for sale to his non-priority customers or which may be used as a raw material by a supplier during the period October 3, 1973 through April 30, 1974, is the volume of such sale or internal use during the period October 3, 1972 through April 30, 1973, multiplied by the supplier's national allocation fraction. Deliveries of such material each month by suppliers to resellers shall be approximately proportional to sales during the same month a year earlier but shall not interfere with deliveries by suppliers to resellers for the latter's priority customers.

§ 200.37 Distribution system.

(a) Priority customers or resellers who are unable to find a source of supply may be assigned to a source by the Administrator. Assignments made by the Administrator will be made as equitably as possible considering normal regional supply patterns, normal distribution networks and the available supply of the supplier or reseller as ascertained by the allocation fraction.

(b) (1) Suppliers who expect to have insufficient supplies throughout the period October 3, 1973 to April 30, 1974 to meet the priority needs of their resellers' end-use customers will immediately advise the Administrator of their deficit position, and efforts to correct it. The Administrator may assign the supplier to another source of supply.

(2) In the event that a supplier's or a reseller's immediate supplies may be insufficient to meet such needs of priority customers, the supplier/reseller shall supply all resellers or priority customers on a pro rata basis until requirements can be met.

(3) Any supplier/reseller who cannot meet such needs, regionally or nationally, will report immediately, and at the end of each subsequent month, the percentage of priority needs expected to be satisfied.

(c) All owners of storage facilities (or operators thereof) with a capacity in excess of 500,000 gallons who store propane shall report to the Administrator within 10 days of the effective date of this regulation the total volume, locations and ownership of propane held by each such account, including that owned by the storage owner or operator or affiliated

companies and that held in transit. This same information shall be reported as of the end of each month postmarked five (5) working days after the close of that month.

(d) (1) Operators of merchant storage facilities shall release to non-priority customers for shipment after October 3, 1973, only that quantity of propane which when combined with direct imports, other withdrawals under paragraph (d) (4) of this section and deliveries to those customers under § 200.36 (d) yields a certified volume which is not more than that consumed during the period October 3, 1972 through April 30, 1973. Amounts of such consumption in the base period, of current imports, and withdrawals shall be reported to the Administrator and to the operators of the propane storage facilities within ten (10) days of the effective date of these regulations. Monthly, thereafter reports will be postmarked within 5 working days of the close of each month.

(2) Non-priority customers who own volumes of propane in merchant storage facilities may, and are encouraged to, secure release of such volumes by sale to suppliers or resellers with allocation fraction of less than one.

(3) Non-priority customers who own volumes of propane in merchant storage facilities as of October 3, 1973, in excess of those volumes consumed during the period October 3, 1972 through April 30, 1973, are not entitled to an allocation under this program other than described in paragraph (d) (1) of this section, until such excess volumes have been exhausted by authorized withdrawal.

(4) Operators of such storage facilities may request the Administrator to determine the priority or non-priority status of owners of propane in storage.

(e) Operators of such storage facilities shall not release for shipment to gas utilities after October 3, 1973, any quantity of propane which, taken together with receipts by that utility by purchase or contract after September 1, 1973, any quantity of propane which is designated as priority use for that utility under the provisions of "Peak Shaving".

(f) No restrictions other than reporting to the Administrator are imposed on the release of propane for shipment (1) to priority customers, (2) to resellers for sale to priority customers, (3) to resellers for sale to non-priority customers only if such resellers report as required in paragraph (g) of this section, (4) to suppliers, or (5) to hardship cases certified by the Administrator. In the event propane embargoed for release from storage is purchased by suppliers or resellers, the volume purchased must be included in the suppliers' or resellers' total available propane supply.

(g) It is recognized that many suppliers have distribution systems consisting of two or more sub-systems or regions which are essentially independent of one other. Such suppliers may separately calculate allocation fractions for each subsystems or regions which are essentially independent of one other. Such suppliers may separately calculate allocation

fractions for each sub-system or region. If the Administrator is satisfied that the intent of using separate regions is not to contravene the intent of the regulations and that any supplier in so doing has made every effort to satisfy fully priority needs within each region and to minimize differences between the allocation fractions of each region, the Administrator will permit such a supplier to use such regional allocation fractions in satisfying that part of the requirements of § 200.36(d) (4). It is possible and acceptable for a company to be a reseller or supplier in one region while it performs as a supplier and/or reseller in another.

(h) Similarly, the inclusion of n-butane, iso-butane, mixed butanes and related mixtures will create the need for additional supplier reports. Because of the somewhat less complex marketing and distribution systems of these products, it is possible and desirable that supplier reports showing the calculation of allocation fractions may include one or more of these products.

(i) (1) In the event a supplier's net available propane supply is of sufficient magnitude that the allocation fraction exceeds 1.0, the supplier shall make allocations based on an allocation fraction of 1.0 and will separately report by certified mail to the Administrator the volume of surplus propane expected to be available in any month, 2 days prior to the end of the preceding month. Unless advised to the contrary by the Administrator within 10 days of making the Administrator's report, such surplus propane may be sold or used at its owner's discretion.

(2) It is the intent of this section that such surpluses be sold to other suppliers with lesser allocation fractions. The Administrator will assign only such sales as can be made equitably and with full recognition of regional, distributional, and other logistical limitations.

(j) (1) Resellers shall sell to other resellers or to non-priority customers or use as a raw material their net available supply which shall be determined in general accordance with the provisions of § 200.36(d) (1) or (4). Resellers with several sources of supply or with inventories in merchant storage or who engage in frequent exchanges or otherwise have more complex distribution systems shall report monthly in the same fashion as required of suppliers.

(2) Any end-use customer (or subdivision of any person, firm or corporation which acts as such) which imports propane for its own use is not subject to the provisions of § 200.37(e). However, where such imports lead to use of storage facilities other than the customer's own, the provisions of § 200.37(d) will apply.

Subpart E—Motor Gasoline

§ 200.38 Scope of coverage.

(a) This subpart applies to the mandatory allocation of all motor gasoline produced in or imported into the United States.

(b) Aviation gasoline is specifically excluded from the coverage of this subpart. Aviation gasoline is covered by Subpart G of this part.

§ 200.39 Definitions.

For the purposes of this subpart the following definitions apply:

(a) "Bulk purchaser" means any end-user who is a corporation, partnership, sole proprietorship, or business or trade association who purchases motor gasoline from a supplier for storage in a tank container substantially under the control of the bulk purchaser.

(b) "Retail sales outlet" means a purchaser who obtains motor gasoline from a supplier and sells it to the public at retail; any retailer who also sells to bulk purchasers is covered under this subpart.

(c) The "base period" for motor gasoline is calendar year 1972.

(d) "Business" means commercial, industrial, non-profit, and governmental uses not covered by other definitions.

(e) "Supplier" means any provider of motor gasoline except a "retail sales outlet".

(f) "State Reserve" means that portion of each wholesale purchaser's monthly nonpriority supply of gasoline which may be redirected by the Federal Energy Office (or State office, if one has been created by the State) to alleviate hardship or adverse economic impact.

§ 200.40 Allocation.

The allocation level for each wholesale purchaser is as appears below:

(a) 100 percent of current requirements for the following uses:

- (1) Emergency services
- (2) Agricultural production
- (3) Transportation services
- (4) Energy production

(b) 100 percent of base period use for other businesses.

(c) The residuum of each wholesale purchaser's non-priority allocable supply becomes the allocable supply for all other uses. Until the uses specified in paragraphs (a) and (b) of this section have been supplied to 100 percent of current requirements, no more than 90 percent of base period use shall be allocated to other uses.

§ 200.41 Distribution system.

(a) Each supplier (including firms which have undergone a change in ownership) is required to provide supplies of motor gasoline to those purchasers (including firms which have undergone a change in ownership) he has supplied since January 1, 1973.

(b) Each wholesale purchaser who was not in business during the entire year of the base period, or who has had substantial expansion in fuel requirements since the base period, may apply to the Federal Energy Office and be assigned an adjusted non-priority base period supply volume and an adjusted priority base period supply volume.

(c) Variance from base period experience in fuel delivery locations (e.g., construction company requirements) should

be accommodated where agreement can be reached between the relevant supplier and wholesale purchaser. To the extent necessitated solely by this subpart, suppliers may exchange allocable supplies in kind, to avoid impractical distribution problems. However, no supplier may reduce allocations, otherwise available to his other purchasers, as a result of such exchanges.

(d) Each supplier will adjust his total allocable supply to reflect the differences between the previous month's estimated supplies and actual supplies.

(e) The State Reserve for motor gasoline will be in the amount of 3 percent.

§ 200.42 Method of allocation.

(a) *Priority allocations.* (1) Each wholesale purchaser must inform his supplier on a monthly basis of his allocation level for motor gasoline for priority end-uses. A supplier may require submission of data from his purchasers on volumes required for priority uses. Such reports must be certified by the purchaser for accuracy of volumes and that such quantities will not be sold for nonpriority uses. Wholesale purchasers will adjust their future requests for priority allocations to reflect their previous month's underage or overage and actual usage for priority purposes. Where the wholesale purchaser's supply requirements were supplied by more than one supplier since January 1, 1973, current requests for priority allocations should be made based on the percentage of priority requirements for that product that each supplier furnished during that time.

(2) To the extent required by these regulations, wholesale purchasers priority allocation levels will be met before a supplier allocates for nonpriority uses. If sufficient volumes are not available to satisfy all of his wholesale purchasers' priority requirements (i.e., the total allocable supply is less than the sum of all priority requirements of a supplier's purchasers), the supplier will first meet all the priority needs for uses described in § 200.40(a). The remaining allocable supply will be distributed among the remaining priority users (those described in § 200.40(b)) proportional to their priority base period supply volume. If a supplier is unable to fully meet all priority uses for motor gasoline, he can request his State office or the Federal Energy Office for assignment of additional supplies to meet his shortfall for priority needs.

(b) *Non-priority allocations.* (1) Each supplier will subtract from his total allocable supply the sum of his priority allocations. This difference, the non-priority allocable supply, will be distributed equitably among his purchasers for non-priority uses (see § 200.40(c)).

(2) Each supplier will allocate motor gasoline for non-priority use among his wholesale purchasers by multiplying each purchaser's non-priority monthly base period volume (or his adjusted non-priority base period volume) by the supplier's monthly allocation fraction. The supplier's monthly allocation fraction

shall be equal to his adjusted non-priority allocable supply for that month divided by the sum of the monthly non-priority base period volumes (or adjusted non-priority base period volumes, where applicable) of all his wholesale purchasers.

§ 200.43 Reporting requirements and responsibilities.

(a) *Reporting requirements.* (1) The general reporting requirements contained in this regulation shall apply to this subpart.

(b) *Responsibilities.* (1) The Administrator, FEO, shall publish quarterly the figures indicating the national allocable supply of motor gasoline.

(2) The Administrator, FEO, or his designate shall assign a supplier to those suppliers, bulk users, and retail sales outlets who are unable to obtain the amount of motor gasoline to which they are entitled under the provisions of this program.

(3) The Administrator, FEO, or his designate may redirect present or anticipated local or regional surpluses so as to alleviate shortages elsewhere.

(4) The Administrator, FEO, or his designate must ratify the decision by any supplier to terminate permanently his relationship with any purchaser, including bulk users and retail sales outlets. This in no way obviates other normal business practices.

Subpart F—Middle Distillates

§ 200.44 Scope

(a) The regulations of this subpart apply to the allocation of middle distillate fuels produced in or imported into the United States.

(b) It is the purpose and intent of this Subpart to: (1) Meet the needs of Category I users of middle distillates, including space-heating needs consistent with the required reduction in temperature; (2) allocate equitably to wholesale purchasers for Category II uses quantities available after Category I needs have been met; (3) provide a set-aside for exceptional hardships of users of middle distillate and for instances of serious economic impact affecting the welfare of the State or significant segments of its population; and (4) insure that no American suffers life-threatening cold, permanent disability, or death because he or she could not obtain sufficient fuel on a priority allocation or emergency basis. Changes in allocation to account for priorities are accomplished by a one-time adjustment to base-period volumes.

§ 200.45 Definitions.

"Middle distillate fuels" means any derivatives of petroleum used for burning, including kerosene, home heating oil, range oil, stove oil, and diesel fuel, which have a fifty percent boiling point in the ASTM D-86 standard distillation test falling between 371° and 700° F. Products specifically excluded from this definition are kerosene and naphtha-base jet fuel, heavy fuel oils and such as defined in VV-P-815C or ASTM D-396,

grades No. 4, 5, and 6, intermediate fuel oils which are blends containing No. 6 oil, and all specialty items such as solvents, lubricants, waxes, and process oils.

"Category I uses"—means those activities which consume middle distillate fuels for any of the following uses where use of a more abundant fuel is not possible:

(1) Energy production, other than for space heating purposes.

(2) Transportation services, but excluding tour, recreation, or excursion services where other scheduled public transportation is available.

(3) Emergency services, telecommunications and sanitation, but excluding electrical power generation, for other than heating purposes.

(4) Medical and nursing buildings including space heating to that extent required for the health of the patients.

(5) Residential, commercial, educational, and other space-heating will be governed by special provisions.

"Category II uses"—means those activities which consume middle distillate fuels for any of the following uses where use of a more abundant fuel is not possible:

(1) Agricultural production.

(2) Industrial or manufacturing uses; other than for space-heating purposes.

(3) Cargo, freight, and mail transportation, but excluding air freight, which will be covered in other directives.

(4) All other uses.

"Certified need"—means, with respect to space heating, the quantity of fuel required to maintain the ambient indoor temperature of a unit at the reduced level required by the program, based on actual degree-days.

"Base period"—means the equivalent month of 1972.

"Set-aside"—means three percent of the total allocable supplies of primary middle distillate supplies, unless otherwise directed by the Federal Energy Office.

"Category I allocable supplies"—means that portion of total supplies available for meeting Category I requirements each month, after removal of the required set-aside quantity.

"Category I base period volume" of a purchaser means the Category I purchases of each middle distillate product during the corresponding month of the base period.

"Adjusted Category I base period volume" means the amount which is assigned by the Federal Energy Office to a wholesale purchaser of greater than 84,000 gallons annual volume or by the State office to other wholesale or end-use purchasers for Category I uses in lieu of the actual Category I base period sales of the purchasers, and which a supplier must use as a base for calculating Category I allocations.

"Total supply"—means the total monthly supply of each middle distillate product of a supplier covered by this program. Normal inventory management procedures will be used when determining supply.

"Category II base period volume" of a purchaser means Category II purchases of each middle distillate product during the corresponding month of the base period. Category II base period volume of a supplier means the sum of the Category II base period volumes and the adjusted Category II base period volumes of his purchasers for each month.

"Adjusted Category II base period volume"—means the amount which is assigned by the Federal Energy Office to a wholesale purchaser of greater than 84,000 gallons annual volume or by the State office to other wholesale or end-use purchasers for Category II uses, in lieu of the actual Category II base period sales of the purchaser and which a supplier must use as a base for calculating Category II allocations.

"Category I allocation requirement"—means, for a Category I user, the product of his Category I base period volume or adjusted Category I base period volume and the specified percentage for that Category I use, or the current requirement. For a supplier, the Category I allocation requirement is the sum of all Category I allocation requirements of all the Category I users he supplies.

"Category I allocation fraction"—means the multiplier used when Category I allocable supplies are less than Category I requirements for any month. This fraction is determined by dividing the Category I allocable supplies by the sum of the Category I allocation requirements of the Category I users.

"Category I allocation volume"—means the quantity of middle distillate fuels provided for a Category I use when a Category I allocation fraction must be used. It is determined by multiplying the Category I allocation fraction and the Category I allocation requirement of each Category I use.

"Category II allocable supplies"—means the quantity of middle distillate fuels remaining for allocation after all Category I allocation requirements of a supplier have been met.

"Category II allocation fraction"—means the multiplier used when Category II allocable supplies are less than the sum of the Category II allocation requirements. This is determined by dividing the Category II allocable supplies by the sum of the Category II allocation requirements of the Category II users.

"Licensed purchase" is a purchase from a wholesale customer or purchaser authorized from a State set-aside.

"Primary middle distillate supplies" are the portion of a refiner's distillate supplies produced or imported by that refiner, or the imported portion of any other importer's distillate supply. Normal inventory management practices will be used when determining primary distillate supply.

"Category II allocation requirements"—means, for a Category II user, the product of his Category II base period volume or adjusted Category II base period volume and the specified percentage for that Category II use. For a supplier,

the Category II allocation requirement is the sum of all the Category II allocation requirements of all the Category II users he supplies.

§ 200.46 Allocation.

(a) The following activities are considered, for the purpose of this Subpart, Category I uses for middle distillate fuels, and accordingly, are to receive allocations as specified:

(1) *Energy production.* 100 percent of current requirements, not to exceed 200 percent of Category I base period volume.

(2) *Transportation services.* 100 percent of current requirements, not to exceed 150 percent of Category I base period volume.

(3) *Space-heating.* 100 percent of current requirements consistent with the required reduction in temperature set forth herein.

(4) *Emergency services, telecommunications, and sanitation.* 100 percent of base period volume.

(5) *Medical and nursing buildings.* 100 percent of base period volume.

(b) The following activities are considered, for the purpose of this subpart, Category II uses for middle distillate fuels, and accordingly are to receive allocations as specified:

(1) *Agricultural production.* 110 percent of base period volume.

(2) *Industrial and manufacturing.* 110 percent of base period volume.

(3) *Cargo, freight, and mail hauling.* 110 percent of base period volume.

(4) *Other uses.* 100 percent of base period volume.

(c) Allocations of middle distillate fuels for space-heating uses will be based on the following schedule of mandatory reduction in ambient inside temperature:

(1) *Residential and school space heating.* 6° reduction (or equivalent).

(2) *Commercial space heating.* 10° reduction (or equivalent).

(3) *Government space heating.* 10° reduction (or equivalent).

(4) *Other space heating.* 10° reduction (or equivalent).

Each user must reduce his ambient indoor temperature by the appropriate amount, or take other actions which will result in a fuel saving equivalent to the fuel savings that would be achieved by the specified reduction. This schedule is subject to adjustment by the FEO.

§ 200.47 Distribution system.

(a) It is intended that allocations will be made by suppliers consistent with normal regional patterns through customary distribution networks.

(b) For the duration of the program, each supplier (including firms which have undergone a change in ownership) is required to provide supplies of middle distillate fuels to those purchasers (including firms which have undergone a change in ownership) he was supplying, and those he was obliged to supply as of November 1, 1973, unless otherwise assigned by the Federal Energy Office.

(c) Any wholesale or end-use purchaser who did not have a supplier during 1972, or who was not in business during the entire year of 1972, or who has had substantial expansion in fuel requirements since 1972, may apply to be assigned a supplier, a category classification, and an adjusted Category I or Category II base period volume. Wholesale purchasers of greater than 84,000 gallons annual volume should apply to the Regional Office, and other wholesale and end-use purchasers to their State offices. However, prior to applying, all such purchasers are expected to explore all reasonable supplier possibilities, and such suppliers are encouraged to accept such purchasers. Any purchaser with an adjusted Category I or Category II base period volume assigned a supplier on November 1, 1973 or later must be accepted by the supplier for the duration of the program or until otherwise directed by the State office or the Federal Energy Office.

(d) To provide for seasonal fluctuations, e.g., agriculture and construction, suppliers and purchasers should agree among themselves either to borrow on future allocations or defer current allocations within the level of the total allocations for the year, as long as such arrangements do not result in an involuntary reduction in allocations to other purchasers. Similarly, suppliers may borrow or exchange products among themselves.

(e) Arrangements for delivery of allocated quantities will be made as mutually agreed between the supplier and the purchaser.

(f) Each refiner-supplier and importer-supplier will set aside 3 percent (or such quantity as may be directed by the Federal Energy Office) of his primary distillate supplies each month. The Federal Energy Office will determine each state's share of the projected monthly set-aside and will advise the State office of the quantity of set-aside which may be used to alleviate end-user hardships or adverse economic impact. The State office, or its local boards, will assign supplies from its portion of this set-aside. The Federal Energy Office will administer any remainder of the set-aside in reserve for national or regional contingency purposes. States which deplete their authorized set-aside quantities may apply to the Federal Energy Office for supplemental quantities.

(g) A supplier may require submission of certified data from his purchasers on volumes required for Category I use based on current requirements. The purchaser will certify that required volumes are accurate and that such quantities will not be diverted to other uses. Where the purchaser's Category I requirements were supplied by more than one supplier in the corresponding month of 1972, current requests for Category I allocations should be made based on the percentage of Category I requirements for that product that each supplier furnished during the base period.

§ 200.48 Method for allocation.

(a) Category I users will be allocated 100 percent of current requirements (adjusted for space-heating) or a specified percentage of the quantities which they purchased in 1972, depending on the use. Category II users will be allocated an equitable share of the fuel remaining after the Category I needs are met. The distribution rules will insure that all Category I needs are met before allocations are made to Category II users.

(b) Suppliers will make deliveries to all space-heating users on the basis of certified need. Certified need for space-heating uses is the calculated quantity of fuel needed to maintain the inside temperature of a building at the reduced temperature required in § 200.46. This calculation of certified need will be done using historical usage factors for each building heated. Where suppliers do not have a historical usage factor for a building, this factor will be calculated based on gallons of fuel consumed and actual degree days exposure in the comparable period of 1973. Historical usage factors will be associated with units and not with purchasers. The usage factor of record for a unit on November 1, 1973, will be used for that unit regardless of changes in occupants or ownership. If this results in undue hardship, the owners or occupants may apply to the State office, or its local board, to obtain relief. For new buildings, the usage factor will be determined based on gallons of fuel consumed and actual degree days exposure during the latest 30-day period of normal heating usage before the effective date of this regulation. If no such period exists, a usage factor for that unit will be established by an initial period of normal space-heating operations, subject to review by the State office.

(c) Each space-heating user will be entitled to an initial fillup at his first delivery after the regulations are effective if sufficient supplies are available. At the next delivery, if more than the calculated quantity would be required to fill the tank, the supplier will provide only the calculated quantity, and will present a warning notice to the purchaser. The warning notice will indicate that the user faces the danger of running out of fuel if he does not reduce his ambient indoor temperature by the required amount or take equivalent actions to conserve fuel. For each subsequent delivery, the supplier will continue to deliver only the calculated certified need, regardless of the quantity required to fill the tank, unless directed by the State office, or its local board.

(d) If the supplier of Category I uses does not have sufficient supplies of middle distillate fuels available to meet Category I allocation requirements, then a Category I allocation fraction will be applied to these allocation requirements. This fraction will be used as a multiplier against each Category I allocation requirement to determine the Category I

allocation volume. When a Category I allocation fraction must be used, the supplier will petition the Regional Office for assignment of additional supplies to meet his shortfall for Category I uses.

(e) If a supplier is able to meet all of his Category I allocation requirements at the specified level, he will then distribute equitably to all of his non-priority users the remaining quantity, called the Category II allocable supply, using a Category II allocation fraction. In all cases, Category II users will be allocated supply based on their Category II base period volumes or adjusted Category II base period volumes.

(f) No Category II user may be allocated more supply than he received during the base period, before all Category I users receive full allocations at 100 percent of current requirements or certified need for space-heating. Upon restoring Category I uses to 100 percent of current requirement, any additional supplies will be offered for sale to Category II users with first right of refusal on a pro-rata basis up to 100 percent of current requirements. The excess and unsold remainder may be sold on the open market.

(g) Participating State governments will determine use of set-asides made available to States to alleviate exceptional hardships of users or adverse economic impact. The amount may not exceed the quantity set aside for that State by the Federal Energy Office.

(h) Any wholesale or end-use purchaser may apply to the designated State office or local board to obtain supplies to alleviate exceptional hardships. A Federal Energy Office form or a similar State form may be used for this purpose. Use of the State set-aside is primarily intended to remedy temporary hardships.

(i) The State office or local board may authorize a licensed purchase from the State set-aside to alleviate exceptional hardship or for other exceptional reasons. Licensed purchases from a State set-aside in a given month shall not exceed the volume of that month's State set-aside. If, in any month, the States do not authorize use of any or all of the State set-aside for such needs, the remaining volume should be included in the following month's allocable supplies.

(j) Actions recommended by State officials may not restrict or in any way interfere with the distribution in interstate commerce of middle distillate fuels. The decisions of a State shall extend only to the State set-aside, and may not be implemented if they would result in discrimination against non-residents in favor of residents for any middle distillate fuels.

(k) Each State shall designate a State official who may direct quantities of middle distillate fuels to alleviate end-user hardships within the State. The Federal Government shall designate a Federal official in each state to monitor the State decisions and issue such orders as he considers necessary and appropriate to

assist in carrying out the objectives of this program.

(1) Each State may establish a system of State and local boards to process requests for relief from the State set-aside, and to recommend and make adjustments in base period volumes. The State system, whether centralized or localized, shall have sufficient decision-making authority to be responsive in a timely manner to problems of health and safety, and other urgent problems. The Federal Energy Administration shall periodically review State and local board rulings, and may issue and revise guidelines accordingly, as needed to carry out the intent of the program.

(m) Any applicant to State or local boards for an exception or adjustment other than for space-heating uses must show evidence of having implemented an energy conservation program.

(n) Each user of middle distillates for space heating will be supplied by the supplier of record on November 1, 1973, or by the supplier assigned subsequent to November 1, 1973, for the building to be heated. Users without a supplier or who change suppliers for whatever reason and who are unable to obtain a commitment from a supplier may apply to the State office, or its local boards, for assistance. The State office, or the local board, will validate the need and the State office will assign a supplier.

§ 200.49 Adjustments.

(a) The Federal Energy Office may reassign wholesale purchasers, require a transfer of wholesale purchasers among suppliers, or make such other adjustments as may be necessary to achieve a more equitable balance of assigned sales among suppliers.

(b) In the implementation of this regulation, the Federal Energy Office may specify quality characteristics, such as sulfur content, of fuel supplies when practicable.

(c) Suppliers may make arrangements to supply purchasers to whom they have an allocation responsibility through other suppliers providing that price and other non-price contract provisions are comparable and that the same quantity is supplied.

(d) If the Chief Executive of any state finds the Federal priority system not to be in the best overall interests of the state, he may submit to the Administrator, Federal Energy Office, a proposed proposed priority system for review and approval. When approved by the Administrator, Federal Energy Office, this state system will take the place of the Category I and Category II allocation system found in this subpart.

§ 200.50 Responsibilities and reporting requirements.

(a) The Federal Energy Office may upon request assign suppliers, Category I and II classifications, and adjusted Category I or II base period volumes to those wholesale purchasers who did not have a supplier during 1972, or who were not in business during the entire year of

1972, or who have had substantial expansion in fuel requirements since 1972.

(b) The Federal Energy Office may reassign purchasers to suppliers and vice versa as required.

(c) The Federal Energy Office shall advise the State offices monthly, five days prior to the beginning of the month, as to the quantity of set-aside which may be used to alleviate user hardships or adverse economic impact.

(d) The Federal Energy Office may upon request grant states supplemental quantities of middle distillates for use as State set-asides over and above initial authorized set-asides.

(e) The Federal Energy Office may assign additional supplies to petitioning suppliers who anticipate a shortfall for Category I uses.

(f) Prior to January 15, 1974, each purchaser of middle distillate fuels, excluding home heating end-use purchasers and those who purchase from retail diesel outlets (truckstops, etc.), should notify his supplier(s) of his base period purchases for each middle distillate fuel for each month with separate figures for each Category I use and for Category II uses. Until the purchaser submits such data to his supplier(s), the supplier(s) will assume that his records of sales for 1972 are correct and that, for purposes of allocation, all the purchases of said purchaser are for Category II use at base period volumes. If the supplier questions the volume of purchases reported by the purchaser for Category I or Category II uses, the supplier shall request the Regional Office to investigate such cases for wholesale purchasers of 84,000 gallons or more annual volume, and the State office for other wholesale and end-use purchasers, and adjustments in volumes will be made as directed. As Category I and II base period purchase reports are received, suppliers will allocate middle distillate fuels in accordance with this regulation for those purchasers who have so reported. For those purchasers who have not reported, middle distillate fuels will be allocated in accordance with the Mandatory Allocation Program for Middle Distillate Fuels that was effective as of November 1, 1973 (EPO Reg. 1, 32A CFR Ch. XIII, 38 FR 28660, as amended). Beginning with the allocation month of April 1974, all allocations will be made in accordance with this regulation. Those purchasers who have not notified their suppliers of Category I and Category II base period purchases by April 1 will be excluded from the program.

(g) Each refiner-supplier or importer-supplier selling middle distillate fuels will be required to submit a report on projected monthly allocations and the previous month's actual allocations to: (1) Each State office for purchasers located with that state; (2) each FEO Regional Office for purchasers located within that region; and (3) to the Federal Energy Office for all allocations. Additionally, each supplier will indicate his 3 percent set-aside removed from his primary distillate supply prior to making allocations

This report will also indicate the Category I or Category II allocation fraction, as appropriate. Reports are due ten days prior to the beginning of the allocation month.

(h) This subpart shall become effective on December 27, 1973, except for American Samoa, where it will become effective January 18, 1974, and Alaska, where it will become effective January 23, 1974.

Subpart G—Aviation Fuels

§ 200.51 Scope of coverage.

(a) This subpart applies to the mandatory allocation of aviation fuels produced in or imported into the United States.

(b) Bonded aviation fuel is specifically excluded from the coverage of this subpart.

§ 200.52 Definitions.

(a) "Civil Air Carrier" means (1) Domestic Air Carriers—those air carriers holding a certificate of public convenience and necessity, providing for interstate and overseas air transportation, issued pursuant to section 401 of the Federal Aviation Act of 1958, as amended, and intrastate air carriers holding a state operating certificate, and (2) International Air Carriers—those air carriers holding a certificate of public convenience and necessity, providing for foreign air transportation, issued pursuant to section 401 of the Federal Aviation Act of 1958, and foreign air carriers holding permits issued pursuant to section 402 of the Federal Aviation Act of 1958, but excluding those with permits which restrict their operations to the use of aircraft not exceeding 12,500 pounds gross take-off weight.

(b) "General Aviation" means (1) Commercial/Industrial Flying—aircraft application in agriculture which consist of those activities that involve the discharge of materials from aircraft in flight and a miscellaneous collection of minor activities that do not require the distribution of any materials; any use of aircraft for specialized work allied with industrial activity excluding transportation and aerial application. Examples are pipeline patrol; survey; advertising; photography; aircraft manufacturer's testing, training and ferrying; and helicopter hoist; and any use of aircraft by the holder of an Air Taxi Operating Certificate which is authorized by that certificate including operations by scheduled commuter airlines and non-scheduled air taxi operators; (2) Business/Executive Flying—any use of aircraft not for compensation or hire by an individual for the purpose of transportation required by a business in which he is engaged and any use of an aircraft by a corporation, company or other organization for the purpose of transporting its employees and/or property not for compensation or hire and employing professional pilots for the operation of the aircraft; and (3) Personal Pleasure/Instructional Flying—any use of aircraft for personal purposes not associated with

a business or profession and not for hire and any aircraft for the purpose of formal instruction with the flight instructor aboard or with the maneuvers on the particular flight specified by the flight instructor.

(c) "Public Aviation" means any aircraft used exclusively in the service of the government and the political subdivisions thereof including the government of any state, territory, or possession of the United States or the District of Columbia; for example: FAA aircraft, state and city police and forest firefighting aircraft, etc.

(d) "Aviation Gasoline" means those petroleum based fuels designed for use in aircraft internal combustion engines and complying with MIL-G-5572 specification (ASTM Specification D-910-70).

(e) "Aviation Turbine Fuel" means all refined petroleum fuel designed to operate aircraft turbine engines. The basic specifications is ASTM D-1655 which covers both type A (kerosene base) and type B (naphtha base).

(f) "Aviation Fuels" means aviation gasoline and aviation turbine fuel.

(g) "Bonded Aviation Fuels" means those aviation fuels produced outside the territorial limits of the United States and held under continuous United States customs custody in accordance with Treasury Department Regulations.

(h) The base period for aviation fuels is calendar 1972.

§ 200.53 Allocation.

(a) *Civil air carriers.* Allocations will be made to the end users.

(1) Domestic Air Carriers—to receive ninety-five percent of their base period fuel consumption until January 7, 1974 on which date it is reduced to eighty-five percent except that for those domestic air carriers that operate trunk lines or local routes not in competition on the routes with other air carriers and not in a favorable position to arrange capacity agreements, rescheduling, or load increases, or other fuel conservation measures, are to receive ninety percent of their base period fuel consumption.

(2) International Air Carriers—to receive one-hundred percent of their base period fuel consumption until January 7, 1974 on which date it is reduced to eighty-five percent. This applies to non-bonded fuel only.

(b) *General aviation.* Allocations will be made by the supplier (wholesaler) to the supplier (retailer); individual users will establish their requirements with the suppliers (retailers) based upon the corresponding month's usage in 1972.

(1) Aircraft for Commercial/Industrial flying—to receive ninety percent of their base period fuel consumption.

(2) Aircraft for Business/Executive flying—to receive eighty percent of their base period fuel consumption.

(3) Aircraft for Personal Pleasures and Instructional Flying—to receive seventy percent of their base period fuel consumption.

(c) *Public aviation.* Allocations will be made to end users at the highest level,

i.e. Federal Agencies and States for further allocation within their administrative or political subdivisions.

(1) Non-Military Federal Agencies—to receive eighty-five percent of their base period fuel consumption subject to the provision of paragraph (d) of this section.

(2) States—to receive eighty-five percent of their base period fuel consumption subject to the provisions of paragraph (d) of this section.

(d) *Exceptions.* Emergency Operations and Mercy Missions—Public aircraft dedicated to emergency operations and mercy missions will have one hundred percent of their current requirements but not to exceed one hundred and fifty percent of their average monthly usage in 1972.

§ 200.54 Distribution system.

Aviation fuels will be distributed over normal distribution channels.

§ 200.55 Method of allocation.

(a) Aviation fuel will be allocated in accordance with the categories delineated in § 200.53.

(b) Aviation fuel for international flights will be allocated on a non-discriminatory basis. Such policy will be subject to modification on an individual basis if required for reciprocity.

(c) Those international air carriers which traditionally utilize bonded fuels are encouraged to obtain bonded fuels to meet their needs. The suppliers of bonded fuel are encouraged to distribute these products equitably to all international carriers.

(d) When allocations are below the requirements of civil air carriers without rescheduling, such rescheduling shall be coordinated with the Civil Aviation Board prior to implementation.

(e) Rescheduling by airlines may result in temporary imbalances of fuel at various airports. Relaxations in the anti-trust laws implied under section 4b(3) of the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159) provide the opportunity for suppliers to make free exchanges among themselves within the intent of the law and these regulations.

(f) Within each allocation, highest priorities will be assigned to those aircraft engaged in operations involving public health, safety, and welfare.

(g) Reserves should be maintained by all users for emergencies and other unforeseeable events. Discretionary authority is provided the Administrator, FEO, in the event of major emergencies and disasters when so declared.

(h) Civil Air Patrol assigned to mercy missions will be provided aviation fuel by the Department of Defense.

§ 200.56 Responsibilities and reporting requirements.

(a) Hardships, inequities, and new-user requirements will be met through the reclama procedures established in the State, Regional, and National Administrative Machinery.

(b) In order to provide for orderly planning fuel allocations will be monthly

three months in advance.

(c) Appeals procedure: Notwithstanding any provision to the contrary found in Part 202 of this chapter:

(1) Petition by civil air carriers, Federal agencies and States will be made directly to the Administrator, Federal Energy Office.

(2) Individual end-use purchasers and retailers in general aviation may petition the State.

(d) Report requirements:

(1) Civil air carriers and public aviation:

(i) Prior to the initial date, each end-use purchaser must notify the Federal Energy Office of his base period purchases of aviation fuel consumed each corresponding month of 1972.

(ii) By the 5th of each month commencing on a date specified by the Administrator, Federal Energy Office, each end-use purchaser will report to the Federal Energy Office his total aviation fuel consumption for the previous month.

(2) General aviation will comply with the general reporting requirements provided in Subpart K of this part.

(3) All suppliers who import aviation fuel directly will report to the Federal Energy Office by the 25th of each month their aggregate certified needs by category of use for the coming month and the extent to which they plan to cover these needs with supplies received directly from importation.

Subpart H—Residual Fuel Oil

§ 200.57 Scope of coverage.

(a) This subpart applies to the mandatory allocation of residual fuel oil produced in or imported into the United States.

(b) Bonded residual fuel oil is specifically excluded from the coverage of this subpart.

§ 200.58 Definitions.

(a) "Federal Residual Oil Pool" is the quantity of residual fuel oil available to suppliers in excess of their customers' allocations, which is to be reported to the Administrator FEO for directed sale.

(b) "Required reduction in electricity generation" is the percentage reduction in electricity generation that is required by the shortfall of residual fuel oil.

(c) "Residual fuel oil" means the fuel oils commonly known as: (1) #4, #5 and #6 fuel oils, (2) Bunker C, (3) Navy Special Fuel Oil, (4) crude oil when burned directly as a fuel, (5) all fuel oils which have a fifty percent boiling point over 700°F in the ASTM D86 standard distillation test. Lubricating oils, asphalt, coke, waxes and all other products not used as fuel are specifically excluded from coverage under this subpart.

(d) "Total energy requirements for electric utilities" is the energy input expressed in BTU's consistent with the projected Federal Power Commission kilowatt hour requirement.

(e) "Total residual fuel oil requirement for electric utilities" is the amount of residual fuel oil projected by the Federal Power Commission to be required to

meet the total energy requirements.

(f) "Total residual fuel oil supply for electric utilities" is the amount of residual fuel oil expressed in barrels/day that is projected by the Administrator, FEO to be available for consumption by utilities.

(g) The base period for residual oil is the calendar 1973.

§ 200.59 Allocation.

(a) The following users of residual fuel oil shall be allocated 100 percent of their current requirements for these purposes:

- (i) Non-space heating uses
- (ii) Energy production
- (iii) Agricultural production
- (iv) Emergency services and transportation services
- (v) Non-military, marine shipping, foreign and domestic, except cruise ships carrying passengers for recreational purposes. Sales to vessels involved in the foreign trade of the United States will be made on a nondiscriminatory basis in regard to flag of registration or cargoes carried. Such policy will be subject to modification by the FEO on a case-by-case basis if required to encourage reciprocal nondiscriminatory allocation of bunker fuels in foreign ports to vessels engaged primarily in the foreign trade of the United States.

(2) Space heating uses:
(i) Medical and nursing buildings.
(b) (1) To determine the fuel oil reduction from current requirements for any utility, multiply the percentage reduction (as determined by FEO, by that utility's total energy requirements, and express the product in barrels/day (translated from BTU's using 6,175,000 BTU/barrel). In order to determine the amount of residual fuel oil to be allocated to that utility, subtract the above product from the utility's total residual fuel oil requirement.

(2) In determining the total residual fuel oil requirement for an electric utility, the FEO may consider:

(i) The fact that certain electric generating plants which now burn residual fuel oil have been identified by the FEO as candidates for conversion to coal, and the maximum possible extent to which such plants could be utilized after conversion.

(ii) The extent to which any electric generating plants which presently burn coal may be utilized more fully than they presently are.

(iii) In considering these factors, the FEO may consider the extent to which it is possible for electric utilities to obtain necessary supplies of coal.

(iv) The allocation to each utility is illustrated by the following formula:

$$\text{Allocation} = \frac{x - (y)(z)}{6,175,000 \text{ BTU/BBL}}$$

Where:

x = Total barrels of residual fuel oil requirement for that utility (as determined by the Federal Power Commission).

y = Required fractional reduction in electricity generation (as determined by the Federal Energy Office in conjunction with Fed-

eral Power Commission).

z = The energy input for that utility, expressed in BTU's consistent with the Federal Power Commission kilowatt hour requirement.

(c) Except as provided elsewhere, all end-user allocations of residual fuel oil used for space heating will be based upon the following schedule of adjustments in ambient indoor temperatures:

(1) Residential Heating—6°F reduction from 1972-73 heating season.

(2) All Other Heating—10°F reduction from 1972-73 heating season.

(3) If conditions warrant, the FEO may reduce the allocation quantities available for heating use.

(d) Industrial users and all other users of residual fuel oil not covered elsewhere shall be allocated their current requirements up to 100 percent of their base period supply.

§ 200.60 Distribution system.

(a) All suppliers of residual oil shall continue to supply all their November 1973 customers, within the limitations imposed by this regulation. Suppliers are encouraged to accept new customers whenever possible and may be directed to do so by the Federal Energy Office. In case anyone is denied service, as required by the regulation, by his regular supplier he may petition the FEO to be assigned a supplier, as may anyone not having a regular supplier. Customers who did not have a usage record or who had exceptional variations during the base period may petition the FEO for assignment of a base period usage on which allotments may be calculated.

(b) The FEO may order the sale of residual fuel oil by suppliers to other suppliers or end-users in order to alleviate imbalance or extreme hardships or when necessary to achieve the specific requirements set forth in the regulation; and may order the transfer of residual fuel oil from one region to another to the extent possible with existing transportation facilities.

(c) The FEO may reassign purchasers, require a transfer of some purchasers among suppliers, or make other adjustments as may be necessary to achieve a more equitable balance of assigned sales among suppliers. The FEO shall make such adjustments sparingly and may seek the advice of designated state offices and of the affected companies concerning how to make such adjustments with minimum effect upon commerce and competition.

(d) In the implementation of this program, the FEO may specify quality characteristics, such as sulfur content, of fuel supplies when practicable.

(e) Suppliers may make arrangements to supply purchasers to whom they have an allocation responsibility through other suppliers in accordance with normal business practice.

(f) The end-user recipient of an allocation under these regulations may transfer all or part of its allotment to any category of user or users. However,

subsequent allocations to this recipient may be reduced by the FEO.

§ 200.61 Method of allocation.

(a) *Electric utilities.* The FEO will estimate total supply (domestic plus imports) for residual fuel. Allocations for all classes of users except electrical utilities will be estimated. The remainder of supply will be used to calculate the utility allocation. In order to assure that each utility using residual fuel oil will absorb an equal percentage cutback of power generation within PAD's or PAD groupings, and in view of the fact that some utilities have a greater dependence upon residual fuel oil than others, allocations to utilities will be made in the following manner: Each utility will be allocated an amount of residual fuel oil such that it will have to reduce its electric generation only by the same percentage as other utilities in its PAD or the PAD grouping. Based on information provided by the FPC, the FEO will compute and publish the residual fuel oil shortfall for the subsequent three months, to be revised monthly, considering PAD's 1, 2, and 3 together and PAD's 4 and 5 separately. Based on the computed shortfall the FEO will compute the required percentage reduction in electricity generation to achieve a balance in supply and demand of residual fuel oil. FEO, in conjunction with FPC, may apportion residual fuel oil among electric utilities from the Federal Residual Oil Pool by directing sales to a utility such that, depending on energy transfer capacity, each electric utility will have to reduce its electric generation only by the same percentage as other utilities in regional groupings as defined by the FPC. Because of fuel distribution or other problems, utilities may by mutual agreement of the respective utilities and the FPC apportion their respective allocated fuel volumes among themselves to generate power in the most efficient manner: *Provided*, That each utility receives its proper portion of the generated power through the electrical grid network.

(b) *Heating.* Suppliers to end-users will calculate the monthly allotment of their customers for heating using the most recent usage factors for each building heated. Where suppliers do not have historical usage factors for a building, these usage factors will be calculated based on gallons of fuel consumed and actual degree days exposure in the comparable period of last year. Suppliers to end-users will calculate the monthly allotment for each heating user by applying his usage factor to actual degree days less an adjustment for the required reduction in inside temperature. This adjustment to actual degree days will compensate for the required reduction in temperatures. End-users whose method of operation or procurement precludes computation of the heating allotment by the supplier may, with the concurrence of the supplier, make the computation themselves and provide the supplier with written assurance that calculations have

been made in accordance with this regulation. Copies of such assurance shall be forwarded to the Local Board and the FEO Regional Office. Suppliers' usage factors will be associated with units (e.g., an apartment house) and not with users. The most recent usage factor record for a unit will be used for that unit throughout the duration of this program regardless of changes in occupants or ownership. When this results in undue hardships, the end-user may apply to the Local Board for adjustment. For new buildings, the usage factor will be determined based on gallons of fuel consumed and actual degree days exposure during the latest period of normal heating usage before the issuance of this program. If no such period exists, a usage factor for that unit will be established by an initial period of normal heating operations, subject to review by the Local Board.

(c) Each supplier will allocate available supplies (domestic plus imported) of residual fuel oil according to § 200.58 up to the quantities specified for the various uses.

(d) If the supplier's total available supplies are greater than the total demand of all customers as defined, the excess will become a part of the Federal Residual Oil Pool, to be sold by direction of the FEO. Each supplier who makes a contribution to the Federal Residual Oil Pool will report to the FEO the volume, product specification and location of such contribution. A portion of the Pool, to be determined by the FEO, will be reserved for directed sale to the electric utility industry, with the balance being available for directed sale to hardship cases, upon appeal and investigation, if warranted. Each redirected sale will be allowed at a price equal to the price the supplier is allowed for his normal sales, plus normal reseller margin.

(e) In the event that there are insufficient supplies to meet the needs of the allocation supply categories as set forth in this regulation, all categories of users will receive pro rata reduction of their monthly allotment except such essential services as shall be designated by the FEO to receive no reduction of their present allocations. Such reduction may be made by the supplier when he is unable to meet the needs of all his customers.

§ 200.62 Responsibilities and reporting.

(a) *Responsibilities.* (1) The FEO will project the amount of residual fuel oil to be made available for consumption by utilities.

(2) The FPC will project the amount of residual fuel oil required to meet each utility's total energy requirements.

(3) The FEO will compute and publish the residual fuel oil shortfall for the subsequent three-month period, revised monthly, considering PAD's 1, 2, and 3 together, and PAD 4 and PAD 5 separately. Based on the computed shortfall the FEO will compute and publish the required percentage reduction in electricity generation to achieve a balance

in supply and demand of residual fuel oil.

(b) *Reporting requirements.* (1) Prior to a date specified by the Administrator, FEO, each end-user, except those enumerated in § 200.59 (a) and (b), shall notify his domestic supplier(s) of his total purchase of residual fuel oil during each month of 1973 as well as the purpose(s) for which it was used as outlined in this regulation, unless their supplier(s) indicates that he already has this information.

(2) Prior to a date specified by the Administrator, FEO, each end-user enumerated in § 200.59 (a) and (b) shall notify his domestic supplier(s) of his initial allocation as calculated in accordance with § 200.59 unless his supplier agrees to make this calculation for him. Notification for each subsequent month shall be provided to the supplier(s) on the 15th of the preceding month.

(3) Suppliers will report monthly to the FEO the quantity of the various grades of residual fuel oil on hand at the beginning and ending of the month, sales and receipts during the month (with imports broken out separately), and anticipated receipts and sales for each of the following two months (with imports broken out separately). The report will be submitted to the FEO by the 5th workday of the month following the month being reported.

(c) *Record retention requirement.* All supplier(s) of end-users and end-users themselves shall retain appropriate records of information used in the determination of their monthly allotments pursuant to these regulations.

Subpart I—Other Products

§ 200.63 Scope of coverage.

(a) This subpart applies to the mandatory allocation of petroleum products produced in or imported into the United States not excluded in Subpart A, Part 1 and not included in Subparts C through H of this part.

(b) Specific petroleum products are expressly excluded from mandatory allocation as set forth in Subpart A of this part.

(c) For petrochemical feedstocks used in petrochemical processing facilities, such a wide variety of subsequent products result that it was felt that present supply patterns should be maintained. However, if industry supply patterns result in inequitable distribution of shortages, the Federal Energy Office may institute controls to balance those shortages of these products.

§ 200.64 Definitions.

For the purposes of this subpart the following definitions apply:

(a) *"Lubricants"*—Includes all grades of lubricating oils for industrial, commercial and automotive use, and lubricating grease which are a solid to semi-fluid product consisting of a dispersion of a thickening agent in a liquid lubricant. This product includes all lubricants reported to the Bureau of Mines, United

States Department of Interior as such, with the exception of a product controlled under the above subparts.

(b) *"Petrochemical Feedstocks"*—Petrochemical Feedstocks include all refinery streams which can be sold to or directed to operations for chemical conversion for petrochemicals or their precursors. This definition includes, but is not limited to, Naphtha, Benzene, Toluene, Butylene, Butadiene, Naphthalene, Propylene, and Xylene. This definition excludes Butane, Propane, and Butane-propane mixes as defined and regulated under Subpart D of this part, or excluded under Subpart A of this part.

(c) *"Other Remaining Products"*—Includes all refined petroleum products with the exception of those excluded under Subpart A of this part, defined and regulated under Subparts B through H of this part, "Lubricants" and "Petrochemical Feedstocks" as defined above. This definition includes, but is not limited to special naphthas and some solvent products.

(d) *"Petrochemical Processor"*—A corporation or other business entity which uses a "Petrochemical Feedstock" for chemical conversion purposes or other nonfuel use. This processor will include the producer of "Petrochemical Feedstocks" who is capable of directing those feedstocks to its own subsequent operational facilities; as well as a user who must purchase some or all of their basic Petrochemical Feedstocks because of a lack of facilities to directly produce in whole or in part the required feedstock inputs.

(e) The base period for other petroleum products is the corresponding month of 1973.

§ 200.65 Allocation.

Allocation level of other products is 100 percent of current requirements except for limitations imposed in this subpart.

§ 200.66 Distribution system.

(a) *Lubricants.* Normal business practices shall apply in lubricant distribution except that those purchasers having difficulty in securing necessary supplies of lubricants for their essential needs shall petition their State boards for assignment to a new supplier in order to fulfill these purchaser's essential requirements.

(b) *Petrochemical feedstocks.* Suppliers of petrochemical feedstocks must supply their customers of record during September 1973, in the volume specified in this subpart. For the purposes of this section refiners may be both suppliers and petrochemical processors of petrochemical feedstocks.

(c) *Other remaining products.* Normal business practices shall apply in "other remaining product" distribution except that those purchasers having difficulty in securing necessary supplies of "other remaining products" for their essential needs shall petition their State boards for assignment to a new supplier in order to fulfill these purchaser's essential requirements.

§ 200.67 Method of allocation.

(a) *Lubricants.* (1) Each supplier (including firms which have undergone a change in ownership) shall continue to provide lubricants under normal business practices.

(2) In the event that there are insufficient supplies of lubricants to meet the needs of all purchasers, suppliers are required to provide an equal allocation fraction of their customers certified requirements.

(b) *Petrochemical feedstocks.* (1) Each petrochemical processor will certify to his supplier the petrochemical feedstocks necessary to meet his supply requirements for the succeeding month no later than ten (10) days prior to that month. Suppliers must then furnish 100 percent of the allocation level or a pro rata share thereof, to that petrochemical processor during the specified month. This amount is subject to paragraph (b) (2) of this section.

(2) A petrochemical processor's allocation level is current requirements, but where current requirements for use, and not resale, of petrochemical feedstocks exceed 120 percent of the amount transferred or purchased during the corresponding month of 1972 validation by the Regional Office of the FEA is required. Suppliers are obligated to provide petrochemical feedstocks only to the extent of allocation levels unless surplus quantities then exist in which case paragraph (b) (6) of this section shall apply.

(3) If a petrochemical processor-purchaser was a customer of record during September 1973, of more than one supplier, he shall divide his actual supply requirements for each month among those suppliers in the same proportion as he was supplied by them during September 1973.

(4) The method, location, and terms of delivery which existed between the supplier and petrochemical processor shall be the same as prevailed during September 1973, unless otherwise agreed upon by the parties.

(5) Each month suppliers will redetermine their adjusted supplies available for sale, transfer, or internal use. After comparing its adjusted available supply with its total certified supply requirements to petrochemical processors, including amounts assigned the supplier, suppliers will determine their allocation fraction for that month. Such allocation fraction will be multiplied by the petrochemical processor's allocation level to determine the amount of petrochemical feedstocks allocated to that petrochemical processor.

(6) If a supplier has more than adequate supplies to meet the allocation levels of his customers, under this subpart he will distribute the surplus in the following manner:

(1) He will first offer, based on allocation levels, petrochemical feedstocks to his petrochemical processors of record on September 1973, who were not supplied their current requirements due to the re-

strictions found in paragraph (b) (2) of this section, on a pro rata basis.

(2) Any remaining supply may be sold at the discretion of the supplier, except that no sales or internal use of petrochemical feedstocks for fuel purposes may be transacted until all current requirements of petrochemical processors have been met.

(c) *Other remaining products.* (1) Each supplier (including firms which have undergone a change in ownership) shall continue to provide the "other remaining" under normal business practices.

(2) In the event that there are insufficient supplies of other remaining products to meet the needs of all purchasers, suppliers are required to provide an equal allocation fraction of their customers requirements.

§ 200.68 Responsibilities.

(a) The extent of shortages of all "other remaining products" and lubricants will be determined by the FEO, and the FEO will have the option to amend the allocation basis to institute a more equitable distribution of lubricants, and "other remaining products" including but not limited to retention of a current need basis for those essential services as shall be designated by the FEO.

(b) Where current requirements for use, and not resale, of petrochemical feedstocks exceed 120 percent of the amount transferred or purchased during the corresponding month of 1972, validation by the regional office of the FEO is required.

(c) The FEO will assign supplies and allocation levels to those supplies, purchasers, and petrochemical processors who were not customers of record during 1973, whose suppliers are no longer capable of supplying them, or who are otherwise authorized under this subpart.

Subpart J—Antitrust Applicability**§ 200.69 Effect on antitrust laws.**

(a) *Scope and purpose.* The purpose of this subpart is to set forth the relationship between the requirements of the Mandatory Petroleum Products Allocation Program and the antitrust laws of the United States as herein defined.

(b) *General.* Notwithstanding any provision to the contrary elsewhere in this part, except as specifically provided in this subpart, the provisions of the regulations of this subpart neither provide immunity from civil or criminal liability under the antitrust laws to any person subject to the provisions of this chapter, nor create a defense to any action under the antitrust laws.

(c) *Applicable antitrust laws.* For the purposes of this subpart, "antitrust laws" includes:

(1) The Sherman Antitrust Act (15 U.S.C. 1 et seq., July 2, 1890, as amended);

(2) The Clayton Act (15 U.S.C. 12 et seq., October 15, 1914, as amended);

(3) The Federal Trade Commission Act (15 U.S.C. 41 et seq.);

(4) The Wilson Act (Tariff) (15 U.S.C. 8 and 9, August 27, 1894, as amended); and

(5) The Robinson-Patman Price Discrimination Act (15 U.S.C. 13, 13a, 13b and 21a, June 19, 1936, as amended).

(d) *Certain actions.* By order of the FEO, whenever it becomes necessary in order to comply with the provisions of these regulations, that owners, directors, officers, agents, employees, or representatives of two or more persons engaged in the business of producing, refining, marketing, or distributing of any product subject to the requirements of these regulations must meet, confer, or communicate in such fashion and to such ends that might otherwise be construed to constitute a violation of the antitrust laws, such activities may be permitted: *Provided*, The criteria of paragraph (e) of this section are met.

(e) *Criteria for meeting.* Persons permitted by order to so meet, confer, or otherwise communicate shall:

(1) Obtain from FEO an order which will specify and limit the subject matter to be discussed, and the objectives of such meeting, conference or other communication;

(2) Meet only in the presence of a representative of the Antitrust Division of the Department of Justice;

(3) Take a verbatim transcript of such meeting, conference, or other communication; and

(4) Submit such verbatim transcript and any agreement resulting from such meeting, conference, or other communication to the Attorney General and to the Federal Trade Commission.

(f) *Defense; antitrust.* Compliance with the provisions of paragraph (e) of this section shall make available to the affected parties a defense to any action brought under the antitrust laws arising from any meeting, conference, or communication, or agreement arising therefrom. *Provided*, That such meeting, conference, or other communication was held and any resulting agreement was made solely for the purpose of complying with the provisions of the regulations of this chapter.

(g) *Defenses; antitrust and breach of contract.* Compliance with the provisions of the regulations of this chapter shall make available a defense to any action brought under the antitrust laws or for breach of contract in any Federal or State court arising out of delay or failure to provide, sell, or offer for sale or exchange any product subject to these regulations: *Provided*, That such defense shall be available only if such delay or failure was caused solely by compliance with the provisions of the regulations of this chapter.

Subpart K—Reporting and Recordkeeping Requirements**§ 200.70 General.**

(a) *Upward reporting.* (1) Every supplier who sells an allocated substance to an end-user (in the case of gasoline, those who sell to retail outlets or bulk

purchasers) must certify to his own supplier, with respect to each allocated substance to be supplied by his own supplier, his requirement for each use classification as required in Subparts C through I of this part, for each month of the coming year. This certification must be made by dates to be specified by the Administrator, Federal Energy Office.

(2) Every supplier who sells an allocated substance for resale (in the case of gasoline excluding those who sell to retail outlets or bulk purchasers) must certify to his own supplier, with respect to each allocated substance to be supplied by his own supplier, his requirement for each use classification as required in Subparts C through I of this part, for each month of the coming year. This certification must be made by dates to be specified by the Administrator, Federal Energy Office.

(3) It is the responsibility of each supplier to obtain the necessary information from his purchasers in time to prepare and forward a timely certificate and to permit his supplier to do the same. Reports are to be made in gallons.

(4) A copy of every certificate required by paragraphs (a) (1) and (2) of this section shall be kept on record by both the supplier preparing and the supplier receiving such certificate. These certificates must be made available for inspection by Federal Energy Office representatives upon a proper request.

(b) *Downward reporting.* (1) Every refiner and importer who is a supplier of any allocated substance will report monthly to the Federal Energy Office the following information for each allocated substance he supplies (reports are to be made by calendar month in gallons):

(i) His inventory at the end of the preceding month, and his inventory on the 15th day of the current month.

(ii) Deliveries received by him during the preceding month, and those received by the 15th day of the current month.

(iii) Accretion during the preceding month of his inventory through means other than deliveries, and such accretion during the first 15 days of the current month.

(iv) Total deliveries made by him from inventories in each State during the preceding month, by category, and the same information for the first 15 days of the current month.

(v) Reduction during the preceding month of his inventory through means other than deliveries, and the same information for the first 15 days of the current month.

(vi) Total deliveries made by him in each State during the preceding month by category, and the same information for the first 15 days of the current month.

(vii) His anticipated total available supply for distribution in each State during the following month, by category.

(viii) The anticipated total allocation requirements for the following month for purchasers he will supply within each State, by category and

(ix) His anticipated excess or shortfall i.e., item

(x) Minus item (I).

(2) Reports required by paragraph (b) (1) of this section must be received by the Federal Energy Office not later than ten days prior to the end of the month.

(c) *Compliance.* Failure to make any certification, report, or copy submission required by this Subpart is a violation of this regulation and subjects the person charged with making the certification, report, or copy submission to penalties described in § 202.21 or § 202.22 of Subpart F of this chapter. Knowingly making false, incomplete, or erroneous statements in any certification, report or copy submission required by this subpart is also a violation of this regulation and subjects the preparer and anyone else supplying false, incomplete, or erroneous information to the preparer, directly or indirectly, to the same penalties.

Subpart L—Allocations, Market Share and Market Entry

§ 200.71 Market share and market entry considerations.

(a) *General.* To the extent practicable and consistent with the purposes of The Acts, allocations of crude oil, residual fuel oil or any refined petroleum product subject to the provisions of this chapter will be accomplished giving due consideration to: (1) National or regional market share of any branded independent marketer, non-branded independent marketer, small refiner and independent refiner; and

(2) Market entry of any branded independent marketer, non-branded independent marketer, small refiner and independent refiner.

(b) *Allocation of decreased supply.* To the extent practicable and to accomplish the purposes of The Acts allocation of any refined petroleum to any branded independent marketer, non-branded independent marketer, small refiner and independent refiner shall be in an amount not less than any amount supplied to such person during the corresponding period of 1972 adjusted to provide a pro rata reduction in the amount or any such product if the aggregate amount of such product produced in and imported into the United States is less than the amounts produced in or imported into the United States in 1972.

(c) *Allocation of increased supply.* To the extent practicable, an equitable adjustment to allocation of any refined petroleum product produced in or imported into the United States will be directed by FEO if the supply of any such product is in excess of the amount imported into or produced in the United States during 1972, and if allocation pursuant to this chapter of such increased supply contributes to a significant increase in any national or regional market share of any non-branded independent marketer, branded independent marketer or other person engaged in the marketing or distributing of refined petroleum products.

(d) *Allocation adjustments to take into consideration market entry.* Such adjustments in the allocation of refined petroleum products and crude oil may be

ordered by FEO as may be necessary to take into consideration:

(1) Market entry by branded independent marketers and non-branded independent marketers and expansion or reduction of marketing or distribution facilities of such marketers in the case of any refined petroleum product; and

(2) Market entry by independent refiners and small refiners and expansion or reduction of refinery facilities of such refiners in the case of crude oil. Any such adjustment as may be ordered under this paragraph (d) will be made only upon a finding that to the maximum extent practicable the objectives of The Act are attained thereby.

Subpart M—Delegation of Authority to State Offices and Local Boards

§ 200.72 State and local authority.

(a) *State offices.* Pursuant to section 5(b) of the Emergency Petroleum Allocation Act of 1973, the Governor or chief executive of each State is authorized to create a State Office of Petroleum Allocation within his jurisdiction. Each State Office will assume responsibilities detailed in this regulation or orders issued pursuant to the Acts.

(b) *Local boards.* The Governor or chief executive of each State is authorized to create a Local Petroleum Allocation Board for each county, metropolitan area or similar geographic or political unit within his jurisdiction: *Provided*, That no area of any State shall be served by more than one local board. Each of these boards shall be representative of the area it is to serve. A sufficient number of these boards shall be established in each State to ensure their geographic accessibility and responsiveness to appropriate requests and petitions. Each of the boards will assume responsibilities detailed in this regulation or orders issued pursuant to the Acts.

PART 201—MANDATORY PETROLEUM ALLOCATION PRICE REGULATIONS

Subpart A—General

- Sec.
201.1 Scope.
201.2 Applicability.
201.3 Definitions.

Subpart B—Specific Price Regulations

- 201.4 Price rule.

AUTHORITY: Economic Stabilization Act of 1970 as amended by the Economic Stabilization Act Amendments of 1973, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28; 87 Stat. 27; Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575.

Subpart A—General

§ 201.1 Scope.

This part sets forth the pricing rules applicable to the purchase or sale of covered products.

§ 201.2 Applicability.

This part applies to each economic unit or transaction in the United States to the extent that covered products are involved.

§ 201.3 Definitions.

As used in this part (a) "Covered Products" means products described in the

1972 Standard Industrial Classification Manual, Industry Code 1311, 1321, or 2911 (except natural gas).

"United States" means the several States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

Subpart B—Specific Price Regulations

§ 201.4 Price rule.

With respect to economic units and transactions subject to this part, the maximum price which a seller may charge and a buyer may pay is the price permitted pursuant to the provisions set forth in Part 150 of Title 6 of the Code of Federal Regulations.

PART 202—ADMINISTRATIVE PROCEDURAL REGULATIONS

Subpart A—General

- Sec.
202.1 Purpose and scope.
202.2 Definitions.
202.3 Representation.
202.4 Filing of documents.
202.5 Computation of time.
202.6 Service.
202.7 Extension of time.
202.8 Subpoenas.
202.9 Public access to information.
202.10 Order of precedence.

Subpart B—Rules Relating to Program Interpretations, Modifications and Adjustments

- 202.11 Scope and purpose.
202.12 Interpretations.
202.13 Request for modification or rescission of regulations.
202.14 Request for modification or rescission of an order issued under the program.
202.15 Request for exceptions from the program.
202.16 Request for exemptions from the program.
202.17 Request for interpretations, adjustments, assignment, exceptions, exemptions, and modification or rescission of regulations or orders on the national level.
202.18 Adjustment and assignment at the regional level.
202.19 Adjustment and assignment at local board level.
202.20 Exceptional hardship awards at the state level.

Subpart C—Complaints by Parties

- 202.21 Scope and purpose.
202.22 Complaints by parties.
202.23 Violations.
202.24 Verified complaint.

Subpart D—Procedures for Processing Requests

- 202.25 Purpose and scope.
202.26 Who may file and where to file.
202.27 Contents, processing and reconsideration.

Subpart E—Published Rulings

- 202.28 Rulings for publication.

Subpart F—Sanctions, Penalties and Enforcement

- 202.29 General.
202.30 Sanctions—Criminal fines.
202.31 Sanctions—Civil penalties.
202.32 Injunctions and other relief.
202.33 Other penalties.
202.34 Ratification of prior orders.

Subpart G—Appeals and Review

- 202.35 Appeals to the administrator, Federal Energy Office.

Subpart H—Judicial Review

Sec.
202.36 General.

AUTHORITY: Economic Stabilization Act of 1970 as amended by the Economic Stabilization Act Amendments of 1973, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27, Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575.

Subpart A—General

§ 202.1 Purpose and scope.

This part establishes procedures for (a) requests for interpretation of the regulations and orders issued under the Mandatory Petroleum Allocation Program (Program), Chapter XIII of Title 32A, CFR; (b) action on requests for adjustments, assignments, exceptions and exemptions under the program; (c) processing of complaints; (d) modification or rescission of regulations; (e) publication of rulings; (f) enforcement of criminal and civil penalties; and (g) review of administrative decisions.

§ 202.2 Definitions.

The definitions set forth in Parts 200 and 201 of this chapter shall apply to this part.

§ 202.3 Representation.

(a) Unless disqualified under the provisions of paragraph (b) or (c) of this section, persons may participate and be represented in proceedings hereunder as follows:

(1) Attorneys at law who are admitted to practice before the courts of any State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Trust Territory of the Pacific Islands, or the District Court of the Virgin Islands will be permitted to practice without filing an application for such privilege.

(2) An individual who is not otherwise entitled to practice before the Office may practice in connection with a particular matter on his own behalf or on behalf of: (i) A member of his family; (ii) a partnership of which he is a member; (iii) a corporation, business trust, or an association, if such an individual is an officer or full time employee; (iv) a receivership, decedent's estate, or a trust or estate of which he is the receiver, administrator, or other similar fiduciary; (v) a Federal, State, county, district, territorial, or local government or agency thereof, or a government corporation, or a district or advisory board established pursuant to statute; or (vi) an association or class of individuals who have no specific interest that will be directly affected by the disposition of the particular interest, (vii) individuals otherwise not entitled to appear who receive written approval of the head of the Office or his authorized representative.

(b) No individual may practice before the Office if such practice would violate the provisions of 18 U.S.C. 203, 205, or 207.

(c) (1) Disciplinary proceedings may be instituted against anyone who is practicing or has practiced before the Office on grounds that he is practicing without authority under the provisions of this part, or that he has violated any provisions of the laws and regulations govern-

ing practice before the Office, or that he has been disbarred or suspended by any court or administrative agency. Individuals practicing before the Office should observe the Canons of Professional Ethics of the American Bar Association and those of the Federal Bar Association, by which the Office will be guided in disciplinary matters.

(2) Whenever in the discretion of the General Counsel the circumstances warrant consideration of the question whether disciplinary action should be taken against an individual who is practicing or has practiced before the Office, the General Counsel shall appoint a hearing officer to consider and dispose of the case. The hearing officer shall give the individual adequate notice of, and an opportunity for a hearing on, the specific charges against him. The hearing shall afford the individual an opportunity to present evidence and cross-examine witnesses. The hearing officer shall render a decision either (i) dismissing the charges, or (ii) reprimanding the individual or suspending or excluding him from practice before the Office.

(3) Within 30 days after receipt of the decision of the hearing officer reprimanding, suspending, or excluding an individual from practice before the Office, an appeal may be filed with the General Counsel, whose decision shall be final.

(d) When an individual who appears in a representative capacity signs a paper in practice before the Office, his signature shall constitute his certificate:

(1) That under the provisions of this part and the law, he is authorized and qualified to represent the particular party in the matter;

(2) That, if he is the partner of a present or former officer or employee, including a special Government employee, the matter in respect of which he intends to practice is not a matter in which such officer or employee of the Government or special Government employee participates or has participated personally and substantially as a Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise and that the matter is not the subject of such partner's official Government responsibility;

(3) That, if he is a former officer or employee, including a special Government employee, the matter in respect of which he intends to practice is not a matter in which he participated personally and substantially as a Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while so employed and, if a period of one year has not passed since the termination of his employment with the Government, that the matter was not under his official responsibility as an officer or employee of the Government; and,

(4) That he has read the paper; that to the best of his knowledge, information, and belief there is good ground to support its contents; that it contains no scandalous or indecent matter; and that it is not interposed for delay.

§ 202.4 Filing of documents.

A document required to be filed with the Federal Energy Office under this chapter is considered filed if it has been received at the designated office. Documents received after regular business hours are deemed filed the next regular business day.

§ 202.5 Computation of time.

Except as otherwise provided by law, in computing any period of time prescribed or allowed by this part for the doing of any act, the day of the act, event, or default on which the designated period of time begins to run shall not be counted.

(a) If the last day of the period falls on a Saturday, Sunday, Federal legal holiday, or other nonbusiness day, the period shall be extended to the next day which is not a Saturday, Sunday, Federal legal holiday, or other nonbusiness day, the period shall be extended to the next day which is not a Saturday, Sunday, Federal legal holiday, or other nonbusiness day.

(b) If the period prescribed or allowed is 7 days or less, an intervening Saturday, Sunday, or Federal legal holiday shall not be counted.

§ 202.6 Service.

(a) All documents required to be served under this part shall be served personally or by registered or certified mail on the person specified in the regulations in this part.

(b) Whenever a person is represented by a duly authorized representative, service on the representative shall constitute service on the person.

(c) Service by registered or certified mail is complete upon mailing.

§ 202.7 Extension of time.

Where an action is required to be taken within a prescribed time, an extension of time will be granted only upon good cause shown and only where the application is made before the expiration of the time prescribed.

§ 202.8 Subpoenas; witness fees.

Any official authorized to conduct investigations, hearings, or proceedings hereunder may issue subpoenas on written application of a party to the proceedings or on his own motion.

(a) A subpoena may require the attendance of witnesses or the production of relevant papers, books, and documents in the possession or under the control of the person served or both.

(b) A subpoena may be served by any person who is not a party and is not less than 18 years of age.

(c) The original subpoena bearing a certificate of service shall be filed with the Administrator, Federal Energy Office or his authorized representative.

(d) A witness subpoenaed by any party shall be paid the same fees and mileage as are paid for like service in the District Courts of the United States. The witness fees and mileage shall be paid by the

party at whose instance the subpoena was issued.

(e) In case of refusal to obey a subpoena served upon any person under the provisions of this part, the official issuing the subpoena may request the General Counsel of the Office to seek the aid of the District Court of the United States for any district in which such person is found to compel such person, after notice to appear and give testimony, or to appear and produce documents.

§ 202.9 Public access to information.

(a) This § 202.9, (1) grants authority to the Administrator of the Federal Energy Office (hereinafter the "FEO") to make records available for public inspection in accordance with the provisions of this section; (2) establishes procedures pursuant to the Freedom of Information Act, 81 Stat. 54, 5 U.S.C. 552 for public inspection of identifiable records in the custody and control of the Federal Energy Office except those excluded by applicable statutes; (3) prescribes the time and place of which such records will be available and (4) sets the fees to be paid for copies of such records.

(b) In construing the terms used in this part, words and phrases shall be given the meaning ascribed to them in the Administrative Procedure Act, 5 U.S.C. 551, et seq.

(c) (1) The Administrator is specifically authorized to receive, review, identify, determine the availability of, and approve or disapprove requests for records in the custody and control of the FEO in accordance with the provisions of this § 202.9.

(2) The Administrator, in his discretion, is specifically authorized to divulge or disclose to a complainant, or to an individual with specific knowledge of a complaint, the nature and result of the investigation of said complaint in circumstances where no violation has been found.

(3) The Administrator, is authorized in his discretion to make any record enumerated in paragraph (d) of this section available for inspection when he deems disclosure to be in the public interest and disclosure is not otherwise prohibited by law.

(4) The authority of the Administrator in this § 202.9 of this Subpart A may in the exercise of discretion, be delegated by the Administrator: *Provided*, Such delegation is in writing and is published in the FEDERAL REGISTER, except that the authority under paragraph (k) of this section may not be delegated.

(d) This section does not apply to records which are:

(1) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from disclosure by statute including information which contains or relates to trade secrets or other matters referred to in section 1905 of title 18 of the United States Code.

(4) Interagency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency;

(5) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(6) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency, and except as authorized in paragraph (c) (2) of this section;

(7) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(8) Geological and geophysical information and data, including maps, concerning wells.

(e) (1) The Administrator will designate an official custodian who will have authority to attest or otherwise authenticate copies of records made available under the provisions of this part.

(2) The Administrator and the official custodian may issue such statements, certificates, or other documents as may be required to show that after a diligent search, no record or entry of the tenor specified in a request has been found to exist. (See Rule 44, Federal Rules of Civil Procedure.)

(f) (1) A person who requests a record originating in another agency but currently in the custody of the FEO shall submit his request to the other agency.

(2) Where the originating agency consents, in writing, to make the record available, it will be made available in accordance with the provisions of this part.

(g) (1) Any person may file a request for records.

(2) A request for a record may be filed by mail or in person with the Administrator, or his authorized representative, Federal Energy Office, Washington, D.C.

(3) A request for records must be filed, except on Federal Government holidays, during the normal business hours of FEO, Monday through Friday.

(h) (1) Each request submitted in accordance with this § 202.9 shall be reviewed by the Administrator or his authorized representative to determine whether the record requested is an identifiable record within the meaning of 5 U.S.C. 552(a) (3).

(2) If it is determined that the record is not identifiable, the person filing the request will be so advised and will be given a reasonable opportunity to provide additional information to facilitate identification of the record.

(3) If it is determined that the record is identifiable but should be withheld from inspection in the public interest, the person filing the request will be so advised, in writing of the decision to deny it. The denial shall inform the applicant of:

(i) The specific subparagraph of paragraph (d) of this section relied on for denying the request; and

(ii) The right to request a review of an adverse determination as provided in paragraph (k) of this section.

(i) (1) An identifiable record which has been determined by the Administrator or his authorized representative to be available for inspection, will be made available for examination at a reasonable time and place.

(2) Manual, typewritten or other copies may be made freely by the person filing the request subject to appropriate supervision.

(j) (1) Except as provided in paragraph (j) (2) of this section, there will be no charge for making an identifiable record available under paragraph (i) of this section.

(2) If the Administrator, or his authorized representative determines that a record cannot be made available without significant disruption of normal business activities, he may secure an estimate of the cost of making the record available and require the person filing the request to deposit that amount prior to commencing a search for the record: *Provided, however,* That where the actual cost of making the record available is significantly more or less than the amount deposited, an adjustment in the form of a supplemental payment or refund, as appropriate, will be made.

(3) In determining whether the search for a record will disrupt normal business activities, the Administrator, or his authorized representative, may take into account the cumulative effect upon business activities of all other pending requests for records under this § 202.9, whether made by the same person or by other persons.

(4) An available record, upon advance payment of the fee prescribed in any reproduction fee schedule established by the Administrator or his authorized representative, may be reproduced through any available means; however, the Administrator or his authorized representative, may waive such fees if he determines the reproduction cost to be inconsequential.

(k) (1) Any person aggrieved by any determination made or taken under this § 202.9 may request a review.

(2) An appeal must be filed with the Administrator FEO within 30 days after the determination on action to be reviewed.

(3) An appeal may be filed in any form and a letter or other written statement setting forth the pertinent facts will be considered sufficient for this purpose.

(4) The Administrator may require the person filing the appeal to present additional evidence or information in support of his request for review.

(5) The Administrator will promptly review each appeal and notify the appellant in writing of his decision.

§ 202.10 Order of precedence.

In case of any conflict of inconsistency between the provisions of Chapter XIII, Title 32A, CFR, relating to the Mandatory Petroleum Allocation Program and the provisions of this part, the provisions

of this shall be controlling as to procedure.

Subpart B—Rules Relating to Program Interpretations, Modifications and Adjustments

§ 202.11 Scope and purpose.

(a) This subpart establishes procedures to be followed by any applicant who requests an interpretation of the regulations and/or orders issued under the Mandatory Petroleum Allocation Program.

(b) Sections 202.12 through 202.16 specify the procedural steps by which a person may seek an interpretation of the regulations as they apply to his particular case, or an exception or exemption therefrom. Section 202.14 is directed toward those persons who seek a rescission or modification of an order issued pursuant to these regulations.

(c) Sections 202.17 through 202.20 outline the procedures used to seek adjustments and assignments at each level of authority within the Allocation System instituted in Part 200 of this chapter. No attempt has been made to exhaustively define the exact procedures these officers will use to implement this program. Prospective applicants should inquire at the appropriate office for specific instructions concerning their petitions. For this purpose, prospective applicants are referred to the following locations for information and filing requirements.

(d) The following breakdown by product subparts, is intended to aid applicants in locating the appropriate offices for such inquiries.

SUBPART C—MIDDLE DISTILLATES

(1) Users other than wholesale purchasers (those persons using less than 84,000 gallons per year) may apply to their local boards for appropriate relief.

(2) Wholesale purchasers (using greater than 84,000 gallons per year) may apply:

(a) To their state office for temporary relief from exceptional hardship. Such relief shall be taken from that state's "state reserve."

(b) To their regional office for a permanent adjustment or assignment.

SUBPART D—PROPANE AND BUTANE

(1) Persons who use a small volume of propane for heating use may apply to their state board for relief.

(2) All other users of propane must apply to their Regional office. Adjustments in their supply volume will be made on the basis of exceptional hardship.

SUBPART E—MOTOR GASOLINE

(1) Retail outlets or bulk purchasers may apply:

(a) To the state office in their state for temporary relief from exceptional hardship. Such awards shall be taken from that "state reserve."

(b) To their regional office for a permanent adjustment or assignment.

SUBPART F—RESIDUAL FUEL OIL

(a) Persons who use their residual fuel oil for heating purposes may apply to their local boards.

(b) Those who use residual fuel oil for the production of electrical power should reference inquiries to the National office of the FEO.

(c) All other users of residual fuel oil must apply to their regional offices for relief.

SUBPART G—CRUDE OIL

An office of FEO at the national level will be set up to process applications for crude oil.

SUBPART H—AVIATION FUEL

(a) Those users of aviation fuel who are within the category of general aviation must apply to their respective state offices for relief from that state's "state reserve."

(b) Those users defined as civil and public aviation shall apply to the national office of FEO for relief.

SUBPART I—OTHER FUELS

(1) Petrochemical processors may apply to their regional offices for an adjustment or assignment.

(2) All other users, including users of lubricating oils must apply to their state offices for relief. It is not intended that a state reserve be instituted for these products. The state office may assign a user of these products to a supplier along with a specified supply volume determined on the basis of exceptional hardship.

§ 202.12 Interpretations.

(a) *Instructions to applicants*—(1) *Who may file.* Any person may file a request for an interpretation or a ruling.

(2) *Where to file.* A request for an interpretation or a ruling shall be in writing and filed in the Office of the Regional Administrator for the Region in which the applicant resides or has his principal place of business. Telephonic inquiries shall be deemed neither interpretations nor rulings and shall merely provide general information.

(3) *Contents.* The request for an interpretation should be set forth in simple, concise and direct statements.

(b) *Processing of requests.* The Office of the Regional Administrator issues interpretations on prospective or completed acts or transactions. Such interpretations shall be in writing and no person relying thereon shall be subject to sanctions or penalties by the Administrator, Federal Energy Office notwithstanding that such interpretation shall thereafter be declared by judicial or other competent authority to be invalid.

(c) *Review.* (1) Interpretations are not generally reviewed by the Administrator, Federal Energy Office as they merely inform an applicant of a position previously established or of prospective action. If an applicant believes that an interpretation is in error, he may seek an appeal under Subpart G of this part.

(2) A ruling may be revoked or modified at any time in the course of the administration of this program.

§ 202.13 Requests for modification or rescission of regulations.

(a) *Instructions to applicants*—(1) *Who may file.* Any person seeking a modification or rescission of a regulation shall file a written request.

(2) *Where to file.* Requests for modification or rescission of a regulation shall be directed to the Administrator, Federal Energy Office, Washington, D.C. 20240.

(3) *Contents.* Requests for modification or rescission of a regulation shall clearly designate the regulation sought to be modified or rescinded and the modification sought, and shall include a clear and concise statement of the justification for the modification or rescission with supporting documentation. Failure to supply such information shall subject the request to summary dismissal without prejudice.

(b) *Processing of requests.* The Administrator, Federal Energy Office shall promptly process all requests for modification or rescission of regulations. The Administrator may order a hearing under such rules as he shall promulgate if, in his opinion, such a hearing would be advisable. Upon a determination that the request should be granted or denied, the Administrator shall so notify the applicant in writing, stating the reasons for his decision.

(c) *Reconsideration.* A person aggrieved by a denial of his request for a modification or rescission of the regulations may petition the Administrator within four days for a reconsideration of that denial. Such request should clearly indicate in what manner the original decision was in error and should provide any additional evidence that would justify a reconsideration of the Administrator's decision. The Administrator, after consideration of the petition for reconsideration, may affirm, modify, or reverse the original decision and shall notify the person in writing of his disposition of the petition, stating the reasons for his decision. A decision of the Administrator denying a petition for reconsideration under this Part 202 shall be the final decision of the Department.

§ 202.14 Requests for modification or rescission of an order issued under the program.

(a) *Instructions to applicants—(1) Who may file.* Any person seeking a modification or rescission of an order shall file a written request. The procedure set forth in this section does not apply to any person who may seek review of the order complained of under provisions of any other subpart of this part. Similarly, this procedure does not apply to any compliance order issued under this regulation, review of which may be sought pursuant to Subpart G of this part.

(2) *Where to file.* Requests for modification or rescission of an order shall be directed to the Administrator, Federal Energy Office, Washington, D.C. 20240.

(3) *Contents.* Requests for modification or rescission of an order shall clearly designate the order sought to be modified or rescinded and the modification sought, and shall include a clear and concise statement of the justification for the modification or rescission with supporting documentation. Failure to supply such information shall subject the request to a summary dismissal without prejudice.

(b) *Processing of requests.* The Administrator, Federal Energy Office, shall promptly process all requests for modification or rescission of any order. The

Administrator may order a hearing under such rules as he shall promulgate if, in his opinion, such a hearing would be advisable. Upon determination that the request should be granted, dismissed, or denied, the Administrator shall so notify the applicant in writing, stating the reasons for his decision.

(c) *Reconsideration.* A person aggrieved by a denial of his request for a modification or rescission of an order may petition the Administrator within four days for reconsideration of that denial. Such request shall clearly indicate in what manner the original decision was in error and should provide any additional evidence that would justify a reconsideration of the Administrator's decision. The Administrator, after consideration of the petition for reconsideration, may affirm, modify, or reverse the original decision and shall notify the petitioner in writing of his disposition of the petition stating the reasons for his decision. A decision of the Administrator denying a petition for reconsideration under this § 202.13 shall be the final decision of the office.

§ 202.15 Requests for exceptions from the program.

(a) *Instructions to applicants—(1) Who may file.* Any person seeking an exception shall file a written request.

(2) *Where to file.* Requests for an exception shall be directed to the Regional Administrator for that region. However, in any case in which an exception is sought for operations which encompass more than a single region, the request should be directed to the Administrator, Federal Energy Office, Washington, D.C. 20240.

(3) *Contents.* Requests for exceptions shall clearly indicate the specific regulation or order from which an exception is sought and shall include a clear and concise statement of the justification for such an exception with supporting documentation. Failure to supply such information shall subject the request to summary dismissal without prejudice.

(b) *Processing of requests.* The Regional Administrator, or the Administrator, Federal Energy Office, in cases which involve more than one region, shall promptly process all requests for exceptions. Upon a determination that a request should be granted or denied, the Regional Administrator or the Administrator, as the case may be, shall notify the applicant in writing, stating the reasons for his decision.

(c) *Review and reconsideration.* (1) A person aggrieved by a decision of a Regional Administrator denying his request for an exception may, within four days, seek a review of that decision by the Administrator, Office of Petroleum Allocation, under the procedures set out in Subpart G of this part.

(2) Any person aggrieved by a decision of the Administrator denying his request for an exception may petition the Administrator, Federal Energy Office, within four days for a reconsideration of such denial. Such request should clearly indicate in what manner the original deci-

sion was in error and should provide any additional evidence that would justify a reconsideration of the Administrator's decision. The Administrator, after consideration of the petition for reconsideration, may affirm, modify, or reverse the original decision and shall notify the person in writing of his disposition of the petition, stating the reasons for his decision. A decision of the Administrator denying a petition for reconsideration under this § 202.15 shall be the final decision of the Department.

§ 202.16 Request for exemptions from the program.

(a) *Instructions to applicants—(1) Who may file.* Any person seeking an exemption from the program shall file a written request.

(2) *Where to file.* Requests for an exemption shall be directed to the Administrator, Federal Energy Office, Washington, D.C. 20240.

(3) *Contents.* Requests for exemption shall clearly indicate the basis upon which an exemption is sought and the justification for such exemption with supporting documentation. Failure to supply such information shall subject the request to summary dismissal without prejudice.

(b) *Processing of requests.* The Administrator, Federal Energy Office, shall promptly process all requests for exemptions from the Program. The Administrator may order a hearing under such rules as he shall promulgate if, in his opinion, such a hearing would be advisable. Upon determination that the request for an exemption should be granted or denied, the Administrator shall so notify the applicant in writing, stating the reasons for his decision.

(c) *Reconsideration.* A person aggrieved by a denial of his request for an exemption may petition the Administrator, Office of Petroleum Allocation, for reconsideration of the denial. Such request shall clearly indicate in what manner the original decision was in error and should provide any additional evidence that would justify a reconsideration of the Administrator's decision. The Administrator, after consideration of the petition for reconsideration, may affirm, modify, or reverse the original decision and shall notify the petitioner in writing of his disposition of the petition, stating the reasons for his decision. A decision of the Administrator denying a petition for reconsideration under this section shall be the final decision of the Department.

§ 202.17 Requests for interpretations, adjustments, assignment, exceptions, exemptions, and modification or rescission of regulations or orders on the national level.

(a) *Interpretations—(1) Instructions to applicants—(i) Who may file and where to file.* Any person may file a request for an interpretation or a ruling involving crude oil or aviation fuel. Such request shall be in writing and filed in the National Crude Oil Allocation Office or the National Aviation Fuel Allocation

Office, respectively. Telephonic inquiries shall be deemed neither interpretations nor rulings and shall merely provide general information.

(2) *Contents.* The requests for an interpretation should be set forth in simple, concise and direct statements.

(3) *Processing of requests.* The Director of the appropriate national office issues interpretations on prospective or completed acts or transactions. Such interpretations shall be in writing and no person relying thereon shall be declared by judicial or other competent authority to be valid.

(4) *Review.* If an applicant believes that an interpretation is in error, he may seek review under Subpart G of this part.

(b) *Adjustments—(1) Instructions to applicants.* Who may file and where to file. Any refiner or other person purchasing crude oil or any person purchasing aviation fuel for a civil air carrier or for public aviation may apply for an adjustment, as defined herein, to the appropriate national office.

(2) *Contents.* The application may be submitted using Form PAP 17 (10-73). In the event such form is unavailable, the application should set forth clearly and concisely the amount of the adjustment requested and the reasons why such an adjustment is necessary.

(3) *Processing of requests.* The Director of the appropriate national office shall, upon consideration of such application and any other relevant information, make a prompt decision on such application. The decision may grant the relief requested in the application, either wholly or in part, or deny the petition. Petitions may be dismissed, if during a reasonable period of time, the applicant fails to furnish information essential to the determination of his application. Dismissals shall be issued without prejudice to subsequent filings or requests by the applicant. The Director of the appropriate national office shall notify the applicant, in writing, of the disposition of his request. If such a request is denied, he shall state the reasons for the denial.

(4) *Interim relief.* Interim relief may be granted when, in the judgment of the Director of the appropriate national office, insufficient time exists to fully adjudicate an application for an adjustment but it is nevertheless deemed necessary to afford some immediate relief to the applicant. Interim relief shall be limited to a period of sixty days, after which time the Director must adjudicate the applicant's request for adjustment. Appeals from a decision granting interim relief may be filed as would an appeal from a final decision of the Director. Decisions granting interim relief must be complied with during the pendency of any appeal. The filing of an appeal from a decision granting interim relief shall not serve to prevent a final resolution of the original application.

(5) *Review.* Persons adversely affected by a decision on a request for adjustment may seek review pursuant to the proce-

dures set out in Subpart G of this part.

(c) *Assignments.* Instructions to applicants:

(1) *Who may file and where to file:* Any refiner or any person who needs a supplier for crude oil or any person who needs a supplier for aviation fuel for civil air carrier purposes or for public aviation purposes may apply to the appropriate national office for an assignment of a supplier in accordance with the criteria established under which such application will be considered.

(2) *Contents:* The application may be submitted using Form OOG-PAP 17(10-73). In the event such form is unavailable, the application should set forth clearly and concisely the reasons why such an assignment is necessary.

(3) *Processing of requests:* The Director of the appropriate national office shall, upon consideration of such application and any other relevant information, promptly process all requests for assignments. If it is determined that there is insufficient information upon which to base a decision and if upon request the required additional information is not furnished, the application may be dismissed without prejudice. Upon a determination that a request should be granted, the Director of the appropriate national office shall assign the person to a specific supplier. The Director shall then notify, in writing, the person and the assigned supplier of his decision. Upon a determination that a request for an assignment of a supplier should not be granted, the Director shall so notify the person in writing and state the reasons for his decision.

(4) *Interim relief may be granted* when, in the judgment of the Director of the appropriate national office, insufficient time exists to fully adjudicate an application for an assignment but it is nevertheless deemed necessary to afford some immediate relief to the applicant. Interim relief shall be limited to a period of sixty days after which time the Director must adjudicate the applicant's request for an assignment. Appeals from a decision granting interim relief may be filed as would an appeal from a final decision of the Director. Decisions granting interim relief must be complied with during the pendency of any appeal. The filing of an appeal from a decision granting interim relief shall not serve to prevent a final resolution of the original application.

(5) *Review:* Persons adversely affected by a decision on a request for an assignment may seek review pursuant to the procedures set out in Subpart G of this part.

(d) *Requests for exceptions from the program.* Instructions to applicants:

(1) *Who may file.* Any person seeking an exception involving crude oil or aviation fuel shall file a written request.

(2) *Where to file.* Requests for an exception shall be directed to the Director of the appropriate National Office.

(3) *Contents.* Requests for exceptions shall clearly indicate the specific regulation or order from which an exception

is sought and shall include a clear and concise statement of the justification for such an exception with supporting documentation. Failure to supply such information shall subject the request to summary dismissal without prejudice.

(4) *Processing of requests.* The Director of such National Office shall promptly process all requests for exception. Upon a determination that a request should be granted or denied, the Director shall notify the applicant in writing, stating the reasons for his decision.

(5) *Review.* A person aggrieved by a decision of a National Director denying his request for an exception, may, within four days, seek a review of that decision by the Administrator, Federal Energy Office under the procedures set out in Subpart G of this part.

(e) *Requests for modification or rescission of regulations, or orders issued under the program and requests for exemption from the program.* (1) Requests for modification or rescission of regulations, or requests for modification or rescission of orders issued under the Program or requests for exemption from the Program should be filed pursuant to the procedures set out in §§ 202.13, 202.14 or § 202.16, respectively.

§ 202.18 Adjustments and assignments at the regional level.

(a) *Adjustments at the Regional Level.* (1) Who may file: Wholesale purchasers or customers, or persons other than users listed in § 202.19(a), as those terms are defined in Subparts C, D, E, F and I of Part 200 of this chapter, may apply for an adjustment of their supply volumes to the appropriate Regional Office of the Federal Energy Office.

(2) *Where to file:* Applications for adjustments should be filed with the Administrator of the appropriate regional office of the Federal Energy Office. Applications based on exceptional hardship pursuant to Subparts D and I of Part 200 of this chapter will be processed as requests for an adjustment.

(3) *Contents:* Applications for adjustment shall be made on Form PAP-17 (10-73). In addition an applicant should include with his application, where relevant, the following:

(i) Data on applicant's business, detailing the structure of ownership and affiliation during the preceding 12 months.

(ii) Information relating to the anticipated use of the product in applicant's operation.

(iii) An estimate of the anticipated effect which denial of the requested adjustment would have on the applicant's operations.

(iv) A statement of the extent to which the applicant has investigated the possibilities of converting to an alternative fuel or product, and the applicant's conclusion as to the feasibility of making such a conversion.

(4) *Processing of applications:* The Regional Administrator of the Federal Energy Office will, upon consideration of such application and any other relevant

information, make a prompt decision on such petition. The decision may grant relief requested in the application, either wholly or in part, or deny the petition. Applications may also be dismissed, if, during a reasonable period of time, applicants fail to furnish information essential to the determination of their petition. Dismissals shall be issued without prejudice to subsequent filings or requests by petitioner. The Regional Administrator shall notify the applicant, in writing, of the disposition of his request. If such a request is denied, he shall state the reasons for the denial.

(5) *Interim relief* may be granted when, in the judgment of the Regional Administrator, insufficient time exists to fully adjudicate an application for an adjustment but it is nevertheless deemed necessary to afford some immediate relief to the applicant. Interim relief shall be limited to a period of sixty days after which time the Regional Office must adjudicate the applicant's request for adjustment. Appeals from a decision granting interim relief may be filed as would an appeal from a final decision of the Regional Administrator. Decisions granting interim relief must be complied with during the pendency of any appeal. The filing of an appeal from a decision granting interim relief shall not serve to prevent a final resolution of the original application.

(6) *Review*: Persons adversely affected by a decision on an application for an adjustment may seek review from the Administrator, Federal Energy Office, pursuant to the procedures set out in Subpart C of this part.

(b) *Assignments at the regional level—*

(1) *Who may file*. Wholesale purchasers or customers, or persons, other than users listed in § 202.19(a), as those defined in Subparts C, D, E, F and I of this part, may apply for an assignment of a supplier to the appropriate Regional Office of the Federal Energy Office.

(2) *Where to file*. Applications for the assignment of a supplier should be filed with the Regional Administrator of the appropriate regional office of the Federal Energy Office.

(3) *Contents*. Application for assignment of a supplier shall be made on Form PAP-17 (10-73). In addition, an applicant should include with his application, where relevant, the following:

(i) Data and other information concerning present and anticipated needs of priority customers.

(ii) A statement to the effect that the applicant had no supplier during the requisite base period, or that the applicant's previous supplier does not have the capacity to supply his needs.

Applicants determined by a Regional Administrator to be qualified to receive an allocation shall be assigned a supplier and a specific supply volume. An assignment of a specific supply volume may increase the applicant's certified need, but the supply volume will be subject to reduction because of the assigned supplier's allocation fraction or by an authorized proportional reduction percentage.

(4) *Processing of requests*. The Regional Administrator shall promptly process all requests for assignment, taking into consideration the application and any other relevant information. If the Regional Administrator determines that there is insufficient information upon which to base a decision and if upon request the required additional information is not furnished, the application may be dismissed without prejudice. Upon a determination that a request should be granted, the Regional Administrator shall assign the wholesale purchaser to a specific supplier. Selection of a supplier should, to as great an extent as possible, result in equitable distribution of the product applied for within a given area. The Regional Administrator shall then notify, in writing, the applicant and state the reasons for his decision.

(5) *Interim relief*. Interim relief may be granted when, in the judgment of the Regional Administrator insufficient time exists to fully adjudicate an application for an assignment but it is nevertheless deemed necessary to afford some immediate relief to the applicant. Interim relief shall be limited to a period of sixty days after which time the Regional Office must adjudicate the applicant's request for adjustment. Appeals from a decision granting interim relief may be filed as would an appeal from a final decision of the Regional Administrator. Decisions granting interim relief must be complied with during the pendency of any appeal. The filing of an appeal from a decision granting interim relief shall not serve to prevent a final resolution of the original application.

(6) *Discrimination*. Suppliers may not discriminate against assigned customers by failing to supply in accordance with an assignment by a Regional Administrator; by charging higher prices; or by imposing terms or conditions on sales upon any single purchaser other than those imposed upon all other purchasers at an equivalent level of trade, except as may be lawful and normal in general practice.

(7) *Review*. Persons adversely affected by a decision on an application for an assignment may seek review from the Administrator, Federal Energy Office, pursuant to the procedures set forth in Subpart G of this part.

§ 202.19 Adjustments and assignments at local board level.

(a) *Definition and composition*. Local boards shall be established made up of individuals appointed by the governor or chief executive of a State to consider requests for adjustment of base period supply volume or for assignment to a supplier of (1) any user of middle distillate who is not a wholesale purchaser as defined in § 200.24 of this chapter, (2) any small volume user of propane; or (3) any user of residual fuel oil for heating purposes as defined in Part 200 of this chapter. Sufficient boards shall be established to ensure reasonable geographic accessibility and responsiveness to appropriate requests and petitions.

(b) *Instructions to applicants*. Any user listed in paragraph (a) of this section shall make application for an adjustment or an assignment at the office of the Local Board which has jurisdiction for the area in which he resides or in which he has his principal place of business. The application for an adjustment or an assignment should be filed on Form PAP 17 (10-13) if available. In addition to such form applicants must provide, in their requests, all the relevant information which is necessary for the disposition of their case.

(c) *Processing of requests*. The Local Board will, upon consideration of such petition and any other relevant information, make a prompt decision on such petition. All requests for adjustment or assignments must be processed within 15 days after the receipt of all required information. The decision may grant the relief requested in the petition, either wholly or in part, or deny the petition. Petitions may also be dismissed, if, during a reasonable period of time petitioners fail to furnish information essential to the determination of their petition. Dismissals shall be issued without prejudice to subsequent filings or requests by petitioner. The Local Board shall notify the applicant, in writing, of the disposition of his request. If such a request is denied, the reasons for the denial shall be stated. If a Local Board fails to act upon a request for an adjustment or assignment within 15 days, the applicant may elect to treat his request as denied and seek a review of the denial pursuant to Subpart G of this part.

(d) *Review*. Persons adversely affected by a decision on a request for adjustment may seek review pursuant to Subpart G of this part.

§ 202.20 Exceptional hardship awards at the State level.

(a) Any authorized user of those products subject to a state reserve may apply to the designated state office to obtain additional supplies to alleviate an exceptional hardship. Such applicants must certify that these products will not be diverted from such uses. Application for such relief shall be made on a state form and should include any relevant information and argument not requested on the form. Use of the state reserve is primarily intended to remedy temporary hardships. Permanent changes in a user's total allocation will be accomplished in accordance with the provisions of §§ 202.17, 202.18 and 202.19 as appropriate.

(b) Authorized State officials may direct that present and future allocations of those products subject to the State Reserve be made in quantities different than prescribed in section 1 to any user to alleviate exceptional hardships. No more than 3 percent of any individual suppliers total (monthly) allocation may be directed to that user during any month.

(c) The state reserve is intended for use by the states in meeting exceptional hardship cases. Any supplies subject to the state reserve not allocated for that

month may be added by the supplier to his inventory available for distribution the succeeding month.

(d) The state reserve may not be accumulated or deferred.

(e) Allocations directed by state officials in meeting exceptional hardship cases may not restrict or in any way interfere with the distribution in interstate commerce of any fuels subject to state reserves. State officials may allocate only those fuels which are subject to state reserves. Allocations may not be implemented if they would result in discrimination against non-residents in favor of residents for those products subject to a state reserve.

(f) Each state shall designate a state official who may allocate quantities of those products subject to a state reserve in order to alleviate exceptional hardships within the state.

(g) Temporary exceptional hardship awards may not be used if such use would result in a duplication of a permanent award granted under §§ 202.17, 202.18 or § 202.19.

Subpart C—Complaints by Parties

§ 202.21 Scope and purpose.

This part establishes procedures to be followed by any person aggrieved by the non-compliance with the regulations of Title 32A, Chapter XIII, or any order issued pursuant thereto. The complaint will be processed through the following channels in order to expedite a final resolution to the problem.

§ 202.22 Complaints by parties.

(a) *Complaint.* Any person aggrieved by the non-compliance with the regulations of Title 32A, Chapter XIII, or any order issued pursuant thereto, may file a complaint. The complaint shall be prepared in six copies, of which one copy shall be retained by the complainant and five copies shall be submitted to the Regional Administrator, Federal Energy Office (hereinafter "Regional Administrator"). The Regional Administrator shall transmit one copy of the complaint by registered or certified mail, return receipt requested, to the party complained of. The complaint shall state in detail the nature of the violation, specifying the product involved, the names, addresses and telephone numbers of all persons and the relevant sections of the Act, regulations or order.

(b) *Answer.* The answer shall respond to each allegation of the complaint and specify any additional relevant products, persons, including names, addresses and telephone numbers and relevant sections of the Act, regulations or order. The answer shall be prepared in six copies, of which one copy shall be retained by the Respondent and five copies shall be submitted to the Regional Administrator who shall transmit one copy of the answer to the complainant. The answer shall be received in the Regional Office within seven (7) days after receipt of the complaint. If the answer is not timely received, the allegations of the

complaint may be deemed admitted and appropriate action taken.

§ 202.23 Violations.

(a) Each Regional Administrator has a mission to encourage and achieve the maximum degree of voluntary compliance with the Mandatory Petroleum Allocation Program (hereinafter "Program"), by enforcement of the statutory sanctions applicable to the Program through the investigation of possible violations of such regulations and guidelines, development of information concerning the extent of violations of all Program regulations and guidelines, and measurement of the effectiveness of the investigation process.

(b) Upon determining that a violation exists, the Regional Administrator shall issue an order directing compliance with the provisions of these regulations.

(c) The Regional Administrator may recommend, with respect to alleged violations, the imposition of sanctions available under the Program, and the institution of appropriate action against suppliers and wholesale purchasers.

(d) Recommendations for the imposition of sanctions shall be forwarded to the Administrator of the Federal Energy Office who shall decide whether sanctions will be imposed. Persons aggrieved by the Administrator's imposition of sanctions may appeal the decision imposing sanctions, pursuant to the rules set forth in Subpart G of this part.

(e) A violation discovered by means other than requests for interpretations, rulings, adjustments or assignments, shall be reported to the appropriate Regional Administrator for processing and investigation.

(f) No sanctions shall be implemented until a final decision on appeal, pursuant to Subpart G of this part, has been made, or until the time within which such an appeal may be taken has expired.

§ 202.24 Verified complaint.

Upon receipt of a verified complaint the Regional Administrator, in his discretion, may issue an order directing compliance with the regulations of Title 32A Chapter XIII or any order issued pursuant thereto, upon such terms and conditions, including the posting of security by complainant as the Regional Administrator deems necessary and proper. No order under this section shall be effective for a period in excess of thirty (30) days after receipt by parties named in the complaint; provided, that at the expiration of the order, application to renew or extend the order for a second period not to extend thirty (30) days may be made and processed in the form of a verified complaint; *Provided, further,* That there shall be only one such application for renewal or extension in connection with any verified complaint. Orders issued under this section may be appealed as provided in Subpart G of this part but the issuance of an order hereunder shall not be construed to preclude the filing of an answer under § 202.23.

Subpart D—Procedures for Processing Requests

§ 202.25 Purpose and scope.

The purpose of this subpart is to establish procedures for the processing of requests by persons seeking a modification or rescission of any provision of this Chapter relating to the Mandatory Petroleum Allocation Program. The procedures established in this Subpart D are supplementary to the other procedural regulations established in this part. To the extent that other subparts of this part mandate procedures for specific actions, those subparts are the controlling procedures, and persons seeking such action must comply with the procedures of those subparts.

§ 202.26 Who may file and where to file.

Any person who seeks a modification or rescission of any provision of this Chapter, may file a request for such modification or revision in writing. Such written requests shall be directed to the Administrator, Federal Energy Office, Washington, D.C.

§ 202.27 Contents, processing and reconsideration.

(a) *Contents.* Requests for modification or rescission of a provision of this Chapter shall clearly designate the provision sought to be modified or rescinded, and shall clearly state the modification sought. It shall include a clear and concise statement of the justification for the modification or rescission together with supporting documentation. Failure to supply such information, or to furnish it or such further information as may be requested within a reasonable time, shall subject the request to summary denial without prejudice.

(b) *Processing of requests.* The Administrator, Federal Energy Office, shall promptly process all requests for modification or rescission of the provisions. The Administrator may order a hearing under such rules as he may promulgate if, in his opinion, such a hearing would be advisable. Upon a determination that the request should be granted or denied, the Administrator shall so notify the applicant in writing, stating the reasons for his decision, and said notification shall be sent by registered or certified mail, return receipt requested.

(c) *Reconsideration.* A person aggrieved by a denial of his request for a modification or rescission of the provisions may petition the Administrator within 7 days of the date of receipt of such denial for a reconsideration of that denial. Such request should clearly indicate in what manner the original decision was in error and should provide any additional evidence that would justify a reconsideration of such decision. The Administrator, after consideration of the petition, may affirm, modify, or reverse the original decision and shall notify the person in writing of his disposition of the petition, stating the reasons for his decision. A decision by the Administrator denying a petition for reconsideration under section 3 shall be the final decision of the Federal Energy Office.

Subpart E—Published Rulings

§ 202.28 Rulings for publication.

The Administrator, FEO, may in his discretion determine that an interpretative ruling should be published in the FEDERAL REGISTER for the purposes of providing guidance to the Regional Offices, the State Offices, the Local Boards, and the general public. Upon publication such ruling may only be reviewed pursuant to procedures established in Subpart D of this part.

Subpart F—Sanctions, Penalties and Enforcement

§ 202.29 General.

Any person who violates any provision of this chapter or any order issued pursuant thereto shall be subject to penalties and sanctions as provided herein.

§ 202.30 Sanctions—criminal fines.

Any person who willfully violates any provision of this chapter or any order issued pursuant thereto shall be subject to a fine of not more than \$5,000.00 for each violation. Criminal violations will be prosecuted by the Department of Justice upon referral by the Administrator or his delegate.

§ 202.31 Sanctions—civil penalties.

Any person who violates any provision of this chapter or any order issued pursuant thereto shall be subject to a civil penalty of not more than \$2,500.00 for each violation.

§ 202.32 Injunctions and other relief.

(a) Whenever it appears to the Administrator, or his delegate that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any order or regulation under this chapter, the Administrator, or his delegate, may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin such acts or practices and upon a proper showing a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. The relief sought may include a mandatory injunction commanding any person to comply with any such order or regulation and restitution of money received in violation of any such order or regulation.

(b) Any person suffering legal wrong because of any act or practice arising out of the provisions of this chapter or any order issued pursuant thereto shall be entitled to the relief provided in section 210 of the Economic Stabilization Act of 1970, as amended (12 U.S.C. 1904 (Note)).

§ 202.33 Other penalties.

(a) Willful concealment of material facts, or false, or fictitious or fraudulent statements or representations, or willful use of any false writing or document containing false, fictitious or fraudulent statements pertaining to matters within the scope of the Emergency Petroleum Allocation Act of 1973, shall be subject to the criminal penalties provided by 62 Stat. 749, 18 U.S.C. 1001.

(b) The provisions herein for penalties and sanctions shall be deemed cumulative and not mutually exclusive.

(c) Each day that a violation of any provision of this chapter or any order issued pursuant thereto continues, there shall be deemed to be a separate violation within the meaning of the provisions of this chapter relating to criminal fines and civil penalties.

§ 202.34 Ratification of prior orders.

All orders relating to the allocation of petroleum products issued pursuant to clause (3) of the first sentence of section 203(a) of the Economic Stabilization Act of 1970 and in effect prior to the effective date this regulation shall continue in full force and effect until modified or terminated by action taken pursuant to the authority of the Emergency Petroleum Allocation Act of 1973: *Provided however*, That the force and effect of any such order shall not extend beyond (a) any termination date contained therein or (b) the expiration of a period of 60 days from the effective date of this regulation.

Subpart G—Appeals and Review

§ 202.35 Appeals to the Administrator, Federal Energy Office.

(a) *Who may appeal.* Any person aggrieved by a decision of a state office, or of a Regional Administrator, or of the Assistant Administrator for Operations and Compliance may appeal such decision to the Administrator, Federal Energy Office, Washington, D.C.

(b) *Notice of appeal and briefs.* The appellant shall file a written notice of appeal and all briefs in support thereof with the Administrator, within 20 days of the date of receipt of that decision. The notice shall contain an identification of the action or decision appealed from and a concise but complete statement of the facts and law relied upon and the relief sought.

(c) *Summary reconsideration.* The officer whose decision is being appealed may, within 48 hours of receipt of the notice of appeal, reconsider the decision

and summarily reverse the decision, in which case the appeal shall be deemed moot.

(d) *Transmittal of appeal file.* Within 72 hours after receipt of the notice of appeal and brief, the officer whose decision is being appealed shall transmit to the Administrator the entire official file in the matter.

(e) *Effect of appeal.* The deciding officer or the Administrator, as the case may be, may in his discretion stay the effect of the decision being appealed during the pendency of the administrative review process. Absent such stay, the decision below shall be effective as of the date thereof.

(f) *Hearing.* The Administrator may in his discretion order an informal hearing in any appeal if he feels such a hearing might be beneficial to a final determination of the appeal. If the decision being appealed involves the imposition of a sanction, the appellant may request a hearing on any relevant issues of fact. Such request shall be filed with the Administrator within the time in which the notice of appeal must be filed. Failure to file such a request may result in the appeal being submitted on the record.

(g) *Answer.* The officer whose decision is being appealed shall have 15 days from receipt of the notice of appeal within which to file his answer and any other pleadings.

(h) *Decisions on appeals.* The Administrator will review the record and take such action as the circumstances warrant. The Administrator may direct a hearing on the entire matter or specified portions thereof, may decide the appeal forthwith upon the record already made, or may make other disposition of the case. The Administrator may grant an opportunity for oral argument.

(i) *Effect of decision.* The decision of the Administrator shall be final for the Federal Energy Office.

(j) *Delegation of authority.* The Administrator may delegate his authority to consider and decide appeals and to conduct hearings to any official within the Federal Energy Office.

Subpart H—Judicial Review

§ 202.36 General.

A final decision of an appeal taken pursuant to Subpart G of this part shall be subject to judicial review in the manner prescribed by section 211 of the Economic Stabilization Act of 1970 as amended (12 U.S.C. 1904 (Note)).

[FR Doc.73-26587 Filed 12-12-73; 10:27 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 Regs., Amdt.]

PART 377—SHORT SUPPLY CONTROLS

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

Commodity Control List; Statement of Past Participation and Establishment of Monitoring System

In the matter of Revision of Commodity Control List to Require Validated Export Licenses for Petroleum and its Products; Submission of Statement of Past Participation; Monitoring System to be Established.

Purpose and effect. The critical energy shortage now facing the world economy has caused a strong demand for petroleum and petroleum products. In accordance with the program announced by the Federal Energy Office, our limited domestic energy resources are to be allocated among competing domestic users. In order to be successful, such a domestic allocation program must be accompanied by a coordinated program which regulates U.S. exports of the products subject to allocation. Otherwise, foreign demand from other nations suffering from the energy shortage will result in an excessive drain of materials which are already scarce in the United States and have, thereby, a serious inflationary impact on the domestic economy. Conversely, to impose a complete embargo on all further exports of such materials would be contrary to our foreign policy aims while not significantly increasing our domestic supply of energy and such action, particularly in the case of exports involving oil interchanges, could actually have an adverse impact on the total quantity and quality of petroleum available to domestic users. In light of the above considerations and in order to assure continued availability of our limited domestic supplies while preserving historic trade patterns, consultations will be held with representatives of industry and foreign governments to develop a licensing system for exports of petroleum and petroleum products during calendar year 1974.

The Commodity Control List is revised to require a validated license for export of any of the petroleum commodities listed below, effective 12:01 a.m. e.s.t. December 14, 1973, to all foreign destinations, including Canada. Generally, for commodities other than crude oils, licenses may be issued during the balance of 1973 on the basis of applications against accepted orders calling for shipment on or before January 15, 1974. Quantities so licensed may be charged against any allocation which the exporter receives for 1974. In order to be eligible

for shares of any quotas established for 1974, exporters must submit statements of past participation by the date indicated below. Exports of crude oils may be licensed during the balance of 1973 to the extent permissible under the provisions of section 28(u) of the Mineral Leasing Act of 1920, as amended by the Alaskan Pipeline Act of November 16, 1973 (Pub. L. 93-15). These provisions generally prohibit exports of domestic produced crude oil transported by pipeline over Federal rights-of-way except to the extent that such exports would not diminish the total quantity or quality of petroleum available to the United States. Licenses granted under the rules announced herein will be valid for a period of thirty days from the date of issuance.

Accordingly, the Export Administration Regulations (15 CFR Part 377) are amended by adding a new § 377.6 and adding new material to Supplement No. 1 to Part 377 to read as follows:

§ 377.6 Petroleum and petroleum products.

(a) *Statement of past participation.* In order to receive shares of the quotas for the petroleum commodities (other than crude oils) listed in Supplement No. 1 to this Part, an exporter must submit a statement of past participation on Form DIB-669P to the Office of Export Administration (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230. The statement to be eligible for consideration must be either—(1) mailed to the above address by special delivery certified mail, bearing a postmark by the U.S. Postal Service which is prior to December 22, 1973, or (2) hand delivered (with a receipt being retained) to the Office of Export Administration Room 1613, Main Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230, no later than December 27, 1973. Such statement shall indicate (separately for each foreign country of destination) the quantities (in the units specified in Schedule No. 1) of each petroleum commodity by Schedule B number, which the exporter exported to each such country during each calendar month of 1971, 1972 and the first six months of 1973. Such statement must be signed by an authorized representative of the exporter. The statement will be treated as confidential information under section 7(c) of the Export Administration Act of 1969, as amended. A separate Form DIB-669P shall be submitted for each of the petroleum commodity Schedule B classifications for which the exporter is seeking a quota share. For purposes of the statement, a party normally shall be considered to have been the exporter with respect to those shipments during the base period for which such party was named as the exporter on the Shipper's

Export Declaration (Commerce Form 7525-V) filed in accordance with Part 386 of this Chapter.

(b) *Licenses for 1973 export.* The Office of Export Administration will consider applications for validated licenses during 1973 which are submitted to the Office of Export Administration (Attention: 546) U.S. Department of Commerce, Washington, D.C. 20230, if accompanied by:

(1) A photocopy or certified copy of the contract of sale for export to a foreign buyer calling for shipment on or before January 15, 1974;

(2) A sworn affidavit by the applicant as to the amount previously exported against each such contract, if any; and

(3) In the case of applications to export crude oils, an affidavit, signed by an authorized representative of the exporter, which demonstrates to the satisfaction of the Office of Export Administration that such export will not diminish the total quantity or quality of petroleum available to the United States or that unique hardship grounds exist.

(c) [Reserved]

SUPPLEMENT NO. 1—COMMODITIES SUBJECT TO SHORT SUPPLY QUOTA CONTROLS

PETROLEUM AND PETROLEUM PRODUCTS

<i>Schedule B Number</i>	<i>Commodity Description</i>
331.0100..	Crude petroleum.
331.0200..	Petroleum partly refined for further refining.
332.1010..	Aviation gasoline, 100 octane and over.
332.1020..	Aviation gasoline, less than 100 octane.
332.1030..	Gasoline, n.e.c.
332.1050..	Gasoline blending agents, hydrocarbon compounds only, n.e.c.
332.2010..	Kerosene, except kerosene-type jet fuel.
332.2020..	Jet fuel.
332.3000..	Distillate fuel oils.
332.4000..	Residual fuel oils.
341.1025..	Butane.
341.1030..	Propane.
311.1040..	Natural gas liquids, including LPG, n.e.c.

Shipping Tolerance: 10%.

REVISION OF COMMODITY CONTROL LIST TO REQUIRE VALIDATED EXPORT LICENSES FOR PETROLEUM AND ITS PRODUCTS

A. *Revision.* The Commodity Control List is revised effective 12:01 a.m., e.s.t., December 14, 1973, to require a validated license for export of any of the petroleum commodities listed below to all foreign destinations. However, shipments not exceeding the GLV dollar value limit of \$250.00 for each Commodity Control List entry may be made under the provisions of General License GLV.

Accordingly, § 399.1 of the Export Administration Regulations is amended to read as follows:

§ 399.1 Commodity control list; incorporation by reference.

U.S. Department of Commerce export control commodity number and commodity description	Unit	Processing No.	Validated License Required for Country Group Shown below	Schedule B Number	Commodity Description
3(7b)B Petroleum, crude or partly refined, including shale oil and topped crudes.	Bbl.	252	QSTVWYZ and Canada.	331.0100---	crude petroleum.
3(7c)B Gasoline (except jet fuel), including aviation and natural gasoline, and gasoline blending agents, n.e.c.	Bbl.	252	QSTVWYZ and Canada.	331.0200---	petroleum partly refined for further refining.
3(7d)B Kerosene, except kerosene-type jet fuel.	Bbl.	252	QSTVWYZ and Canada.	332.1010---	aviation gasoline, 100 octane and over.
3(7e)B Jet fuel.	Bbl.	252	QSTVWYZ and Canada.	332.1020---	aviation gasoline, less than 100 octane.
3(7f)B Distillate fuel oils.	Bbl.	252	QSTVWYZ and Canada.	332.1030---	gasoline, NEC, including natural gasoline.
3(7g)B Residual fuel oils.	Bbl.	252	QSTVWYZ and Canada.	332.1040---	gasoline blending agents, hydrocarbon compounds only, NEC.
3(7h)B Butane.	Bbl.	252	QSTVWYZ and Canada.	332.2010---	kerosene, except kerosene-type jet fuel.
3(7i)B Propane.	Bbl.	252	QSTVWYZ and Canada.	332.2020---	jet fuel.
3(7j)B Natural gas liquids, except liquefied natural gas (L.N.G.), n.e.c., including liquefied petroleum gas (L.P.G.).	Bbl.	252	QSTVWYZ and Canada.	332.3000---	distillate fuel oils.
				332.4000---	residual fuel oils.
				332.5005---	aviation engine lubricating oil, except jet engine lubricating oil.
				332.5010---	jet engine lubricating oil.
				332.5015---	automotive, diesel and marine engine lubrication oil.
				332.5020---	turbine lubricating oil including marine.
				332.5025---	automotive gear oils.
				332.5030---	red and pale oils.
				332.5035---	bright stock.
				332.5040---	black oils.
				332.5045---	steam cylinder oils.
				332.5050---	lubricating oils, NEC.
				332.5055---	lubricating greases.
				332.6100---	petroleum jelly, petrolatum.
				332.6210---	microcrystalline wax.
				332.6220---	paraffin wax, crystalline, fully refined.
				332.6230---	paraffin wax, crystalline, except fully refined.
				332.9110---	naphtha, mineral spirits, solvents and other finished light petroleum products, NEC.
				332.9120---	insulating or transformer oils.
				332.9130---	quenching and cutting oils.
				332.9140---	white mineral oils.
				332.9150---	other non-lubricating and non-fuel petroleum oils, NEC.
				332.9220---	pitch, from petroleum refining.
				332.9300---	pitch coke.
				332.9410---	petroleum coke, calcined.
				332.9420---	petroleum coke, except calcined.
				332.9510---	petroleum asphalt.
				332.9520---	petroleum and shale oil residues, NEC.
				332.9610---	paving mixtures, bituminous, based on asphalt and petroleum.
				332.9620---	asphalt and tar coatings, cements, and pitches.
				341.1025---	butane.
				341.1030---	propane.
				341.1040---	natural gas liquids, including LPG, NEC.

(b) *Saving clause.* Shipment of petroleum and petroleum products removed from general license as a result of the revisions in the Commodity Control List as set forth in A, above, for which loading aboard an exporting vessel had actually commenced as of 12:01 a.m., e.s.t., December 14, 1973, may be exported under the previous general license provisions. Any other shipment not actually exported prior to the time set forth above, will require a validated export license.

(1) Validated licenses for export shipment of crude oils (Schedule B Numbers 331.0100 and 331.0200) will be issued only upon a showing that the export will not affect the total quantity or quality of petroleum available to domestic users, or on special hardship grounds.

(2) Validated licenses against accepted orders calling for export shipment of the listed petroleum commodities (other than crude oils) prior to January 1, 1974, will be issued, upon verification of each application and supporting documentation, for the unfilled balance of each contract.

The first quarter 1974 export quotas for commodities other than crude oils, will be announced shortly in a subsequent document.

SUBMISSION OF STATEMENT OF PAST PARTICIPATION

In order to receive shares of the quotas to be established for export of petroleum commodities (other than crude oils) after December 31, 1973, an exporter must submit a statement on Form DIB-669P to the Office of Export Administration (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230. The statement must be hand delivered to such Office no later than

December 27, 1973 or submitted as otherwise provided in § 377.6(a).¹ Such statement shall indicate (separately for each foreign country) the quantities of each separate petroleum commodity (other than crude oils) listed in Schedule No. 1 to Part 377 (as revised below) which the exporter exported to each such country during each calendar month of 1971, 1972 and the first six months of 1973.

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

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

MONITORING SYSTEM TO BE ESTABLISHED

A monitoring system under which exporters shall be required to report actual exports and unfilled or partially filled orders for export of the following petroleum commodities shall be announced shortly in a subsequent document:

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

Effective date of action. December 12, 1973.

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

[FR Doc.73-26667 Filed 12-12-73; 4:58 pm]