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PART I

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

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REMINDERS

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

Rules Going Into Effect Today

This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

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Title 3—The President

PROCLAMATION 4239

National Highway Week, 1973

By the President of the United States of America

A Proclamation

Since the United States was established, nearly two centuries ago, highways have been our Nation's lifelines.

In our early days, the roads—crude as they were—enabled our Nation to expand until the Atlantic was linked to the Pacific. Roads symbolized the adventurous spirit of our ancestors as wagon trains rolled ever westward into new sections of our country.

And as the highway system expanded, so, too, did our Nation's economy.

Today, highways are a vital connecting link in America's balanced transportation system. They are essential to the achievement of our economic and social goals. And they continue to manifest the American spirit of independence, enabling us to come and go when and where we please.

At the same time, highway transportation poses new challenges today that can be met only by determined and imaginative effort.

We must work to enhance the efficiency of all transportation so that we can better conserve our fuel supplies and reduce urban congestion. I urge all Americans to join in this effort, to make use of public transportation and carpools wherever possible, and to otherwise save motor fuel.

We must harmonize highway transportation with our environment so that we can more fully enjoy the blessings of nature and the works of man.

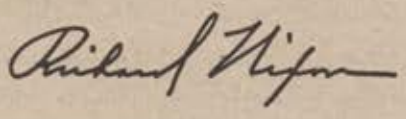
All of us must do our very best to prevent highway accidents, reducing the unacceptable price we pay each day in death and suffering on our roadways.

The Federal-Aid Highway Act of 1973, which I recently signed into law, will provide a major tool in meeting these challenges by giving State and local officials a broader range of alternative solutions as they address their transportation requirements.

Only by meeting these challenges today can we continue to enjoy the full benefits of our highway system tomorrow.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week beginning September 23, 1973, as National Highway Week. I urge Federal, State, and local government officials, as well as highway industry and other organizations, to hold appropriate observances during that week, recognizing the benefits which highway transportation has provided for our country in the past and reflecting on how we can best continue to realize those benefits in the future.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of September, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninty-eighth.



[FR Doc.73-19028 Filed 9-4-73;2:44 pm]

PROCLAMATION 4240

United Nations Day, 1973

By the President of the United States of America

A Proclamation

Each year the peoples of the world celebrate October 24 as United Nations Day, recalling the date in 1945 when the United Nations Charter came into force. This is an appropriate occasion for people everywhere to renew their adherence to the Charter ideals of peace and human rights, and their determination to promote economic and social progress and a greater measure of justice and freedom for all.

This year the anniversary occurs at a time of dramatic change in world affairs. We sense the promise of a more peaceful world and the opportunity for new strides in international cooperation.

As the world climate improves, the prospects will grow for using the United Nations to alleviate political disputes and for broadening its constructive activity in the social, economic and technological fields.

In some areas, international cooperation is already a longstanding tradition—moving the international mails, regulating international communications and transportation, preventing the worldwide spread of disease, developing international standards of practice in labor, and many others.

More recently, the United Nations and other international agencies have begun to work in other areas—devising safeguards, for example, for the production of nuclear energy and rules concerning man's use of outer space; extending the rule of law over the exploitation of the oceans; protecting the environment; protecting the rights of refugees and prisoners of war; and inhibiting the international traffic in narcotic drugs. Efforts are also underway to cope with the problems of population growth and with the hijacking of aircraft and other forms of international terrorism.

In the years ahead the growing interdependence of nations will inevitably require international institutions to be even more effective in dealing with this new agenda. We need to create new arrangements to control new technologies for the common good. We must bridge the interests of rich and poor countries on matters of trade and aid. We must facilitate the exchange of technical and scientific knowledge and encourage modes of cooperative behavior which will permit nations to live together in concord.

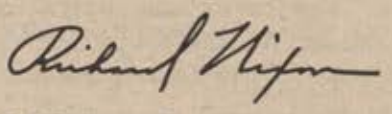
Within this framework I hope all Americans will continue to appreciate and analyze, soberly and realistically, the benefits they and all peoples gain from international cooperation—within the United Nations and other institutions—to meet the challenges of the modern world.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Wednesday, October 24,

1973, as United Nations Day. I urge the citizens of this Nation to observe that day with community programs which will promote understanding and support for the United Nations and its affiliated agencies.

I have appointed Donald S. MacNaughton to be United States National Chairman for United Nations Day and, through him, I call upon State and local officials to encourage citizens' groups and agencies of communication—press, radio, television, and motion pictures—to engage in appropriate observances of United Nations Day in cooperation with the United Nations Association of the United States of America and other interested organizations.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of September, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred and ninety-eighth.



[FR Doc.73-19029 Filed 9-4-73;2:44 pm]

Rules and Regulations

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

PART 400—DEFINITIONS

Miscellaneous Amendments

Section 400.1(a) is amended by inserting the following definitions alphabetically:

§ 400.1 **Definitions.**

(a) * * *

Directly associated cost.—Any cost which is generated solely as a result of the incurrence of another cost, and which would not have been incurred had the other cost not been incurred.

* * * * *

Expressly unallowable cost.—A particular item or type of cost which, under the express provisions of an applicable law, regulation, or contract, is specifically named and stated to be unallowable.

* * * * *

Unallowable cost.—Any cost which, under the provisions of any pertinent law, regulation, or contract, cannot be included in prices, cost reimbursements, or settlements under a Government contract to which it is allocable.

(84 Stat. 796, sec. 103; 50 U.S.C. App. 2168)

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.73-18680 Filed 9-5-73;8:45 am]

PART 405—ACCOUNTING FOR UNALLOWABLE COSTS

Negotiated National Defense Contracts

The Standard on Accounting for Unallowable Costs is one of a series being promulgated by the Cost Accounting Standards Board pursuant to section 719 of the Defense Production Act of 1950, as amended, Pub. L. 91-379, 50 U.S.C. app. 2168, which provides for the development of Cost Accounting Standards to be used in connection with negotiated national defense contracts.

Work preliminary to the development of this Standard was started as a result of recognition of the continuing problem concerning the accounting treatment of unallowable contract costs. There has been a lack of uniformity or comparability in the cost accounting treatment accorded unallowable costs after specific determination of their unallowability. There have also been reported problems concerning the content of indirect-cost allocation bases where unallowable costs are involved. Further, there have been instances reported of inclusion of unallowable costs in the base for progress payment billings.

There is no present requirement in agency regulations for contractor identification of unallowable costs. As a result, reports prepared by Government auditors contain frequent references to costs which are known to be unallowable but disclosed only through an audit. The Board has concluded that the identification of costs determined to be unallowable should be the subject of a Cost Accounting Standard.

This Standard requires the identification of specific costs at the time such costs first become defined or authoritatively designated as unallowable. The Standard also establishes guidelines for the cost accounting treatment to be accorded such identified costs. The Board believes that application of this Standard will provide a greater degree of uniformity in the determination of costs of negotiated defense contracts.

Early research on this Standard included a review of available literature on the subject, a review of the decisions of contract appeals boards and courts, and meetings with contractors and other organizations and individuals concerning their operations and philosophy relative to the treatment of unallowable costs.

This research led to the publication of a proposed Cost Accounting Standard in the FEDERAL REGISTER of March 30, 1973, with an invitation for interested parties to submit written data, views, and comments to the Board. To assure that those who had already expressed interest in the proposed Standard had an opportunity to comment, the Board supplemented the FEDERAL REGISTER notice by sending copies of the published material directly to several hundred organizations and individuals.

Responses were received from 67 sources, consisting of individual companies, Government agencies, professional associations, industry associations, public accounting firms and others. All of these comments have been carefully considered by the Board. Those comments which are of particular significance are discussed below, together with an explanation of the changes made to the proposed Standard published in the FEDERAL REGISTER of March 30, 1973.

Government commentators generally regarded a requirement for identification of unallowable costs as being reasonable and desirable as long as it recognized that there is room for agency judgment relative to the allowability of individual cost elements. The reaction from industry sources was generally in opposition to a Standard on this subject. The reaction from other commentators was mixed. The Board notes that in the comments by industry representatives are a significant number of admissions that at least some unallowable costs can be identified clearly in advance and, in fact, are so identified by many contractors.

The Board has greatly benefited from the many comments it received on the Standard as published in the FEDERAL REGISTER of March 30, 1973. The Board take this opportunity to express its appreciation for the suggestions it has received, and for the time devoted to assisting the Board in this endeavor by the many companies and individuals involved.

1. *General—Need for a Standard.*—Those who took specific exception to the need for or propriety of a Standard raised a number of issues. Following is a summary and discussion of each of the major issues raised:

(a) *Existing procurement regulations and procedures are adequate to resolve what is essentially an administrative issue, and are more appropriately relied upon for accomplishing the stated purposes of the Standard.*

The Board does not agree with this argument. Although the regulations of procurement agencies deal extensively with the definition of those items of cost which are not to be accepted as allowable under Government contracts, they do not require contractor identification of unallowable costs and provide only minimal guidance as to the cost accounting treatment to be accorded such costs.

The Board notes that the idea of "unallowable costs" is a concept not generally applied in commercial cost accounting, and that it apparently has no direct relevance to the process of allocating costs incurred to final cost objectives. The Board's function is to promulgate Cost Accounting Standards to "be used by all relevant Federal agencies and by defense contractors and subcontractors in estimating, accumulating, and reporting costs in connection with the pricing, administration and settlement of all negotiated prime contract and subcontract national defense procurements with the United States in excess of $100,000." The identification and measurement of unallowable costs are directly relevant to this function. In the performance of its assigned responsibility, therefore, the Board finds that a Standard establishing

a concept of unallowable costs and providing for the identification, measurement, and reporting of such costs will be useful and desirable.

The Board believes that recognition of the cost accounting concept that all costs incurred in carrying on the activities of an enterprise are allocable to the cost objectives of the enterprise is essential to the maintenance of sound and consistent contract cost accounting. This is particularly significant in providing for consistent policies governing allocations of indirect costs, as discussed in greater detail in connection with the issue of indirect-cost allocation bases. It is also important in connection with the profit determinations of the Renegotiation Board, where it is necessary to determine the total costs properly allocable to renegotiable contracts. Cost Accounting Standards should result in determination of costs which are allocable to contracts and other cost objectives. The use of Cost Accounting Standards, however, has no direct bearing on allowability determinations.

(b) *The published proposal constitutes an inflexible procedural requirement rather than a cost accounting standard; it deals with minutiae and will necessitate considerable additional accounting effort and record keeping.*

The Standard does not specify or require any specific type or detail of record keeping. The Board does not believe that a requirement for contractor identification of costs known to be unallowable, or which have clearly been designated as unallowable, represents an undue burden. It is reinforced in this belief by the fact, as stated in several of the comments received and as further shown by the Board's research, that many contractors already provide this identification, and often with a greater detail of recorded cost segregation than is required by the Standard. Revised wording has been provided to make clear the Board's intent to require only such detail and depth of cost allocation and record keeping as is necessary to provide appropriate cost visibility. Provisions for accounting recognition of unallowable costs are considered appropriate for a Standard.

The Board does not agree that this Standard deals with minutiae. A significant amount of the time of both Government and contractor personnel is spent in identifying contract costs and in negotiating their allowability. The cumulative impact of unallowable costs can significantly affect contract cost reimbursement and pricing. For example, in fiscal year 1973, the Department of Defense disallowed costs exceeding $200 million. The Board believes that a Standard which will foster earlier and more precise identification of unallowable costs, and thereby narrow the areas of cost search, disagreement and negotiation of differences, will be beneficial.

(c) *A Standard requiring specific identification of unallowable costs will only lead to added controversy and impair the freedom of contracting parties to negotiate equitable treatment of costs.*

This issue is closely related to the first issue discussed above, but is addressed to the problems and interpretative differences involved in the classification of costs as allowable or unallowable.

The Board acknowledges that there may seldom be full agreement between the parties to a contract as to all of the specific items of costs which are unallowable under pertinent laws, regulations and contractual provisions, and that negotiation must, therefore, be resorted to as a practical means of resolving differences. The Standard does not contemplate interference with such negotiations. However, by requiring consistent cost accounting recognition and appropriate accounting treatment of costs agreed to be unallowable, or which are authoritatively designated as unallowable, the Standard should encourage more definitive negotiated agreements. More specificity in agreements should help to limit the areas of future negotiation or dispute to those where there is a rational basis for disagreement.

2. *Directly Associated Costs.*—The published version of the proposed Standard defined a directly associated cost as, "Any cost which is generated solely as a result of the incurrence of another cost and which would not have been incurred had the other cost not been incurred." It then provided, in effect, that directly associated costs of identified unallowable costs should be included with the unallowable costs with which they associated, and be accorded similar cost accounting treatment. These provisions of the Standard, which were intended solely to cover costs which were incremental with respect to identified unallowable costs, drew comment from disparate sources. Those who disagreed with any attribution of nonallowability to costs which were not unallowable by nature but merely by association were opposed to the directly associated cost concept. Also, some of those favoring such attribution, while not opposed to the concept, interpreted the Standard as encroaching upon, or narrowing the application of, existing regulatory provisions governing cost disallowances, and expressed disagreement with the proposed coverage on this basis. After careful consideration of the comments on this issue, the Board has concluded that coverage in the Standard of directly associated costs is appropriate and necessary.

The Board notes that various regulatory provisions use such nondefinitive terms as "corollary administrative costs," "related collection costs," "related legal costs," "incidental costs relating thereto," "other related costs," etc., in describing unallowable costs. In such cases, the Board considers that the identification and measurement of costs covered by these broadly worded provisions is a function of cost accounting, and therefore appropriate for coverage in this Cost Accounting Standard as directly associated costs.

In light of the above considerations, the Board has retained coverage of directly associated costs. The Board, however, recognizes that treatment of a cost as an unallowable directly associated cost in certain circumstances could result in double counting with respect to a class or category of costs included in an indirect-cost pool that will be allocated over a base containing the designated unallowable cost with which the cost in question is associated. In such circumstances, the Standard requires that the cost shall not be classified as a directly associated cost, but rather shall be retained in the indirect-cost pool and allocated through the regular allocation process.

3. *Expressly Unallowable Costs.*—The requirement in the proposed Standard for contractor identification of "costs which are patently unallowable" gave rise to expressions of concern on the part of a number of respondents. These ranged from allegations of general impracticability of compliance to apprehensions that the lack of a clear definition would lead to overzealous implementation by auditors and contracting officers and to increased controversy.

Various alternative suggestions were made by commentators. One such suggestion was that identification be required only when there is mutual agreement on unallowable costs by the parties to a contract. This, however, would be likely to minimize one of the benefits of the Standard; namely, the reduction of the time and effort spent in audit and negotiation covering costs whose nonallowability is obvious. Also, items requiring agreement are covered by other provisions of the Standard.

A second suggestion made by respondents was that this requirement be made applicable only to costs which the contractor considers or determines to be "patently" unallowable. This suggestion, however, is subject to the obvious criticism that any requirement that would provide the party subject thereto with absolute freedom of choice as to what constitutes compliance would be of dubious effectiveness. The Standard, of course, clearly provides for the contractor to be the party having the primary responsibility for making the initial determination as to what costs incurred by him are obviously unallowable.

A third suggestion offered by respondents was that the Standard provide a definition, or examples, covering the costs which are considered to be "patently" unallowable. The Board felt that this suggestion had merit. Because of apparent confusion as to the usage of the term "patently," the Board has substituted the word "expressly" in the Standard, and has included a definition of "expressly unallowable cost." Most of the items of cost that are of the type required to be accounted for as expressly unallowable are specified in agency procurement regulations (e.g., ASPR 15-205). It would not be practical to list

the items of cost that may be made expressly unallowable under the specific provisions of contracts. The Board, in its definition of an "expressly unallowable cost," has used the word "expressly" in the broad dictionary sense—that which is in direct or unmistakable terms.

With regard to the stated concern about overzealous implementation by auditors and contracting officers, the Board has previously stated that the administration of its rules, regulations, and Cost Accounting Standards should be reasonable. The Board anticipates that this rule of reason be applied in the implementation of this Standard. Thus, where a good faith effort has been made by a contractor, in the development and implementation of his cost accounting rules, procedures, and practices, to provide for identification of expressly unallowable costs, it is intended that inadvertent failure to properly classify a particular item of cost will not be regarded as noncompliance.

The Board has retained the requirement for contractor identification of costs which are unequivocally made unallowable by the express provisions of an applicable law, regulation or contract. The Standard, however, has been revised to make clearer the accounting distinction between costs which are either expressly unallowable or mutually agreed to be unallowable and costs which are designated as unallowable by the unilateral exercise of a contracting officer's authority under contract disputes procedures. Solely for the purposes of this distinction, the provision in the revised Standard setting forth the identification requirement for expressly unallowable and mutually agreed unallowable costs also specifies that these are costs which shall be excluded from Government-contract billings, claims, or proposals.

4. *Indirect-cost allocation bases.*—By far the largest number of comments were addressed to the requirement in paragraph (c) of § 405.40 of the proposed Standard, that unallowable costs shall be subject to the same cost accounting requirements as allowable costs in determining the content of cost-oriented bases for allocation of indirect costs. This is an issue which appears to have produced an almost complete polarization of the viewpoints of Government representatives and of the parties with whom they contract.

Current agency regulations (e.g., ASPR 15-203(c)) provide, in essence, that indirect-cost allocation bases should not be fragmented for purposes of removing individual elements therefrom. They therefore provide that unallowable costs in an allocation base shall "bear" their pro rata share of the indirect costs in the pool being distributed. The wording of these regulatory provisions has commonly been interpreted as meaning that the indirect costs shall assume the allowability status of the costs in the allocation base. Comments on this regulatory requirement, therefore, have centered on the issue of making otherwise allowable costs unallowable, rather than on the broader accounting principles that should govern cost allocation.

As previously indicated, the Board believes that the issues concerning cost allocation and those relating to cost allowance are distinct and separate. Allowability should not be a factor in the selection or in the determination of the content of an allocation base used to distribute a pool of indirect costs. The appropriateness of a particular allocation base should be determined primarily in terms of its distributive characteristics. Any selective fragmentation of that base which eliminates given base elements for only some of the relevant cost objectives would produce a distortion in the resulting allocations. The Board, therefore, is retaining the requirement that unallowable costs be subject to the same cost accounting principles as those governing allowable costs.

Where an item, activity, or function has been deemed unallowable by other relevant authority, the Board in this Standard has approached the determination of the costs related to the unallowable item, activity, or function in three stages (a) Its direct cost, (b) its directly associated cost, and (c) the indirect costs allocable by means of a base containing such costs. This has been done because, while there is usually no question that the relevant authority intended that the direct cost (a) be disallowed, there may be questions as to whether costs (b) and (c), otherwise allowable, were intended to be disallowed. The latter two costs are, therefore, required to be separately identified and measured so that their allowability can be resolved through the procurement process.

In concluding that indirect-cost allocation bases should not be fragmented solely for purposes of removing unallowable base elements, the Board is not implying that the elimination of all or part of a base element for other purposes is always inappropriate and inconsistent with sound cost accounting.

5. *Contracting Officer decision.*—Many respondents questioned the requirement, in paragraph 405.40(a) of the proposed Standard, for identifying as unallowable those costs "designated as unallowable as a result * * * of * * * a final decision of the contracting officer issued pursuant to contract disputes procedures." Concern was expressed that this gave too much standing to the unilateral administrative decision of the contracting officer, and did not recognize contractors' right of appeal to the boards of contract appeals and the courts.

The Board recognizes that legitimate disagreements over allowability often are not finally resolved by contracting officers' decisions. The Board notes, however, that the Standard distinguishes between costs which are "expressly unallowable" and costs which are "designated as unallowable." To further the distinction, and to remove a possible source of misinterpretation, the words "final decision" have been changed to "written decision," to conform to wording in agency regulations governing disputes procedures. The Board believes that, although the written decisions of contracting officers pursuant to formal disputes clause procedures are subject to appeal and possible reversal, they nevertheless constitute authoritative designations, and represent the culmination of a process of audit and negotiation. Furthermore, they are binding on the parties to a contract until and unless changed on appeal. The Board, therefore, considers that any definitive designations of unallowable costs which are provided in the contracting officers' written decisions warrant identification, and it has retained this requirement.

A further objection was raised by some commentators to the requirement, in paragraph (a) of 405.50 of the published proposal, for future recognition of costs identified as unallowable, or of other costs incurred for the same purpose in like circumstances. The observation was made that future circumstances might warrant different conclusions as to allowability.

The Board recognizes that identical costs may be unallowable under one set of circumstances, but nevertheless be determined to be allowable under different conditions, or as a result of changed criteria. The Board, however, believes that specific designations of the allowability status of particular classes or categories of cost should be given consideration in the evaluations of any like costs which are governed by the same allowability criteria and which are incurred for the same purpose in like circumstances. The provisions in the Standard which reflect this viewpoint have been clarified.

The Board notes that the identification of costs covered by an adverse contracting officer decision will not prevent a contractor from continuing to claim such costs, where disagreement as to allowability continues. It serves merely to identify the costs for special consideration, thereby helping to assure adequate reevaluations, and to promote resolution of the issues involved in the disagreement. Reversal of the contracting officer's decision by a final appeals board or court ruling would, of course, relieve the contractor of any identification requirement under the Standard covering the costs involved in the ruling.

6. *Accountability for unallowable costs.*—A number of comments were received concerning what some writers interpreted as an unnecessary and improper requirement for detailed accountability covering costs which are absorbed by the contractor and therefore should not be of any legitimate concern to the customer. The Board does not intend requiring cost identification or cost allocation which is not relevant to the determination of Government contract cost. The Standard requires identification of unallowable costs only to the extent needed for audit verification of the costs which are included in, or which provide backup support for, proposals, billings, or claims. Appropriate revisions have been made in the Standard.

7. *Colleges and universities.*—A number of comments were received from university officials expressing concern that, because colleges and universities contracting with the Government are subject to a different set of contract cost reimbursement principles than commercial organizations, and operate in a different accounting environment, the proposed Standard might present implementation problems if applied to these institutions. These comments have been carefully considered, and supplementary discussions have been held with some of the officials concerned.

On the basis of its analysis of the practices described by commentators as having been deemed acceptable in the past, and of the underlying principles and contractual requirements, the Board believes that the Standard, as revised, can be applied to colleges and universities without any disruption of practices which are acceptable under applicable laws and regulations.

Particular concern was expressed over what was reported to be a common situation, where certain costs, such as faculty salaries, are excluded from contract costs even though such costs may directly pertain to work performance which is an intrinsic part of the contract project. The Board notes that specific identification with, or allocation to, individual contracts and other final cost objectives is not required for costs which will not be included in, nor constitute pertinent backup support for, any proposal, billing, or claim. The Standard requires only that sufficient identification be provided to enable verification of the allocability status of unallowable costs and the accounting treatment actually accorded such costs. The Board, therefore, does not believe that any special provision is required covering the situation described.

8. *Materiality.*—A number of comments were received suggesting that the question of materiality be given more consideration in the Standard. The recognition of the materiality problem in paragraph (f) of § 405.50 of the proposed Standard was endorsed, but concern was expressed that limiting application to circumstances where there was a "low incidence of negotiated Government contracts relative to other types of work" would render the provision ineffective.

Several instances of potential problem areas were mentioned. One of these concerned the situation where corporate headquarters' expenses are allocated to segments which are involved in a relatively insignificant volume of Government contract work. Another cited the case of a standard cost accounting system covering the manufacture of standard products which may incidentally be used as material or components in contract work. A third referred to the problem of determining "true" cost of an individual product in a joint-product, joint-cost production situation. Another problem area is that involving determination of the share of indirect expense to be assigned as costs of a proscribed organizational or functional activity.

The Board recognizes that accounting for unallowable costs (which are themselves often determined only through negotiation) is an area where the question of materiality should be given special consideration. In providing this consideration, many factors should be taken into account. These include not only the materiality of the total unallowable costs, but also the materiality of the refinements in determinations of unallowable costs which might be achieved through requiring detailed application of the Standard, as contrasted with negotiating the agreements authorized under the proposed paragraph (f) of § 405.50. The Board, accordingly, has revised the Standard to include an amended paragraph (c) which, "based upon considerations of materiality," permits agreements that will satisfy the purpose of the Standard. The Board believes that, in applying the materiality provision of the revised paragraph (c), consideration should be given to the criteria listed in the section titled "MATERIALITY" in the Board's March 1973 "Statement of Operating Policies, Procedures and Objectives."

9. *Improperly allocated costs.*—One commentator raised a question concerning the accounting treatment to be accorded costs which are disallowed because they are erroneously allocated to the contract under which they are claimed. The Board does not believe that the Standard needs to deal with accounting errors of this type. It is obvious that the accounting treatment to be accorded any item of cost should be determined by that cost's correct positioning in the cost accounting structure.

10. *Cost/benefit.*—Only limited comments were received on the subject of the implementation cost of the Standard, and several of these indicated only minimal impact. Of those claiming significant additional implementation expense, none provided any data as justification for the claim. The Board has concluded from its research that the Standard, as revised, constitutes a reasonable requirement, and that the costs of implementation will be minimal. The potential benefits to the audit and negotiation processes accruing from the increase in visibility and in uniformity of cost accounting treatment will be substantial and will greatly outweigh any added costs.

11. *Effective date and application.*—With respect to the date that this Standard becomes effective, it is anticipated that its provisions will be applicable to all solicitations issued on or after January 1, 1974, which are likely to lead to contracts covered by Standards, rules, and regulations of the Cost Accounting Standards Board.

There is also being published today an amendment to Part 400, Definitions, to incorporate in that part the words and phrases defined in § 405.30 of the Standard.

Sec.
405.10 General applicability.
405.20 Purpose.
405.30 Definitions.
405.40 Fundamental requirement.
405.50 Techniques for application.
405.60 Illustrations.
405.70 Exemptions.

AUTHORITY: The provisions of this Part 405 are issued under 84 Stat. 796, Sec. 103 (50 U.S.C. App. 2168).

§ 405.10 General applicability.

This Standard shall be used by defense contractors and subcontractors under Federal contracts entered into after the effective date hereof, and by all relevant Federal agencies, in estimating, accumulating, and reporting costs in connection with the pricing, administration, and settlement of all negotiated prime contract and subcontract national defense procurements with the United States in excess of $100,000, other than contracts or subcontracts where the price negotiated is based on (a) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation.

§ 405.20 Purpose.

(a) The purpose of this Cost Accounting Standard is to facilitate the negotiation, audit, administration and settlement of contracts by establishing guidelines covering: (1) Identification of costs specifically described as unallowable, at the time such costs first become defined or authoritatively designated as unallowable; and (2) the cost accounting treatment to be accorded such identified unallowable costs in order to promote the consistent application of sound cost accounting principles covering all incurred costs. The Standard is predicated on the proposition that costs incurred in carrying on the activities of an enterprise—regardless of the allowability of such costs under Government contracts—are allocable to the cost objectives with which they are identified on the basis of their beneficial or causal relationships.

(b) This Standard does not govern the allowability of costs. This is a function of the appropriate procurement or reviewing authority.

§ 405.30 Definitions.

(a) The following definitions of terms which are prominent in this Standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this Standard and are defined in Part 400 of this chapter have the meanings ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section:

(1) *Directly associated cost.*—Any cost which is generated solely as a result of the incurrence of another cost, and which would not have been incurred had the other cost not been incurred.

(2) *Expressly unallowable cost.*—A particular item or type of cost which, under the express provisions of an ap-

plicable law, regulation, or contract, is specifically named and stated to be unallowable.

(3) *Indirect cost.*—Any cost not directly identified with a single final cost objective, but identified with two or more final cost objectives or with at least one intermediate cost objective.

(4) *Unallowable cost.* — Any cost which, under the provisions of any pertinent law, regulation, or contract, cannot be included in prices, cost reimbursements, or settlements under a Government contract to which it is allocable.

(b) The following modifications of definitions set forth is Part 400 of this chapter are applicable to this Standard: None.

§ 405.40 Fundamental requirement.

(a) Costs expressly unallowable or mutually agreed to be unallowable, including costs mutually agreed to be unallowable directly associated costs, shall be identified and excluded from any billing, claim, or proposal applicable to a Government contract.

(b) Costs which specifically become designated as unallowable as a result of a written decision furnished by a contracting officer pursuant to contract disputes procedures shall be identified if included in or used in the computation of any billing, claim, or proposal applicable to a Government contract. This identification requirement applies also to any costs incurred for the same purpose under like circumstances as the costs specifically identified as unallowable under either this paragraph or paragraph (a) above.

(c) Costs which, in a contracting officer's written decision furnished pursuant to contract disputes procedures, are designated as unallowable directly associated costs of unallowable costs covered by either (a) or (b) above shall be accorded the identification required by paragraph (b) above.

(d) The costs of any work project not contractually authorized, whether or not related to performance of a proposed or existing contract, shall be accounted for, to the extent appropriate, in a manner which permits ready separation from the costs of authorized work projects.

(e) All unallowable costs covered by paragraphs (a) through (d) above shall be subject to the same cost accounting principles governing cost allocability as allowable costs. In circumstances where these unallowable costs normally would be part of a regular indirect-cost allocation base or bases, they shall remain in such base or bases. Where a directly associated cost is part of a category of costs normally included in an indirect-cost pool that will be allocated over a base containing the unallowable cost with which it is associated, such a directly associated cost shall be retained in the indirect-cost pool and be allocated through the regular allocation process.

(f) Where the total of the allocable and otherwise allowable costs exceeds a limitation-of-cost or ceiling-price provision in a contract, full direct and indirect cost allocation shall be made to the contract cost objective, in accordance with established cost accounting practices and Standards which regularly govern a given entity's allocations to Government contract cost objectives. In any determination of unallowable cost overrun, the amount thereof shall be identified in terms of the excess of allowable costs over the ceiling amount, rather than through specific identification of particular cost items or cost elements.

§ 405.50 Techniques for application.

(a) The detail and depth of records required as backup support for proposals, billings, or claims shall be that which is adequate to establish and maintain visibility of identified unallowable costs (including directly associated costs), their accounting status in terms of their allocability to contract cost objectives, and the cost accounting treatment which has been accorded such costs. Adherence to this cost accounting principle does not require that allocation of unallowable costs to final cost objectives be made in the detailed cost accounting records. It does require that unallowable costs be given appropriate consideration in any cost accounting determinations governing the content of allocation bases used for distributing indirect costs to cost objectives. Unallowable costs involved in the determination of rates used for standard costs, or for indirect-cost bidding or billing, need be identified only at the time rates are proposed, established, revised, or adjusted.

(b) The visibility requirement of paragraph (a) above may be satisfied by any form of cost identification which is adequate for purposes of contract cost determination and verification. The Standard does not require such cost identification for purposes which are not relevant to the determination of Government contract cost. Thus, to provide visibility for incurred costs, acceptable alternative practices would include (1) the segregation of unallowable costs in separate accounts maintained for this purpose in the regular books of account, (2) the development and maintenance of separate accounting records or workpapers, or (3) the use of any less formal cost accounting techniques which establishes and maintains adequate cost identification to permit audit verification of the accounting recognition given unallowable costs. Contractors may satisfy the visibility requirements for estimated costs either (1) by designation and description (in backup data, workpapers, etc.) of the amounts and types of any unallowable costs which have specifically been identified and recognized in making the estimates, or (2) by description of any other estimating technique employed to provide appropriate recognition of any unallowable costs pertinent to the estimates.

(c) Specific identification of unallowable costs is not required in circumstances where, based upon considerations of materiality, the Government and the contractor reach agreement on an alternate method that satisfies the purpose of the Standard.

§ 405.60 Illustrations.

(a) An auditor recommends disallowance of certain direct labor and direct material costs, for which a billing has been submitted under a contract, on the basis that these particular costs were not required for performance and were not authorized by the contract. The contracting officer issues a written decision which supports the auditor's position that the questioned costs are unallowable. Following receipt of the contracting officer's decision, the contractor must clearly identify the disallowed direct labor and direct material costs in his accounting records and reports covering any subsequent submission which includes such costs. Also, if the contractor's base for allocation of any indirect cost pool relevant to the subject contract consists of direct labor, direct material, total prime cost, total cost input, etc., he must include the disallowed direct labor and material costs in his allocation base for such pool. Had the contracting officer's decision been against the auditor, the contractor would not, of course, have been required to account separately for the costs questioned by the auditor.

(b) A contractor incurs, and separately identifies, as a part of his manufacturing overhead, certain costs which are expressly unallowable under the existing and currently effective regulations. If manufacturing overhead is regularly a part of the contractor's base for allocation of general and administrative (G&A) or other indirect expenses, the contractor must allocate the G&A or other indirect expenses to contracts and other final cost objectives by means of a base which includes the identified unallowable manufacturing overhead costs.

(c) An auditor recommends disallowance of the total direct indirect costs attributable to an organizational planning activity. The contractor claims that the total of these activity costs are allowable under the Armed Services Procurement Regulation as "Economic Planning Costs" (ASPR 15-205.47); the auditor contends that they constitute "Organization Costs" (ASPR 15-205.23) and therefore are unallowable. The issue is referred to the contracting officer for resolution pursuant to the contract disputes clause. The contracting officer issues a written decision supporting the auditor's position that the total costs questioned are unallowable under the Regulation. Following receipt of the contracting officer's decision, the contractor must identify the disallowed costs and specific other costs incurred for the same purpose in like circumstances in any subsequent estimating, cost accumulation or reporting for Government contracts, in which such costs are included. If the contracting officer's decision had supported the contractor's contention, the costs questioned by the auditor would have been allowable "Economic Planning Costs," and the contractor would not have been required to provide special identification.

(d) A defense contractor was engaged in a program of expansion and diversification of corporate activities. This in-

volved internal corporate reorganization, as well as mergers and acquisitions. All costs of this activity were charged by the contractor as corporate or segment general and administrative (G&A) expense. In the contractor's proposals for final Segment G&A rates (including corporate home office allocations) to be applied in determining allowable costs of its defense contracts subject to section XV, Part 2, of the Armed Services Procurement Regulation, the contractor identified and excluded the expressly unallowable costs (as listed in ASPR 15-205.23) incurred for incorporation fees and for charges for special services of outside attorneys, accountants, promoters, and consultants. In addition, during the course of negotiation of interim bidding and billing G&A rates, the contractor agreed to classify as unallowable various in-house costs incurred for the expansion program, and various directly associated costs of the identifiable unallowable costs. On the basis of negotiations and agreements between the contractor and the contracting officers' authorized representatives, interim G&A rates were established, based on the net balance of allowable G&A costs. Application of the rates negotiated to proposals, and on an interim basis to billings, for covered contracts constitutes compliance with the Standard.

(e) An official of a company, whose salary, travel, and subsistence expenses are charged regularly as general and administrative (G&A) expenses, takes several business associates on what is clearly a business entertainment trip. The entertainment costs of such trips is expressly unallowable because it constitutes entertainment expense, and is separately identified by the contractor. The contractor does not regularly include his G&A expenses in any indirect-expense allocation base. In these circumstances, the official's travel and subsistence expenses would be directly associated costs for identification with the unallowable entertainment expense. However, unless this type of activity constituted a significant part of the official's regular duties and responsibilities on which his salary was based, no part of the official's salary would be required to be identified as a directly associated cost of the unallowable entertainment expense.

§ 405.70 Exemptions.

None for this Standard.

Effective date.—The effective date of this Standard is reserved.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.73-18679 Filed 9-5-73;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 73-1151]

PART 545—OPERATIONS

Additional Activities for Service Corporations

AUGUST 15, 1973.

The Federal Home Loan Bank Board, by Resolution No. 72-1555, dated December 26, 1972, proposed to amend § 545.9-1 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Part 545) for the purpose of preapproving certain new activities for service corporations. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on January 5, 1973 (37 FR 891-2), with an invitation for interested persons to submit written comments by January 31, 1973.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to adopt the proposed amendments with the changes discussed herein. The Board also considers it desirable to further amend § 545.9-1 in several other respects.

The amendments to § 545.9-1(a)(4) and (b)(2) which are adopted based upon the proposal in Resolution No. 72-1555 permit service corporations in which Federal savings and loan associations may invest to act as trustees under deeds of trust, escrow agents, and agents or brokers for title insurance companies. Such service corporations are also permitted to invest in one or more savings accounts of FSLIC-insured institutions owning stock in such service corporations. However, these amendments differ from the proposal in two respects. First, the proposal would have permitted such service corporations to act as trustees under deeds of trust, escrow agents and agents or brokers for title insurance companies only if these activities were either established as de novo organizations or acquired as going businesses for no consideration. On further consideration, the Board believes that these conditions are unnecessary and therefore rejects them. Second, the proposal would have permitted type "a" service corporations (that is, those which comply with the terms of § 545.9-1(a)) to own title insurance companies. The Board rejects this portion of the proposal because there appears to be no substantial interest in this activity.

In addition to adopting amendments based upon the above-mentioned proposal, the Board amends § 545.9-1 in several other respects. First, subdivision (i) of § 545.9-1 is revised to list thereunder in subdivisions (*a*) through (*d*) the types of loans which Federal association service corporations may originate, purchase, sell and service. This change requires appropriate renumbering of other subdivisions of § 545.9-1(a)(4). Second, under said subdivision (*a*), service corporations may make real estate loans secured by other than first liens. Before this amendment, real estate loans were required to be secured by first liens. Real estate loans may be made now on a prudent basis.

Third, subdivision (c) of § 545.9-1(a)(4)(i) permits Federal association service corporations to originate, purchase, sell and service "loans, with or without security, for the altering, repairing, improving, equipping or furnishing of any residential real estate".

Fourth, the introductory clause of § 545.9-1(a)(4), subdivision (xiii) (now subdivision (xii)) of § 545.9-1(a)(4) and § 545.9-1(b)(2) are amended to permit Federal associations to engage in any "preapproved" activity (that is, those activities specified in § 545.9-1(a)(4)) through a joint venture without prior Board approval. However, approval of the Board will continue to be required before any type "b-2" service corporation (generally, one which is wholly-owned by a Federal association; see § 545.9-1(b)(3)(ii)) performs any activity through a joint venture if a director, officer or controlling person of any savings and loan association owning any of the service corporation's stock has any direct or indirect beneficial interest in the joint venture. This is accomplished by adding a new subdivision (iii) to § 545.9-1(b)(3). Also, subdivision (x) of § 545.9-1(a)(4), which had provided preapproval for certain limited types of service corporation joint ventures, is revoked because it was not as broad in scope as the joint venture preapproval adopted herein.

Fifth, § 545.9-1(a)(4)(xiii) and (b)(2) are amended to state that the Board will not approve any additional service corporation activity on a case-by-case basis unless such activity is "reasonably related to the activities of Federal savings and loan associations". This amendment states the Board's past and present policy on this matter and is intended to reduce the number of applications filed by deterring those involving non-related activities which in any case would not be approved.

Accordingly, the Federal Home Loan Bank Board hereby amends said § 545.9-1 by revising paragraphs (a)(4) and (b)(2) thereof and by adding a new subdivision (iii) to paragraph (b)(3) thereof to read as set forth below, effective September 6, 1973.

Since all of these amendments to § 545.9-1 either were afforded public comment, relieve restriction or set forth existing Board policy, the Board hereby finds that notice and public procedure with respect to said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board likewise be unnecessary for the same reasons, the Board

hereby provides that said amendments shall become effective as hereinbefore set forth.

§ 545.9–1 Service corporations.

(a) *General service corporations.*—Subject to the provisions of this section, a Federal association which has a charter in the form of Charter N or Charter K (rev.) may invest in the capital stock, obligations, or other securities of any service corporation organized under the laws of the State, District, Commonwealth, territory, or possession in which the home office of such association is located if:

* * * * *

(4) Substantially all of the activities of such service corporation, performed directly or through one or more wholly-owned subsidiaries or joint ventures, consist of one or more of the following:

(i) Originating, purchasing, selling, and servicing any of the following:

(*a*) Loans, and participations in loans, on a prudent basis and secured by real estate, including brokerage and warehousing of such real estate loans;

(*b*) Loans, and participations in loans, secured by first liens upon mobile homes, including brokerage and warehousing of such mobile home loans;

(*c*) Loans, with or without security, for the altering, repairing, improving, equipping or furnishing of any residential real estate; and

(*d*) Educational loans;

(ii) Making any of the following kinds of investments:

(*a*) An investment of the types specified in § 545.9 or § 545.9–3; or

(*b*) An investment in a savings account or accounts in any insured institution (as defined in § 561.1 of this chapter) which is a stockholder in such service corporation, if such service corporation does not receive any consideration, other than interest at the current market rate, in connection with opening or maintaining any savings account in such insured institution;

(iii) Performing the following services, primarily for savings and loan associations with home offices in the same State, District, Commonwealth, territory, or possession:

(*a*) Clerical services, accounting, data processing, and internal auditing;

(*b*) Credit information, appraising, construction loan inspection, and abstracting;

(*c*) Development and administration of personnel benefit programs, including life insurance, health insurance, and pension or retirement plans;

(*d*) Research, studies, and surveys;

(*e*) Purchasing of office supplies, furniture, and equipment;

(*f*) Development and operation of storage facilities for microfilm or other duplicate records;

(*g*) Advertising and other services to procure and retain both savings accounts and loans;

(iv) Acquisition of unimproved real estate lots, and other unimproved real estate for the purpose of prompt development and subdivision, principally for construction of housing or for resale to others for such construction, or for use as mobile home sites;

(v) Development and subdivision of, and construction of improvements (including improvements to be used for commercial or community purposes, when incidental to a housing project) for sale or for rental on, real estate referred to in subdivision (iv) of this subparagraph;

(vi) Acquisition of improved residential real estate and mobile homes to be held for rental;

(vii) Acquisition of improved residential real estate for remodeling, rehabilitation, modernization, renovation, or demolition and rebuilding for sale or for rental;

(viii) Maintenance and management of rental real estate referred to in subdivisions (v), (vi), and (vii) of this subparagraph, and any real estate owned by holders of its capital stock;

(ix) Serving as insurance broker or agent, primarily dealing in policies for savings and loan associations, their borrowers and accountholders, which provide protection such as home owners', fire, theft, automobile, life, health, accident, and title but excluding private mortgage insurance;

(x) Serving in the capacity of trustee under deeds of trust or escrow agent;

(xi) Activities reasonably incidental to the activities described in the foregoing subdivisions of this subparagraph (4); and

(xii) Such other activities reasonably related to the activities of Federal savings and loan associations as the Board may approve on application therefor by any such service corporation or otherwise.

(b) *Other service corporations.*—In addition to investment in a service corporation which meets the requirements of paragraph (a) of this section, a Federal association which has a charter in the form of Charter N or Charter K (rev.) may invest in the capital stock, obligations, or other securities of any service corporation organized under the laws of the State, District, Commonwealth, territory, or possession in which the home office of the association is located if:

* * * * *

(2) The activities of such corporation, performed directly or through one or more wholly-owned subsidiaries or joint ventures, consist solely of one or more of the activities specified in subdivisions (i) through (xi) of paragraph (a) (4) of this section, and such other activities reasonably related to the activities of Federal savings and loan associations as the Board may approve upon application therefor by such corporation or otherwise; and

(3) The following limitations are complied with:

* * * * *

(iii) In the case of a service corporation of the type described in subdivision (ii) above, the approval of the Board is required before any activity of such service corporation is performed through one or more joint ventures if a director, officer or controlling person of any savings and loan association owning any of such service corporation's capital stock has a direct or indirect beneficial interest in the joint venture.

* * * * *

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

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73–18837 Filed 9–5–73;8:45 am]

[No. 73–1243]

PART 546—MERGER, DISSOLUTION, REORGANIZATION, AND CONVERSION

Mutual to Stock Conversions

AUGUST 27, 1973.

The third unnumbered paragraph of section 5(i) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464 (i)), among other things, authorizes Federal mutual savings and loan associations to convert to the stock form upon an equitable basis and subject to the approval by regulations or otherwise of the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation (the "Corporation" or "FSLIC"). This authority has been implemented by § 546.5 of the Board's rules and regulations for the Federal Savings and Loan System (12 CFR 546.5). Under Title IV of the National Housing Act, as amended (12 U.S.C. 1724 et seq.) the Board, as operating head of the Federal Savings and Loan Insurance Corporation, has authority to regulate any such conversion involving a State-chartered association whose accounts are insured by the Corporation. This authority has been implemented by § 563.22–1 of the rules and regulations for Insurance of Accounts (12 CFR 563.22–1), whose requirements are substantially similar to those of § 546.5.

Since December 5, 1963, the Board has maintained a moratorium on conversions of all FSLIC-insured institutions, both Federally chartered and State chartered, from the mutual to stock form. Hence, since that date §§ 546.5 and 563.22–1 have been without substantive effect. In addition, the Board has long been of the view that §§ 546.5 and 563.22–1 are totally inadequate to govern mutual to stock conversions and prescribe standards for such conversions, which, if generally followed, would produce seriously improper results. On January 3, 1973 the Board proposed to revoke §§ 546.5 and 563.22–1 and to adopt a new Part 563b of the rules and regulations for Insurance of Accounts, designed to govern mutual to stock conversions by both Federally chartered and State chartered FSLIC-insured associations. On March 9, 1973 the Board briefly extended the comment period on its January 3 proposals and

announced that the Board intended to issue revised proposed regulations.

On August 16, 1973, the President signed into law Pub. L. 93–100, section 4 of which added a new subsection (j) to section 402 of the National Housing Act, as amended (12 U.S.C. 1725). New subsection (j) provides as follows:

(j)(1) Except as provided in paragraph (2), until June 30, 1974, the Corporation shall not approve, under regulations adopted pursuant to this title or section 5 of the Home Owners' Loan Act of 1933, by order or otherwise, a conversion from the mutual to the stock form of organization involving or to involve an insured institution, including approval of any application for such conversion pending on the date of enactment of this subsection, except that this sentence shall not be deemed to limit now or hereafter the authority of the Corporation to approve conversions in supervisory cases. The Corporation may by rule, regulation, or otherwise and under such civil penalties (which shall be cumulative to any other remedies) as it may prescribe take whatever action it deems necessary or appropriate to implement or enforce this subsection.

(2) After December 31, 1973, the Corporation may approve any study application filed prior to May 22, 1973, pursuant to regulations in effect and adopted pursuant to this title or section 5 of the Home Owners' Loan Act of 1933.

In a companion resolution, Resolution No. 73–1244, dated August 27, 1973, the Board revises, effective August 27, 1973, § 563.22–1 so that it is a temporary regulation designed to implement said section 402(j). The preamble to said companion Resolution No. 73–1244 is incorporated herein by reference and explains in greater detail the nature of the Board's action and states in general terms the Board's future plans with respect to further revisions of, and final adoption of, proposed Part 563b.

Accordingly, the Federal Home Loan Bank Board hereby revises said § 546.5 to read as set forth below, effective August 27, 1973.

Since the above amendment consists of a temporary regulation to implement the provisions of the new section 402(j) of the National Housing Act, as amended, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b). The Board hereby finds, for the same reason, that publication of the amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof is also unnecessary. Accordingly, the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

§ 546.5 Conversion from Federal to State charter under the last paragraph of subsection (i) of section 5 of the Home Owners' Loan Act.

(a) Except as provided in paragraph (b) of this section, no Federal association may convert from the mutual to the stock form of organization without the approval of the Board and the Federal Savings and Loan Insurance Corporation, and until June 30, 1974, the Board and the Corporation shall not grant such approval, except that this section shall not limit the authority of the Board and the Corporation to approve conversions in supervisory cases as determined by the Board.

(b) After December 31, 1973, the Board and the Corporation may approve any study application to convert pursuant to regulations then in effect and adopted pursuant to Title IV of the National Housing Act, as amended, or section 5 of the Home Owners' Loan Act of 1933, as amended.

(c) A violation of paragraph (a) of this section by a Federal association shall render the association liable for those civil penalties applicable to it as an insured institution prescribed in § 563.22–1 (c) of this chapter (which penalties shall be cumulative to any other available actions and remedies).

(d) As used in this section, the terms "convert" and "study application" shall have the same meanings as those given to such terms in § 563.22–1 of this chapter.

(Sec. 4, P.L. 93–100, August 16, 1973; sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73-18835 Filed 9-5-73;8:45 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 73-1244]

PART 563—OPERATIONS

Mutual to Stock Conversions

AUGUST 27, 1973.

The third unnumbered paragraph of section 5(i) of the Home Owner's Loan Act of 1933, as amended (12 U.S.C. 1464 (i)), among other things, authorizes Federal mutual savings and loan associations to convert to the stock form upon an equitable basis and subject to the approval by regulations or otherwise of the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation (the "Corporation" or "FSLIC"). This authority has been implemented by § 546.5 of the Board's rules and regulations for the Federal Savings and Loan System (12 CFR 546.5). Under Title IV of the National Housing Act, as amended (12 U.S.C. 1724 et seq.) the Board, as operating head of the Federal Savings and Loan Insurance Corporation, has authority to regulate any such conversion involving a State-chartered association whose accounts are insured by the Corporation. This authority has been implemented by § 563.22–1 of the rules and regulations for Insurance of Accounts (12 CFR 563.22–1), whose requirements are substantially similar to those of § 546.5.

Since December 5, 1963, the Board has maintained a moratorium on conversions of all FSLIC-insured institutions, both Federally chartered and State chartered, from the mutual to stock form. Hence, since that date §§ 546.5 and 563.22–1 have been without substantive effect. In addition, the Board has long been of the view that §§ 546.5 and 563.22–1 are totally inadequate to govern mutual to stock conversions and prescribe standards for such conversions, which, if generally followed, would produce seriously improper results. On January 3, 1973 the Board proposed to revoke §§ 546.5 and 563.22–1 and to adopt a new Part 563b of the rules and regulations for Insurance of Accounts, designed to govern mutual to stock conversions by both Federally chartered and State chartered FSLIC-insured associations. On March 9, 1973, the Board briefly extended the comment period on its January 3 proposals and announced that the Board intended to issue revised proposed regulations.

On August 16, 1973, the President signed into law Pub. L. 93–100, section 4 of which added a new subsection (j) to section 402 of the National Housing Act, as amended (12 U.S.C. 1725). New subsection (j) provides as follows:

(j)(1) Except as provided in paragraph (2), until June 30, 1974, the Corporation shall not approve, under regulations adopted pursuant to this title or section 5 of the Home Owners' Loan Act of 1933, by order or otherwise, a conversion from the mutual to the stock form of organization involving or to involve an insured institution, including approval of any application for such conversion pending on the date of enactment of this subsection, except that this sentence shall not be deemed to limit now or hereafter the authority of the Corporation to approve conversions in supervisory cases. The Corporation may by rule, regulation, or otherwise and under such civil penalties (which shall be cumulative to any other remedies) as it may prescribe take whatever action it deems necessary or appropriate to implement or enforce this subsection.

(2) After December 31, 1973, the Corporation may approve any study application filed prior to May 22, 1973, pursuant to regulations in effect and adopted pursuant to this title or section 5 of the Home Owners' Loan Act of 1933.

In a companion resolution, Resolution No. 73–1243, dated August 27, 1973, the Board revises § 546.5 so that it is a temporary regulation designed to implement said section 402(j). For the same purpose, the Board hereby revises said §563.22–1 to read as set forth below, effective August 27, 1973.

The purpose of this preamble is twofold: to explain in greater detail the nature of the Board's actions as described in the previous paragraph and to state in general terms the Board's future plans with respect to further revisions of, and final adoption of, proposed Part 563b. The preamble to the companion resolution will consist of a cross-reference to this preamble.

In general terms, section 402(j) imposes two statutory moratoria on mutual to stock conversions involving or to involve any institution whose accounts are insured by the FSLIC (with the exception of supervisory cases). The one moratorium extends through December 31, 1973, and applies to certain study applications. The other mortatorium ex-

tends until June 30, 1974, and applies to all other mutual to stock conversions within the Board's jurisdiction. Section 402(j) explicitly recognizes the Board's jurisdiction, as operating head of the FSLIC, over all mutual to stock conversions involving or to involve any insured institution.

The longer moratorium contained in section 402(j)(1) is implemented by paragraph (a) in both new § 546.5 and new § 563.22–1. The shorter moratorium contained in section 402(j)(2) is implemented by paragraph (b) in both new § 546.5 and new § 563.22–1.

The authority to impose civil penalties, which was granted to the Corporation by the second sentence of section 402(j)(1), is implemented by paragraph (c) in both new § 546.5 and new § 563.22–1. The full meaning of the former paragraph (c) is specified by reference to the latter paragraph (c).

Paragraph (d) of § 546.5 and paragraphs (d) and (e) of § 563.22–1 contain definitions of terms. Such paragraphs are adopted pursuant to the grant of implementing and enforcement authority contained in the second sentence of section 402(j)(1) and pursuant to existing authority under section 5(a) of the Home Owners' Loan Act of 1933 and section 402(a) of Title IV of the National Housing Act. The term "study application" is defined by paragraph (c) of § 563.22–1 to refer solely to the five study applications filed with the Board and the Corporation between July 26, 1972, and September 22, 1972. The term "convert" is defined by paragraph (d) of § 563.22–1. However, certain prohibited activities included within the term may occur if authorized in writing by the Corporation.

The Board received a very heavy volume of public comment on its January 3, 1973, proposals during and following the comment period thereon. On March 12 and 13, 1973, two days of public hearings were held on the proposals, resulting in an 800 page transcript. During May 1973 extensive testimony on the subject of conversions was taken by the Subcommittee on Bank Supervision and Insurance of the House Committee on Banking and Currency. Then Acting Board Chairman Kamp testified at those hearings and the Board presented lengthy written materials to the Subcommittee both during and following the hearings.

Following a review of the views and information obtained and produced as a result of the activities described above and otherwise available, the Board directed the preparation of a comprehensive, in-depth analysis of the basic issues involved in mutual to stock conversion plans, along with a full description of the advantages and disadvantages of all options open to the Board. This further analysis was designed to ensure that all significant aspects of the information available to the Board were taken into full account. Following careful consideration of the analysis presented, the Board has reached a number of determinations. With respect to the timing of the Board's future actions in the area of mutual to stock conversions, the Board presently intends to adhere to the following schedule.

1. By the latter part of October 1973 the staff is to present to the Board a draft of revised proposed conversion regulations.

2. By mid-November 1973 revised proposed conversion regulations are to be published in the FEDERAL REGISTER with a comment period ending December 31, 1973.

3. Subsequent to such publication the five study applicants will be able to revise their applications on the basis of the revised proposed regulations and to file such revised applications with the Board which will process them to the extent practicable consistent with preparation of final conversion regulations.

4. By approximately January 31, 1974, final conversion regulations are expected to be adopted.

5. Between the date of adoption of final conversion regulations and June 30, 1974, preliminary and final approval may be given to any revised conversion applications received from study applicants, if appropriate.

6. During such period, other applicants may file conversion applications which may, in the Board's discretion and subject to the limitations of its resources, be processed and to which preliminary approval may be given, if appropriate. Following June 30, 1974, final approval may be given to these other applications, if appropriate.

7. Following June 30, 1974, further applications received will be processed in accordance with regulations then in effect.

With respect to the substance of the revised proposed regulations, the Board's principal determination is that they must contain substantially greater disincentives to shifts of funds among associations and other financial institutions than were contained in the January 3, 1973, proposals. The Board has come to the view that, in today's economic, technological and social environment, the financial and managerial stability of the system of FSLIC insured institutions will be unacceptably threatened unless the so-called "windfall" aspect of mutual to stock conversions is virtually eliminated. The Board acts as the exclusive chartering, supervisory and insuring authority for all Federal savings and loan associations and as the exclusive insuring authority for State chartered associations holding most of the assets of such associations. In those capacities the Board has a weighty statutory responsibility regarding the stability, safety and soundness of the system of FSLIC insured institutions and must give great emphasis to these factors in determining the equity of conversion standards, controls and procedures to be effective on a national basis.

Further, the Board is concerned that a conversion involving a "windfall" distribution of capital stock to accountholders without payment would subject associations preferring to remain mutual to excessive pressure to convert without proper regard to whether a conversion of a particular association will better able it to serve the thrift and home financing needs of its community. It is of major concern to the Board that the act of conversion be a matter of free choice and that any conversion regulation not contain provisions whose effect might be to force an association to convert regardless of considerations of public or economic benefit.

In order to avoid these and other problems, the Board presently intends to issue revised proposed regulations requiring that all eligible accountholders as of a distribution record date have an opportunity on a pro rata basis to purchase all the capital stock of the converting institution at its full pro forma market value (less any underwriting discounts or commissions); that those eligible accountholders who do not purchase will not receive any distribution of capital stock or cash; and that the capital stock not purchased must be sold to the public, who may include accountholders, borrowers and management of the converting association. The requirement that the converting association receive the proceeds from the sale of its stock will not be altered in the case of conversion by way of merger or holding company acquisition.

Further, the Board presently intends that the revised proposed regulations will require that the net worth of the converting association as of the date of conversion will be reserved on its books (with no subsequent additions thereto) for the benefit of its accountholders as of the date of conversion payable only in the event of a subsequent full liquidation of the converted association. As those accountholders close their accounts subsequent to conversion, the amount of this reserve account will be reduced pro tanto on the books of the converted association until the reserve account eventually terminates. Such interests in this reserve account would not be affected by any subsequent merger involving the converted association.

It is also intended that the system of time averaging and the treatment of predecessor accounts in the January 3, 1973, proposals will be substantially simplified. An additional intended change would permit plans of conversion to be approved by a vote of a majority of the eligible outstanding votes, unless State law requires a higher percentage.

A further advantage of the above described provisions is that they would directly foster a significant influx of capital into savings and loan associations. This will strengthen the converted associations and will also provide them with an additional source of future capital which can be used to help satisfy the pressing home financing needs of the Nation.

Since the above amendment consists of a temporary regulation to implement the provisions of the new section 402(j) of the National Housing Act, as amended, the Board hereby finds that notice and

public procedure thereon are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b). The Board hereby finds, for the same reason, that publication of the amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof is also unnecessary. Accordingly, the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

§ 563.22–1 Change of State-chartered mutual institution to a guaranty or permanent stock type institution.

(a) Except as provided in paragraph (b) of this section, no insured institution may convert from the mutual to the stock form of organization without the approval of the Corporation, and until June 30, 1974, the Corporation shall not grant such approval, except that this section shall not limit the authority of the Corporation to approve conversions in supervisory cases as determined by the Corporation.

(b) After December 31, 1973, the Corporation may approve any study application to convert pursuant to regulations then in effect and adopted pursuant to Title IV of the National Housing Act, as amended, or section 5 of the Home Owners' Loan Act of 1933, as amended.

(c) A violation of paragraph (a) of this section by an insured institution shall render the insured institution liable for a civil penalty not exceeding one thousand dollars (which penalty shall be cumulative to any action or remedy otherwise available to the Corporation) per day for each day that the insured institution is in violation of paragraph (a) of this section, which penalty the Corporation may recover by suit or otherwise for its own use.

(d) As used in this section and in § 546.5 of this chapter, the term "convert" includes, but is not limited to, any of the following activities except to the extent that such activities may be authorized in writing by the Corporation:

(1) Adopting a plan of conversion by an insured institution's board of directors or giving public notice by press release, direct mailing or in any other matter that such board of directors intends to adopt a plan of conversion;

(2) Submitting a plan of conversion by means of a notice of meeting, proxy statement or otherwise to the members of an insured institution;

(3) Holding a meeting of the members of an insured institution to obtain a vote upon a plan of conversion; or

(4) Issuing, offering, selling, distributing, exchanging, or accepting payment for capital stock of an insured institution in order to effect a conversion of the insured institution from the mutual to the stock form of organization, whether directly or indirectly or through a merger or acquisition.

(e) As used in this section and in § 546.5 of this chapter, the term "study application" means the 5 study applications filed after the Board's announcement of July 26, 1972, that it would accept study applications to obtain additional information relevant to the possible termination of its "moratorium" on conversions and before the Board's Resolution No. 72–1112 of September 22, 1972, stating that the Board would not accept further study applications under its announcement of July 26, 1972.

(Secs. 4, P.L. 93–100, August 16, 1973; secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended, 12 U.S.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,

[FR Doc.73–18836 Filed 9–5–73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73–GL–29]

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

Designation of Control Zone and Alteration of Transition Area

On page 16080 of the FEDERAL REGISTER dated June 20, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a control zone and alter the transition area at East St. Louis, Illinois.

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

No objections have been received and the amendment as so proposed is hereby adopted as set forth:

In § 71.171 (38 FR 351), the following control zone is added:

EAST ST. LOUIS, ILL.

Within a 5-mile radius of the Bi State Parks Airport (latitude 38°34'30" N., longitude 90°10'00" W.) and within 3 miles each side of the 129° bearing from the airport extending from the 5-mile-radius area to 8 miles southeast. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

EAST ST. LOUIS, ILL.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Bi State Parks Airport (latitude 38° 34'30" N., longitude 90°10'00" W.) and within 3 miles each side of the 129°bearing from the airport extending from the 7-mile radius area to 8 miles southeast.

This amendment shall be effective 0901 G.m.t., October 11, 1973.

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

Issued in Des Plaines, Ill., on August 8, 1973.

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

[FR Doc.73–18795 Filed 9–5–73;8:45 am]

[Airspace Docket No. 73–NW–07]

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

Alteration of Transition Area

On July 20, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 19414) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Eugene, Oregon, Transition Area.

Interested persons were given thirty days in which to submit written data, views, or arguments. No objections were received and the proposed amendment is hereby adopted without change.

Effective date.—This amendment shall be effective 0901 G.m.t., November 8, 1973.

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

Issued in Seattle, Wash., on August 27, 1973.

C. B. WALK, Jr.,
Director, Northwest Region.

In § 71.181 (38 FR 435) the description of the Eugene, Oregon, Transition Area is amended to read as follows:

EUGENE, OREGON

That airspace extending upward from 700' above the surface within 2-miles east and 10-miles west of the Eugene VORTAC 007° radial, extending from the VORTAC to 14-miles north; within 2-miles southeast and 3-miles northwest of the Eugene VORTAC 030° radial, extending from the VORTAC to 13-miles northeast; that airspace south of Eugene bounded on the east by a line 4.5 miles east of and parallel to the Eugene VORTAC 172° radial, on the south by an arc of a 21-mile radius circle centered on the Eugene VORTAC, on the west by a line 5-miles northwest of and parallel to the Eugene VORTAC 224° radial; within 2-miles each side of the Eugene VORTAC 272° radial extending from the VORTAC to 12-miles west; that airspace extending upward from 1200-feet above the surface, east of Eugene bounded on the north by V–121; on the east by Longitude 123°01'00" W, on the southeast by V–452; that airspace northeast of Eugene, bounded on the north by V–536, on the south by V–121 and on the west by V–23E.

[FR Doc.73–18794 Filed 9–5–73;8:45 am]

[Airspace Docket No. 73–WA–38]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Change of Area High Route Waypoint Names

The purpose of this amendment to Part 75 of the Federal Aviation Regula-

tions is to change certain waypoint names to five-letter words.

To simplify the coding system for area navigation (RNAV) waypoints, the Federal Aviation Administration (FAA) is assigning five-letter names to all waypoints not collocated with the navigation facility. These same five letters will serve as the waypoint name, location identifier and computer code. To ease the additional workload caused by the large number of name changes, these changes have been divided into four groups, each located in a different section of the United States, and each becoming effective on a different charting date.

Since the identifying names of waypoints is a minor matter upon which the public is not particularly interested, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, as hereinafter set forth.

Section 75.400 (37 FR 22974, 23330, 23631, 24419, 24894, 26003, 26709, 38 FR 700, 1625, 1924, 3589, 4710, 6990, 12904, 13368, 14271, 14272, 15364, 19815) is amended as follows:

Wherever waypoint names appear in the designation of area high routes, they are amended as specified and on the effective date as specified.

Effective 0902 G.m.t., November 8, 1973:

"Reptile, Fla." to "Reply"; "Hialeah, Fla." to "Hight"; "Barford, Fla." to "Barca"; "Andy, Fla." to "Andre"; "Ponte Verdra, Fla." to "Ponte"; "Apopka, Fla." to "Aport"; "Archer, Fla." to "Archi"; "Peninsula, Fla." to "Penny"; "Sailfish, Fla." to "Sails"; "Tarpon, Fla." to "Tarpo"; "Chester, Fla." to "Chest"; "Bay, Fla." to "Babys"; "Darby, Fla." to "Darbs"; "Gateway, Fla." to "Gauge"; "Halibut, Fla." to "Halbi"; "Neptune, Fla." to "Nepta"; "Pike, Fla." to "Pinks"; "Shand, Fla." to "Shave"; "Bonefish, Fla." to "Bondi";

"Bremen, Ga." to "Breme"; "Social Circle, Ga." to "Socle"; "Canton, Ga." to "Cante"; "Oliver, Ga." to "Olive"; "Amsterdam, Ga." to "Amour"; "Kenwood, Ga." to "Kenny"; "Russell, Ga." to "Rushy"; "Mauk, Ga." to "Mauks"; "Lanier, Ga." to "Lands"; "Sinclair, Ga." to "Sinca"; "Springfield, Ga." to "Spong"; "Texas, Ga." to "Taxii"; "Stone Mountain, Ga." to "Stone";

"Fort Payne, Ala." to "Payne"; "Iron Mountain, Ala." to "Irony";

"Gilbert, S.C." to "Giles"; "Irmo, S.C." to "Irmos"; "Gramling, S.C." to "Grams"; "Society, S.C." to "Soche"; "Ritter, S.C." to "Rites"; "Azalea, S.C." to "Azana"; "Badger, S.C." to "Baggy"; "Shining Rock, S.C." to "Shine";

"Lincolnton, N.C." to "Linco"; "Semora, N.C." to "Semlo"; "Beech Mountain, N.C." to "Beech"; "Surf City, N.C." to "Surfy"; "Clarkton, N.C." to "Clark";

"Red Banks, Miss." to "Banks";

"Duck River, Tenn." to "Ducks"; "Ashport, Tenn." to "Ashop"; "Elmwood, Tenn." to "Elman":

Effective 0901 G.m.t., December 6, 1973:

"Tightwad, Mo." to "Tight"; "Hawk, Mo." to "Hawks"; "Bogard, Mo." to "Bogie"; "West Plaines, Mo." to "Wests"; "Redfield, Mo." to "Field"; "Sprott, Mo." to "Sprot"; "Lawson, Mo" to "Lasso";

"Waldron, Ark." "Waldo"; "Birdeye, Ark." to "Birle"; "Horatio, Ark." to "Horeb";

"Kenner, La." to "Kenna"; "Montpelier, La." to "Monza"; "Gueydan, La." to "Guest"; "Burkeville, La." to "Burke";

"Refinery, Tex." to "Refix"; "Tenaha, Tex." to "Tenna"; "Maryneal, Tex." to "Marne"; "Canadian, Tex." to "Canas"; "Telegraph, Tex." to "Tella"; "Plains, Tex." to "Plain"; "Rochester, Tex." to "Rocks"; "Crowell, Tex." to "Crows"; "Hye, Tex." to "Hyeto"; "Yantis, Tex." to "Yanti"; "Diversion, Tex." to "Diver";

"Kay, Okla." to "Kayes"; "Tangier, Okla." to "Tangy";

"Dresden, Kans." to "Dress"; "Lenora, Kans." to "Lenny"; "Potter, Kans." to "Potsy"; "Walcott, Kans." to "Walco"; "Enterprise, Kans." to "Enter"; "Larrabee, Kans." to "Larch"; "Factory, Kans." to "Facto";

"Granada, Colo." to "Grand"; "Sanford, Colo." to "Sandy"; "Gypsum, Colo." to "Monte"; "Cabin Creek, Colo." to "Cabin"; "Gilcrest, Colo." to "Gilly"; "Blanco, Colo." to "Bland"; "Maybelle, Colo." to "Maybe"; "Shawnee, Colo." to "Shawn"; "Hog Back, Colo." to "Gogan"; "Monument, Colo." to "Month"; "Almont, Colo." to "Almon"; "Strasburg, Colo." to "Stras"; "Rulison, Colo." to "Rulis"; "Golden, Colo." to "Golde"; "Redstone, Colo." to "Redds"; "Wiggins, Colo." to "Wiggi";

"Volcano, N. Mex." to "Volca"; "Defiance, N. Mex." to "Defer"; "Two Wells, N. Mex." to "Wells"; "Springer, N. Mex." to "Sprin"; "Vaughan, N. Mex." to "Vault"; "Jal, N. Mex." to "Jalop"; "Jewett, N. Mex." to "Jewel"; "Mora, N. Mex." to "Moras";

"Cameron, Ariz." to "Camel"; "Peak, Ariz." to "Peaks"; "Sheldon, Ariz." to "Shell"; "Sycamore, Ariz." to "Sycmo"; "Brenda, Ariz." to "Brent"; "Terrace, Ariz." to "Terra"; "Manila, Ariz." to "Mania"; "Mule, Ariz." to "Muley"; "Shumway, Ariz." to "Shuma"; "Kofa, Ariz." to "Koffa";

"Hill Creek, Utah" to "Hills"; "Nebo, Utah" to "Nebos"; "Clear Lake, Utah" to "Clera"; "Arinosa, Utah" to "Aries"; "Fool Creek, Utah" to "Fools"; "Ioka, Utah" to "Iokas"; "Greenwood, Utah" to "Grees"; "Ferron, Utah" to "Feron"; "Lake Shore, Utah" to "Lakes"; "Corrington, Utah" to "Coing"; "La Salle, Utah" to "LaSal"; "Spring Bay, Utah" to "Spree"; "White Cliffs, Utah" to "White";

"Grafton, Nev." to "Graft"; "Bristol, Nev." to "Brisk"; "El Dorado, Nev." to "Dodie"; "Connors Pass, Nev." to "Conns"; "Tenabo, Nev." to "Tenbo"; "Adamsville, Nev." to "Adapt"; "Wheeler, Nev." to "Whell"; "Delaplain, Nev." to "Della"; "Coleman, Nev." to "Coles";

"Fenner, Calif." to "Fenny"; "Morrow, Calif." to "Morro"; "Mesquite, Calif." to "Mesic"; "Kirkwood, Calif." to "Kirin"; "Virginia, Calif." to "Virga"; "Rosi, Calif." to "Rosin"; "Malo, Calif." to "Perch"; "Rabbit, Calif." to "Rabbi"; "Buckhorn, Calif." to "Bucko"; "Mayfair, Calif." to "Mayan"; "Gateway Pine, Calif." to "Gates"; "Manteca, Calif." to "Manca"; "Palisades, Calif." to "Palis"; "Stanislaus, Calif." to "Stani"; "Beaumont, Calif." to "Beaut"; "Easton, Calif." to "Easta"; "Wild Rose, Calif." to "Wildy"; "Chubbock, Calif." to "Chubs"; "Sawmill, Calif." to "Sawed"; "Washington, Calif." to "Washy"; "Hill, Calif." to "Hilly"; "Likely Pines, Calif." to "Liked"; "Redwood, Calif." to "Redoo"; "Cypress, Calif." to "Ceres"; "Apricot, Calif." to "Fruit"; "Maple, Calif." to "Leafs"; "Yucca, Calif." to "Yucan";

Effective 0901 G.m.t., January 3, 1974:

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

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

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

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

"Tank, Wyo." to "Tanks"; "Bordeau, Wyo." to "Borax"; "Quealy, Wyo." to "Queen"; "Slater, Wyo." to "Slate"; "Vermillion, Wyo." to "Veron"; "Clearmont, Wyo." to "Clear"; "Split Rock, Wyo." to "Split";
"Ruskin, Nebr." to "Ruski"; "Melton, Nebr." to "Melto"; "Sand, Nebr." to "Sands"; "Plum Creek, Nebr." to "Plums"; "Angora, Nebr." to "Anglo"; "Cumminsville, Nebr." to Cumin"; "Dry Creek, Nebr." to "Dries"; "Seneca, Nebr." to "Senca"; "Bonesteel, Nebr." to "Bones"; "North Star, Nebr." to "North"; "Trumbull, Nebr." to "Trump";
"Garden Grove, Iowa" to "Garde"; "Runnels, Iowa" to "Rundi"; "Elberon, Iowa" to "Elber"; "Corwith, Iowa" to "Corey"; "Kamrar, Iowa" to "Kamra"; "Ute, Iowa" to "Utero"; "Oranto, Iowa" to "Orato"; "Shipley, Iowa" to "Ships"; "West Union, Iowa" to "Union"; "Danbury, Iowa" to "Danny";
"Lark, N. Dak." to "Larks";
"Turtle Creek, S. Dak." to "Turts"; "Reva, S. Dak." to "Revas"; "Ash Creek, S. Dak." to "Ashey"; "Bonilla, S. Dak." to "Bonil"; "Mud Butte, S. Dak." to "Muddy";
Effective 0901 G.m.t., January 31, 1974:
"Denmark, Wis." to "Denny";
"Chapin, Ill." to "Chaps"; "Scales Mound, Ill." to "Scale"; "Marine, Ill." to "Marin"; "Jerseyville, Ill." to "Jerry"; "Morrison, Ill." to "Morri"; "Anna, Ill." to "Annam"; "Cantrall, Ill." to "Canta"; "Woodstock, Ill." to "Stock"; "Mounds, Ill." to "Moods"; "Papi, Ill." to "Poppy"; "Prairie, Ill." to "Prays"; "Warren, Ill." to "Wrens";
"Calumet, Ky." to "Calpe"; "Woodbine, Ky." to "Woodi"; "Shoutout, Ky." to "Shuto"; "Sadler, Ky." to "Sader"; "Minerva, Ky." to "Miner"; "Canter, Ky." to "Canto";
"Mellott, Ind." to "Melot"; "San Pierre, Ind." to "Perry"; "Sunman, Ind." to "Suman"; "Foresman, Ind." to "Fores"; "Gosport, Ind." to "Gospo"; "Borden, Ind." to "Borde"; "Mayhue, Ind." to "Mayhu"; "Tippecanoe, Ind." to "Tippy"; "Leopold, Ind." to "Lepol"; "Judyville, Ind." to "Judys" "Osgood, Ind." to "Ogden";
"Wolverine, Mich." to "Wolvi"; "Carsonville, Mich." to "Carte"; "Nirvana, Mich." to "Nirva"; "Kinderhook, Mich." to "Kinds"; "Sanilac, Mich." to "Sanil"; "Holt, Mich." to "Holts"; "Vermontville, Mich." to "Vermi";
"Thackery, Ohio" to "Thack"; "Shilot, Ohio" to "Shilo"; "Marble, Ohio" to "March"; "Balsam, Ohio" to "Balsa"; "Henrietta, Ohio" to "Henri"; "Spot, Ohio" to "Spots"; "Conifer, Ohio" to "Conic"; "Burt, Ohio" to "Burts"; "Cameron, Ohio" to "Cameo"; "Rittman, Ohio" to "Ritzs";
"Fancy Gap, Va." to "Fancy"; "Copper Valley, Va." to "Coppa"; "Rescue, Va." to "Resco";
"Kinball, W. Va." to "Kimbo"; "Rensford, W. Va." to "Renfo"; "Princess, W. Va." to "Prins"; "Warwood, W. Va." to "Watts";
"Riddle, Pa." to "Rides"; "Horn, Pa." to "Horns"; "Ormsby, Pa." to "Ormby"; "Furnace, Pa." to "Furna"; "Avis, Pa." to "Avast"; "Maiden, Pa." to "Maids"; "Ulster, Pa." to "Ulema"; "Schooner, Pa." to "Schoo"; "Bucktown, Pa." to "Bucks"; "Newton, Pa." to "Nesto";
"Cherry Plain, N.Y." to "Cheri"; "Sardine, N.Y." to "Sardi"; "Gowanda, N.Y." to "Gower"; "Water Mill, N.Y." to "Water"; "Loon Lake, N.Y." to "Loons"; "Blakely, N.Y." to "Blake"; "Hamlet, N.Y." to "Hamet"; "Spad, N.Y." to "Spads"; "Belle Terre, N.Y." to "Belle"; "Empire, N.Y." to "Empty"; "Frontier, N.Y." to "Fawns";
"Davey, Maine" to "Daves"; "Merrimack, Maine" to "Merry";
"Boundary, Md." to "Bound"; "Marbury, Md." to "Marby";
"Mary Ann, Mass." to "Marys"; "Whaler, Mass." to "Whale"; "Summer, Mass." to "Sumta";
"Tugboat, N.J." to "Tugbo"; "Pennwell, N.J." to "Penns";
"Holland, Vt." to "Holly";
"Eloy, Ariz." to "Elope"; "Willcox, Ariz." to "Willy"; "Ventana, Ariz." to "Venta";
"Kings, Ga." to "Kicks";
"Dibble, Okla." to "Dibbs"; "Stigler, Okla." to "Stick";
"Magnolia, Tex." to "Magno";
"Peoria, Ill." to "Peony";

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

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

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-18857 Filed 9-5-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

PART 9—COLOR CERTIFICATION

D & C Brown No. 1 and External D & C Violet No. 2

Correction

In FR Doc. 73-15209, appearing at page 19969 for the issue for Thursday, July 26, 1973, in the eleventh paragraph of § 9.230 the figure in parentheses that now reads "(2.5-xylylazo)" should read "(2,5-xylylazo)".

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7241]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Correction

In FR Doc. 72-22153, appearing at page 28742 in the issue of December 29, 1972, in the penultimate line of paragraph (a)(2) of § 1.507-6, the letter "c" which appears in parentheses at the end of the line should read "a".

Title 32—National Defense

CHAPTER XII—DEFENSE SUPPLY AGENCY

SUBCHAPTER B—MISCELLANEOUS

[DSAR 5400.14]

PART 1285—AVAILABILITY TO THE PUBLIC OF OFFICIAL INFORMATION

Redesignation

JUNE 30, 1967.

Part 1260 was added to the Code of Federal Regulations by an amendment published at 32 FR 11324, August 4, 1967, to be effective July 4, 1967. The title of this part was inadvertently omitted from a revision of Title 32, Chapter XII, Subchapter A, published at 34 FR 17267, October 24, 1969. Consequently, Part 1260 was deleted from the January 1, 1970, edition of 32 CFR Parts 1000-1399, based on the October 24, 1969, amendment. However, the provisions of Part 1260 have continued to be applied to questions of public availability of information during this period. Therefore, it has been found necessary to republish Part 1260, and redesignate it as Part 1285 of Subchapter B. Redesignated Part 1285 is republished without substantive change, and remains effective as of July 4, 1967.

As redesignated, Part 1285 is added to Subchapter B of Chapter XII of Title 32 of the Code of Federal Regulations to read as set forth below.

By order of the Director, Defense Supply Agency.

GEORGE W. JOHNSON, Jr.,
Colonel, USAF,
Staff Director, Administration.

Part 1285 is added to Title 32 of the Code of Federal Regulations, reading as follows:

Sec.
1285.1 References.
1285.2 Purpose.
1285.3 Scope.
1285.4 General.
1285.5 Responsibilities.
1285.6 Procedures.

AUTHORITY: The provisions of this Part 1285 issued under 5 U.S.C. 552, 559.

§ 1285.1 References.[1]

(a) DOD Directive 5400.7, Availability to the Public of Department of Defense Information.

(b) DSAR 5400.12, Provision of Information to Congress.

(c) DSAR 7230.1, Schedule of Fees and Charges for Copying, Certification, and Search of Records.

(d) DSAR 4185.8, Technical Data and Information Required for Defense Supply Agency; Determination of Requirements and Procurement of.

(e) 5 U.S.C. 551 (Section 2 of the Administrative Procedure Act).

(f) DSAR 5205 series.

(g) 18 U.S.C. 1905 (Confidential Trade Information).

[1] Reference material may be obtained from Department of Defense, Defense Supply Agency, and Superintendent of Documents.

(h) Public Law 86-36 (50 U.S.C. 402 note) (National Security Agency Reporting Exemption).
(i) 35 U.S.C. 181-188 (Patent Secrecy).
(j) Armed Services Procurement Regulation.

§ 1285.2 Purpose.

To announce the policies and to prescribe the procedures governing the release to the public of Defense Supply Agency (DSA) documentary material or records, or information therefrom, pursuant to the provisions of § 1285.1(a).

§ 1285.3 Scope.

This DSAR is applicable to HQ DSA and to DSA field activities.

§ 1285.4 General.

(a) *Background.*—Section 1285.1(a) describes the kinds of official records and information that must be made available to the public, describes the kinds of information that need not be made available to the public, requires facilities be made available to the public for the examination and copying of records, and provides procedures for the review of refusals to release records and information to the public. Requests from Members of Congress are governed by § 1285.1(b). Additional guidance with respect to release of procurement information is contained in § 1285.1(j).

(b) *Definition of "records."*—(1) In determining whether documentary material qualifies as a "record", consideration should be given to the Act of July 7, 1943, ch. 192, sec. 1 (44 U.S.C. 366) which defines the word "record" for records disposal purposes as follows:

> [It] includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the U.S. Government in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government, or because of the informational value of data contained therein.

(2) The term "records" does not include objects or articles such as structures, furniture, paintings, sculpture, three-dimensional models, vehicles, equipment, etc., whatever their historical value or value as "evidence."

(3) Records are not limited to permanent or historical documents but include contemporaneous documents as well.

(c) *Policy.*—(1) *General.* (i) It is the policy of DSA to make available to the public the maximum amount of information concerning its operations and activities. Exceptions to the requirements for disclosure will be made in accordance with the provisions of subparagraph (4) of this paragraph and the release procedures in § 1285.6.

(ii) Information exempt from public disclosure under provisions of subparagraph (4) of this paragraph should be made available to the public when its disclosure is not inconsistent with statutory requirements or with § 1285.1(f) and when officials determine that no significant purpose would be served by withholding the information. The determination of whether a significant purpose is served by withholding information under provisions of subparagraph (4) of this paragraph is within the sole discretion of the DSA official authorized by this Part 1285 to deny release.

(iii) Records and other documents or related material may be withheld from the public only as authorized by this Part 1285. In no event shall the determination that requested information comes within any of the specific exemptions in subparagraph (4) of this paragraph, or that information has not been properly requested be influenced by the possibility that its release might suggest administrative error or inefficiency or might embarrass DSA or an official of DSA.

(2) *Availability of records.*—(i) Subject to the exemptions in subparagraph (4) of this paragraph and the procedural requirements of § 1285.6, any record in the possession of DSA will be made available upon the request of any person. Copies of records which have been published in the FEDERAL REGISTER or made available for inspection and copying under provisions of subparagraph (3) of this paragraph, should also be furnished, when practicable, upon request by any person.

(ii) In determining whether documentary material qualifies as a "record", consideration will be given to the definition of a "record" in paragraph (b) of this section.

(iii) A request for a record will be honored if:

(*a*) The requestor describes the record sought with sufficient particularity to enable DSA to locate the record with a reasonable amount of effort.

(*b*) The requestor is willing and able to pay the cost associated with locating and providing a copy of the record sought, as determined by § 1285.1(c).

(*c*) The requestor complies with the requirements of this Part 1285 regarding the time, place, and procedure for obtaining a copy of the record.

(iv) In order for a record to be considered "identifiable," it must exist at the time of the request. There is no obligation to "create" a record for the purpose of satisfying a request for information. When the information requested exists in the form of several records at several locations, the applicant should be referred to those sources if gathering the information would be burdensome.

(v) When the record requested was originated by another agency, the request will be referred promptly and directly to that agency for disposition. The originating agency of a record should consult with other agencies having a significant interest in the content of a requested document before determining whether to make it available. A member of the public requesting material primarily concerning a Member of Congress or Congressional Committee, or a transcript of testimony given before a Congressional Committee will be advised to direct his request to the Member or Committee concerned.

(vi) Elements of DSA will avoid creating procedural obstacles when internal DSA or Department of Defense organizational questions arise, particularly where reorganization or transfer of functions contributes to an improperly directed request. DSA personnel will make all reasonable efforts to assist private persons in directing requests for information to the appropriate authorities.

(3) *Inspection and copying of opinions, orders, and manuals.*—(i) Subject to the exemptions set forth in subparagraph (4) of this paragraph, DSA will make available for public inspection and copying in an appropriate facility or facilities in accordance with the procedures in § 1285.6 the following materials, unless such materials are published and copies offered for sale:

(*a*) All final opinions (including concurring and dissenting opinions) and orders in adjudication, as defined in § 1285.1(e) that may be cited, used, or relied upon as precedents in future adjudication.

(*b*) Statements of policy and interpretations of less than general applicability affecting the public but not published in the FEDERAL REGISTER.

(*c*) Administrative staff manuals and instructions, or portions of such, which establish DSA policy or interpretation of policy that is determinative of the rights of members of the public. This provision does not apply to instructions for employees on the tactics and techniques to be used in performing their duties, or to instructions relating only to the internal management of the Agency. Examples of manuals and instructions not normally made available are:

(*1*) Those issued for audit and inspection purposes.

(*2*) Those which prescribe operational tactics, standards of performance, or criteria for defense, prosecution, or settlement of cases.

(*3*) Operations and maintenance manuals and technical information concerning munitions, equipment, and systems.

(ii) When feasible, all material published in the FEDERAL REGISTER will be made available for inspection and copying, along with any available index of that published material, in the same facility or facilities provided for inspection and copying of opinions, orders, and manuals.

(iii) Identifying details which if revealed would create a clearly unwarranted invasion of personal privacy may be deleted from any final opinion, order, statement of policy, interpretation, staff manual, or instruction made available for inspection and copying. In every such case, the justification for the deletion must be fully explained in writing.

(iv) No order, opinion, statement of policy, interpretation, staff manual, or

instruction which is issued, promulgated, or adopted after July 4, 1967, which is not indexed and either made available or published, may be relied upon, used, or cited as a precedent against any member of the public unless he has actual and timely notice of its terms. If the order, opinion, statement of policy, interpretation, staff manual, or instruction was issued, promulgated, or adopted before July 4, 1967, it need not be indexed but must be made available in accordance with subdivision (i) of this subparagraph.

(*a*) In determining whether an order, opinion, statement of policy, interpretation, staff manual, or instruction is likely to be used or relied upon as precedent, the primary test will be whether it is intended to provide binding guidance for decisions or evaluations by subordinates or for future decisions by the same authority in adjudications of cases affecting the public, where similar facts or issues are presented.

(*b*) With regard to the precedental effect of an adjudication, opinions, and orders of the Boards of Review exemplify the type that shall be made available for inspection and copying since they may be relied upon, used or cited in future adjudications. By contrast, orders and opinions resulting from adjudications such as those involving internal personnel (including military personnel) proceedings and security proceedings are not required to be made available to the general public for inspection and copying since they are not relied upon, used, or cited in future adjudications.

(v) The cost to DSA of copying any such opinion, order, or statement of policy or interpretation will be imposed on the person requesting the document, under provisions of § 1285.1(c).

(4) *Exemptions.*—(i) Documentary material which would otherwise have to be made available under subparagraphs (2) and (3) of this paragraph, may be withheld from public disclosure if it comes within a specific exemption. However, even exempted material should be made available if, in the judgment of the releasing authority, no significant purpose would be served by withholding it from the requestor under an applicable exemption and its release is not inconsistent with statutory requirements or § 1285.1(f).

(ii) The following types of records may be withheld from public disclosure:

(*a*) Those requiring protection in the interest of national defense or foreign policy according to the criteria established by § 1285.1(f) or by Executive order.

(*b*) Those containing rules, regulations, orders, manuals, directives, and instructions relating to the internal personnel rules or to the internal practices of the Department of Defense. Examples include:

(*1*) Operating rules, guidelines, and manuals for Department of Defense investigators, inspectors, auditors, or examiners, and schedules or methods which cannot be disclosed to the public without substantial prejudice to the effective performance of a significant function of the Department of Defense. Some of those materials would reveal:

(*i*) Negotiating and bargaining techniques.

(*ii*) Bargaining limitations and positions.

(*iii*) Inspection schedules and methods.

(*iv*) Audit schedules and methods.

(*2*) Personnel and other administrative matters such as examination questions and answers used in training courses or in the determination of the qualifications of candidates for employment, entrance to duty, advancement or promotion.

(*c*) Those containing information which statutes authorize or require be withheld from the public. The authorization or requirement may be found in the terms of the statute itself or in Executive orders or in regulations authorized by, or in implementation of the statute. Examples include:

(*1*) Trade technical and financial information provided in confidence by businesses, governed by § 1285.1(g).

(*2*) National Security Agency information, governed by § 1285.1(h).

(*3*) Any records containing information relating to inventions which are the subject of patent applications on which Patent Secrecy Orders have been issued, governed by § 1285.1(i).

(*d*) Those containing information which DSA receives from anyone including an individual, a foreign nation, an international organization, a State or local government, a corporation, or any other organization with the understanding that it will be retained on a privileged or confidential basis, or similar commercial or financial records which DSA develops internally, if they are in fact the kinds of records which are normally considered privileged or confidential. Such records include documents containing:

(*1*) Information customarily considered privileged or confidential under the rules of evidence in the Federal courts, such as information coming within the doctor-patient, lawyer-client, or priest-penitent privileges.

(*2*) Commercial or financial information received in confidence in connection with loans, bids or proposals, as well as other information received in confidence or privileged, such as trade secrets, inventions and discoveries, or other proprietary data.

(*3*) Statistical data and commercial or financial information concerning contract performance, income, profits, losses, and expenditures, if received in confidence from a contractor or potential contractor.

(*4*) Information such as research data, formulae, designs, drawings, and other technical data and reports which:

(*i*) Are significant as items of valuable property acquired in connection with research, grants, or contracts.

(*ii*) Would likely be held in confidence if owned by private parties.

(*5*) Personal statements given in the course of inspections or investigations, where such statements are received in confidence from the individual and retained in confidence.

(*e*) Except as provided in (*f*) of this subdivision, internal communications within and among elements of Federal agencies and of the Department of Defense.

(*1*) Examples include: (*i*) Staff papers containing staff advice, opinions, or suggestions.

(*ii*) Information received or generated by DSA preliminary to a decision or action, including draft versions of documents, where premature disclosure would harm the authorized appropriate purpose for which the records are being used.

(*iii*) Advice, suggestions, or reports prepared on behalf of the Department of Defense by boards, committees, councils, groups, panels, conferences, commissions, task forces, or other similar groups that are formed by a component to obtain advice and recommendations.

(*iv*) Records of Department of Defense evaluations of contractors and their products which in effect constitute recommendations or advice and could be used improperly to the advantage or to the detriment of private interests.

(*v*) Advance information on such matters as proposed plans to procure, lease or otherwise acquire and dispose of materials, real estate, facilities, or functions, when such information would provide undue or unfair competitive advantage to private personal interests.

(*vi*) Records which are exchanged among agency personnel or within and among elements of Federal agencies and the Department of Defense preparing for anticipated legal proceedings before any Federal, state, or military court or before any regulatory body.

(*vii*) Reports of inspections, audits, investigations, or surveys which pertain to safety, security or the internal management, administration, or operation of the Department of Defense.

(*2*) If any such intra-agency or interagency information requested would routinely be made available through the discovery process in the course of litigation with DSA, then it should not be withheld from the general public. If, however, the information would only be made available through the discovery process by special order of the court based on the particular needs of a litigant balanced against the interests of DSA in maintaining its confidentiality, then the record or document should not be made available to a member of the general public.

(*f*) Information in personnel and medical files, as well as information in similar files that, if disclosed to a member of the public, would result in a clearly unwarranted invasion of personal privacy.

(*1*) Examples of files similar to personnel and medical files include:

(*i*) Those compiled to evaluate or adjudicate the suitability of candidates for civilian employment and the eligibility of individuals, civilian, military, or industrial for security clearances.

(ii) Files containing reports, records, and other material pertaining to personnel matters in which administrative action, including disciplinary action, may be taken.

(2) In determining whether the release of information would result in a clearly unwarranted invasion of privacy, consideration should be given in cases such as those involving alleged misconduct, to the relationship of the alleged misconduct to an individual's official duties, the amount of time which has passed since the alleged misconduct, and the degree to which the individual's privacy has already been invaded. Thus, the release of information concerning alleged misconduct which is closely related to official duties, which has occurred recently, and which has already been exposed to the public is less likely to constitute a clearly unwarranted invasion of personal privacy.

(3) When the sole and exclusive basis for withholding information is protection of the personal privacy of an individual, the information should not be withheld from him or from his designated legal representative. An individual's personnel, medical, or similar files may be withheld from him or from his designated legal representative for reasons other than the protection of his personal privacy when valid Civil Service Commission regulations or other valid regulations so authorize.

(g) Investigatory files compiled for the purpose of enforcing civil, criminal, or military law, including Executive orders, or regulations validly adopted pursuant to law.

(1) Examples include:

(i) Statements of witnesses and other material based on the information developed during the course of the investigation and all materials prepared in connection with related Government litigation or adjudicative proceedings.

(ii) Lists of firms or individuals suspended under procurement regulations when the lists are compiled in connection with investigations of irregularities.

(2) The right of individual litigants to investigatory files currently available by law is not diminished.

(h) Those contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions.

(i) Those containing geological and geophysical information and data, including maps, concerning wells.

(5) *Identification and Marking "FOR OFFICIAL USE ONLY".* (i) Records which are not classified under § 1285.1(f) but which are authorized by § 1285.1(a) to be withheld from general public disclosure under subparagraph (4) of this paragraph and which for a significant reason should not be given general circulation shall be considered as being "FOR OFFICIAL USE ONLY" (FOUO).

(ii) A record that is considered "FOR OFFICIAL USE ONLY" may be marked "FOR OFFICIAL USE ONLY" when such marking is deemed necessary to insure that all persons having access to the record are aware that it should not be publicly released and should not be handled indiscriminately. Individual folders, records, and files covering specific kinds of subject matter, normally falling within the exemptions of subparagraph (4) of this paragraph such as personnel and medical files, bids, proposals, and the like, which are covered by rules and regulations specifying what may be released publicly, do not require the "FOUO" marking unless handled under circumstances where marking is essential to insure protection of the information involved.

(a) The marking shall not be used on records which are classified under § 1285.1(f) but, if otherwise proper under this Part 1285, may be applied to information or material which has been declassified.

(b) Information contained in a technical document for which a determination has been made that a distribution statement under § 1285.1(d) is appropriate shall not be marked "FOUO."

(iii) Material which is considered "FOR OFFICIAL USE ONLY" must be safeguarded from general disclosure irrespective of whether the material is physically marked with the term "FOR OFFICIAL USE ONLY."

(iv) Whenever necessary to assure proper understanding, individual paragraphs which contain FOUO information shall be marked with symbol "FOUO." In classified documents, this marking should be applied only to paragraphs which contain FOUO information and do not contain classified information.

§ 1285.5 Responsibilities.

(a) The Chief, Publications Division, Office of Administration, HQ DSA, will review DSA publications to assure that those which meet the criteria for publication in the FEDERAL REGISTER are prepared in proper form and transmitted promptly for publication in the FEDERAL REGISTER, as required by DSAR 5025.19, Publications of Documents in the FEDERAL REGISTER.

(b) The Chief, Administrative Management Division, Office of Administration, HQ DSA, will:

(1) Serve as the point of contact for referring members of the public, except the news media, desiring to examine and copy records to the appropriate staff element within HQ DSA, or within the DSA Administrative Support Center having custody of the records.

(2) Maintain for examination and copying by the public a copy of the material and documents referred to in paragraph (e)(3) of this section.

(3) Process requests for records received under provisions of § 1285.6(a)(1).

(4) Process to the Director/Deputy Director, DSA after coordination with the Counsel, HQ DSA, and other appropriate HQ DSA staff elements appeals from refusals to provide a record.

(c) The Special Assistant for Public Affairs, HQ DSA will serve as the central point of contact for the release of information to the news media.

(d) The Heads of HQ DSA Principal Staff Elements will:

(1) Review all instructions for which they are the proponent to insure that such instructions are not inconsistent with the provisions of this Part 1285.

(2) Recommend at the time instructions for which they are the proponent are prepared for publication whether the document should be published in the FEDERAL REGISTER, as required by DSAR 5025.19, Publication of Documents in the FEDERAL REGISTER.

(3) Insure that the provisions of this Part 1260 are followed in processing requests for records from members of the public.

(4) Coordinate with other HQ DSA staff elements to the extent considered necessary, requests from the public for information.

(e) The Heads of DSA Primary Level Field Activities will:

(1) Insure that the provisions of this Part 1260 are followed in processing requests for records from members of the public.

(2) Provide convenient facilities where members of the public may examine and copy documents to which they are entitled.

(3) Maintain for examination and copying by the public a copy of the following:

(i) All references listed in § 1285.1.

(ii) DSAH 5025.2, DSA Field Establishment Directory which reflects the mailing addresses of all activities of DSA.

(iii) DSAH 5025.1, Defense Supply Agency Index of Publications and Forms (HSI's, Handbooks, Manuals and Regulations) which contains, among other things, a topical index of the publications issued by HQ DSA.

(iv) DSAM 5015.1, Files Maintenance and Disposition which contains a functional description of all records and files generated by DSA. This Manual also contains a topical index.

(v) A copy of such local indexes of opinions, orders, statement of policy, and publications that may exist, or that may be prepared in the future.

(4) Arrange for the collection of fees prescribed in § 1285.1(c) associated with locating and providing copies of documentary material requested.

(5) Furnish the Director, DSA, Attention: DSAH-XA a copy of all refusals to provide a record made under provisions of § 1285.6. In the case of the Defense Contract Administration Services Regions, the copy will be forwarded through the Deputy Director for Contract Administration Services, DSA.

(6) Establish safeguards to insure that the official records of the activity are properly safeguarded during the time they are made available for examination by a member of the public.

(7) Insure that internal operating procedures provide for prompt response to all requests for records.

§ 1285.6 Procedures.

(a) *Requests for records or for permission to examine records.*—(1) Members of the public may make requests for copies of records or for permission to examine or copy records directly to the Head of the DSA activity having custody of the records, if the whereabouts of the document is known. If the exact whereabouts is not known, and it is reasonably certain that the document is in the custody of DSA, the requestor should submit his request to the Director, Defense Supply Agency, Attention: DSAH–XA, Cameron Station, Alexandria, Va. 22314.

(2) Requests must identify each record with sufficient particularity to enable the custodian to locate the record with a reasonable amount of effort. Information as to where the record originated, its subject, date, number, or other identification that would enable the custodian to locate the document should be provided by the requestor when possible.

(3) Because certain information and documents are exempt from the imposition of fees under provisions of 1285.1(c) the requestor need not submit payment for services with his initial written request. When it is anticipated that the cost of the record search and reproduction of the documents may exceed $10, the requestor will be so advised and requested to submit payment prior to furnishing the records. In other instances, the requestor will be advised at the time the record is found as to the charges involved.

(4) Refusal to make a record available may be made only by the Heads of DSA Primary Level Field Activities or the Heads of HQ DSA Principal Staff Elements. The refusal may be appealed to the Director/Deputy Director, DSA. The appeal should be filed with the official who refused release of the record in order that the appeal may be processed through command channels to the Director, DSA for a final decision.

(b) *Processing requests for records or for permission to examine records.*—(1) Upon receipt of a request for records or for permission to examine records, the DSA activity having custody of the records will collect the documents, determine whether they are releasable under provisions of this Part 1285, determine the fees to be charged, and advise the requestor accordingly.

(2) If the request is for permission to examine releasable records, the requestor will be advised as to where and when during normal working hours he may appear for this purpose. Every reasonable effort will be made to accommodate individuals granted permission to examine records; however, overtime is not authorized for this purpose.

(3) If a final reply to a request cannot be made within 10 working days of receipt, the requestor will be given an interim reply and an estimated date on which he may receive a final reply.

(4) The DSA official having custody and control of any DSA record requested by a member of the public is authorized to make such record available unless the record falls within one of the exceptions listed in § 1285.4(c)(4). In such case the request will be referred promptly to the head of the primary level field activity or the head of a HQ DSA principal staff element, as appropriate. The fact that a record has been marked "FOR OFFICIAL USE ONLY" does not relieve the official who is authorized to release the record from the responsibility of reviewing the requested record for the purpose of determining whether an exemption under § 1285.4(c)(4)(i) is applicable.

(5) Requests for records will be denied only by the head of a DSA primary level field activity or the head of an HQ DSA principal staff element upon a determination that:

(i) The record is subject to one of the exemptions set forth in § 1285.4(3)(4), or

(ii) The record cannot be found because it has not been properly identified; or

(iii) The applicant has unreasonably failed to comply with the procedural requirement for obtaining the record set forth in paragraph (a) of this section.

(6) When a request for a record is refused, the official who made the determination will explain the basis for the denial and will advise the requestor that he may appeal the denial to the Director/Deputy Director, DSA. Any refusal will be in writing, and a copy of the refusal will be furnished the Director, DSA, Attention: DSAH–XA. In the case of the Defense Contract Administration Services Regions, the copy will be forwarded through the Deputy Director for Contract Administration Services, DSA.

[FR Doc.73–17068 Filed 9–5–73;8:45 am]

CHAPTER XIV—THE RENEGOTIATION BOARD

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

Common Carriers by Water

Section 1453.3(d)(2), *Fiscal years ending on or after December 31, 1953, is* amended by deleting in subdivision (i) thereof, the words "January 1, 1972", and inserting in lieu thereof the words "January 1, 1973".

(Sec. 109, 65 Stat. 22 (50 U.S.C.A., App. Sec. 1219).)

Dated August 31, 1973.

W. S. WHITEHEAD,
Chairman.

[FR Doc.73–18927 Filed 9–5–73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER IV—SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

PART 401—SEAWAY REGULATIONS AND RULES

Penalty Procedures; Correction

On page 21922 of the FEDERAL REGISTER of August 14, 1973, under § 401.201, *Delegation of authority*, (a) should read as follows:

§ 401.201 Delegation of authority.

(a) The Secretary of Transportation, by 49 CFR 1.50a, has delegated to the Administrator of the Saint Lawrence Seaway Development Corporation the authority vested in him under Title I of the Ports and Waterways Safety Act of 1972, Pub. L. 92–340, as it pertains to the operation of the Saint Lawrence Seaway.

* * * * *

Dated August 28, 1973.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] D. W. OBERLIN,
Administrator.

[FR Doc.73–18853 Filed 9–5–73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER I—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 117]

PART 1–1—GENERAL

Subpart 1–1.3—General Policies

BRAND NAME OR EQUAL PROCUREMENT

This amendment of the Federal Procurement Regulations changes the language of the clause in § 1–1.307–6 and the procedures in §§ 1–1.307–7 and 1–1.307–8 dealing with the procurement of brand name products or equal. The changes provide that "or equal" products will be evaluated to determine whether they meet all salient characteristics set forth in the solicitation rather than to determine whether the "or equal" product and the "brand name" product are equal "in all material respects."

Section 1–1.307–6(a)(2) is amended, as follows:

§ 1–1.307–6 Invitation for bids, "brand name or equal" descriptions.

(a) * * *

(2) In addition, the following clause shall be included in the invitation:

BRAND NAME OR EQUAL

(As used in this clause, the term "brand name" includes identification of products by make and model.)

(a) If items called for by this invitation for bids have been identified in the schedule by a "brand name or equal" description, such identification is intended to be descriptive, but not restrictive, and is to indicate the quality and characteristics of products that will be satisfactory. Bids offering "equal" products (including products of the brand name manufacturer other than the one described by brand name) will be considered for award if such products are clearly identified in the bids and are determined by the Government to meet fully the salient characteristics requirements listed in the invitation.

(b) Unless the bidder clearly indicates in his bid that he is offering an "equal" product, his bid shall be considered as offering a brand name product referenced in the invitation for bids.

(c)(1) If the bidder proposes to furnish an "equal" product, the brand name, if any, of the product to be furnished shall be inserted in the space provided in the invitation for bids, or such product shall be otherwise

clearly identified in the bid. The evaluation of bids and the determination as to equality of the product offered shall be the responsibility of the Government and will be based on information furnished by the bidder or identified in his bid as well as other information reasonably available to the purchasing activity. CAUTION TO BIDDERS. The purchasing activity is not responsible for locating or securing any information which is not identified in the bid and reasonably available to the purchasing activity. Accordingly, to insure that sufficient information is available, the bidder must furnish as a part of his bid all descriptive material (such as cuts, illustrations, drawings, or other information) necessary for the purchasing activity to (i) determine whether the product offered meets the salient characteristics requirement of the invitation for bids, and (ii) establish exactly what the bidder proposes to furnish and what the Government would be binding itself to purchase by making an award. The information furnished may include specific references to information previously furnished or to information otherwise available to the purchasing activity.

* * * * *

Section 1-1.307-7(a) is amended, as follows:

§ 1-1.307-7 Bid evaluation and award, "brand name or equal" descriptions.

(a) Bids offering products which differ from brand name products referenced in a "brand name or equal" purchase description shall be considered for award where the contracting officer determines in accordance with the terms of the clause in § 1-1.307-6(a)(2) that the offered products meet fully the salient characteristics requirements listed in the invitation. Bids shall not be rejected because of minor differences in design, construction, or features which do not affect the suitability of the products for their intended use.

* * * * *

Section 1-1.307-8(b) is amended, as follows:

§ 1-1.307-8 Procedure for negotiated procurements and small purchases.

* * * * *

(b) The clause set forth in § 1-1.307-6 (a)(2) may be adapted for use in negotiated procurements. If use of the clause is not practicable (as may be the case in exigency purchases), suppliers shall be suitably informed that proposals offering products different from the products referenced by brand name will be considered if the contracting officer determines that the offered products meet fully the salient characteristics requirements of the solicitation.

* * * * *

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

Effective date.—This regulation is effective October 15, 1973, but may be observed earlier.

Dated August 28, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.73-18852 Filed 9-5-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED

Limitations on Use of Frequencies

In the matter of amendment of Part 81 of the rules to conform §§ 81.361(a) to 83.360(a) with respect to the limitations on the use of frequencies enumerated in both sections.

1. The frequencies listed in § 81.361(a) of the rules are assignable to limited coast stations for communication with ship stations operating on the same carrier frequency. All but two of these frequencies are listed in § 83.360(a) of the rules as assignable to shipboard stations. The assignment for shipboard stations, under § 83.360(a), includes the express condition that the frequency assigned be used for business and operational communications. This express limitation does not appear, however, in the text of § 81.361(a).

2. Although § 81.361(a) of the rules does not specify that the frequencies listed therein are to be used only for business and operational communications, other rule sections inferentially so provide. Section 81.3(g), defining this class of station, and §§ 81.355(a)(5) and 81.7 (s) and (t), specifying the nature of communications to be exchanged, essentially provide that the stations, operating on the frequencies listed in § 81.361(a), will be used for business and operational communicattons.

3. There is a need, however, for the convenience of the public, for the inclusion of this condition in § 81.361(a) of the rules. The attached Appendix amends Part 81 by including, in explicit terms, the business and operational communications restriction as part of the language of § 81.361(a) and fulfills this need.

4. The amendment adopted herein is editorial in nature, and hence the prior notice, procedure, and effective date provisions of 5 U.S.C. 553, do not apply. Authority for the promulgation of the amendment is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended .

5. Accordingly, Part 81 of the Commission's rules is amended as shown below effective September 7, 1973.

Adopted: August 27, 1973.

Released: August 28, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

In Part 81 of Chapter I of Title 47 of the Code of Federal Regulations § 81.361 is amended as follows:

§ 81.361 Frequencies available.

(a) The following carrier frequencies may be authorized to limited coast stations for business and operational communications with ship stations operating on the same carrier frequency. The conditions of use are set forth in paragraph (b) of this section.

CARRIER FREQUENCY (kHz)

2065.0	6213.5	16,565.0
2079.0	6518.6	16,568.5
2096.5	8281.2	16,572.0
4136.3	8284.4	22,094.5
4139.5	12,421.0	22,098.0
4434.9	12,424.5	22,101.5
6210.4	12,428.0	22,105.0
		22,108.5

* * * * *

[FR Doc.73-18770 Filed 9-5-73;8:45 am]

[Docket No. 18803]

PART 97—AMATEUR RADIO SERVICE

Extension of Time

In the matter of Amendment of Part 97 of the Commission's rules concerning the licensing and operation of repeater stations in the Amateur Radio Service.

1. The Commission has under consideration, on its own motion, the extension of the license term of all amateur stations licensed prior to October 17, 1972, and operating to automatically retransmit the radio signals of other amateur radio stations or as remotely controlled stations prior to that date. The purpose of our action herein is to preclude any unnecessary interruption of any on-going service due to delays in processing applications.

2. In Docket 18803, the Commission adopted rules pertaining to the licensing and operation of amateur repeater stations. Those rules became effective on October 17, 1972. All stations licensed after October 17 had to comply with those rules. However, to provide continuity of operation and to assure continued public service activities, existing repeater stations were granted a grace period to June 30, 1973, to bring their operations into full compliance with the rules and to obtain a new license. At the request of the American Radio Relay League, this period was extended to August 30, 1973.

3. We find that more than adequate time has been given to those previously existing stations to allow their operations to be brought into compliance with the rules. However, because of the initially heavy administrative work load imposed upon the Commission, the fact that initially filed applications were generally inadequate, and because of the lack of processing personnel during the summer months, we find that there has been inadequate time for all existing licensees to actually receive their license documents evidencing their full compliance with the rules. Therefore, we will allow all amateur stations licensed prior to October 17, 1972, which were operating to automatically retransmit radio signals of other amateur stations or as a remotely controlled station, and for which

a timely and sufficient application for renewal or modification was filed to continue operation until final action is taken on the application. An application will be considered as being timely filed if it was received by the Commission on or before August 30, 1973. The application will be considered as one for renewal or modification if it proposes to license transmitting apparatus which was previously operated as a repeater or remotely controlled station.

4. Accordingly, the Commission by the Chief, Safety and Special Radio Services Bureau, pursuant to the delegated authority in § 0.331(b)(1) of the Commission's rules, orders that all amateur stations licensed prior to October 17, 1972, which were automatically retransmitting radio signals from other amateur stations or licensed as remotely controlled stations and for which a timely and sufficient application has been filed, may continue to operate until such time as the Commission takes final action on the application.

Adopted August 29, 1973.

Released August 30, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] CHARLES A. HIGGINBOTHAM,
Acting Chief, Safety and Special Radio Services Bureau.

[FR Doc.73-18770 Filed 9-5-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1114; Amdt. 3]

PART 1033—CAR SERVICE

Norfolk and Western Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 30th day of August 1973.

Upon further consideration of Service Order No. 1114 (37 FR 22872; 38 FR 5877 and 18025), and good cause appearing therefor:

It is ordered, That:

Service Order No. 1114 (*Norfolk and Western Railway Company authorized to operate over tracks of Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees*) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.*—The provisions of this order shall expire at 11:59 p.m., October 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date.—This amendment shall become effective at 11:59 p.m., August 31, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended, (49 U.S.C. 1, 12, 15, and 17(2)); interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10-17), 15(4), and 17(2)).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-18926 Filed 9-5-73;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Monte Vista National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on September 6, 1973.

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

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

The public hunting of geese, ducks, coots, mergansers, mourning doves, sora and Virginia rails, and Wilson's snipe on the Monte Vista National Wildlife Refuge, Colorado, is permitted in accordance with conditions as outlined below, but only on the area designated by signs as open to hunting:

(1) Ducks, coots and mergansers—September 29, 1973, through October 9, 1973, inclusive, and November 10, 1973, through January 13, 1974, inclusive.

(2) Canada geese—November 10, 1973, through December 31, 1973, inclusive. Hunting of Canada geese is restricted to those persons who have secured a special Colorado state permit for the Special San Luis Valley Goose Hunt.

(3) Mourning doves—September 29, 1973, through October 9, 1973, inclusive.

(4) Sora and Virginia rails—September 29, 1973, through October 9, 1973, inclusive.

(5) Wilson's snipe—September 29, 1973, through October 9, 1973, inclusive.

This open area, comprising 5,314 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colorado, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West 6th Ave., Denver, Colorado 80215. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese, ducks, coots, mergansers, mourning doves, sora and Virginia rails, and Wilson's snipe, subject to the following special conditions:

(1) Shooting hours will be from one-half hour before sunrise until sunset for ducks, geese, coots and mergansers.

(2) Shooting hours will be from sunrise to sunset on mourning doves, sora and Virginia rails and Wilson's snipe.

(3) During the 1973-74 season, all hunters, except pheasant hunters, must register at the refuge office before entering the hunting area at one of the six designated parking areas. Upon completion of the day's hunt, the hunter must return to the refuge office to complete a questionnaire regarding the hunt.

(4) Use of steel shot will be required on opening days (September 29 and November 10) and on alternate days thereafter. Specific dates for use of steel shot are: September 29; October 1, 3, 5, 7, 9; November 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30; December 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30; January 1, 3, 5, 7, 9, 11, 13. On other than "steel shot days" hunters will be permitted to use weapons and shells in accordance with State and Federal regulations.

(5) Steel shot shells in 12 gauge only, #2 and #4 shot, will be available for sale at refuge headquarters, at $4.00 per box.

(6) In the event that the supply of steel shot shells is exhausted at some time during the migratory bird season, hunting will then be authorized on all remaining days without checking in or out at the refuge office and with legal weapons and shells as permitted by State and Federal regulations.

(7) Dogs—Not to exceed two dogs per hunter may be used in the hunting of the above species.

(8) Boats—The use of boats is prohibited. One or two-man life rafts that can be carried by an individual from the parking areas to the hunting area may be used to retrieve dead or wounded birds.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 14, 1974.

M. A. MARSTON,
Regional Director, Bureau of Sport Fisheries and Wildlife, Denver, Colorado.

AUGUST 24, 1973.

[FR Doc.73-18858 Filed 9-5-73;8:45 am]

PART 32—HUNTING

Monte Vista National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on September 6, 1973.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

The public hunting of rabbits, skunk, badger, raccoon, coyote, bobcat, and

feral cat on the Monte Vista National Wildlife Refuge, Colorado, is permitted from September 29, 1973, through October 9, 1973, inclusive, and November 10, 1973, through January 13, 1974, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,314 acres is delineated on maps available at refuge headquarters, Monte Vista, Colorado, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West 6th Avenue, Denver, Colorado 80215.

Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits, skunk, badger, raccoon, coyote, bobcat, and feral cat, subject to the following special conditions:

(1) Hunting Hours—Shooting hours shall coincide with the most restrictive hours as those set by Federal and State proclamation for migratory waterfowl, except during the pheasant season when they shall coincide with the hours set by State proclamation for the hunting of pheasants.

(2) Use of steel shot will be required on opening days (September 29 and November 10) and on alternate days thereafter. Specific dates for use of steel shot are: September 29; October 1, 3, 5, 7, 9; November 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30; December 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30; January 1, 3, 5, 7, 9, 11, 13. On other than "steel shot days" hunters will be permitted to use weapons and shells in accordance with State and Federal regulations.

(3) During the 1973–74 season, all hunters, except pheasant hunters, must register at the refuge office before entering the hunting area at one of the six designated parking areas. Upon completion of the day's hunt the hunter must return to the refuge office to complete a questionnaire regarding the hunt.

(4) Steel shot shells in 12 gauge only, #2 and #4 shot, will be available for sale at refuge headquarters, at $4.00 per box.

(5) In the event that the supply of steel shot shells is exhausted at some time during the migratory bird season, hunting will then be authorized on all remaining days without checking in or out at the refuge office and with legal weapons and shells as permitted by State and Federal regulations.

(6) Dogs—Not to exceed two dogs per hunter may be used in the hunting of the above species.

(7) Hunting with rifles and hand guns is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 14, 1974.

CHARLES R. BRYANT,
Refuge Manager.

AUGUST 24, 1973.

[FR Doc.73-18859 Filed 9-5-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

Stage A Meat Gross Margin Rules

The purpose of these amendments is to amend 6 CFR 130.57d and 6 CFR 130.127 in order to make certain corrections and modifications with respect to the gross margin rules applicable for the period July 18 through September 11, 1973, to firms which sell meat derived from swine and sheep.

It has been brought to the attention of the Cost of Living Council that certain firms producing both beef products and pork and lamb products—particularly those producing sausage and similar items of mixed beef and nonbeef content—are not able to control revenues under the special price rule for swine and sheep provided in 6 CFR 130.57d(e) because their cost and pricing records are not kept on the basis of beef and nonbeef items.

Accordingly, this amendment provides an alternative gross margin rule for the period July 18 through September 11, 1973, applicable to firms subject to 6 CFR 130.57d which sell meat derived from swine and sheep. Under the alternative rule, both (1) pork and lamb (i.e., swine and sheep) raw material costs for the period July 18 through September 11, 1973, and (2) beef raw material costs for that period, are included in the formula which limits permissible total sales revenues for that period. However, the beef raw material costs are determined at the cost levels which prevailed during the meat ceiling base period. Under this rule the aggregate beef and nonbeef costs and revenues are controlled without the need for separate records isolating costs and prices for swine and sheep items.

Section 130.57d has also been amended to permit sales revenues for the period July 18 through September 11, 1973, to exceed permissible total sales revenues under both the special price rule for swine and sheep (§ 130.57d(e)) and the alternative gross margin rule discussed above where the excess is attributable to increases in allowable costs, other than meat raw material cost, incurred prior to July 18, 1973. It was not the intent of the Council in promulgating the special pricing rule for swine and sheep for Stage A to exclude from the computation of permissible sales revenues those increases in allowable costs (other than meat raw material costs) which were incurred prior to the effective date of the special price rule for swine and sheep.

Section 130.57d has been further amended to permit firms which used the alternative gross margin rule to take into account increases in the price of imported beef which were permissible during the freeze.

Conforming changes have been made in the meat ceiling price rules contained in Subpart M of Part 130, Title 6 of the Code of Federal Regulations. Because the purpose of this amendment is to provide immediate guidance and information with respect to the current Stage A price regulations applicable to meat items, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days.

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

In consideration of the foregoing, Title 6 of the Code of Federal Regulations is amended as follows, effective 4:00 p.m., e.s.t., July 18, 1973.

Issued in Washington, D.C., on August 31, 1973.

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

1. Paragraph (e)(3) of § 130.57d is amended to read as follows:

§ 130.57d Special price adjustment rule for firms engaged in the slaughtering and processing of livestock or the manufacturing of meat products.

* * * * *

(e) *Special pricing rule for swine and sheep.*

* * * * *

(3) Sales revenues in the period July 18–September 12, 1973, may exceed the permissible total sales revenue calculated in accordance with paragraph (e)(1) of this section if the excess results from (i) seasonal patterns or a change in product mix, or (ii) price increases placed in effect prior to 4:00 p.m., e.s.t., July 18, 1973, to the extent that those price increases reflect increases in allowable costs, other than meat raw material costs, incurred after the base period as defined in this section and before 4:00 p.m., e.s.t., July 18, 1973. Records sufficient to justify any excess shall be maintained.

2. The following paragraph (h) is added to § 130.57d:

§ 130.57d Special price adjustment rule for firms engaged in the slaughtering and processing of livestock or the manufacturing of meat products.

* * * * *

(h) Alternative Rule.—(1) As an alternative to the special pricing rule in paragraph (e) of this section a firm may control revenues during Stage A in accordance with this paragraph. All other provisions of this section apply except as modified by this paragraph.

(2) Effective 4:00 p.m., e.s.t., July 18, 1973 until 11:59 p.m. e.s.t., September 11, 1973, except as provided in paragraph (h)(4) of this section, permissible total sales revenues for the period July 18–September 12, 1973 may not exceed an amount derived from the following computation: the base period gross margin

multiplied by the meat raw material during the period July 18–September 12, 1973, plus pork and lamb raw material cost during the period July 18–September 12, 1973, plus discounted beef raw material costs during the period July 18–September 12, 1973. This computation is illustrated by use of the following equation:

Base period gross margin per hundredweight.	×	Meat raw material for the period July 18 to Sept. 12, 1973, measured by hundredweight.	+	Pork and lamb raw material costs for the period July 18 to Sept. 12, 1973.	+	Discounted beef raw material costs for the period July 18 to Sept. 12, 1973.	=	Permissible total sales revenues for the period July 18 to Sept. 12, 1973.

(3) In computing meat raw material and meat raw material costs for the period July 18–September 12, 1973 for the purpose of determining permissible total sales revenues for the period July 18–September 12, 1973, a firm must exclude all livestock, semiprocessed livestock, and meat products purchased and resold without change in form.

(4) Sales revenues in the period July 18–September 12, 1973, may exceed the permissible total sales revenue calculated by application of the formula provided in paragraph (h)(2) of this section if the excess results from (i) seasonal patterns or a change in product mix; (ii) increases in the price of imported beef pursuant to § 130.123(b) of this title; or (iii) price increases placed in effect prior to 4:00 p.m., e.s.t., July 18, 1973, to the extent that those price increases reflect increases in allowable costs, other than meat raw material costs, incurred after the base period as defined in this section and before 4:00 p.m., e.s.t., July 18, 1973. Records sufficient to justify any excess shall be maintained.

(5) The following definitions apply for purposes of this paragraph, notwithstanding any other provision of this section.

"Discounted beef raw material cost" means meat raw material cost as defined in paragraph (c) of this section, except that—

(i) the term "inventory" excludes swine, sheep, lamb, and pork;

(ii) the term "livestock" excludes swine and sheep;

(iii) the term "cost" means not more than the sum of the average costs for beef raw material items during the meat ceiling base period as defined in § 130.123 of this title (the average cost of a beef raw material item is determined by dividing the net cost by the volume of that item purchased during the meat ceiling base period); and

(iv) the term "value" means the value assigned to inventory, in accordance with the customary accounting practice of the firm concerned, based upon costs as defined in subparagraph (iii) of this definition.

"Livestock" means, for the purpose of calculating the base period gross margin, cattle, swine, and sheep.

"Meat products" means "meat" as defined in § 130.123 of this title.

"Pork and lamb raw material cost" means meat raw material cost as defined in this paragraph, except that meat raw material excludes cattle and beef.

§ 130.127 [Amended]

3. Paragraph (a) of § 130.127 is amended by deleting the period which concludes that paragraph and adding the words "or § 130.57d(h)."

4. Paragraph (b) of § 130.127 is amended by deleting the period which concludes that paragraph and adding the words "or § 130.57d(h)."

[FR Doc.73-19021 Filed 9-5-73;12:41 am]

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Scope Sections

Sections 140.1(a) and 150.1(b) are amended as set forth below to effect technical changes which conform the scope provisions of Parts 140 and 150 to the recent amendment extending the freeze on retail prices of gasoline and No. 2–D diesel fuel until 11:59 p.m., local time September 7, 1973.

This amendment makes clear that it is the intent of the Cost of Living Council that the provisions of Part 140 remain in effect with respect to the retail sale of gasoline and No. 2–D diesel fuel as long as the freeze on these products is continued. It is not the Council's intent to authorize the application of exemptions under Part 150 to retail sales of gasoline and No. 2–D diesel fuel until September 8, when the petroleum regulations become effective for these retail sales.

Because the purpose of this amendment is to provide immediate guidance as to Cost of Living Council decisions, I find that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit comments regarding this amendment. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, Washington, D.C. 20508.

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

In consideration of the foregoing, Chapter I of Title 6 of the Code of Federal Regulations is amended as follows, effective immediately.

Issued in Washington, D.C., on August 31, 1973.

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

1. Section 150.1(b) is amended to read as follows:

§ 150.1 Scope.

* * * * *

(b) The price rules of Part 130 of this chapter remain effective until 11:59 p.m., e.s.t., September 11, 1973, with respect to sales of food subject to Subpart F of that part and with respect to sales of meat subject to Subpart M of that part. Part 140 of this chapter also remains effective with respect to sales of food and meat subject to Subpart I of that part until 11:59 p.m., e.s.t., September 11, 1973, and with respect to retail sales of gasoline and No. 2–D diesel fuel until 11:59 p.m., local time, September 7, 1973.

* * * * *

2. Section 140.1(a) is amended to read as follows:

§ 140.1 Purpose and scope.

(a) The purpose of this part is to implement the provisions of Executive Order 11730 which continues the freeze on prices for commodities and services imposed by Executive Order 11723. Except as provided in paragraph (b), the provisions of this part are in addition to the provisions of Part 130 of this title with respect to prices charged or received for commodities and services beginning 9:00 p.m., e.s.t., June 13, 1973 and shall not operate to abrogate any requirements imposed under Part 130. This part shall remain in general effect until 11:59 p.m., e.s.t., August 12, 1973, after which Phase IV shall commence except that the freeze on prices for food as modified in Subpart I shall remain in effect until 11:59 p.m., e.s.t., September 11, 1973 and the freeze on prices for retail sales of gasoline and No. 2–D diesel fuel shall remain in effect until 11:59 p.m., local time, September 7, 1973. To the extent that the provisions of this part are in conflict with the provisions of Part 130, the provisions of this part control, except that the provisions of this part shall not operate to permit prices higher than permitted under Part 130. The provisions of this part do not extend to:

(i) Wages and salaries, which continue to be subject to the program established pursuant to Executive Order 11695;

(ii) Interest and dividends, which continue to be subject to the program established by the Committee on Interest and Dividends;

(iii) Rents, which continue to be subject to controls only to the limited extent provided in Executive Order 11695.

* * * * *

[FR Doc.73-19020 Filed 9-4-73;12:41 am]

PART 152—COST OF LIVING COUNCIL PHASE IV PAY REGULATIONS

Recodified Pay Rules for Phase IV

Correction

In FR Doc. 73-18703 appearing at page 23614 in the issue of Friday, August 31, 1973, make the following changes:

1. In the 2d line of § 152.105(b) the words "the subparagraph" should read "this section".

2. In § 152.107(d)(2), 19th line, "*CLC*" should read "*CLC–32*".

Title 7—Agriculture

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

[Valencia Orange Regulation 448]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period September 7–13, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.748 Valencia Orange Regulation 448.

(a) *Findings.*—(1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to be weak. Prices f.o.b. averaged $3.27 per carton on a sales volume of 477 carlots during the week ended August 30, 1973, compared with $3.28 per carton on sales of 464 carlots a week earlier. Track and rolling supplies at 294 cars were down 33 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 4, 1973.

(b) *Order.*—(1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period September 7, 1973 through September 13, 1973, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 450,000 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated September 5, 1973.

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

[FR Doc.73-19116 Filed 9-5-73;8:45 am]

PART 932—OLIVES GROWN IN CALIFORNIA

Subpart—Rules and Regulations

ESTABLISHMENT OF GRADE AND SIZE REQUIREMENTS FOR PROCESSED 1973–74 OLIVES

The following amendment of the Subpart—Rules and Regulations prescribes the grade and size requirements for California olives processed during the 1973–74 crop year for use in the production of limited use styles (halved, sliced, quartered, chopped or minced, and "segmented") of canned ripe olives. It relaxes the size requirements that would otherwise apply to such olives during said crop year pursuant to the provisions of the Federal marketing order for olives grown in California.

The publication hereof gives notice of the approval of amendment, as hereinafter set forth, of the rules and regulations (Subpart—Rules and Regulations; 7 CFR 932.108–932.161) currently effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California, hereinafter referred to collectively as the "order." This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment of said rules and regulations was unanimously recommended by the Olive Administrative Committee, established under said marketing agreement and order as the agency to administer the terms and provisions thereof.

The provisions of paragraphs § 932.52 (a)(2) and (a)(3) of the order specify, in terms of minimum weights for individual olives according to variety, the minimum sizes of processed olives that may be used in the production of Whole or Pitted styles of canned ripe olives. Section 932.52(a)(3) also provides that processed olives smaller than the sizes so prescribed, as recommended annually by the committee and approved by the Secretary, may be authorized for limited use (production of Halved, Sliced, or Chopped or Minced styles of canned ripe olives) but any such limited use size olives so used shall be not smaller than the applicable size specified in the paragraph except for the tolerances recommended

to, and approved by, the Secretary. Pursuant thereto this amendment establishes, for olives from the 1973–74 crop utilized for limited use, the minimum sizes specified in said § 932.52(a)(3) and includes a size tolerance of 20 percent for undersize Variety Group 1 olives and 15 percent for undersize Variety Group 2 olives. The same size requirements will apply to olives used in the production of quartered and "segmented" styles (segmented style olives means olives that meet the standards for quartered style except that the pitted olives shall each have been cut lengthwise into more than four approximately equal parts) pursuant to the provisions of § 932.155(d). The amendment includes, for olives used to produce the halved or sliced styles, the grade requirements specified in § 932.52 and modified in § 932.149. The minimum grade for the chopped or minced style is currently specified in § 932.149. The minimum grade of olives used to produce quartered or "segmented" styles is currently specified in § 932.155.

This liberalization reflects the committee's appraisal of the 1973–74 olive crop and marketing conditions and are its recommendations for the minimum grade and sizes of olives that will provide consumers with good quality fruit of the styles specified herein and for improving returns to producers pursuant to the declared policy of the act.

It is hereby found that amendment of said rules and regulations, as hereinafter set forth, is in accordance with the provisions of the marketing agreement and order, and will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

A new § 932.153a is added reading as follows:

§ 932.153a Establishment of grade and size requirements for processed 1973–74 olives for limited use.

(a) Grade.—On and after September 7, 1973, any handler may use processed olives of the respective variety groups in the production of halved or sliced styles of canned ripe olives if such olives were processed after September 6, 1973, and meet the grade requirements specified in § 932.52(a)(1) as modified by § 932.149.

(b) *Sizes.*—On and after September 7, 1973, any handler may use processed olives in the production of halved, sliced, or chopped or minced styles of canned ripe olives if such olives were processed during the period September 7, 1973, through August 31, 1974, and meet the following requirements:

(1) The processed olives shall be identified and kept separate and apart from any olives processed before September 7, 1973, or after August 31, 1974;

(2) Variety Group 1 olives, except the Ascolano, Barouni, or St. Agostino varieties, shall be of a size which individually weigh 1/90 pound: *Provided*, That not to exceed 20 percent of the olives in any lot or sublot may be smaller than 1/90 pound;

(3) Variety Group 1 olives of the Ascolano, Barouni, or St. Agostino varieties shall be of a size which individually weight 1/140 pound: *Provided*, That not to exceed 20 percent of the olives in any lot or sublot may be smaller than 1/140 pound;

(4) Variety Group 2 olives, except the Obliza variety, shall be of a size which individually weigh 1/180 pound; *Provided*, That not to exceed 15 percent of the olives in any lot or sublot may be smaller than 1/180 pound;

(5) Variety Group 2 olives of the Obliza variety shall be of a size which individually weigh 1/140 pound: *Provided*, That not to exceed 15 percent of the olives in any lot or sublot may be smaller than 1/140 pound.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), and good cause exists for making the provisions hereof effective at the time hereinafter set forth, in that (1) the time intervening between the date when the information upon which this amendment is based became available and the time such amendment must become effective in order to effectuate the declared policy of the act is insufficient; (2) the handling of the 1973 crop of olives is expected to begin on or about September 7, 1973 and amendment of the rules and regulations should be in effect by that time so as to apply to the handling of the entire crop to effectuate the declared policy of the act; (3) unless modified by this amendment, the more restrictive requirements of the order provisions would then apply to the handling of the crop; (4) compliance with the amended rules and regulations will require of handlers no special preparation therefor which cannot be completed by the effective time hereof; (5) in order to facilitate the handling of the 1973 crop the industry should have knowledge of the revised requirements, contained in this amendment, as soon as possible; and (6) this amendment was unanimously recommended by members of the Olive Administrative Committee at an open meeting on August 15, 1973, at which all interested persons were afforded an opportunity to submit their views.

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

Dated August 31, 1973, to become effective September 7, 1973.

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

[FR Doc.73-18931 Filed 9-5-73;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

MILK IN THE BOSTON REGIONAL MARKETING AREA, ET AL.

Order Suspending a Certain Provision of the Orders

In the matter of:

7 CFR PARTS AND MARKETING AREAS

1001 Boston Regional.
1002 New York-New Jersey.
1004 Middle Atlantic.
1006 Upper Florida.
1007 Georgia.
1011 Appalachian.
1012 Tampa Bay.
1013 Southeastern Florida.
1015 Connecticut.
1030 Chicago Regional.
1033 Ohio Valley.
1036 Eastern Ohio-Western Pennsylvania.
1040 Southern Michigan.
1044 Michigan Upper Peninsula.
1046 Louisville-Lexington-Evansville.
1049 Indiana.
1050 Central Illinois.
1060 Minnesota-North Dakota.
1061 Southeastern Minnesota - Northern Iowa (Dairyland).
1062 St. Louis-Ozarks.
1063 Quad Cities-Dubuque.
1064 Greater Kansas City.
1065 Nebraska-Western Iowa.
1068 Minneapolis-St. Paul, Minnesota.
1069 Duluth-Superior.
1070 Cedar Rapids-Iowa City.
1071 Neosho Valley.
1073 Wichita, Kansas.
1075 Black Hills, South Dakota.
1076 Eastern South Dakota.
1078 North Central Iowa.
1079 Des Moines, Iowa.
1090 Chattanooga, Tennessee.
1094 New Orleans, Louisiana.
1096 Northern Louisiana.
1097 Memphis, Tennessee.
1098 Nashville, Tennessee.
1099 Paducah, Kentucky.
1101 Knoxville, Tennessee.
1102 Fort Smith, Arkansas.
1106 Oklahoma Metropolitan.
1108 Central Arkansas.
1120 Lubbock-Plainview, Texas.
1121 South Texas.
1124 Oregon-Washington.
1125 Puget Sound, Washington.
1126 North Texas.
1127 San Antonio, Texas.
1128 Central West Texas.
1129 Austin-Waco, Texas.
1130 Corpus Christi, Texas.
1131 Central Arizona.
1132 Texas Panhandle.
1133 Inland Empire.
1134 Western Colorado.
1136 Great Basin.
1137 Eastern Colorado.
1138 Rio Grande Valley.
1139 Lake Mead.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the orders regulating the handling of milk in the aforesaid marketing areas.

It is hereby found and determined that for September 9–30, 1973 the following provision in each of the above listed or-

ders does not tend to effectuate the declared policy of the Act:

The word "second" in §§ 1001.61(a), 1002.50a(a), 1004.50(a), 1006.50(a), 1007.51(a), 1011.51(a), 1012.50(a), 1013.50(a), 1015.61(a), 1030.51(a), 1033.51(a), 1036.50(a), 1040.50(a), 1044.51(a), 1046.51(a), 1049.50(a), 1050.51(a), 1060.51(a), 1061.51(a), 1062.51(a), 1063.50(b), 1064.51(a), 1065.51(a), 1068.53, 1069.51(a), 1070.50(b), 1071.51(a), 1073.51(a), 1075.51(a), 1076.51(a) 1078.50(b), 1079.50(b), 1090.51(a), 1094.51(a), 1096.51(a), 1097.51(a), 1098.51(a), 1099.51(a), 1101.51(a), 1102.51(a), 1106.51(a), 1108.51(a), 1120.50(a), 1121.51(a), 1124.51(a), 1125.50(a), 1126.51(a), 1127.51, 1128.50(b), 1129.50(b), 1130.51(a), 1131.51(a), 1132.51(a), 1133.50(a), 1134.51(a), 1136.50(a), 1137.51(a), 1138.51(a), and 1139.50(a).

STATEMENT OF CONSIDERATION

This suspension will result in the Class I price for September 9–30, 1973 under each of the aforesaid orders being based on the basic formula price for the preceding month. Presently, Class I prices are based on the basic formula price for the second preceding month.

Class I prices under such orders are determined by adding a specified differential to the basic formula price, which is an average of prices paid for manufacturing grade milk in Minnesota and Wisconsin. Without the suspension, the Class I price under each order for all of September would be that determined by adding the appropriate Class I differential to the July basic formula price of $5.78. Under the suspension, Class I prices for September 9–30 will be based on the basic formula price for August. The August price (to be announced by September 5) is expected to be about $6.50.

The suspension will result in producers in all 61 Federal order markets receiving on September 9 a Class I price increase of about 70 cents per hundredweight that was previously scheduled for October 1. Although no provisions in the Red River Valley and Southern Illinois orders (Parts 1104 and 1032) are being suspended, Class I prices under these orders nevertheless will be increased through this action. The Red River Valley Class I price is tied to the Class I price under the Oklahoma Metropolitan order. The Southern Illinois Class I price is based on the St. Louis-Ozarks Class I price.

An immediate increase in Federal order Class I prices is essential to the production of adequate supplies of milk for fluid consumption. In recent months, milk producers throughout the country have been experiencing an unprecedented rise in the cost of feed for dairy cattle. The tight supplies of protein have dominated the feed situation. For the month ending in mid-August, the average price of soybean meal (the principal high-protein feed for dairy cows) was $372 per ton. A year ago, soybean meal was bringing $133 a ton. The average cost of 16 percent protein dairy ration increased to $132 per ton in August, about 60 percent above a year earlier. Corn prices also have risen, averaging about $2.68 per bushel in August. This was more than double the price a year ago. The prospective strong demand for feed grains suggests that feed prices will remain well above those of a year earlier.

Milk prices, on the other hand, have not kept pace with rising feed costs. This is indicated by the milk-feed price ratio, which is a numerical measure of the pounds of concentrate ration equal in value to a pound of milk. For July 1973, this ratio was down 23 percent from a year ago, which at 1.29 was the lowest July ratio since 1963. Last year's July ratio was 1.68. At the current ratio, the milk-feed price relationship is not conducive to heavy grain and concentrate feeding.

Dairy farmers have been facing significant cost increases for other milk production inputs as well. These include recent increases over last year of 8 percent for farm machinery, 9 percent for fertilizer, 24 percent for seed, 12 percent for building and fencing materials, 8 percent for wages, 6 percent for taxes, and 9 percent for interest.

Concurrently with rising milk production costs, prices for slaughter cattle have risen to new highs. This has provided a strong inducement for heavy culling of milk cows by dairymen.

Under these conditions, dairy farmers have not had the incentive to maintain milk production at the level necessary to meet the expected demand for milk and milk products during the forthcoming fall and winter months. Nationally, milk production has been declining steadily since the beginning of the year. For January through June, production was 2.2 percent less than for the same period a year ago. July production was 3.3 percent less than a year earlier. Milk cow numbers for July dropped 2.5 percent from July 1972, and milk per cow was down 0.9 percent.

On the demand side, national sales of milk and dairy products have been rising steadily. For January through May 1973, total commercial use of all milk was up 2.4 percent from a year earlier.

In 59 of the 67 Federal order markets for which there are comparable data, producer receipts for January through June 1973 decreased 1.9 percent from the comparable 1972 period. Production in July was 3.4 percent below a year ago. Producer milk used in Class I, on the other hand, increased 1.4 percent from last year in the January-June period. July Class I utilization was up 1.5 percent. The opening of schools in September will result in a greater demand for milk, which will continue through the fall and winter months when supplies are expected to be short.

Under these circumstances, immediate action should be taken under the Federal milk order program to encourage milk production and the retention of resources devoted to dairying. Producers are faced daily with mounting production costs. They are urgently in need of added income to meet these costs. Without the immediate price increase, there will be no inducement to reverse the present movement of resources out of dairying.

As noted, the average price for manufacturing grade milk in Minnesota and Wisconsin for August is expected to increase about 70 cents per hundredweight. This very substantial one-month increase is a reflection of the significant supply-demand changes within the dairy industry. Such a price change, which can be expected to be a major incentive for increased milk production, should be reflected immediately in Federal order Class I prices rather than at the later October 1 date when the price increase otherwise would take place.

The suspension is based on a public hearing that began August 28 in Clayton, Mo. In the notice of hearing, it was stated that "Proposal No. 1 contemplates price adjustments for each of the markets effective with respect to September deliveries. Since the remaining time obviously does not allow for consummation of amendatory action by September 1, evidence will be received with respect to the propriety of suspension action to establish Class I prices on and after September 1 on a more current basis relative to advancing manufacturing milk prices."

At the hearing, a substantial number of producer groups asked that emergency suspension action be taken to increase September Class I prices. Certain other producer groups indicated, however, that emergency action for September is not necessary. These groups were cooperatives whose members are receiving prices for Class I milk in excess of the minimum order Class I prices.

There is every indication that milk producers in all Federal order markets are experiencing significantly higher production costs. Not all producers in each market are receiving above-order prices for their milk. It is essential to the adequacy of the total supply of milk for fluid consumption that Class I prices in all Federal order markets be increased immediately.

It is hereby found and determined that notice of proposed rulemaking, public procedure thereon, and thirty days' notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the aforesaid marketing areas in that it is necessary to provide at the earliest opportunity an added incentive for dairy farmers to produce adequate supplies of pure and wholesome milk for fluid consumption. This action is necessary in recognition of present or potential milk shortages in many of such markets and a threatened general shortage of Grade A milk supplies.

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Producers requested this suspension at a hearing that began August 28

in Clayton, Mo. Interim emergency action is necessary pending a detailed review of conditions in individual markets as described at the hearing.

Therefore, good cause exists for making this order effective September 9, 1973.

It is therefore ordered, That the aforesaid provisions of the orders are hereby suspended for September 9–30, 1973.

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

Effective date.—September 9, 1973.

Signed at Washington, D.C., on September 4, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73–19077 Filed 9–5–73;8:45 am]

Title 36—Parks, Forests, and Memorials

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 50—NATIONAL CAPITAL PARKS REGULATIONS

Public Gatherings

The United States District Court for the District of Columbia in a Quaker Action Group, et al. v. Morton, et al., Civ. No. 688–69, has entered judgment as follows:

This cause having come before the Court for trial under the remand mandate of the United States Court of Appeals for the District of Columbia Circuit, —— U.S. App. D.C. ——, 460 F. 2d 854, 864 (1971); trial having been conducted; the Court having entered Findings of Fact and Conclusions of Law in this matter on August 22, 1973; now, in accordance therewith.

It is by the Court this 28th day of August 1973, ORDERED, ADJUDGED, AND DECREED:

1. That the 100/500 limitations on demonstrations on the sidewalk in front of the White House and in Lafayette Park contained in the August 1967 memorandum of T. Sutton Jett and subsequently incorporated in the revised Regulations of the Department of the Interior are invalid and void as an unconstitutional infringement of the plaintiffs' rights to freedom of speech and to assemble peacefully and petition the Government for a redress of grievances.

2. That any limitation of less than 750/3000 on demonstrations on the sidewalk in front of the White House and in Lafayette Park would be invalid and void as an unconstitutional infringement of plaintiffs' rights to freedom of speech and to assemble peaceably and petition the Government for a redress of grievances.

3. That the permit requirement of 36 CFR 50.19 does not confer impermissibly broad discretion on government officials to grant or deny permits in violation of First Amendment rights except as set forth in paragraphs 1 and 2 of this Order, in this connection:

a. The requirements of and standards for a permit or notice are reasonable.

b. The restrictions on rush hour demonstrations are reasonable.

c. The ban on the use of sound amplification systems on the White House sidewalk is reasonable.

d. The requirement of marshals for simultaneous demonstrations in Lafayette Park and the White House sidewalk is reasonable.

e. The ban on continuous demonstrations lasting beyond 24 hours or beyond 7 consecutive days by one group is reasonable.

4. That the preliminary injunction issued by this Court in this case, as modified by the Court of Appeals, is dissolved.

The effective date of the National Capital Parks Public Gathering Regulation, 36 CFR 50.19, as amended at 37 FR 24899, November 23, 1972, was postponed by publication at 35 FR 17552, November 14, 1970, pending this Court action. Under the terms of this judgment, 36 CFR 50.19 becomes effective on September 4, 1973, except that: In compliance with the Court's judgment (pending appellate consideration of the matter) the participant limitation on public gathering activities sought to be conducted on the White House sidewalk shall be 750, and in Lafayette Park shall be 3000. (This is in lieu of the 100/500 limitation provided by 36 CFR 50.19 (g)(2) and (3).)

Persons desirous of obtaining a permit under 36 CFR 50.19 to conduct public gathering activities after noon, Tuesday, September 4, 1973, on lands administered by National Capital Parks, National Park Service, should obtain and execute a Public Gathering Permit Application form. Such forms may be obtained from the Director, National Capital Parks, National Park Service, 1100 Ohio Drive SW., Washington, D.C. 20242.

Dated September 4, 1973.

ROGERS C. B. MORTON,
Secretary of the Interior.

[FR Doc.73–19082 Filed 9–5–73;8:45 am]

Proposed Rules

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

COST OF LIVING COUNCIL

[6 CFR Part 152]

EXECUTIVE AND VARIABLE COMPENSATION

Notice of Proposed Rulemaking

Correction

In FR Doc. 73-18704 appearing at page 23628 in the issue of Friday, August 31, 1973, make the following changes:

1. In § 152.124(d)(2)(i), line 14 should read "§ 152.130) and who are subject to self-adminis-".
2. In § 152.124(d)(2)(ii), delete the word "to" in the 7th line.
3. In § 152.124(d)(3)(iv), line 4 should be deleted.
4. In § 152.125(b)(1), last line, "pursuant to § 152.129," should be between the 3d and 4th lines of § 152.125(b)(2)(ii).
5. In § 152.125(d)(2)(ii), delete the word "to" from the 7th line.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 94]

MILK AND MILK PRODUCTS

Proposed Restrictions on Importation

The purpose of the proposal is to place certain restrictions on the importation of milk and milk products originating in any county designated in § 94.1 as infected with rinderpest or foot-and-mouth disease. The proposal would require:

(a) The milk or milk product to be in a liquid form in a hermetically sealed container which was processed by heat after packed and sealed which makes the product shelf stable without refrigeration,

(b) Shipment of the milk or milk products to be transported without refrigeration, and

(c) Each shipment to be accompanied by a certificate issued by an appropriate foreign official certifying to the specified processing required: *Provided*, That upon specific request the Deputy Administrator may permit milk and milk products to be brought into the United States for further processing or without further processing when he determines that such action will not endanger the livestock or poultry of the United States.

Statement of consideration.—Research has shown that the virus of rinderpest and foot-and-mouth disease is present in the milk of infected ruminants. Veterinary Sciences Research scientists have advised that the most commonly used method for pasteurization, the high temperature-short time process, is not adequate to provide acceptable assurance that the virus would be destroyed. The chief method of producing nonfat milk powder also is considered inadequate for virus destruction. In addition, the processing procedures are such that recontamination of fully processed product may occur.

Most foreign dairy products are subject to rigid eligibility requirements for United States entry. The Food and Drug Administration administers the Import Milk Act which imposes strict standards for fluid milk and cream and condensed and evaporated milk. Additionally, Food and Drug Administration requirements apply to other types of milk products.

Foreign Agricultural Service administers Section 22 of the Agricultural Adjustment Act which regulates the importation of dairy products through a quota system. The regular annual quota for nonfat dry milk is 1,807,000 pounds and is allotted to Canada and Australia.

During the past year, market conditions together with depletion of stocks previously held by the Commodity Credit Corporation resulted in a severe domestic shortage of nonfat dry milk. Subsequently, Proclamation No. 4177 authorized an additional temporary quota of 25 million pounds to be imported during the period December 30, 1972, through February 15, 1973. Some five million pounds of this originated in foot-and-mouth disease infected countries. The temporary quota of 25 million pounds, however, was not sufficient to supply the demand and on April 25, 1973, Proclamation No. 4213 authorized the importation of an additional temporary quota of 60 million pounds. Available information indicates that over 24 million pounds of this amount originated in rinderpest or foot-and-mouth disease countries.

Of the various types of imported dairy products, it is believed that nonfat dry milk is the most dangerous with respect to introduction of foreign diseases. Milk powders have long been used in the preparation of feed formulations for swine and calves. The Department is concerned that some of the nonfat milk powder from rinderpest or foot-and-mouth disease countries may contain rinderpest or foot-and-mouth disease virus and may reach susceptible animals. This could occur when quantities of the milk powder or formulations utilizing the powder are diverted from human consumption and into livestock feeds. Any number of conditions that result in spoilage and contamination with bacteria, filth, or vermin could cause such diversions. Under current operations, the importer furnishes Veterinary Services with a notarized affidavit which certifies that the product will not be used in livestock feeds, however, this would not be sufficient protection if the product was sold to a subsequent purchaser without his knowledge of such certification, resulting in possible use of the product in animal feeds if it became contaminated.

The Department has no basis for estimating the frequency or quantities of importations which might be authorized under future temporary quotas, nor can any valid estimate as to what portion of any such quota will come from rinderpest or foot-and-mouth disease countries be made. Based on the two recent temporary quotas and the knowledge received of production capabilities, it is reasonable to believe that some portion of the quota would be filled by rinderpest or foot-and-mouth disease countries. The Department also expects that some users of the milk powders will submit an application to become an approved establishment to handle a restricted import.

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to section 2 of the Act of February 2, 1903, as amended; and section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306; 21 U.S.C. 111), the Animal and Plant Health Inspection Service is considering amending 9 CFR Part 94.

A new § 94.15 would be added to read:

§ 94.15 Milk and milk products.

Milk and milk products originating in a country designated in § 94.1 as infected with rinderpest or foot-and-mouth disease may be imported into the United States if: (a)(1) The milk or milk product is in a liquid form in a hermetically sealed container and was processed by heat after packing and sealing so that the product is shelf stable without refrigeration, (2) shipments of the milk or milk product are transported to the United States without refrigeration, and (3) each shipment is accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin certifying that the milk and milk products have been processed in accordance with paragraph (a)(1) of this section: *Provided*, That upon specific request the Deputy Administrator, Veterinary Services, may permit other milk and

milk products to be imported into the United States under conditions prescribed by him for such specific cases when he determines that such action will not endanger the livestock or poultry of the United States; *However*, if such other milk or milk product is to be imported for further processing it must, in addition to the permission obtained from the Deputy Administrator, Veterinary Services, be consigned and shipped directly to an establishment which has been approved for this purpose and which has provided the Deputy Administrator, Veterinary Services, with satisfactory evidence that it has the equipment, facilities, and capabilities to properly store, handle, process, and utilize the specific shipment of milk or milk product so as to prevent the introduction or dissemination of animal or poultry diseases into the United States.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Maryland 20782, before October 6, 1973.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Center Building, Room 870, Hyattsville, Maryland, during regular business hours in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., this 31st day of August 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-18932 Filed 9-5-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

CLINICAL DATA ON NEW DRUGS GENERATED OUTSIDE THE UNITED STATES

Proposal To Adopt International Clinical Research Standards

The Commissioner of Food and Drugs is concerned over the loss in the new drug approval process in the United States of clinical data from studies performed by experts abroad. Expertise in clinical pharmacology and the clinical investigation of drugs exists in many countries. The Food and Drug Administration's (FDA's) access to data produced by drug studies performed outside of the United States has been limited largely to review of the published literature. As a result, in reviewing a new drug application (NDA) submitted for approval the agency has relied almost exclusively on clinical investigations performed in the United States even though the new drug regulations (21 CFR 130.3 and 130.4) permit inclusion of studies performed outside of this country. It is in the interest of the public health for the FDA, whenever possible, to have access to and consider detailed information resulting from all studies which are well-conceived, well-controlled, and conducted by qualified experts, wherever they are performed. Utilization of such information will reduce the duplication of effort of clinical investigators here and abroad, making available a larger pool of talent for drug research, and will decrease the duplication of clinical studies and thus the total number of patients and volunteers exposed to investigational drugs during the early trial periods. Such utilization may also result in useful drugs becoming available to the public at an earlier date.

A "Notice of Claimed Investigational Exemption for a New Drug" (IND) is required whenever an investigational drug is shipped abroad for clinical study, and although an IND is not required when an investigational drug is manufactured and studied abroad, the FDA will accept one on a voluntary basis. Whenever an IND is filed, regardless of whether one is required, all of the requirements of the law and regulations must be met. Since the IND requirements do not apply to drugs manufactured and investigated abroad, and where one is not voluntarily submitted, it is necessary that regulations be available under which such clinical studies will be acceptable for consideration as a part of IND's and NDA's under review in the United States. This will assist manufacturers in their planning for and submission of such studies. It is anticipated that these regulations will be changed as experience is gained.

It is necessary to define the conditions under which foreign clinical studies may be regarded as acceptable ethically under the standards imposed by United States laws and regulations. It is the policy of the FDA not to accept studies in support of IND's or NDA's that have not been performed under standards of ethics acceptable to the world community.

The standard most universally accepted, and most nearly comparable to the United States requirements, is in the Declaration of Helsinki, adopted by the 18th World Medical Assembly, Helsinki, Finland, 1964. The Helsinki standards are as follows:

DECLARATION OF HELSINKI

RECOMMENDATIONS GUIDING DOCTORS IN CLINICAL RESEARCH

* * * * *

I. BASIC PRINCIPLES

1. Clinical research must conform to the moral and scientific principles that justify medical research and should be based on laboratory and animal experiments or other scientifically established facts.

2. Clinical research should be conducted only by scientifically qualified persons and under the supervision of a qualified medical man.

3. Clinical research cannot legitimately be carried out unless the importance of the objective is in proportion to the inherent risk to the subject.

4. Every clinical research project should be preceded by careful assessment of inherent risks in comparison to foreseeable benefits to the subject or to others.

5. Special caution should be exercised by the doctor in performing clinical research in which the personality of the subject is liable to be altered by drugs or experimental procedure.

II. CLINICAL RESEARCH COMBINED WITH PROFESSIONAL CARE

1. In the treatment of the sick person, the doctor must be free to use a new therapeutic measure, if in his judgment it offers hope of saving life, reestablishing health, or alleviating suffering. If at all possible, consistent with patient psychology, the doctor should obtain the patient's freely given consent after the patient has been given a full explanation. In case of legal incapacity, consent should also be procured from the legal guardian; in case of physical incapacity the permission of the legal guardian replaces that of the patient.

2. The doctor can combine clinical research with professional care, the objective being the acquisition of new medical knowledge, only to the extent that clinical research is justified by its therapeutic value for the patient.

III. NONTHERAPEUTIC CLINICAL RESEARCH

1. In the purely scientific application of clinical research carried out on a human being, it is the duty of the doctor to remain the protector of the life and health of that person on whom clinical research is being carried out.

2. The nature, the purpose and the risk of clinical research must be explained to the subject by the doctor.

3a. Clinical research on a human being cannot be undertaken without his free consent after he has been informed; if he is legally incompetent, the consent of the legal guardian should be procured.

3b. The subject of clinical research should be in such a mental, physical and legal state as to be able to exercise fully his power of choice.

3c. Consent should as a rule, be obtained in writing. However, the responsibility for clinical research always remains with the research worker; it never falls on the subject even after consent is obtained.

4a. The investigator must respect the right of each individual to safeguard his personal integrity, especially if the subject is in a dependent relationship to the investigator.

4b. At any time during the course of clinical research the subject or his guardian should be free to withdraw permission for research to be continued. The investigator or the investigating team should discontinue the research if in his or their judgment, it may, if continued, be harmful to the individual.

The regulations under the Federal Food, Drug, and Cosmetic Act (21 CFR 130.3 and 130.37) governing clinical research differ from these standards more in language than in principle in that the FDA regulations specifically state consent is required for patients in all cases except where the investigator deems it not feasible or, in his professional judgment, contrary to the best interests of the patient. Both standards require consent in all cases where the drug is being administered primarily for the accumulation of scientific knowledge. In the United States, where it is required, consent must be in writing in any Phase I and II investigation, and the decision whether to obtain consent orally or in

writing is left to the discretion of the investigator in Phase III.

The FDA regulations also differ from the Declaration of Helsinki principles in that they require that the protocols for investigational drug studies on institutionalized patients be approved by an institutional review committee prior to inception of the study and the makeup of the committee is required to contain membership from varying backgrounds. However, many institutions abroad do have peer review committees of clinical research and, in some cases, include in the membership nonphysician professionals, e.g., nurses.

There is no desire to attempt to impose upon other countries the specific requirements for research in humans that apply in this country. Additionally the United States does not wish to reject valid scientific data generated under world ethical standards. The regulations proposed herein will permit acceptance of data performed under the ethical standards of the Declaration of Helsinki and where a review committee (composed of individuals who are scientists and, where practicable, individuals who are otherwise qualified and not including the investigator himself) has approved the research protocols from both the scientific and ethical standpoint prior to initiation of the study.

The scientific requirements to be applied to acceptance of foreign clinical drug studies should be the same as those recognized by scientists throughout the world as essential to the acquisition of valid data. The investigators performing the studies must be experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs. Such investigators, as in the United States, are usually associated with medical schools or with outstanding independent institutions and are recognized by their peers for the quality of their investigations and soundness of their conclusions. Facilities utilized by the investigator must be suitable for the complexity of the investigation undertaken. Adequate records to document conclusions of such a study are essential to the scientific process and must be available as needed to support the conclusions.

Based on the experience of the FDA, foreign data dealing with the clinical pharmacology and clinical safety and efficacy in the early phases of clinical investigation (i.e., Phase I and II, 21 CFR 130.3 Form FD 1571, item 10.1) would be the most useful for consideration in connection with IND's and NDA's. This would bring to bear the expertise of clinical pharmacologists wherever it exists on the complexities of drug studies.

The primary purposes of this proposal are to promote the public safety by eliminating unnecessary duplication of human research and to foster the availability to the American public in a timely fashion of important new drugs being studied abroad. In view of this, international manufacturers are expected, where a significant new drug is studied both abroad and in the United States and adequate data appear available for approval of the drug, to submit the data for review by the FDA at the same time they are submitted for review in a foreign country.

Accordingly, the Commissioner concludes it is in the public interest to accept results of clinical investigations performed in other countries in support of IND's and NDA's when such investigations were conducted in accordance with sound scientific and ethical principles of research as set forth herein.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 505, 507, 701, 52 Stat. 1040–1041, 1050–1053, as amended, 1055 (21 U.S.C. 321, 355, 357, 371)), and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 130 be amended by adding a new section as follows:

§ 130.____ Clinical data generated outside the United States and not subject to a "Notice of Claimed Investigational Exemption for a New Drug."

(a) The Food and Drug Administration's access to data produced by drug studies performed outside of the United States and not covered by a "Notice of Claimed Investigational Exemption for a New Drug" (IND) is limited largely to review of published literature. The Commissioner of Food and Drugs has concluded that it is in the interest of the public health, whenever possible, to have access to and consider detailed information resulting from those studies performed abroad which are well-conceived, well-controlled, performed by qualified experts, and conducted in accordance with ethical principles acceptable to the world community.

(b) Such studies may be utilized to support clinical investigations in the United States and in support of the safety and effectiveness of a new drug in a new drug application (NDA) provided all the following conditions are met:

(1) For each investigator's studies, the IND sponsor or NDA applicant verifies that:

(i) The investigator is well qualified by scientific training and experience to conduct investigational studies of the subject drug and he is affiliated with a recognized medical school or with an independent institution recognized for its excellence or is otherwise appropriately qualified. Documentation of the investigator's qualifications shall be submitted.

(ii) He has adequate facilities appropriate for the complexity of the studies performed.

(iii) He maintains detailed case records and will make available to the sponsor these records and any additional background data from such records, including hospital or other institutional records, should such background data be requested by the Food and Drug Administration.

(iv) He has conducted the studies in conformance with the "Declaration of Helsinki" recommendations which read as follows:

DECLARATION OF HELSINKI RECOMMENDATIONS GUIDING DOCTORS IN CLINICAL RESEARCH

* * * * *

I. BASIC PRINCIPLES

1. Clinical research must conform to the moral and scientific principles that justify medical research and should be based on laboratory and animal experiments or other scientifically established facts.

2. Clinical research should be conducted only by scientifically qualified persons and under the supervision of a qualified medical man.

3. Clinical research cannot legitimately be carried out unless the importance of the objective is in proportion to the inherent risk to the subject.

4. Every clinical research project should be preceded by careful assessment of inherent risks in comparison to forseeable benefits to the subject or to others.

5. Special caution should be exercised by the doctor in performing clinical research in which the personality of the subject is liable to be altered by drugs or experimental procedure.

II. CLINICAL RESEARCH COMBINED WITH PROFESSIONAL CARE

1. In the treatment of the sick person, the doctor must be free to use a new therapeutic measure, if in his judgment it offers hope of saving life, reestablishing health, or alleviating suffering. If at all possible, consistent with patient psychology, the doctor should obtain the patient's freely given consent after the patient has been given a full explanation. In case of legal incapacity, consent should also be procured from the legal guardian; in case of physical incapacity the permission of the legal guardian replaces that of the patient.

2. The doctor can combine clinical research with professional care, the objective being the acquisition of new medical knowledge, only to the extent that clinical research is justified by its therapeutic value for the patient.

III. NONTHERAPEUTIC CLINICAL RESEARCH

1. In the purely scientific application of clinical research carried out on a human being, it is the duty of the doctor to remain the protector of the life and health of that person on whom clinical research is being carried out.

2. The nature, the purpose and the risk of clinical research must be explained to the subject by the doctor.

3a. Clinical research on a human being cannot be undertaken without his free consent after he has been informed; if he is legally incompetent, the consent of the legal guardian should be procured.

3b. The subject of clinical research should be in such a mental, physical and legal state as to be able to exercise fully his power of choice.

3c. Consent should, as a rule, be obtained in writing. However, the responsibility for clinical research always remains with the research worker; it never falls on the subject even after consent is obtained.

4a. The investigator must respect the right of each individual to safeguard his personal integrity, especially if the subject is in a dependent relationship to the investigator.

4b. At any time during the course of clinical research the subject or his guardian should be free to withdraw permission for research to be continued. The investigator or the investigating team should discontinue

the research if in his or their judgment, it may, if continued, be harmful to the individual.

(v) An explanation as to how the research conformed to the principles of the "Declaration" is provided (e.g., for nontherapeutic clinical research, it should be clear that the nature, purpose and risk of the research was explained to the subject and his consent was obtained).

(vi) His proposed study has been reviewed for scientific and ethical considerations and approved by a review committee (composed of individuals who are scientists and, where practicable, individuals who are otherwise qualified) prior to initiation of the study. In this regard the addition of other health professionals or laymen to the committee is optional; the investigator himself cannot have participated in the review of his own protocol; and a statement that the review committee has reviewed the proposed study shall be submitted.

(2) The IND sponsor or NDA applicant submits a detailed summary of the preclinical and clinical data and a description of the components, composition, and manufacturing procedures as described in Form FD 1571, items 1, 2, 3, 4, and 5 (§ 130.3(a)), to give significance to the preclinical and clinical data submitted and to permit comparison with data obtained from other studies on the drug.

(c) Data from studies performed abroad and conducted in accordance with the requirements of this section may be utilized without duplication of the studies in the United States as appropriate. For example, data from Phase I studies may permit beginning Phase II studies in the United States; data from Phase II may permit initiation of later and more extensive Phase II studies in the United States; Phase II studies may on occasion be unnecessary in the United States, depending upon the magnitude and quality of the studies and the drug under investigation; data from Phase III studies may be utilized to supplement Phase III studies performed in the United States. (For definition of Phases I, II, III, see Form FD 1571, item 10.1 (§ 130.3(a).) When studies from abroad have been performed prior to initiation of United States studies under an IND, the sponsor shall arrange a meeting with the appropriate Division, Office of Scientific Evaluation, Bureau of Drugs, following the Division's review of the data, to determine what additional studies will be required in the United States. If studies have been essentially completed in the United States and abroad and the data from the latter are to be incorporated as part of an NDA submission, they should be included at the time of submission of the NDA, if possible, but may be submitted as an amendment at any time.

(d) Studies conducted abroad commencing 60 days after the publication of the final regulation will not be accepted in support of new drug applications unless they comply with this section or a waiver is granted by the Food and Drug Administration for good cause shown. Studies conducted abroad and already completed or commencing prior to 60 days after the publication of the final regulation will not be accepted in support of new drug applications unless they comply with the requirements of paragraphs (b) (1) (i)–(v) and (2) of this section or a waiver is granted by the Food and Drug Administration for good cause shown.

Interested persons may, on or before December 4, 1972, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated August 24, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73–18711 Filed 9–5–73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration)

[24 CFR Part 20]

[Docket No. R–73–236]

PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Assignment of Security

The Department of Housing and Urban Development is considering amending Part 201 of Title 24 of the Code of Federal Regulations, Subpart A, "Property Improvement Loans".

The amendment would require that prior to filing claim for reimbursement for loss on a defaulted loan, an insured lending institution must record an assignment of any security it holds, in connection with the defaulted loan, to the United States. Under present procedures the recording of such assignments is optional with the insured lender. The purpose of the amendment is to reduce delays in placing assignments of record.

All interested persons are invited to submit written comments or suggestions in triplicate with respect to this proposal, on or before October 8, 1973, addressed to the Rules Docket Clerk, Office of General Counsel, Room 10256, Department of Housing and Urban Development, 451—7th Street, SW., Washington, D.C. 20410. All relevant material will be considered before adoption of a final rule. A copy of each communication will be available for public inspection during regular business hours at the above address.

The proposed rule is issued pursuant to 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

In consideration of the foregoing, it is proposed to amend § 201.11 as follows:

Section 201.11(h) is redesigned as paragraph (i) and a new paragraph (h) is added to read:

§ 201.11 Claims.

* * * * *

(h) *Recordation.*—Where security has been recorded the insured shall, prior to filing claim, place of record an assignment to the United States of America of said security.

* * * * *

Dated August 30, 1973.

SHELDON B. LUBAR,
Assistant Secretary for Housing Production and Mortgage Credit.

[FR Doc.73–18908 Filed 9–5–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73–GL–34]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Robinson, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 E. Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before October 8, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

Two new instrument approach procedures have been developed to the Robinson Municipal Airport, Robinson, Illinois, based upon the Robinson VOR. In addition, the criteria for designation of transition areas have been changed. Accordingly, it is necessary to alter the Robinson, Illinois transition area to adequately protect the aircraft executing the new approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

ROBINSON, ILL.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Robinson, Ill., Municipal Airport (latitude 39°01'00" N., longitude 87°39'00" W.) and within 5 miles each side of the 348° and 091° bearings from the Robinson Municipal Airport extending from 7-mile-radius area to 12 miles north and east of the airport, excluding the area which overlies the Sullivan, Indiana, transition area.

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

Issued in Des Plaines, Ill., on August 6, 1973.

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

[FR Doc.73-18797 Filed 9-5-73;8:45 am]

Federal Highway Administration

[49 CFR Part 393]

[Docket No. MC-51; Notice No. 73-22]

TRUCKS AND BUSES

Combination of Lighting Devices and Reflectors

The Director of the Bureau of Motor Carrier Safety is considering a revision of § 393.22 of the Motor Carrier Safety Regulations (49 CFR 393.22) to clarify the circumstances in which a clearance lamp and a tail lamp or identification lamp may be combined in the same shell or housing. The revision would make it clear that the present prohibition against combining a clearance lamp on a commercial motor vehicle operated in interest or foreign commerce with a tail lamp or identification lamp on that vehicle applies only to optical combinations in which two lamps use the same lens, not to configurations that locate both lamps in the same module.

This proposal stems from a petition for rulemaking filed by the Truck Safety Equipment Institute (TSEI), an association of manufacturers of motor vehicle equipment. The petition points out that § 393.22 of the Motor Carrier Safety Regulations begins with an authorization for combining two or more lighting devices or reflectors in the same shell or housing, with certain enumerated exceptions. Among the exceptions is paragraph (c) of § 393.22, which provides: "No clearance lamp may be combined with any tail lamp or identification lamp". The quoted language, says TSEI, appears to conflict with paragraph S4.4.1 of Motor Vehicle Safety Standard No. 108 (49 CFR 571.108), which precludes the combination of a clearance lamp with a tail or identification lamp only when the two are "combined optically". The petitioner says that it is common practice among vehicle manufacturers to use modular lamps—a single unit bolted on to the rear structural member of a trailer—containing a clearance lamp, a turn signal lamp, and a combination tail lamp-stop lamp. Each lamp has its own lens and is optically separate from the others. TSEI contends that, because of the optical separation of the lamps, the objective of the regulatory prohibition against combining a clearance lamp with a tail or identification lamp is met, and the additional prohibition against use of the same module to house the lamps "adds nothing to the safety value of the lamp function, and is likely to be interpreted differently by different individuals." TSEI asks that § 393.22 be amended to make its language conform to the language of Motor Vehicle Safety Standard No. 108.

Since its adoption in 1962, the language in paragraph (c) of § 393.22 has been consistently interpreted by the Bureau of Motor Carrier Safety to allow combining a clearance lamp and a tail or identification lamp in the same module as long as both lamps do not use a common lens. The Bureau has construed the reference to "one shell or housing" in the introductory clause of § 393.22 to mean the inner lamp assembly, rather than the outer casing of a multi-lamp module. Under this interpretation, § 393.22 is not inconsistent with paragraph S4.4.1 of Motor Vehicle Safety Standard No. 108.

Nevertheless, it appears that a literal reading of § 393.22 may mislead some persons into concluding that a combination of a clearance lamp and an identification lamp in the same module is prohibited. The possibility of confusion should be minimized because a manufacturer's failure to understand the rule's purport may result in a costly and unnecessary overdesign.

For these reasons, the Director proposes to revise § 393.22 for the purpose of clarifying its language and to make it conform verbally more closely to Motor Vehicle Safety Standard No. 108. Specifically, the Director proposes to revise § 393.22 of the Motor Carrier Safety Regulations (Subchapter B in Chapter III of title 49) to read as follows:

§ 393.22 Combination of lighting devices and reflectors.

(a) *Permitted combinations.*—Except as provided in paragraph (b) of this section, two of more lighting devices and reflectors (whether or not required by the rules in this part) may be combined optically if—

(1) Each required lighting device and reflector conforms to the applicable rules in this part; and

(2) Neither the mounting nor the use of a non-required lighting device or reflector impairs the effectiveness of a required lighting device or reflector or causes that device or reflector to be inconsistent with the applicable rules in this Part.

(b) *Prohibited combinations.*—(1) A turn signal lamp must not be combined optically with a head lamp or other lighting device or combination of lighting devices that produces a greater intensity of light than the turn signal lamp.

(2) A turn signal must not be combined optically with a stop lamp unless the stop lamp function is always deactivated when the turn signal is activated.

(3) A clearance lamp must not be combined optically with a tail lamp or identification lamp.

Interested persons are invited to submit written data, views, or arguments pertaining to the proposed revision. All comments submitted should refer to the docket number and notice number appearing at the top of this document and should be submitted in three copies to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590. All comments received before the close of business on November 30, 1973, will be considered before further action is taken. Comments will be available for examination in the public docket of the Bureau of Motor Carrier Safety, located in room 4136, 400 Seventh Street, SW., Washington, D.C., both before and after the closing date for comments.

This notice of proposed rulemaking is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at §§ 1.48 and 389.4 of Title 49, CFR.

Issued on August 29, 1973.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.73-18857 Filed 9-5-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25837]

[14 CFR Part 241]

AMENDMENT OF THE ACCOUNTING AND REPORTING REQUIREMENTS FOR TRANSPORT-RELATED REVENUES AND EXPENSES

Notice of Proposed Rule Making

AUGUST 28, 1973.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 241 of its Economic Regulations (14 CFR Part 241) which would revise the accounting and reporting requirements for operating revenues: (1) To provide for gross reporting of all operating revenues and expenses; (2) to change the name of the present functional classification "4900 Nontransport Revenues" to "4900 Transport-Related Revenues"; (3) to establish a new functional expense classification "7100 Transport-Related Expenses"; (4) to eliminate the present subclassifications "4100 Federal Subsidy" and "4600 Incidental Revenues-Net"; (5) to provide fuller disclosure of some of the

items presently included in the incidental revenues subclassification; and (6) to reclassify two of the items presently included in the incidental items to other functional classifications.

The principal features of the proposed amendments are described in the attached Explanatory Statement and the proposed amendments are set forth in the proposed rule. The amendments are proposed under the authority of secs. 204 (a) and 407 of the Federal Aviation Act of 1958, as amended, (72 Stat. 743, 766 (49 U.S.C. 1324, 1377).)

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before October 5, 1973, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

Under the Uniform System of Accounts and Reports, all revenue and expenses directly related to the performance of services which grow from, and are incidental to, the air transportation services performed by the air carrier (other than those related revenues and expenses whose magnitude or scope is too substantial to be treated as "incidental" adjuncts to air transportation services) are presently recorded in subclassification "4600 Incidental Revenues—Net" and reported as a single-line item on the income statement of CAB Form 41 under the broad functional classification "Nontransport revenues."

The incidental revenues subclassification includes accounts for the revenues and related expenses from hotel, restaurant, and food services; rents; limousine services; interchange sales; general service sales; and air cargo services. Also, the incidental accounts include, but do not separately disclose, items which are becoming increasingly important to air carrier operations, such as mutual aid, in-flight liquor sales, and substitute services.

We are of the tentative view that the present accounting and reporting of these incidental items should be changed, for at least three reasons. First, netting these incidental revenues and expenses may distort the presentation of air carrier operating results in reports to the Board. Second, some of the items included in the incidental accounts may require greater disclosure. Third, we are concerned that the present classification of these revenues as "nontransport" tends to become confused with the classification "8100 Nonoperating Income and Expense—Net," as well as with the nonoperating objective account "86 Income from Nontransport Ventures."

As an example of the distortion resulting from netting incidental revenues and expenses, in 1972 gross incidental revenues and expenses for trunks and Pan Am domestic operations were $309,282,813 and $241,330,232, respectively. Yet, these revenues and expenses were reported to the Board as a net amount, $67,952,581, classified as nontransport operating revenues. Thus, air carrier operating revenues and expenses were both understated by $241,330,232. Although this understatement does not affect net income, it does distort any comparisons of revenues and expenses and any ratios using revenues and expenses.

An example of the need for greater disclosure can be seen by examining in-flight liquor sales. Revenues and expenses from in-flight liquor sales are presently included in profit and loss account 10 "Hotel, restaurant and food service," and are presented on CAB Form 41 as revenues net of expenses, in the "Incidental revenues (net)" category. In the absence of fuller disclosure on this item, the Board is therefore unable to make any determination as to the particular effect of in-flight liquor sales on carrier operations, as we would be able to if the proposed revisions were adopted, requiring: disclosure of revenues and expenses from in-flight liquor sales in profit and loss account 09, with a detailed breakdown on schedule P–4 of Form 41, and separate presentation of incidental revenues and expenses on CAB Form 41.

We are, therefore, proposing to revise the accounting and reporting for incidental revenues: (1) To provide for gross reporting of all revenues and expenses, (2) to change the name of the present functional classification "4900 Nontransport Revenues" to "4900 Transport-Related Revenues," (3) to establish a new functional expense classification "7100 Transport-Related Expenses," (4) to eliminate the present subclassifications "4100 Federal Subsidy" and "4600 Incidental Revenues—Net," and (5) to provide fuller disclosure of some of the revenues and expenses presently included in the incidental revenues subclassification.

We are also taking this occasion to propose a reclassification of two items presently included in the incidental category: (1) "Foreign exchange fluctuation adjustments," which is a clearing account for gains and losses from transactions involving currency conversions resulting from normal, routine, day-to-day fluctuations in rates of foreign exchange, would be reclassified to the general and administrative function; and (2) "hotels" would be reclassified to the nonoperating income and expense function, on the ground that hotels do not involve services which are performed as an incidental adjunct to air transportation services and which provide improved utilization of plant and organization required for the performance of air transportation services.

In order to afford the carriers sufficient lead time in which to accommodate the foregoing changes, we contemplate concluding this rulemaking proceeding as expeditiously as possible, so that any proposed changes which we make final may be made effective commencing January 1, 1974, at which time all accounts and reports would reflect the proposed changes.

It is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241) as follows:

1. Amend the Table of Contents of the Uniform System of Accounts and Reports so that the table in pertinent part reads:

Sec.

* * * * *

11 Functional Classification—Operating Expenses of Group II and Group III Air Carriers.
12 Objective Classification—Operating Revenues and Expenses.
13 [Reserved]

* * * * *

2. Amend Section 1—Introduction to System of Accounts and Reports, by revising paragraphs (a) and (b) of sec. 1–6 to read as follows:

Sec. 1–6 Accounting entities.

(a) Separate accounting records shall be maintained for each air transport entity for which separate reports to the Civil Aeronautics Board are required to be made by sections 21(i) or 31(h), as applicable, and for each separate corporate or organizational division of the air carrier. For purposes of this Uniform System of Accounts and Reports, each nontransport entity conducting an activity which is not incidental to the air carrier's transport activities and each transport-related activity or group of activities qualifying as a nontransport venture pursuant to paragraph (b) of this section, whether or not formally organized within a distinct organizational unit, shall be treated as a separately operated organizational division.

(b) As a general rule, any activity or group of activities comprising a transport-related service provided for in transport-related revenue and expense accounts 09 through 18 shall be considered a separate nontransport venture under circumstances in which either: (1) A Separate corporate or legal entity

has been established to perform such services, (2) the aggregate annual revenue rate, as determined in section 2–1(d), during either of the prior two years exceeds the greater of $1 million per annum or one percent of the air carrier's total annual transport revenues, or (3) the aggregate annual expense rate, as determined in section 2–1(d), during either of the prior two years exceeds the greater of $1 million or one percent of the carrier's total annual operating expenses: *Provided*, That revenues and expenses from in-flight sales, section 406 subsidy, interchange sales and mutual aid assistance shall be considered related to air transportation and accounted for accordingly, regardless of the revenue or expense standard set forth above.

* * * * *

3. Amend Section 2—General Accounting Policies, by revising paragraphs (c) and (d) of sec. 2–1 to read as follows:

* * * * *

(c) For purposes of this section, investments by the air carrier in resources or facilities used in common by the regulated air carrier activity and those transport-related revenue services defined as separate nontransport ventures under section 1–6(b) shall not be allocated between such entities but shall be reflected in total in the appropriate accounts of the entity which predominantly uses the facility or resource. Where the entity of predominate use is a nontransport venture, the air carrier shall reflect the investment in account 1520, Advances to Nontransport Divisions.

(d) For purposes of this Uniform System of Accounts and Reports, all revenues shall be assigned to or apportioned between accounting entities on bases which will fully recognize the services provided by each entity, and expenses, or costs, shall be apportioned between accounting entities on such bases as will result: (1) With respect to transport-related services, in the assignment thereto of proportionate direct overheads, as well as direct labor and materials, of the applicable expense functions prescribed by this system of accounts and reports, and (2) with respect to separate ventures, in the assignment thereto of proportional general and administrative overheads as well as the direct overheads, labor, and materials.

* * * * *

4. Amend Section 7—Chart of Profit and Loss Accounts, the amended chart to read in pertinent part as follows:

PROFIT AND LOSS CLASSIFICATIONS

Section 7—Chart of Profit and Loss Accounts

Objective classification of profit and loss elements	Functional or financial activity to which applicable (00)		
	Group I carriers	Group II carriers	Group III carriers
OPERATING REVENUES AND EXPENSES			
Transport revenues:			
01 Passenger			
01.1 Passenger—first class	31, 32	31, 32	31, 32.
01.2 Passenger—coach	31, 32	31, 32	31, 32.
02 United States mail.			
02.1 Priority	31, 32	31, 32	31, 32.
02.2 Nonpriority	31, 32	31, 32	31, 32.
03 Foreign Mail	31, 32	31, 32	31, 32.
06 Property			
06.1 Express	31, 32	31, 32	31, 32.
06.2 Freight	31, 32	31, 32	31, 32.
06.3 Excess passenger baggage	31, 32	31, 32	31, 32.
07 Charter and special			
07.1 Passenger	32	32	32.
07.2 Property	32	32	32.
Transport related revenues and expenses:			
08 Section 406 subsidy	49	49	49.
09 In-flight sales			
09.1 Liquor and food—gross revenues	49	49	49.
09.2 Movies and stereo—gross revenues	49	49	49.
09.3 Other—gross revenues	49	49	49.
09.4 Liquor and food—depreciation expense	71	71	71.
09.5 Liquor and food—other expense	71	71	71.
09.6 Movies and stereo—depreciation expense	71	71	71.
09.7 Movies and stereo—other expense	71	71	71.
09.8 Other—depreciation expense	71	71	71.
09.9 Other—expense	71	71	71.
10 Restaurant and food service (Ground)			
10.1 Gross revenues	49	49	49.
10.2 Depreciation expense	71	71	71.
10.3 Other expenses	71	71	71.
11 Rents			
11.1 Gross revenues	49	49	49.
11.2 Depreciation expense	71	71	71.
11.3 Other expenses	71	71	71.
12 Limousine service			
12.1 Gross revenues	49	49	49.
12.2 Depreciation expense	71	71	71.
12.3 Other expenses	71	71	71.
13 Interchange Sales			
13.1 Associated companies—gross revenues	49	49	49.
13.2 Outside—gross revenues	49	49	49.
13.3 Associated companies—depreciation expense	71	71	71.
13.4 Associated companies—other expense	71	71	71.
13.5 Outside—depreciation expense	71	71	71.
13.6 Outside—other expense	71	73	71.
14 General service sales			
14.1 Associated companies-gross revenues	49	49	49.
14.2 Outside-gross revenues	49	49	49.
14.3 Associated companies-depreciation expense	71	71	71.
14.4 Associated companies-other expense	71	71	71.
14.5 Outside-depreciation expense	71	71	71.
14.6 Outside-other expense	71	71	71.
15 Mutual aid			
15.1 Receipts	49	49	49.
15.2 Payments	71	71	71.
16 Substitute (replacement) service			
16.1 Gross revenues	49	49	49.
16.2 Expense	71	71	71.
17 Air cargo service			
17.1 Gross revenues	49	49	49.
17.2 Depreciation expense	71	71	71.
17.3 Other expense	71	71	71.
18 Other transport related items			
18.1 Gross revenues	49	49	49.
18.2 Depreciation expense	71	71	71.
18.3 Other expense	71	71	71.
* * * * * * *			
Transport expenses:			
21 General management personnel	53, 69	53, 55, 64, 67, 68	53, 55, 61, 62, 63, 65, 66, 68
23 Pilots and copilots	51	51	51.
24 Other flight personnel	51, 69	51, 55	51, 55.
25 Maintenance labor			
25.1 Labor-airframes		52	52.
25.2 Labor-aircraft engines		52	52.
25.3 Labor-other flight equipment		52	52.
25.6 Labor-flight equipment	52		
25.9 Labor-ground property and equipment	52, 53	52, 53	52, 53.
* * * * * * *			
75.9 General ground property	70	70	70.
76 Foreign exchange fluction adjustments	68	68	68.
77 Uncleared expense credits			
* * * * * * *			

5. Amend Section 8—General, by changing paragraphs (d)(1) and (d)(2) to read:

(d) * * *

(1) *Operating Revenues.*—(i) This primary classification shall include revenues of a character usually and ordinarily derived from the performance of air transportation and air transportation-related services, which relate to services performed during the current accounting year, and adjustments of a recurrent nature applicable to services performed in prior accounting years. (See section 2–7.)

(ii) Operating revenues shall be subclassified in terms of functional activities as provided in section 9.

(2) *Operating Expenses.*—(i) This primary classification shall include expenses of a character usually and ordinarily incurred in the performance of air transportation and air transportation-related services, which relate to services performed during the current accounting year, and adjustments of a recurring nature attributable to services performed in prior accounting years. (See section 2–7.)

(ii) Operating expenses shall be subclassified in terms of functional activities as provided in sections 10 and 11.

* * * * *

6. Amend Section 9—Functional Classification-Operating Revenues, by revising Function 4900 to read:

4900 Transport-Related Revenues.

This classification is prescribed for all air carrier groups and shall include all revenues from the United States Government as direct grants or aids for providing air transportation facilities and all revenues from services which grow from and are incidental to the air transportation services performed by the air carrier.

Revenues related to services of a magnitude or scope beyond an incidental adjunct to air transportation services shall not be included in this classification (see section 1–6(b)). Revenues applicable to such services shall be included in profit and loss classification 8100, Nonoperating Income and Expense—Net, and the accounting modified to conform with that of a nontransport division whether or not the service is organized as a nontransport division.

7. Amend Section 10—Functional Classification-Operating Expenses of Group I Air Carriers, and Section 11—Functional Classification-Operating Expenses of Group II and Group III Air Carriers, by adding to each such section a new function 7100, to follow function 7000 in each such section, the new function to read as follows:

7100 Transport-Related Expenses.

This function shall include all expense items applicable to the generation of transport-related revenues included in section 9, Function 4900.

Such expense related to services of a magnitude or scope beyond an incidental adjunct to air transportation services shall not be included in this function (see section 1–6(b)). Expenses applicable to the generation of such revenues shall be included in profit and loss classification 8100, Nonoperating Income and Expense—Net, and the accounting modified to conform with that of a nontransport division whether or not the service is organized as a nontransport division.

This function shall also include expenses representing increases in costs incurred in common with the air transport service, to the extent such increases result from the added transport-related services, as well as a pro rata share of the costs incurred by the air carrier in operating facilities which are used jointly with others. As a general rule, this function shall not include those expenses, other than joint facilities costs, which would remain as an essential part of the air transport services if the transport-related services were terminated.

In accordance with the provisions of sections 22(d) and 32(d), as applicable, each air carrier shall file with the Civil Aeronautics Board a statement of accounting procedures setting forth methods used in assigning or prorating expenses between transport-related services and transport operations.

8. Amend Section 12—Objective Classification-Operating Revenues, as follows:

A. By revising the section heading to read:

Section 12—Objective Classification-Operating Revenues and Expenses

B. By revising account 00 to read:

00 General Instructions.

(a) Basic objective accounts, applicable to all air carrier groups, are established for recording all revenue and expense elements. These basic accounts are in certain areas subdivided to provide greater detail for indicated air carrier groups.

(b) Each air carrier shall credit the gross revenues accruing from services ordinarily associated with air transportation and transportation-related services to the appropriate account established for each revenue source. Expenses incident to transport and transport-related services shall be charged to the accounts established in this section in accordance with the objectives served by each expenditure. However, direct costs of forwarding traffic as a result of interrupted trips, and refunds of sales, shall be charged to the applicable revenue account.

(c) To the end that the integrity of the prescribed objective accounts shall not be imparied, each air carrier shall: (1) Charge the appropriate account prescribed for each service purchased or expense element incurred expressly for the benefit of the air carrier regardless of whether incurred directly by the air carrier or through an agent or other intermediary, and (2) except as provided in objective account 77, Uncleared Expense Credits, credit or charge, as appropriate, the account prescribed for each expense element which may be involved in distributions of expenses between (i) separate operating entities of the air carrier, (ii) transport-related services and transport services, or transport functions, (iii) balance sheet and profit and loss elements, and (iv) the air carrier and others, when the expenses are incurred initially by or for the benefit of the air carrier. At the option of the air carrier, standard rates applicable to each objective account comprising a particular pool of expenses subject to assignment between two or more activities, may be established for proration purposes, provided the rates established are predicated upon the experience of the air carrier and are reviewed and modified as appropriate at least once each year.

C. By inserting the following subheading between accounts 00 and 01:

TRANSPORT REVENUES

D. By revising paragraph (b) of account 07, Charter and Special, to read:

07 Charter and Special.

* * * * *

(b) This account shall not include revenues or fees received from other air carriers for flight facilities furnished or operated by the accounting air carrier where the remuneration paid by the party receiving transportation accrues directly to, and the responsibility for providing transportation is that of other air carriers. Such revenues and related expenses shall be included in profit and loss accounts 11, Rents; 13, Interchange Sales; or 18, Other Transport-Related Revenues and Expenses.

* * * * *

E. By inserting the following subheading before account 08, Section 406 Subsidy:

TRANSPORT-RELATED REVENUES AND EXPENSES

F. By deleting account 09, Foreign Exchange Fluctuations Adjustments, and inserting the following account:

09 In-Flight Sales.

(a) Record here revenues from and expenses related to transport-related services performed while in flight.

(b) This account shall be subdivided as follows by all air carrier groups:

09.1 Liquor and food—gross revenues.
09.2 Movies and stereo—gross revenues.
09.3 Other—gross revenues.
09.4 Liquor and food—depreciation expense.
09.5 Liquor and food—other expense.
09.6 Movies and stereo—depreciation expense.
09.7 Movies and stereo—other expense.
09.8 Other—depreciation expense.
09.9 Other—expense.

G. By revising account 10, Hotel, Restaurant and Food Service, to read:

10 Restaurant and Food Service (Ground).

(a) Record here revenues from and expenses related to the operation of restaurants and similar facilities, and from sales of food. (See section 12–51.)

(b) This account shall be subdivided as follows by all air carrier groups:

10.1 Gross revenues.
10.2 Depreciation expense.
10.3 Other expense.

H. By revising the caption and paragraphs (a) and (c) of account 13, Interchange Sales—Associated Companies, the revised account 13 to read, in part:

13 Interchange Sales.

(a) Record here the revenues or fees from and the expenses related to services provided associated companies and other than associated companies by the air carrier under aircraft interchange agreements. This account shall be charged and the applicable operating expense objective accounts shall be credited, except as provided in operating expense objective account 77, Uncleared Expense Credits, with the expenses attaching to services provided all companies under aircraft interchange agreements.

* * * * *

(c) This account shall be subdivided as follows by all air carrier groups:

13.1 Associated companies—gross revenues.
13.2 Outside—gross revenues.
13.3 Associated companies—depreciation expense.
13.4 Associated companies—other expense.
13.5 Outside—depreciation expense.
13.6 Outside—other expense.

I. By revising account 14, General Service Sales—Associated Companies, the revised account 14 to read:

14 General Service Sales.

(a) Record here the revenues, commisions or fees from and expenses related to other than air transportation and aircraft interchange services provided to associated and outside companies by the air carrier. This account shall include the contractual fees or other revenues from and expenses related to services provided to associated and other companies in the operation of facilities which are used jointly with associated and other companies as well as revenues from and the costs related to the sale of supplies, parts and repairs sold directly or furnished as a part of services to associated and other companies.

(b) This account shall not include consideration received from sales of property, equipment, materials or supplies when disposed of as a part of a program involving retirement of property and equipment as opposed to routine sales and services to associated and other companies unless such disposition is conducted as a normal part of the incidental sales activity. Such retirement gain or loss shall be included in capital gains and losses accounts. Maintenance parts, materials or supplies sold as a service to others shall be charged to this account at cost without adjustment of related obsolescense or depreciation reserves.

(c) This account shall be subdivided as follows by all air carrier groups:

14.1 Associated companies—gross revenues.
14.2 Outside—gross revenues.
14.3 Associated companies—depreciation expense.
14.4 Associated companies—other expense.
14.5 Outside—depreciation expense.
14.6 Outside—other expense.

J. By deleting account 15, Interchange Sales—Outside and inserting the following account:

15 Mutual Aid.

(a) Record here the receipts and payments under agreements with other air cariers providing for mutual financial assistance in the case of work stoppages. Gross amounts shall be recorded.

(b) This account shall be subdivided as follows by all air carriers:

15.1 Receipts.
15.2 Payments.

K. By deleting account 16, General Service Sales—Outside, and inserting the following account:

16 Substitute (replacement) Service.

(a) Record here revenues from and expenses related to substitute service. This account shall include as revenues all monies received from substitute carriers and as expense all monies paid to substitute carriers.

(b) This account shall be subdivided as follows by all air carrier groups:

16.1 Gross revenues.
16.2 Expense.

L. By revising the caption and paragraphs (a) and (b) of account 18, Other Incidental Revenues, the revised account 18 to read, in part:

18 Other Transport-Related Revenues and Expenses.

(a) Record here revenues from and expenses related to transport-related services not provided for in profit and loss accounts 10 through 17, inclusive, such as revenues and expenses incident to the operation of flight facilities by the accounting air carrier, except those operated under aircraft interchange agreements, where the remuneration paid by the party receiving transportation accrues directly to, and the responsibility for providing transportation is that of, other air carriers; and the revenues and expenses incident to vending machines, parcel rooms, storage facilities, etc.

(b) [Reserved]

* * * * *

9. Amend Section 13—Objective Classification—Operating Expenses, as follows:

A. By deleting the section heading and inserting the following subheading after Section 12, account 19:

TRANSPORT EXPENSES

B. By deleting account 00, General Instructions.

C. By revising account 51, Passenger Food Expense, to read:

51 Passenger Food Expense.

(a) Record here the cost of food and refreshments served passengers except food costs arising from interrupted trips.

(b) If the air carrier prepares its own food, the initial cost and expenses incurred in the preparation thereof shall be accumulated in a clearly identified clearing account through which the cost of food shall be cleared to this account, to profit and loss account 36, Personnel Expenses, and to profit and loss account 10, Restaurant and Food Service (Ground), on bases which appropriately allocate the cost of food served passengers, the cost of food provided employees without charge and the cost of food sold.

D. By inserting a new account 76, Foreign Exchange Fluctuation Adjustments, between accounts 75 and 77, as follows:

* * * * *

75 Depreciation.

* * * * *

76 Foreign Exchange Fluctuation Adjustments.

Record here gains or losses from transactions involving currency conversions resulting from normal, routine, day-to-day fluctuations in rates of foreign exchange in accordance with provisions of section 2–3. Gains or losses of a nonroutine abnormal character shall not be entered in this account but in a profit and loss account 85, Foreign Exchange Adjustments.

77 Uncleared Expense Credits.

* * * * *

E. By inserting, following the entire text of section 12, as herein revised, a caption indicating that section 13 has been deleted and reserved, as follows:

Section 13 [Reserved]

10. Amend Section 22—General Reporting Instructions, as follows:

A. By revising paragraph (a), in pertinent part, to read:

* * * * *

Schedule No.	Schedule title	Filing frequency
*	*	*
P-4.....	Transport-Related Revenues and Expenses; Explanation of Special Items; Explanation of Deferred Federal Income Tax Adjustments, Dividends Declared and Retained Earnings Adjustments.	Do.
*	*	*

B. By revising paragraph (d)(10) to read:

(d) * * *

* * * * *

(10) Procedures for assigning or prorating expenses between transport-related services and transport operations, as prescribed by section 10–7100 or 11–7100.

* * * * *

11. Amend Section 24—Profit and Loss Elements, by revising paragraphs (a) through (e) of the Schedule P–4 section, to read as follows:

* * * * *

Schedule P–4—Transport-Related Revenues and Expenses; Explanation of Special Items; Explanation of Deferred Federal Income Tax Adjustments,

Dividends Declared and Retained Earnings Adjustments

(a) This schedule shall be filed by all route air carriers.

(b) Separate sets of this schedule shall be filed for each separate operating entity of the air carrier.

(c) Transportation-related operations shall be reported in this schedule in conformance with instructions in section 9–4900, Transport-Related Revenues, and sections 10–7100 and 11–7100, Transport-Related Expenses.

(d) [Reserved].

(e) The totals of transport-related gross revenues and gross expenses reported in this schedule shall agree with the corresponding amounts reported for classifications 4900 and 7100 on Schedule P–1.

* * * * *

12. Amend Section 32—General Reporting Instructions, as follows:

A. By revising paragraph (a), in pertinent part, to read:

Schedule No.	Schedule title	Filing frequency
*	*	*
P-3.1.....	Transport Revenues.....	Do.
P-4.....	Transport-Related Revenues and Expenses; Explanation of Special Items; Explanation of Deferred Federal Income Tax Adjustments, Dividends Declared and Retained Earnings Adjustments.	Do.
*	*	*

B. By revising paragraph (d)(9) to read:

(d) * * *

* * * * *

(9) Procedures for assigning or prorating expenses between transport operations and transport-related operations, as prescribed by section 10–7100 or 11–7100.

* * * * *

13. Amend schedules P–1.1, P–1.2, P–1(a), and P–2(a) of Form 41 to reflect the foregoing changes in accounting, as shown in Exhibits A, B, C and D attached hereto and made a part hereof.[1]

14. Amend schedule P–4 of Form 41 to provide more detailed disclosure of transport-related revenues and expenses, as shown in Exhibit E attached hereto and made a part hereof.[1]

[FR Doc.73–18653 Filed 9–5–73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 73–1152]

FEDERAL SAVINGS AND LOAN SYSTEM

Service Corporations

AUGUST 15, 1973.

The Federal Home Loan Bank Board considers it desirable to propose an amendment to § 545.9–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9–1) in order to require prior Board approval for certain investments in and by certain service corporations in which Federal savings and loan associations may invest.

Service corporations in which Federal associations may invest are commonly categorized by the number of their savings and loan association stockholders. Type "b–2" service corporations are those in which less than 5 savings and loan associations (including any Federal association) held capital stock or one such association holds more than 40 percent of such stock (see § 545.9–1(b)(3)(ii)).

The Board proposes to require prior approval, under certain conditions, for any investment (1) by a Federal association in a type "b–2" service corporation or in a corporation which will become a type "b–2" service corporation as a result of such investment, and (2) by a type "b–2" service corporation directly or indirectly through one or more wholly-owned subsidiaries or joint ventures of such service corporation. Approval would be required if the purpose of any of these investments is to acquire a going business for an amount exceeding the fair market value of the tangible net assets attributable to that business from a director or officer of a Federal association owning stock in such service corporation or from an entity in which a director or officer of a Federal association has a direct or indirect beneficial interest or is a director, officer, controlling person, partner or trustee.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend § 545.9–1(b)(3) by adding a new subdivision (iv) thereto to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C., 20552, by October 8, 1973, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 545.9–1 Service corporations.

* * * * *

(b) *Other service corporations.*—In addition to investment in a service corporation which meets the requirements of paragraph (a) of this section, a Federal association which has a charter in the form of Charter N or K (rev.) may invest in the capital stock, obligations, or other securities of any service corporation organized under the laws of the State, District, Commonwealth, territory, or possession in which the home office of the association is located if:

* * * * *

(3) The following limitations are complied with:

* * * * *

(iv) In the case of a service corporation of the type described in subdivision (ii) of this subparagraph, the approval of the Board is required for any investment

(*a*) By a Federal association in such a service corporation or in a corporation which will become such a service corporation as a result of such investment, and

(*b*) By such a service corporation directly or indirectly through one or more wholly-owned subsidiaries or joint ventures of such service corporation

If the purpose of such investment is to acquire a going business for an amount exceeding the fair market value of the tangible net assets attributable to that business from a director or officer of a Federal association which owns any of the capital stock of such a service corporation or from an entity in which a director or officer of such Federal association has a direct or indirect beneficial interest or is a director, officer, controlling person, partner or trustee.

* * * * *

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

By the Federal Home Loan Bank Board.

EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73–18838 Filed 9–5–73;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 538]

[General Order 19; Docket No. 73–53]

INCREASES IN CONTRACT RATES

Rules Governing Filing; Enlargement of Time To File Comments

Upon request of counsel for Pacific Coast European Conferences, and good cause appearing, time within which comments shall be submitted in response to the notice of proposed rulemaking in this proceeding (38 FR 22495; August 21, 1973) is enlarged to and including October 17, 1973. Replies of Hearing Counsel shall be submitted on or before October 31, 1973. Answers to Hearing Counsel's replies shall be submitted on or before November 12, 1973.

By the Commission.

[SEAL] JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.73–18875 Filed 9–5–73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1057]

[Ex Parte No. MC–43 (Sub-No. 1)]

MOTOR CONTRACT CARRIERS

Lease and Interchange of Vehicles

AUGUST 31, 1973.

Notice of filing of petition for reopening and modification of the leasing regulations, or, in the alternative, for the institution of a rulemaking proceeding, filed August 2, 1973.

[1] Filed as part of the original document.

Petitioner: Common carrier conference—irregular route.

Petitioner's representatives: James E. Wilson, Jon P. Hollengreen, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004.

Petitioner, a conference of the American Trucking Associations, Inc., requests (1) that the Commission reopen and modify § 207.4(a)(3) of the leasing regulations (49 CFR 1057.4(a)(3)) to preclude the trip leasing of equipment with driver to regulated carriers, following movements by motor contract carriers for shipper affiliates, or (2) in the alternative, that the Commission institute a rulemaking proceeding to accomplish the same purpose. The Conference takes the position that in order to maintain the balance between private and for-hire motor carriage, the present regulation prohibits the leasing of equipment and drivers to authorized carriers by private carriers unless the lease is for 30 days or more; and that the principal exception to the 30-day rule allows authorized (common or contract) carriers to lease their vehicles and drivers to other authorized (common or contract) carriers on what would otherwise be empty one-way runs of their equipment. Petitioner contends that the 30-day regulation has been subverted by shippers through the creation of motor contract carrier subsidiaries and that this circumvention of the pertinent regulations has placed an unwarranted burden on petitioner's member common carriers. Petitioner requests, therefore, modification of the leasing regulations to preclude the trip-lease of equipment by a motor contract carrier following a movement by that carrier for a shipper affiliate.

No oral hearing is contemplated at this time. Any interested person (including petitioner) desiring to participate may file with this Commission an original and fifteen (15) copies of his written representations, views, or argument in support, or against, the relief sought in the petition (including any potential environmental effects thereof) on or before November 5, 1973. A copy of each such representation should be served upon petitioner's representatives. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-18919 Filed 9-5-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Notice of Meeting

AUGUST 31, 1973.

The Secretary of the Air Force has requested Dr. Raymond L. Bisplinghoff, Deputy Director of the National Science Foundation, to make an independent review of the B–1 Program. The review is being conducted under the auspices of the USAF Scientific Advisory Board. The initial planning session will be held on September 10, 1973, at Rockwell International Corporation, Los Angeles, California. Due to the classified nature of the material, this meeting will be closed to the public. For further information contact the Scientific Advisory Board Secretariat at (202) 697–4648.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73–18839 Filed 9–5–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

HURRICANE CREEK WATERSHED PROJECT, TENNESSEE

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for the Hurricane Creek Watershed Project, Humphreys and Dickson Counties, Tennessee, USDA–SCS–ES–WS–(ADM)–72–30(F).

The environmental statement concerns a plan for watershed protection, flood prevention, and industrial water supply. The planned works of improvement include conservation land treatment throughout the watershed, supplemented by (1) seven single-purpose floodwater-retarding structures and (2) one multiple-purpose structure for flood prevention and industrial water supply.

The final environmental statement was transmitted to the Council on Environmental Quality on August 29, 1973.

Copies are available for inspection during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, D.C. 20250.

Soil Conservation Service, USDA, 561 U.S. Courthouse, Nashville, Tennessee 37203.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please order by name and number of statement. The estimated cost is $4.30.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

J. U. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

AUGUST 29, 1973.

[FR Doc.73–18802 Filed 9–5–73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

DESERT RESEARCH INSTITUTE, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before September 26, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74–00035–52–41700. Applicant: Desert Research Institute, University of Nevada System, SAGE Building, Stead Campus, Reno, Nevada 89507. Article: System 100 Dye laser, diffraction grating, 1200 line/mm, and spare flash tubes. Manufacturer: Electro-Photonics, Ltd., United Kingdom. Intended use of article: The foreign article is intended to be used in research to study the properties of the atmosphere, clouds, and air pollution. Specifically, the article will provide a means of obtaining optical backscatter from the atmosphere and thereby measuring the composition of the atmosphere including gases, particulates and cloud structure. The article will also be used (1) to train graduate students in the technology of optical radar and remote sensing techniques including resonance, Ranan and other wavelength dependent effects and (2) to train students in a laser course on the theory and application of lasers. Application received by Commissioner of Customs: July 18, 1973.

Docket Number: 74–00061–99–03400. Applicant: New York League for the Hard of Hearing, 71 West 23rd Street, New York, New York 10010. Article: (2) Two Suvag I Auditory Training Units, (3) Three Body Movement Micros, and (1) One Junction box. Manufacturer: SEDI, France. Intended use of article: The foreign article is intended to be used in research on the aural health care and educational training for the hard of hearing. Specifically, the article will be used in a study of training restricted bands of restricted hearing, such as the area of the eight carnial nerve. Application received by Commissioner of Customs: August 8, 1973.

Docket Number: 74–00062–00–54500. Applicant: Tulane Medical School, Department of Ophthalmology, 1430 Tulane Avenue, New Orleans, Louisiana 70112. Article: Optical Attachment for Zeiss Photocogulator. Manufacturer: SADAMEL, France. Intended use of article: The foreign article is intended to be used in training resident-trainees in a prescribed course in the use of the laser photocogulator. Specifically, the article as an attachment will facilitate both the means of clinical treatment and the adaption of the resident-trainee staff to the mode and method of clinical treatment. Application received by Commissioner of Customs: August 8, 1973.

Docket Number: 74–00063–00–33900. Applicant: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, Connecticut 06510. Article: Automatic Petrographic Heating and Freezing Stage. Manufacturer: Centre National De La Recherche Scientifique', France. Intended use of article: The foreign article is intended to be used in research on the origin of fluid inclusions in metamorphic rocks. Specifically, the use is to determine the compositions of fluid inclusions and the temperature and pressure conditions in metamorphic rock when the fluid inclusions were found. Application received by Commissioner of Customs: August 8, 1973.

Docket Number: 74–00064–33–46040. Applicant: Princeton University, Purchasing & Office Services, P.O. Box 33, Princeton, New Jersey 08540. Article:

Electron Microscope, Model Elmiskop IA. Manufacturer: Siemens AG, West Germany. Intended use of article: The foreign article is intended to be used in the following research studies on (1) high resolution ultra-structural analysis of microtubules from the nerve axon, spindle apparatus, cilia and flagella, and other parts of eucargotic cells (2) the relationships between the microtubules and their associated structures (3) characterization of the microtubule organizing centers in these organelles (4) the *in vivo* and *in vito* growth and assembly of microtubules and (5) monitoring the content and purity of cell fractions in conjunction with biochemical and biophysical studies on microtubules. Application received by Commissioner of Customs: August 8, 1973.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-18841 Filed 9-5-73;8:45 am]

SEMICONDICTOR MANUFACTURING AND TEST EQUIPMENT

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee will be held Thursday, September 20, 1973, at 10:30 a.m. in Room 4833, Main Commerce Building, 14th and Constitution Avenue, Washington, D.C.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor manufacturing and test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Comments on minutes of previous meeting.
2. Presentation of papers or comments by the public.
3. Review of work-program of subcommittees.
   a. Test equipment.
   b. Production equipment.
4. Executive session:
   a. Review of work program of subcommittees.
      (1) Test equipment.
      (2) Production equipment.
   b. Formulation of recommendations.
5. Adjournment.

The public will be permitted to attend the discussion of agenda items 1-3, and a limited number of seats—approximately 15—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item 4, "Executive Session," the Assistant Secretary of Commerce for Administration, on August 9, 1973, determined, pursuant to section 10(d) of Public Law 92-463, that this agenda item should be exempt from the provisions of Sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552(b)(1).

Further information may be obtained from William W. Clarke, Chairman of the committee, Bureau of East-West Trade, Room 4317, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202+967-2420).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated August 30, 1973.

STEVEN LAZARUS,
Deputy Assistant Secretary for East-West Trade.

[FR Doc. 73-18765 Filed 9-5-73;8:45 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article; Correction

In the notice of decision for duty-free entry of scientific articles appearing at page 22052 in the FEDERAL REGISTER of Wednesday, August 15, 1973, the following correction should be made.

Docket Number 72-00431-65-46070 should be corrected to read:

Docket Number: 72-00481-65-46070. Applicant: University of California, Lawrence Livermore Laboratory, P.O. Box 805, Livermore, CA 94550. Article: Scanning electron microscope, Model S-4 * * *

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-18840 Filed 9-5-73;8:45 am]

U.S. ENVIRONMENTAL PROTECTION AGENCY, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before September 26, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00066-33-46040. Applicant: U.S. Environmental Protection Agency, National Environmental Research Center, Cincinnati, Ohio 45268. Article: Electron Microscope, Model JEM 100B with Side Entry Goniometer and accessories. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The foreign article is intended to be used in research investigation in the areas of advanced waste treatment, analytical quality control, environmental toxicology, and water supply. Specifically, the article will be used for (1) high resolution studies of virus infected cells, virions, isolated viral nucleic acids and proteins, and small parasitic bacteria such as those of the Bdellovibrio type; (2) particulate identification in water samples, visualization of the collodial material after treatment of waste waters, and determination of polymer attachment in the process of flocculation and stabilization and (3) the investigation of smoke and dust particulates of importance to inhalation toxicology as well as tissue pathology and morphology after animal exposure to these pollutants. Application received by Commissioner of Customs: August 13, 1973.

Docket Number: 74-00067-33-46500. Applicant: American National Red Cross, Blood Research Laboratory, 9312 Old Georgetown Road, Bethesda, Maryland 20014. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The foreign article is intended to be used in the study of biological specimens, principally derived from blood and blood-forming tissues, but including other human and animal organs. Specifically the article will be used in studies of platelet adhesion to collagen, the role of macromolecules in the central of normal and cancer cell behavior, the antigenic nature of blood cells, the nature of—and means of protection against—freezing injury in a variety of materials, including mammalian hearts, and in age-related changes in the cellular components of blood. Application received by Commissioner of Customs: August 13, 1973.

Docket Number: 74-00068-33-41700. Applicant: Hospital of Albert Einstein College of Medicine, 1825 Eastchester Road, Bronx, New York 10461. Article: Medilase 791 CO_2 Surgical Laser. Manufacturer: Laser Industries Ltd., Israel. Intended use of article: The foreign article is intended to be used in the study of tumor growth in mice and rats and the results are to be compared with excision to similar tumors in humans to objectively ascertain the place of the carbon dioxide laser in clinical surgery

particularly with reference to burns, tumors and infections. Application received by Commissioner of Customs: July 30, 1973.

Docket Number: 74-00069-33-46040. Applicant: Albert Einstein College of Medicine, Department of Pathology, 1300 Morris Park Avenue, Bronx, New York 10461. Article: Electron Microscope, Model Elmiskop 102 and accessories. Manufacturer: Siemens AG, West Germany. Intended use of article: The foreign article is intended to be used to study the morphological effects of prolonged and chronic exposure to high oxygen tensions in lung using tissue from experimental animals, cells from tissue gradients and isolated material taken from fractions run on gradients.

The article will also be used to train students and post-doctoral fellows in use of the electron microscope and its application. Application received by Commissioner of Customs: August 13, 1973.

Docket Number: 74-00070-11-56595. Applicant: Syracuse University, Department of Mechanical & Aerospace Engineering, 139 Link Hall, Syracuse, New York 13210. Article: Plenum Chamber System. Manufacturer: Reaves Industrial Furnaces, Ltd., United Kingdom. Intended use of article: The foreign article is intended to be used in research on noise abatement. Specifically, the article will be used in the investigation of the aerodynamic noise produced by heated supersonic air jets and the assessment of methods for reduction of such noise. Application received by Commissioner of Customs: August 15, 1973.

Docket Number: 74-00072-33-46040. Applicant: DHEW, NCI, Bethesda, Maryland 20014. Article: Electron Microscope, Model HU-12 with high resolution tilt stage. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The foreign article is intended to be used in the research study of normal and malignant cells and cell components, both in thin section and in homogenized and pelleted material, and in the penetration and replication of viruses, particularly oncogenic viruses. Application received by Commissioner of Customs: August 16, 1973.

Docket Number: 74-00073-33-46040. Applicant: University of California, Davis California Primate Research Center, Davis, California 95616. Article: Electron Microscope, Model EM 10. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The foreign article is intended to be used in research on pulmonary diseases, reproductive and perinatal biology, infectious diseases and behavioral biology. The article will be required to examine (1) tissues from the respiratory system of nonhuman primates and rodents, (2) tissues from the central nervous system, locomotor system, and integamentary system of embryonic and fetal nonhuman and human primates including tissue of the maternal reproductial system and placenta, and (3) tissues of nonhuman primate hosts for experimental spontaneous viral, bacterial, and parasite diseases. The article will also be used in the education of postdoctoral fellows and graduate students studying the problems related to research in pulmonary diseases, reproductive and perinatal biology, infectious diseases, and behavioral biology. The courses will be numbered for the graduate students and nonspecific for the postdoctoral fellows. Application received by Commissioner of Customs: August 17, 1973.

Docket Number: 74-00074-33-46040. Applicant: Mount Sinai School of Medicine of City Univ. of N.Y., Otolaryngology Department, Fifth Avenue and 100th Street, New York, New York 10029. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in research on ultrastructural studies on the development of mammalian hearing and in problems concerning carcinogenesis. The article will also be used for the instruction of resident physicians in ultrastructural topics. Application received by Commissioner of Customs: August 17, 1973.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-18842 Filed 9-5-73;8:45 am]

SEMICONDUCTOR MANUFACTURING AND TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Production Equipment Subcommittee of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee will be held Thursday, September 13, 1973, at 9:00 a.m. at Texas Instruments Co., 13500 North Central Expressway, Dallas, Tex.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor manufacturing and test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks and review of purpose of subcommittee by Howard Steenbergen, Chairman.
2. Presentation of papers or comments by public.
3. Item by item review of each major category of production equipment used in semiconductor manufacture.
4. Executive session:
   a. Review of production equipment capabilities of Communist countries.
   Item by item review of each major category of production equipment used in semiconductor manufacture.
   c. Generation of Final Report of Subcommittete for Sept. 20, meeting of the Committee.
5. Adjournment.

The public will be permitted to attend the discussion of agenda items 1-3, and a limited number of seats will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the subcommittee. Interested persons are also invited to file written statements, with the subcommittee.

With respect to agenda item 4, "Executive session," the Assistant Secretary of Commerce for Administration, on August 9, 1973, determined, pursuant to Section 10(d) of Pub. L. 92-463, that this agenda item should be exempt from the provisions of sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Howard Steenbergen, Chairman of the subcommittee, Wright-Patterson Air Force Base, Ohio 45433 (A/C 513+255-3802).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated August 30, 1973.

STEVEN LAZARUS,
Deputy Assistant Secretary,
for East-West Trade.

[FR Doc.73-18764 Filed 9-5-73;8:45 am]

Office of the Secretary

[Case No. 432]

ARTUR W. EVEN

Decision of Appeals Board

Correction

In FR Doc. 73-17010 appearing at page 22167 in the issue of Thursday, August 16, 1973, the headings should read as set forth above.

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE OF THE AMERICAN STATISTICAL ASSOCIATION

Notice of Public Meeting

The Census Advisory Committee of the American Statistical Association will convene on September 13 and 14, 1973, at 9:00 a.m. The Committee will meet in Room 2113, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Statistical Association was established in 1919 to advise the Director, Bureau of the Census in all aspects of the Bureau's statistical programs, and to re-

spond to the Bureau's requests for opinions and judgements in the whole area of its operations.

The Committee is composed of 16 members appointed by the President of the American Statistical Association.

The agenda for the September 13 meeting is: (1) Staff changes, Census role in the Federal Government Statistical system, program priorities, and other general topics, (2) Evaluation of Census Counts with Special Reference to Sub-National Areas, (3) Planning processes in the Census Bureau, (4) Publication policy on errors in data, and (5) Thoughts on the 1980 Census.

The agenda for the September 14 meeting, which will adjourn at 12:30 p.m. is: (1) Confidentiality policy, programs and procedures, and (2) Retail Trade Survey.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside on September 14 for public comment and questions. Extensive questions or statement must be submitted in writing to the Committee Guidance and Control Officer at least three days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Guidance and Control Officer, Mr. James L. O'Brien, Assistant Chief, Statistical Research Division, Bureau of the Census, Room 3581, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233.) Telephone 301–763–7134.

EDWARD D. FAILOR,
Administrator, Social and Economic Statistics Administration.

[FR Doc.73–18843 Filed 9–5–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GRAS OR PRIOR-SANCTIONED DIRECT HUMAN FOOD INGREDIENTS

Notice of Opportunity To Submit Unpublished Safety Data

Correction

In FR Doc. 73–15220 appearing at page 20051 for the issue of Thursday, July 26, 1973, in the third column on page 20052 under the entry "Branch Unsaturated" the word now spelled "Rhodnyl iso-Valerate" should be spelled "Rhodinyl iso-Valerate".

STATUS OF REVIEW OF GRAS AND PRIOR-SANCTIONED DIRECT HUMAN FOOD INGREDIENTS

Notice of Availability of Information

Correction

In FR Doc. 73–15206, appearing at page 20054 for the issue of Thursday, July 26, 1973, in the third paragraph of the second column on page 20055 the citation that now reads "(35 FR 18632)" should read "(35 FR 18623)" and the citation now reading "(36 FR 12084)" should read "(36 FR 12984)".

AGREEMENT BETWEEN DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE AND ENVIRONMENTAL PROTECTION AGENCY

Notice Regarding Matters of Mutual Responsibility; Amendment

On December 22, 1971, the Department of Health, Education, and Welfare, Food and Drug Administration (FDA) and the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER a Memorandum of Agreement regarding matters of mutual responsibility under the Federal Food, Drug, and Cosmetic Act and the Federal Insecticide, Fungicide, and Rodenticide Act (36 FR 24234). Since the publication of that Agreement, it has become apparent that additional information should be included with respect to the processing of applications for approval of drugs under the Federal Food, Drug, and Cosmetic Act and for registration of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act.

In view of the recent amendment of the Federal Insecticide, Fungicide, and Rodenticide Act (86 Stat. 973), the term "pesticide" replaces the term "economic poison" wherever it appears in the Agreement. Item 3 of the Agreement has also been amended by agreement between FDA and EPA to add eight additional paragraphs (par. g through par. n), to further detail each agency's responsibilities on the regulation of drugs and pesticides. The amendment reads as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

ENVIRONMENTAL PROTECTION AGENCY

MEMORANDUM OF AGREEMENT REGARDING MATTERS OF MUTUAL RESPONSIBILITY UNDER FEDERAL FOOD, DRUG, AND COSMETIC ACT AND FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

* * * * *

3. Applications for approval of drugs under FFDCA and for registration of pesticides under FIFRA will be processed as follows:

* * * * *

g. Submissions for approval will be to the agency having primary jurisdiction in the format required by that agency which will be considered acceptable by the other agency in lieu of that normally required. Where specific requirements of the two agencies conflict in matters such as manufacturing, formulation, and labeling, the requirements of the agency of primary jurisdiction will apply.

h. The application of a product for any of, but not necessarily limited to, the uses listed below is considered to be both a human drug and a pesticide. The agency for primary jurisdiction regarding such products will be FDA and secondarily EPA.

(i) Pediculicides and scabicides intended to control parasites on humans.

(ii) Products intended to relieve the effect of insect bites on humans which also claim to repel the insects causing such bites.

(iii) Products intended to prevent diaper rash by treatment of diapers.

(iv) Fungicides for human use, i.e., athlete's foot which also claim to destroy such fungus on inanimate objects.

i. The application of a product for any of, but not necessarily limited to, the uses listed below is considered to be both a pesticide and a human drug. The agency for primary jurisdiction regarding such products will be EPA and secondarily FDA.

(i) Disinfectants and sanitizers intended for use on inanimate objects but including claims for use on humans.

j. Certain pesticides subject to the laws administered by EPA are also deemed to be animal drugs and subject to the laws administered by FDA under, but not necessarily limited to, the following conditions:

(i) Products for oral administration such as tablets, boluses, drinking water preparations, medicated blocks, and medicated feeds, including liquid feeds and supplements (these do not apply to articles solely for the control of fecal breeding flies, nor solely for sanitizing the drinking water of animals).

(ii) Products administered parenterally.

(iii) Products which are absorbed through the skin surface as in demodectic mange conditions.

(iv) Products introduced into wound or body openings, except for screwworms control, including application to the ear canal, for the control of ear mites; such conditions often require supportive treatment.

(v) Products applied topically for their systemic action in an animal.

k. The application of a pesticide for any of the uses listed below is considered to be both an animal drug and a pesticide. The agency for primary jurisdiction regarding such articles will be FDA, except in those cases where the drug use is regarded as not a new animal drug. In this event, since FDA has no preclearance requirements for products so considered, the submission for registration will be to EPA. However, the product will not be registered until EPA has been notified by FDA that the product is in compliance with the requirements of the FFDCA.

(i) Treatments for control of horse bots.

(ii) Treatments that are administered orally or parenterally for control of cattle grubs.

(iii) Treatments for control of demodectic mange mites.

(iv) Treatments that are administered orally or parenterally for control of fleas (or other external parasites).

(v) Treatments for control of ear mites.

(vi) Treatments for control of ticks if the produc labeling includes claims for control of ear mites.

(vii) Aquatic treatments intended to control parasites and/or disease of fish in ponds or aquariums.

(viii) Animal drinking water treatments with direct or implied claims for control of animal parasites or diseases.

(ix) Any other product with a mode of action similar to that under j.

l. The application of a pesticide for any of the uses listed below will be regarded solely as a pesticide usage except where it has an action described in j, in which case it is considered to be both an animal drug and a pesticide. In these cases, the agency for primary jurisdiction will be EPA.

(i) Treatments that are administered topically for control of cattle grubs which include application by spray, dip, pour-on, spot-on, back rubber or dust.

(ii) Treatments for control of screwworms that are administered topically.

(iii) Treatments for control of wool maggots that are administered topically.

(iv) Treatments for control of horn fly or face fly that are administered topically.

(v) Treatments for control of sarcoptic, psoroptic, and chorioptic mange mites that are administered topically.

(vi) Treatments that are administered topically, for control of ticks except as listed in item k(vi).

(vii) Treatments for control of sheep keds that are administered topically.

(viii) Treatments for control of fleas that are administered topically.

(ix) Treatments that are administered orally solely for control of horn fly and/or face fly in cattle manure.

(x) Aquatic treatments of ponds or aquariums solely for control of algae or bacterial slime and any other aquatic treatments solely for pest control which do not include claims for control of parasites or diseases of fish.

(xi) Sanitizers intended to sanitize aquarium equipment.

(xii) Sanitizers applied to inanimate surfaces and/or in drinking water of animals that do not include any direct or implied claims to control disease.

m. If a product that is subject to joint jurisdiction is deemed to be either a new human or animal drug, prior to registration by EPA, it must be in full compliance with the requirements for FDA approval of a new drug application, to include publication of its approval where required by the FFDCA (i.e. new animal drug), regardless of the agency of primary jurisdiction.

n. If a manufacturer proposing a new product is unable to determine the agency of primary jurisdiction, a presubmission inquiry may be submitted to either agency. FDA and EPA will jointly consider the inquiry and advise the manufacturer of their conclusions in this matter.

* * * * *

Dated August 24, 1973.

For the Food and Drug Administration.

A. M. SCHMIDT,
Commissioner.

Dated August 22, 1973.

For the Environmental Protection Agency.

CHARLES L. ELKINS,
Acting Assistant Administrator for Hazardous Materials Control.

Effective date.—This agreement is effective on September 6, 1973.

Dated August 28, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-18799 Filed 9-5-73;8:45 am]

[FAP 3B2838]

DOW CHEMICAL CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 409(b), 72 Stat. 1786 (21 U.S.C. (348 (b))), the following notice is issued:

In accordance with § 121.52, *Withdrawal of petitions without prejudice*, of the procedural food additive regulations (21 CFR 121.52), Dow Chemical Co., Bennett Bldg., 2030 Dow Center, Midland, Mich. 48640, has withdrawn its petition (FAP 3B2838), notice of which was published in the FEDERAL REGISTER of November 2, 1972 (37 FR 23372), proposing that § 121.2505, *Slimicides* (21 CFR 121.2505), be amended to provide for the safe use of 2,2-dibromo-3-nitrilopropionamide as a slimicide in the manufacture of paper and paperboard that contact food.

Dated August 24, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-18800 Filed 9-5-73;8:45 am]

[FAP 3B2901]

ESSO RESEARCH AND ENGINEERING CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B2901) has been filed by Esso Research and Engineering Co., Post Office Box 536, Linden, N.J. 07036, proposing that § 121.2511, *Plasticizers in polymeric substances* (21 CFR 121.2511), be amended to provide for an additional safe-use level of diisononyl adipate as a plasticizer in vinyl films for food-packaging applications.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report are available in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, Md. 20852.

Dated August 28, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-18801 Filed 9-5-73;8:45 am]

National Institutes of Health

ALLERGY AND IMMUNOLOGY RESEARCH COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Allergy and Immunology Research Committee, National Institute of Allergy and Infectious Diseases, September 24-25, 1973, 9:00 a.m., National Institutes of Health, Building 31C, Conference Room 7. This meeting will be open to the public from 9:00 a.m. to 9:45 a.m., September 24, to discuss administrative matters relating to the allergy and immunology research programs of the Institute, and closed to the public from 9:45 a.m. to 5:00 p.m., September 24, and from 9:00 a.m. to 12 noon, September 25, 1973, to review, discuss, evaluate, and/or rank grant applications in accordance with the provisions set forth in section 552 (b)4 of title 5 U.S. Code for grants and contracts, and 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

Mr. Robert Schreiber, NIAID Information Officer, National Institutes of Health, Building 31, Room 7A34, telephone 496-5717, will furnish a summary of the meeting and a roster of the committee members.

Dr. Luz A. Froehlich, Executive Secretary of the Allergy and Immunology Research Committee, NIAID, National Institutes of Health, Westwood Building, Room 703, telephone 496-7131, will furnish substantive information.

(Catalog of Federal Domestic Assistance Program No. 13-301, National Institutes of Health)

Dated August 27, 1973.

ROBERT W. BERLINER,
Acting Deputy Director, National Institutes of Health.

[FR Doc.73-18813 Filed 9-5-73;8:45 am]

ARTIFICIAL KIDNEY-CHRONIC UREMIA ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Artificial Kidney-Chronic Uremia Advisory Committee, National Institute of Arthritis, Metabolism, and Digestive Diseases, September 18, 1973, 8:45 a.m., National Institutes of Health, Building 31, Conference Room 5. This meeting will be open to the public from 8:45 a.m. to 9:45 a.m., September 18, 1973, to discuss administrative reports and closed to the public from 9:45 a.m. to 5 p.m., September 18, 1973, to discuss and review artificial kidney contracts in accordance with the provisions set forth in section 552 (b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

Name of the person from whom rosters of committee members, summary of the meeting, and other information pertaining to the meeting may be obtained: Mr. Victor Wartofsky, Information Officer, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland (301) 496-3583.

Dated August 27, 1973.

ROBERT W. BERLINER,
Acting Deputy Director, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.828, National Institutes of Health)

[FR Doc.73-18809 Filed 9-5-73;8:45 am]

AUTOMATION IN THE MEDICAL LABORATORY SCIENCES REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Automation in the Medical Laboratory Sciences Review Committee, National Institute of General Medical Sciences, September 5-6, 1973, 9 a.m., National Institutes of Health, Building 31C, Conference Room 7. This meeting will be open to the public from 9 a.m. to 11 a.m., September 5, 1973, for opening remarks and general discussion, and closed to the pub-

lic from 11 a.m. to 5 p.m., September 5, and from 9 a.m. to 5 p.m., September 6, 1973, to review, discuss, evaluate, and rank contract proposals in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code for grants and contracts and 10(d) of Pub. L. 92–463. Attendance by the public will be limited to space available.

Mr. Paul Deming, Information Officer, NIGMS, Building 31, Room 4A46, Bethesda, Maryland 20014, Telephone: 301–496–5676, will furnish a summary of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. Robert S. Melville, Executive Secretary, Westwood Building, Room 954, Telephone: 301–496–7081.

Dated August 27, 1973.

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18807 Filed 9–5–73;8:45 am]

BIOMETRY AND EPIDEMIOLOGY CONTRACT REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Biometry and Epidemiology Contract Review Committee, National Cancer Institute, September 12, 1973, 9:00 a.m., National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public from 9:00 a.m. to 9:30 a.m., September 12, 1973, to discuss program plans for the Biometry and Epidemiology Branches, and closed to the public from 9:30 a.m. to 5:00 p.m., September 12, 1973, to review contracts in accordance with the provisions set forth in Section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301–496–1911) will furnish summaries of the open/closed meeting and roster of committee members.

Mr. Harvey Geller, Executive Secretary, Landow Building, Room C519, National Institutes of Health, Bethesda, Maryland 20014 (301–496–6014) will provide substantive program information.

Dated August 27, 1973.

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18810 Filed 9–5–73;8:45 am]

BLADDER-PROSTATE CANCER ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Bladder-Prostate Cancer Advisory Committee, National Cancer Institute, September 17, 1973, at 9:00 a.m., National Institutes of Health, Building 31, Conference Room 9. This meeting will be open to the public from 9:00 a.m. to 10:00 a.m., to discuss the progress of the National Prostatic Cancer Project. Attendance by the public will be limited to space available. The meeting will be closed to the public from 10:00 a.m., until adjournment, for the review of one grant in the field of prostatic cancer, in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301–496–1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Thomas J. King, Executive Secretary, Westwood Building, Room 853, National Institutes of Health, Bethesda, Maryland 20014 (301–496–7194) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.391, National Institutes of Health.)

Dated August 27, 1973.

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18812 Filed 9–5–73;8:45 am]

CANCER EPIDEMIOLOGY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the Breast Cancer Epidemiology Committee, National Cancer Institute, which is sponsoring a Workshop on "Genetics and Susceptibility to Human Breast Cancer" on September 10, 1973, 9:00 a.m. to 5:00 p.m. and 8:00 p.m. to 10:00 p.m. and on September 11, 1973, 8:30 a.m. to 12:00 noon, at the Montgomery Room, Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland. This meeting will be open to the public at all times to critically review the current status of familial and genetic studies in human breast cancer, to discuss areas needing further investigation and to make recommendations as to where future studies should be directed. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301–496–1911) will furnish summaries of the open meeting and roster of committee members and participants.

Dr. Bernice T. Radovich, Executive Secretary, Landow Building, Room B–404, National Institutes of Health, Bethesda, Maryland 20014 (301–496–6773) will provide substantive program information.

Dated August 27, 1973.

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18832 Filed 9–5–73;8:45 am]

CANCER CLINICAL INVESTIGATION REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Clinical Investigation Review Committee, National Cancer Institute, September 24–26, 1973, National Institutes of Health, Building 31, Conference Room 5. This meeting will be open to the public from 8:30 a.m. to 5:00 p.m., September 24, to discuss the operating procedures of the Cancer Clinical Investigation Review Committee, and closed to the public from 8:30 a.m., September 25, until adjournment September 26 for the review of research grant applications in the field of clinical trials in cancer in accordance with the provisions set forth in section 552(b) 4 of Title 5, U.S. Code, and section 10(d) of Pub. L. 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301–496–1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. William G. Hammond, Executive Secretary, Westwood Building, Room 10A03, National Institutes of Health, Bethesda, Maryland 20014 (301–496–7058) will provide substantive program information.

Dated August 27, 1973.

(Catalog of Federal Domestic Assistance Program No. 13.314, National Institutes of Health)

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18816 Filed 9–5–73;8:45 am]

CANCER CONTROL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Control Advisory Committee, National Cancer Institute, September 10, 1973, at 9:00 a.m., National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public from 9:00 a.m. to 3:00 p.m., for the Committee to discuss and advise the National Cancer Institute on: (1) Director's Report; (2) Status of upcoming planning conferences; (3) Report on implementation of rehabilitation conference recommendations, and (4) Report on developments on USA–USSR exchange program. Attendance by the public will be limited to space available. The meeting will be closed to the public from 3:00 p.m. until adjournment, for discussion and consideration of approximately 25 ongoing contracts in the fields of Training and Education, Detection and Diagnosis, Rehabilitation, Treatment, and Program Management, and therefore is exempt from disclosure under Title 5 U.S.C., section 552(b)4 and section 10(d) of Public Law 92–463.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014, (301–496–1911) will furnish summaries of the open/closed meeting and a roster of committee members.

Dr. Robert L. Woolridge, Executive Secretary, Building 31, Room 10A19, National Institutes of Health, Bethesda, Maryland 20014, (301–496–1946) will provide substantive program information.

Dated August 27, 1973.

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18808 Filed 9–5–73;8:45 am]

CARCINOGEN METABOLISM AND TOXICOLOGY SEGMENT ADVISORY GROUP

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Carcinogen Metabolism & Toxicology Segment Advisory Group, National Cancer Institute, September 5, 1973, 9:00 a.m. to 4:00 p.m., National Institutes of Health, Landow Building, Conference Room B301. This meeting will be open to the public from 2:30 to 4:00 p.m., to discuss possible new activities of the Carcinogen Metabolism & Toxicology Segment and closed to the public from 9:00 a.m. to 2:30 p.m. to discuss and review one contract and several unsolicited proposals in the fields of metabolism and toxicology in accordance with the provisions set forth in Section 552(b)4 of Title 5, U.S. Code and section 10(d) of Pub. L. 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301–496–1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. James M. Sontag, Executive Secretary, Landow Building, Room A–306, National Institutes of Health, Bethesda, Maryland 20014 (301–496–5471) will provide substantive program information.

Dated August 27, 1973.

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18805 Filed 9–5–73;8:45 am]

CLINICAL PROGRAM-PROJECTS RESEARCH REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Clinical Program-Projects Research Review Committee, National Institute of Mental Health, September 28–29, 1973, 9 a.m.–5 p.m., Statler Hilton Hotel, Washington, D.C. This meeting will be open to the public from 9 a.m.–12 noon, September 28, 1973, for announcements and reports of recent administrative, legislative, and program developments and closed to the public from 12 noon–5 p.m. on September 28, 1973 and 9 a.m.–5 p.m. on September 29, 1973 to review grants in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463.

Attendance by the public will be limited to space available. The NIMH Information Officer who will furnish summaries of the meeting and rosters of committee members is Mr. Ronald E. McMillen, Acting Director, Office of Communications, National Institute of Mental Health, Room 15–105 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–3600. The Executive Secretary from whom substantive program information may be obtained is Julian J. Lasky, Ph. D., Acting Executive Secretary, 5600 Fishers Lane, Room 10 C–23B, Rockville, Maryland 20852, telephone 301–443–4708.

Dated August 27, 1973.

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.242, Mental Health Research Grants)

[FR Doc.73–18818 Filed 9–5–73;8:45 am]

CLINICAL PROJECTS RESEARCH REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Clinical Projects Research Review Committee, National Institute of Mental Health, September 20–22, 1973, 9 a.m.–5 p.m., Hotel Washington, Washington, D.C. This meeting will be open to the public from 9 a.m.–12 noon on September 20, 1973, for announcements and reports of recent administrative, legislative, and program developments and closed to the public from 12 noon–5 p.m. on September 20, 1973 and 9 a.m.–5 p.m. on September 21 and 22, 1973, to review grants in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463.

Attendance by the public will be limited to space available.

The NIMH Information Officer who will furnish summaries of the meeting and rosters of committee members is Mr. Ronald E. McMillen, Acting Director, Office of Communications, National Institute of Mental Health, Room 15–105 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–3600.

The Executive Secretary from whom substantive program information may be obtained is Julian J. Lasky, Ph. D., Executive Secretary, Parklawn Building, 5600 Fishers Lane, Room 10 C–23B, Rockville, Maryland, telephone 301–443–4708.

Dated August 27, 1973.

(Catalog of Federal Domestic Assistance Program No. 13.242, Mental Health Research Grants)

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18820 Filed 9–5–73;8:45 am]

CLINICAL PSYCHOPHARMACOLOGY RESEARCH REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Clinical Psychopharmacology Research Review Committee, National Institute of Mental Health, September 20–21, 1973, 9:00 a.m., Rockville, Maryland. This meeting will be open to the public from 9:00 a.m. to 10:00 a.m., September 20, for announcements and reports of recent administrative, legislative, and program developments and closed to the public from 10:00 a.m. on September 20 to 5:00 p.m. on September 21 to review grants in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463.

Attendance by the public will be limited to space available.

The NIMH Information Officer who will furnish summaries of the meeting and rosters of committee members is Mr. Ronald E. McMillen, Acting Director, Office of Communications, National Institute of Mental Health, Room 15–105 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–3600.

The Acting Executive Secretary from whom substantive program information may be obtained is Ronald S. Lipman, Ph. D., Chief, Clinical Studies Section, Psychopharmacology Research Branch, National Institute of Mental Health, Room 9–101 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–4467.

Dated August 27, 1973.

(Catalog of Federal Domestic Assistance Program No. 13.242, Mental Health Research Grants)

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18830 Filed 9–5–73;8:45 am]

CRIME AND DELINQUENCY REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Crime and Delinquency Review Committee, National Institute of Mental Health, September 12–13, 1973, 9:00 a.m., Fairfax Hotel, 2100 Massachusetts Avenue, Washington, D.C. This meeting will be

open to the public from 9:00 a.m. to 10:00 a.m., September 12, for announcements and reports of recent administrative, legislative, and program developments and closed to the public from 10:00 a.m. to 7:00 p.m., September 12, and 8:00 a.m. to 5:00 p.m., September 13, to review grants in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463. Attendance by the public will be limited to space available. The NIMH Information Officer who will furnish summaries of the meeting and rosters of committee members is Mr. Ronald E. McMillen, Acting Director, Office of Communications, National Institute of Mental Health, Room 15–105 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–3600.

The Executive Secretary from whom substantive program information may be obtained is Arthur K. Leabman, Executive Secretary, Crime and Delinquency Review Committee, Center for Studies of Crime and Delinquency, Parklawn Building, Room 12C–04, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–3728.

Dated August 27, 1973.

(Catalog of Federal Domestic Assistance Program Nos. 13.242 and 13.244)

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18829 Filed 9–5–73;8:45 am]

DIAGNOSTIC RESEARCH ADVISORY GROUP

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Diagnostic Research Advisory Group, National Cancer Institute, September 12, 1973, 8:30 a.m., National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public from 1:00 p.m. to 2:00 p.m., to discuss general program considerations of breast cancer demonstration projects. Attendance by the public will be limited to space available. The meeting will be closed to the public from 8:30 a.m. to noon and 2:00 p.m. to 5:00 p.m., for review of 40 contract proposals in the field of diagnostic research, in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code, and section 10(d) of Pub. L. 92–463.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301–496–1911) will furnish summaries of the closed meeting and roster of committee members.

Dr. Kenneth B. Olson, Executive Secretary, Building 31, Room 3A06, National Institutes of Health, Bethesda, Maryland 20014 (301–496–1591) will provide substantive program information.

Dated August 27, 1973.

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18806 Filed 9–5–73;8:45 am]

EPIDEMIOLOGIC STUDIES REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Epidemiologic Studies Review Committee, National Institute of Mental Health, September 13–14, 1973, 9:00 a.m. to 4:30 p.m., Conference Room B, 5600 Fishers Lane, Rockville, Md. 20852. This meeting will be open to the public from 9–9:30 a.m., September 13, 1973, for announcements and reports of recent administrative, legislative, and program developments and closed to the public from 9:30 a.m.–4:30 p.m., September 13, 1973, and 9:00 a.m.–4:30 p.m., September 14, 1973, to review grants in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463.

Attendance by the public will be limited to space available.

The NIMH Information Officer who will furnish summaries of the meeting and rosters of the committee members is Mr. Ronald E. McMillen, Acting Director, Office of Communications, National Institute of Mental Health, Room 15–105 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–3600.

The Executive Secretary from whom substantive program information may be obtained is Dr. Robert Markush, Chief, Center for Epidemiologic Studies, NIMH, Room 10C09, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20852, telephone 443–3774.

Dated August 27, 1973.

(Catalog of Federal Domestic Assistance Program No. 13.242, Mental Health Research Grants)

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18822 Filed 9–5–73;8:45 am]

EXPERIMENTAL PSYCHOLOGY RESEARCH REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Experimental Psychology Research Review Committee, National Institute of Mental Health, September 14–15, 1973, 9:30 a.m.–5:00 p.m., Dupont Plaza Hotel, Washington, D.C. This meeting will be open to the public from 9:30 a.m. to 10:00 a.m., September 14, 1973, for announcements and reports of recent administrative, legislative, and program developments and closed to the public from 10:00 a.m., September 14 to 5:00 p.m., September 15, 1973, to review grants in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463.

Attendance by the public will be limited to space available.

The NIMH Information Officer who will furnish summaries of the meeting and rosters of committee members is Mr. Ronald E. McMillen, Acting Director, Office of Communications, National Institute of Mental Health, Room 15–105 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–3600.

The Executive Secretary from whom substantive program information may be obtained is Dr. John T. Hammack, Executive Secretary, Experimental Psychology Research Review Committee, Room 10–95 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–3936.

Dated August 27, 1973.

(Catalog of Federal Domestic Assistance Program No. 13.242 Mental Health Research Grants)

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18826 Filed 9–5–73;8:45 am]

HEART AND LUNG PROGRAM-PROJECT COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Heart and Lung Program-Project Committee, National Heart and Lung Institute, September 28–29, 1973, 8:30 a.m., National Institutes of Health, Building 31, Conference Room 9. This meeting will be open to the public from 8:30 a.m. to 9:30 a.m., September 28, 1973, to discuss administrative and program details; and closed to the public from 10:00 a.m., September 28, 1973, until the adjournment on September 29, 1973, to review grants, in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, Information Officer, NHLI, NIH Landow Building, Room C918, phone 496–4236, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from the Executive Secretary, Dr. Arthur W. Mer-

rick, NHLI, NIH Westwood Building, Room 655, phone 496–7351.

Dated August 27, 1973.

(Catalog of Federal Domestic Assistance Program No. 13.346, National Institutes of Health)

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18814 Filed 9–5–73;8:45 am]

INFORMATION AND RESOURCES SEGMENT ADVISORY GROUP

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Information and Resources Segment Advisory Group, National Cancer Institute, September 6, 1973, 9:00 a.m. to 5:00 p.m., National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public from 9:00 to 10:00 a.m., to discuss the program of the Segment and closed to the public from 10:00 a.m. to 5:00 p.m., to discuss and review approximately ten Request for Proposals in the field of Carcinogenesis Research in accordance with the provisions set forth in section 552(b) 4 of Title 5, U.S. Code and section 10(d) of Pub. L. 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301–496–1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Marcia D. Litwack, Executive Secretary, Landow Building, Room A–306D, National Institutes of Health, Bethesda, Maryland 20014 (301–496–5471) will provide substantive program information.

Dated August 27, 1973.

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18811 Filed 9–5–73;8:45 am]

MENTAL HEALTH SERVICES RESEARCH REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Mental Health Services Research Review Committee, National Institute of Mental Health, September 10, 11, and 12, 1973, 8:30 a.m., Shoreham Hotel, Washington, D.C. This meeting will be open to the public from 8:30 a.m. to 10:00 a.m., September 10, 1973, for announcements and reports of recent administrative, legislative, and program developments and closed to the public from 10:00 a.m., September 10, 1973, to 5:30 p.m. September 12, 1973, to review grants in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463.

Attendance by the public will be limited to space available.

The NIMH Information Officer who will furnish summaries of the meeting and rosters of committee members is Mr. Ronald E. McMillen, Acting Director, Office of Communications, National Institute of Mental Health, Room 15–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–3600.

The Executive Secretary from whom substantive program information may be obtained is Mr. James T. Cumiskey, Executive Secretary, Mental Health Services Research Review Committee, Room 11C–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–3628.

Dated August 27, 1973.

(Catalog of Federal Domestic Assistance Program No. 13.242 Mental Health Research Grants)

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18819 Filed 9–5–73;8:45 am]

MENTAL HEALTH SMALL GRANT COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Mental Health Small Grant Committee, National Institute of Mental Health, September 20–21, 1973, at the Hotel Washington, Washington, D.C. This meeting will be open to the public from 4 p.m. to 5 p.m., September 20, for announcements and reports of recent administrative, legislative, and program developments and closed to the public from 10 a.m., to 4 p.m., September 20, 1973, and 9 a.m., to 5:30 p.m., September 21, 1973, to review grants in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463.

Attendance by the public will be limited to space available.

The NIMH Information Officer who will furnish summaries of the meeting and rosters of committee members is Mr. Ronald E. McMillen, Acting Director, Office of Communications, National Institute of Mental Health, Room 15–105 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–3600.

The Executive Secretary from whom substantive program information may be obtained is Dr. Stephanie B. Stolz, Chief, Small Grants Section, National Institute of Mental Health, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–4337.

Dated August 27, 1973.

(Catalog of Federal Domestic Assistance Program No. 13. 242 Mental Health Research Grants)

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18803 Filed 9–5–73;8:45 am]

METROPOLITAN MENTAL HEALTH PROBLEMS REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Metropolitan Mental Health Problems Review Committee, National Institute of Mental Health on September 10, 1973, from 9:00 a.m. to 6:00 p.m. at the Sheraton-Silver Spring Motor Inn, 8727 Colesville Road, Silver Spring, Maryland. This meeting will be open to the public from 9:00 a.m. to 10:00 a.m. on September 10, 1973, for announcements and reports of recent administrative, legislative, and program developments and closed to the public from 10:00 a.m. to 6:00 p.m. on that date to review grants in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463.

Attendance by the public will be limited to space available.

The NIMH Information Officer who will furnish summaries of the meeting and rosters of committee members is Mr. Ronald E. McMillen, Acting Director, Office of Communications, National Institute of Mental Health, Room 15–105 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–3600.

The Executive Secretary from whom substantive program information may be obtained is Mr. A. Robert Polcari, Executive Secretary, Center for Studies of Metropolitan Problems, National Institute of Mental Health, Room 12C–16 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–3373.

Dated August 27, 1973.

(Catalog of Federal Domestic Assistance Program No. 13.242)

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18828 Filed 9–5–73;8:45 am]

NARCOTIC ADDICTION AND DRUG ABUSE REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Narcotic Addiction and Drug Abuse Review Committee, National Institute of Mental Health, September 19–21, 1973, 9:00 a.m., Parklawn Building, Rockville, Maryland. This meeting will be open to the public from 9:00 a.m. to 10:00 a.m., September 19, for announcements and reports of recent administrative, legislative, and program developments and closed to the public from 10:00 a.m., September 19 to 5:00 p.m., September 21 to review grants in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463.

Attendance by the public will be limited to space available.

The NIMH Information Officer who will furnish summaries of the meeting and rosters of committee members is Mr. Ronald E. McMillen, Acting Director, Of-

fice of Communications, National Institute of Mental Health, Room 15–105 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–3600.

The Executive Secretary from whom substantive program information may be obtained is Miss Dorothea de Zafra, Room 13–33 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–1556.

Dated August 27, 1973.

(Catalog of Federal Domestic Assistance Program No. 13.242)

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18821 Filed 9–5–73;8:45 am]

NATIONAL ADVISORY NEUROLOGICAL DISEASES AND STROKE COUNCIL

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the special meeting of the National Advisory Neurological Diseases and Stroke Council, September 6, 1973, at 8:30 a.m., in Conference Room 9, Building 31–C, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public. The purpose of this special meeting is to discuss program planning and extramural grant and contract activities of the Institute for Fiscal Year 1974. Attendance by the public will be limited to space available.

1. The Institute Information Officer who will furnish summaries of the meeting and rosters of committee members is: Mrs. Ruth Dudley, Building 31, Room 8A03, phone: 496–5751.

2. The Executive Secretary from whom substantive program information may be obtained is: Dr. Murray Goldstein, Room 757, Westwood Building, NIH, phone: 496–7705.

Dated August 27, 1973.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health)

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18831 Filed 9–5–73;8:45 am]

NEUROPSYCHOLOGY RESEARCH REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Neuropsychology Research Review Committee, National Institute of Mental Health, September 13–15, 1973, 9:00 a.m. to 5:00 p.m., Dupont Plaza Hotel, Washington, D.C. This meeting will be open to the public from 9:00 a.m. to 10:00 a.m., September 13, 1973, for announcements and reports of recent administrative, legislative, and program developments and closed to the public from 10:00 a.m. September 13 to 4:00 p.m. September 15, 1973, to review grants in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463. Attendance by the public will be limited to space available.

The NIMH Information Officer who will furnish summaries of the meeting and rosters of committee members is Mr. Ronald E. McMillen, Acting Director, Office of Communication, National Institute of Mental Health, Room 15–105 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–3600.

The Executive Secretary from whom substantive program information may be obtained is Dr. Leonard Lash, Executive Secretary, Neuropsychology Research Review Committee, Room 10–95 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–3936.

Dated August 27, 1973.

(Catalog of Federal Domestic Assistance Program No. 13.242 Mental Health Research Grants)

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18824 Filed 9–5–73;8:45 am]

PERSONALITY AND COGNITION RESEARCH REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Personality and Cognition Research Review Committee, National Institute of Mental Health, September 22–23, 1973, 9:00 a.m.–5:00 p.m., Holiday Inn, Silver Spring, Maryland. This meeting will be open to the public from 9:00 a.m. to 9:30 a.m., September 22, 1973, for announcements and reports of recent administrative, legislative, and program developments and closed to the public from 9:30 a.m., September 22 to 5:00 p.m., September 23, 1973, to review grants in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463.

Attendance by the public will be limited to space available.

The NIMH Information Officer who will furnish summaries of the meeting and rosters of committee members is Mr. Ronald E. McMillen, Acting Director, Office of Communications, National Institute of Mental Health, Room 15–105 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–3600.

The Executive Secretary from whom substantive program information may be obtained is Dr. E. Wayne Herron, Executive Secretary, Personality and Cognition Research Review Committee, Room 10C–06 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–3942.

Dated August 27, 1973.

(Catalog of Federal Domestic Assistance Program No. 13.242 Mental Health Research Grants)

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18825 Filed 9–5–73;8:45 am]

PRECLINICAL PSYCHOPHARMACOLOGY RESEARCH REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Preclinical Psychopharmacology Research Review Committee, National Institute of Mental Health, September 17–18, 1973, 9:00 a.m., Conference Room C, Parklawn Building, Rockville, Maryland. This meeting will be open to the public from 9:00 a.m. to 9:30 a.m. on September 17, 1973, for announcements and reports of recent administrative, legislative, and program developments and closed to the public from 9:30 a.m. on September 17, 1973, to 5:00 p.m. on September 18, 1973, to review grants in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463.

Attendance by the public will be limted to space available.

The NIMH Information Officer who will furnish summaries of the meeting and rosters of committee members is Mr. Ronald E. McMillen, Acting Director, Office of Communications, National Institute of Mental Health, Room 15–105 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–3600.

The Executive Secretary from whom substantive program information may be obtained is Dr. Earl Usdin, Executive Secretary and Chief, Pharmacology Section, Psychopharmacology Research Branch, National Institute of Mental Health, Room 9–95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 301–443–3948.

Dated August 27, 1973.

(Catalog of Federal Domestic Assistance Program No. 13.242 Mental Health Research Grants)

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73–18823 Filed 9–5–73;8:45 am]

SOCIAL PROBLEMS RESEARCH REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Social Problems Research Review Committee, National Institute of Mental Health, September 10–11, 1973, 9:00 a.m., Mayflower Hotel, Washington, D.C. This meeting will be open to the public from 9:00 to 9:30 a.m., September 10, for announcements and reports of recent administrative, legislative, and program developments and closed to the public from 9:30 a.m. to 6:00 p.m. on September 10 and from 9:00 a.m. to 6:00 p.m. on September 11 to review grants in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463. Attendance by the public will be limited to space available.

The NIMH Information Officer who will furnish summaries of the meeting and rosters of committee members is Mr.

Ronald E. McMillan, Acting Director, Office of Communications, National Institute of Mental Health, Room 15-105 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443-3600.

The Acting Executive Secretary from whom substantive program information may be obtained is Mr. Edward J. Flynn, Acting Chief, Applied Research Branch, Division of Extramural Research Programs, National Institute of Mental Health, Room 10-99 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443-3566.

Dated August 27, 1973.

(Catalog of Federal Domestic Assistance Program No. 13.242)

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73-18817 Filed 9-5-73;8:45 am]

SOCIAL SCIENCES RESEARCH REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Social Sciences Research Review Committee, National Institute of Mental Health, September 20-21, 1973, 9:00 a.m.-5:00 p.m., Holiday Inn, Chevy Chase, Maryland. This meeting will be open to the public from 9:00 a.m. to 9:30 a.m., September 20, 1973, for announcements and reports of recent administrative, legislative, and program developments and closed to the public from 9:30 a.m., September 20 to 5:00 p.m., September 21, 1973, to review grants in accordance with the provisions set forth in section 552 (b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Attendance by the public will be limited to space available.

The NIMH Information Officer who will furnish summaries of the meeting and rosters of committee members is Mr. Ronald E. McMillen, Acting Director, Office of Comunications, National Institute of Mental Health, Room 15-105 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443-3600.

The Acting Executive Secretary from whom substantive program information may be obtained is Dr. David Pearl, Acting Executive Secretary, Social Sciences Research Review Committee, Room 100C-06, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443-3942.

Dated August 27, 1973.

(Catalog of Federal Domestic Assistance Program No. 13.242 Mental Health Research Grants)

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73-18827 Filed 9-5-73;8:45 am]

TRANSPLANTATION AND IMMUNOLOGY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Transplantation and Immunology Committee, National Institute of Allergy and Infectious Diseases, September 19-20, 1973, 8:30 a.m. to 5:00 p.m., National Institutes of Health, Building 31, Room 7A-24. This meeting will be open to the public from 8:30 a.m. to 12:00 noon on September 19, and from 1:00 p.m. to 5:00 p.m. on September 20 to discuss reports of 1973 activities and possible new programs for FY 1974 and closed to the public from 1:00 p.m. to 5:00 p.m. on September 19 and from 8:30 a.m. to 12:00 noon on September 20, to review contracts in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

Mr. Robert Schreiber, Information Officer, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A-34, phone 496-5717 will furnish summaries of the meeting and rosters of committee members.

Dr. Donald Kayhoe, Executive Secretary of the Transplantation and Immunology Committee, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Building 31, Room 7A-23, phone 496-4733, will furnish substantive program information.

Dated August 27, 1973.

(Catalog of Federal Domestic Assistance Program No. 13-301, National Institutes of Health)

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73-18804 Filed 9-5-73;8:45 am]

VISION RESEARCH PROGRAM COMMITTEE OF THE NATIONAL EYE INSTITUTE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Vision Research Program Committee of the National Eye Institute on September 21, 1973, 8:30 a.m., National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 8:30 a.m. to 9:45 a.m. on September 21, for discussion on status of NEI contract activities, new programs, and future committee activities.

The meeting will be closed to the public from 9:45 a.m. to approximately 12 noon to review grant applications in accordance with the provisions set forth in Section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

Mr. Julian Morris, Information Officer, NEI, Building 31, Room 6A-27, National Institutes of Health, 496-5248, will furnish summaries of the meeting and rosters of the committee members. Substantive program information may also be obtained from Dr. Samuel Schwartz, Chief, Scientific Programs Branch, NEI, Building 31, Room 6A-47, National Institutes of Health, 496-5301.

Dated August 27, 1973.

(Catalog of Federal Domestic Assistance Program No. 13.331, National Institutes of Health)

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73-18815 Filed 9-5-73;8:45 am]

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of meetings of the following study sections and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

The Information Office of the Division of Research Grants, Mr. Richard Turlington, will furnish summaries of the closed meetings and rosters of committee members. Substantive information may be obtained from each Executive Secretary whose name, room number and telephone extension are listed below his Study Section. Mr. Turlington and the Executive Secretaries are all located in the Westwood Building, National Institutes of Health, Bethesda, Maryland 20014. Mr. Turlington's room number is 433, telephone 496-7441.

These meetings will be open to the public to discuss administrative details relating to Study Section business for approximately one hour at the beginning of the first session of the first day of the meeting and closed thereafter in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 in order to review, discuss and evaluate and/or rank grant applications. Attendance by the public will be limited to space available.

Study section	Date	Time	Location of meeting
Allergy and immunology, Dr. Mischa E. Friedman, room 320, telephone 496-7380.	Sept. 20-22	8:45	Linden Hill, Terrace Room, Bethesda, Md.
Applied physiology and bioengineering, Mrs. Ileen E. Stewart, room 318, telephone 496-7581.	Sept. 20-21	9:00	Room 3, bldg. 31, Bethesda, Md.
Bacteriology and mycology, Dr. Milton Gordon, room A-27, telephone 496-7340.	Sept. 13-15	8:30	Holiday Inn, Lobby Room, Chevy Chase, Md.
Biochemistry, Dr. William R. Sanslone, room 350, telephone 496-7516.	Sept. 21-23	9:00	Holiday Inn, Franklin Room, Chevy Chase, Md.
Biomedical communications, Mrs. Ileen E. Stewart, room 318, telephone 496-7581.	Sept. 18	9:00	Room 9, bldg. 31, C-wing, Bethesda, Md.
Biophysics and biophysical chemistry A, Dr. Irvin Fuhr, room 237, telephone 496-7060.	Sept. 14-15	9:00	Shoreham Hotel, Board Room, Washington, D.C.

Study section	Date	Time	Location of meeting
Biophysics and biophysical chemistry B, Dr. John B. Wolff, room 233, telephone 496-7070.	Sept. 28-29	8:30	Room 7, bldg. 31, C-wing, Bethesda, Md.
Cardiovascular and pulmonary,[1] Dr. Wendell H. Kyle, room 339, telephone 496-7901.	Sept. 20-22	8:30	Holiday Inn, Spring Room W, Silver Spring, Md.
Cardiovascular and renal,[2] Dr. Floyd O. Atchley, room 339, telephone 496-7901.	Sept. 27-29	8:30	Holiday Inn, Montgomery Room, Bethesda, Md.
Cell biology, Dr. Evelyn A. Horenstein, room 238, telephone 496-7020.	Sept. 13-15	9:00	Holiday Inn, Franklin Room, Chevy Chase, Md.
Communicative sciences, Mr. Frederick J. Gutter, room 321, telephone 496-7550.	Sept. 14-16	2:00	Room 10, bldg. 31, C-wing, Bethesda, Md.
Computer and biomathematical sciences, Dr. Bernice S. Lipkin, room 310, telephone 496-7568.	Sept. 17-19	9:00	Room 8, bldg. 31, C-wing, Bethesda, Md.
Dental, Dr. Ethel B. Jackson, room 234, telephone 496-7818.	Sept. 25-27	9:00	Room 10, bldg. 31, C-wing, Bethesda, Md.
Developmental behavioral sciences, Dr. Bertie H. R. Woolf, room 236, telephone 496-7471.	Sept. 20-22	8:30	Shoreham Hotel and Motor Inn, Club Room B, Washington, D.C.
Epidemiology and disease control, Mr. Glenn G. Lamson, Jr., room 236, telephone 496-7471.	do	8:30	Shoreham Hotel, Club Room A, Washington, D.C.
Experimental psychology, Dr. A. Keith Murray, room 220, telephone 496-7004.	Sept. 12-14	9:30	Shoreham Hotel, Caucus Room, Washington, D.C.
Experimental therapeutics, Dr. Anne R. Bourke, room 319, telephone 496-7839.	Sept. 13-15	9:00	Room 4, bldg. 31, Bethesda, Md.
General medicine A, Dr. Harold M. Davidson, room 354, telephone 496-7797.	Sept. 23-26	8:30	Holiday Inn, Montgomery Room, Bethesda, Md.
General medicine B, Dr. William F. Davis, Jr., room 322, telephone 496-7730.	Sept. 6-8	10:00	Room 8, bldg. 31, C-wing, Bethesda, Md.
Genetics, Dr. Katherine S. Wilson, room 349, telephone 496-7271.	Sept. 20-22	9:00	Room 9, bldg. 31, C-wing, Bethesda, Md.
Hematology, Dr. Joseph E. Hayes, Jr., room 355, telephone 496-7508.	Sept. 19-21	9:00	Holiday Inn, Adams Room, Chevy Chase, Md.
Human embryology and development, Dr. Samuel Moss, room 221, telephone 496-7597.	Sept. 20-22	9:00	Room 6, bldg. 31, C-wing, Bethesda, Md.
Immunobiology, Dr. James H. Turner, room A-25, telephone 496-7780.	do	9:00	Kenwood County Club, Pine Room, Bethesda, Md.
Medicinal chemistry A, Dr. Asher A. Hyatt, room 222, telephone 496-7286.	Sept. 21-23	2:00	Holiday Inn, Woodmont Room W, Bethesda, Md.
Medicinal chemistry B, Mr. Richard P. Bratzel, room 222, telephone 496-7286.	Sept. 13-15	9:00	Room 8, bldg. 31, C-wing, Bethesda, Md.
Metabolism, Dr. Robert M. Leonard, room 218, telephone 496-7091.	Sept. 20-22	8:30	Sheraton-Silver Spring Motor Inn, Counsel Room, Silver Spring, Md.
Microbial chemistry, Dr. Gustave Silber, room 357, telephone 496-7130.	do	8:30	Holiday Inn, Lobby Room, Chevy Chase, Md.
Molecular biology, Dr. Donald T. Disque, room 328, telephone 496-7830.	Sept. 13-15	9:00	Room 7, bldg. 31, C-wing, Bethesda, Md.
Neurology A, Dr. William E. Morris, room 326, telephone 496-7095.	Sept. 20-22	9:00	Room 4, bldg. 31, Bethesda, Md.
Neurology B, Dr. William E. Morris (acting), room 326, telephone 496-7095.	do	8:30	Sheraton, Board Room, Silver Spring, Md.
Nutrition, Dr. John R. Schubert, room, 206, telephone 496-7318.	Sept. 24-26	8:30	Room 9, bldg. 31, C-wing, Bethesda, Md.
Pathology A, Dr. William B. Savchuck, room 337, telephone 496-7305.	Sept. 12-14	9:00	Kenwood Country Club, Pine Room, Bethesda, Md.
Pathology B, Dr. James K. MacNamee, room 352, telephone 496-7244.	Sept. 13-15	8:30	Shoreham Hotel, Board Room, Washington, D.C.
Pharmacology, Dr. Lawrence M. Petrucelli, room 334, telephone 496-7408.	do	9:00	Room 9, bldg. 31, C-wing, Bethesda, Md.
Physiological chemistry, Dr. Robert L. Ingram, room 338, telephone 496-7837.	Sept. 20-22	9:00	Holiday Inn, Adams Room, Chevy Chase, Md.
Physiology, Dr. Clara E. Hamilton, room 219, telephone 496-7878.	Sept. 21-22	9:00	Room 10, bldg. 31, C-wing, Bethesda, Md.
Population research, Miss Carol A. Campbell, room 210, telephone 496-7140.	Sept. 28-30	9:00	Room 8, bldg. 31, C-wing, Bethesda, Md.
Radiation, Dr. Robert L. Straube, room 248, telephone 496-7510.	Sept. 13-15	9:00	Shoreham Hotel, Executive Room, Washington, D.C.
Reproductive biology, Dr. Robert T. Hill, room 208, telephone 496-7318.	Sept. 19-21	9:00	Holiday Inn, Woodmont East Room Bethesda, Md.
Surgery A, Dr. Raymond J. Helvig, room 336, telephone 496-7771.	Sept. 7-8	8:30	Sheraton, Counsel Room, Silver Spring, Md.
Surgery B, Dr. Joe W. Atkinson, room 348, telephone 496-7506.	Sept. 7-8	8:30	Sheraton, Quorum Room, Silver Spring, Md.
Toxicology, Dr. Rob. S. McCutcheon, room 226, telephone 496-7570.	Sept. 20-22	8:30	Room 7, bldg. 31, Bethesda, Md.
Virology, Dr. Claire H. Winestock, room 340, telephone 496-7128.	Sept. 13-15	9:00	Room 6, bldg. 31, C-wing, Bethesda, Md.
Visual sciences A, Dr. Orvil E. A. Bolduan, room 2A-05, telephone 496-7180.	Sept. 12-14	9:00	Holiday Inn, Spring Room, Silver Spring, Md.
Visual sciences B, Dr. Marie A. Jakus, room 353, telephone 496-7251.	Sept. 20-22	9:00	Room 8, bldg. 31, C-wing, Bethesda, Md.

[1] Formerly cardiovascular and pulmonary research A.
[2] Formerly cardiovascular and pulmonary research B.

Dated August 27, 1973.

(Catalog of Federal Domestic Assistance Program Nos. 13.101-13.371, National Institutes of Health)

ROBERT W. BERLINER,
Acting Deputy Director,
National Institutes of Health.

[FR Doc.73-18833 Filed 9-5-73;8:45 am]

Office of the Secretary

ASSISTANT SECRETARY (PUBLIC AFFAIRS)

Statement of Mission, Organization, and Functions

Part 1 of the Statement of Mission, Organization, and Functions for the Department of Health, Education, and Welfare, Office of the Secretary, is amended to change Chapter 1H Assistant Secretary (Public Affairs). The amended Chapter reads as follows:

SECTION 1-H.00 *Mission.*—The Assistant Secretary for Public Affairs serves as the principal advisor to the Secretary on matters pertaining to the Department's public affairs. His mission is to devise, foster, direct, and coordinate programs and activities which will increase the public's knowledge and understanding of the services the Department provides.

SEC. 1-H.10 *Organization.*—The Assistant Secretary for Public Affairs reports to the Secretary and directs the Office of Public Affairs which consists of:

Editorial Operations Division
Service Support Division
Public Information Division
Audiovisual Communications Division

SEC. 1-H.20 *Functions.*—A. *Assistant Secretary for Public Affairs.*—1. Provides executive leadership, policy direction, and management strategy for the Department's public affairs programs and activities.

2. Counsels and acts for the Secretary and his staff in carrying out responsibilities under statutes, Presidential directives, and Secretarial orders for informing the general public, specific publics, DHEW employees, and other Federal employees of the programs, policies, and services of the Department.

3. Establishes and enforces policies and practices which produce a clear, efficient, and consistent flow of information to the general public and other audiences about Department programs and activities.

4. Manages and directs the activities of the Office of Public Affairs. For all public affairs elements of the Department, has concurrence or signoff authority over staffing levels, budget, and selection of key personnel; establishes general operating policies and guidelines; participates in the development of major Public Affairs materials and plans.

B. *Editorial Operations Division.*—1. Develops and coordinates the application of Department policies, plans, and strategies for dissemination of information to the public.

2. Plans the preparation of, coordinates the gathering of material for, edits, and produces publications with Department-wide implications, such as the HEW Newsletter.

3. Directs the HEW Speakers' Bureau. Prepares speech material and background information for the Secretary and other key DHEW officials.

4. Conducts research and prepares fact sheets on various elements of the Department for dissemination internally and externally.

C. *Service Support Division.*—1. Develops and implements policies and practices for coordination, reviewing, and approving publishing plans and activities of the operating agencies and regional offices.

2. Reviews and approves distribution plans for publications produced by the Department.

3. Maintains constant liaison with public affairs and other key officials in the operating agencies and regional offices to foster informational programs and activities.

4. Provides direction and technical assistance to operating agencies and regional offices on the management of public affairs programs and activities.

5. Establishes and maintains standards, procedures, and systems governing the management of public affairs operations within the Department.

6. Evaluates public affairs programs and operations for accuracy and effectiveness.

7. Carries out projects on special information programs.

D. *Public Information Division.*—1. Provides information to the news gathering and reporting media, on HEW activities on a daily basis.

2. Prepares new releases and other news material issued by the Secretary and other key officials of the Department.

3. Provides central review and coordination of news releases and other news material issued by the operating agencies and regional offices.

4. Coordinates and arranges news conferences, briefings, interviews, and appearances of the Secretary and other key HEW officials on radio and television and with the print media.

E. *Audiovisual Communications Division.*—1. Develops and implements policies and guidelines on the use of audiovisual material in fostering HEW programs and projects.

2. Provides technical assistance to operating agencies and regional offices on the application of audiovisual techniques and the production of audiovisual material.

3. Reviews and approves plans of operating agencies and regional offices to produce and use audiovisual materials.

4. Provides complete audiovisual services as required, including the planning and production of audiovisual material for use by the media and the overseeing of production of audiovisual materials by contractors.

Dated August 31, 1973.

ROBERT H. MARIK,
Assistant Secretary for Administration and Management.

[FR Doc.73-18878 Filed 9-5-73;8:45 am]

PRESIDENT'S COMMITTEE ON MENTAL RETARDATION

Notice of Meeting

The President's Committee on Mental Retardation was established to provide advice and assistance in the area of mental retardation to the President including evaluation of the adequacy of the national effort to combat mental retardation; coordination of activities of Federal agencies; provision of adequate liaison between Federal activities and related activities of State and local governments, foundations and private organizations; develop information designed for dissemination to the general public. The Committee will meet Friday and Saturday, September 21-22, 1973, from 9:00 a.m. to 4:00 p.m. in Kansas City, Missouri, at the Crown Center Hotel. The Committee will discuss health, education, services, and legal rights as they relate to the mentally retarded. These meetings are open to the public.

Dated August 28, 1973.

FRED J. KRAUSE,
Executive Director, President's Committee on Mental Retardation.

[FR Doc.73-18879 Filed 9-5-73;8:45 am]

Social Security Administration

HEALTH INSURANCE BENEFITS ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the Health Insurance Benefits Advisory Council, established pursuant to section 1867 of the Social Security Act, as amended, which advises the Secretary of Health, Education, and Welfare on Medicare and Medicaid matters, will meet on Friday, September 21, 1973, at 9 a.m. in Room 4131 of the Department of Health, Education, and Welfare's North Building, Third and C Streets SW., Washington, D.C. 20201.

The Council will consider matters relating to the Medicare and Medicaid programs. Also, the Mental Health Committee of HIBAC which is studying the coverage of mental illness under Medicare will meet in the aforementioned room during the Council's break for lunch. The Committee will consider matters relating to the study.

Both of these meetings are open to the public.

Further information on the Council may be obtained from Mr. Max Perlman, Executive Secretary, Health Insurance Benefits Advisory Council, Room 585, East Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301-594-9134. Members of the public planning to attend should send written notice of intent to the Executive Secretary.

Dated August 30, 1973.

(Catalog of Federal Domestic Assistance Program Nos. 13.800, Health Insurance for the Aged—Supplementary Medical Insurance; and 13.714, Medical Assistance Program)

MAX PERLMAN,
Executive Secretary, Health Insurance Benefits Advisory Council.

[FR Doc.73-18872 Filed 9-5-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-123; FDAA-399-DR]

NEW HAMPSHIRE

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of New Hampshire, dated July 11, 1973, and published July 18, 1973 (38 FR 19148) is hereby amended. Notice is hereby given that on August 28, 1973, the President amended his declaration of a major disaster of July 11, 1973, for New Hampshire as follows:

I have determined that the damage in certain areas of the State of New Hampshire resulting from severe storms and flooding during the period August 2-4, 1973, is of sufficient severity and magnitude to warrant amendment of my July 11, 1973, declaration of a major disaster. You are to determine the specific areas within the State eligible for Federal assistance under this amendment.

In order to provide Federal assistance, you are hereby authorized to extend the incidence period to include that time period, as requested by Governor Thomson, and to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

The purpose of this amendment is to add the incidence period of August 2-4, 1973, due to severe storms and flooding in Hillsborough County, New Hampshire.

Dated August 29, 1973.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-18849 Filed 9-5-73;8:45 am]

[Docket No. NFD-124]

PENNSYLVANIA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Pennsylvania, dated July 18, 1973, and published July 24, 1973 (38 FR 19852), and amended July 24, 1973, and published July 31, 1973 (38 FR 20359), is hereby further amended. Notice is hereby given that on August 23, 1973, the President amended his declaration of a major disaster of July 17, 1973, for Pennsylvania as follows:

I have determined that the damage in certain areas of the State of Pennsylvania resulting from severe storms and flooding during the period August 2-3, 1973, is of sufficient severity and magnitude to warrant amendment of my July 17, 1973, declaration of a major disaster. You are to determine the specific areas within the State eligible for Federal assistance under this amendment.

In order to provide Federal assistance, you are hereby authorized to extend the incidence period to include that time period, as requested by Lieutenant Governor Kline, and to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

The purpose of this amendment is to add the incidence period of August 2-3, 1973, due to severe storms and flooding in Montgomery County, Pennsylvania.

Dated: August 29, 1973.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-18848 Filed 9-5-73;8:45 am]

Office of Assistant Secretary for Housing Management

[Docket No. D-73-254]

REGIONAL ADMINISTRATORS ET AL.

Redelegation of Authority Regarding Property Disposition

The redelegation of authority by the Assistant Secretary for Housing Management published at 35 FR 16106, October 14, 1970, as amended at 36 FR 13854, July 27, 1971, 36 FR 21539, November 10, 1971, and 37 FR 10408, May 20, 1972, is amended in the following respects:

1. A new section C is added to read as follows:

SEC. C. *Additional authority redelegated.*—Each Construction/Contracting Specialist, Property Disposition program, in each Area and Insuring Office is designated a contracting officer and is authorized to exercise the authorities redelegated in paragraph 8 of section A.

2. A new section D is added to read as follows:

SEC. D. *Authority redelegated to a specific employee of the Department.*—Frank Egee, Property Disposition Branch, Housing Management Division, Chicago Area Office, is designated contracting officer and is authorized to exercise the authorities redelegated in paragraph 8 of section A.

3. The present section C is redesignated as section E and is amended to read:

SEC. E. *Exercise of redelegated authority.*—Redelegations of authority in sections A through D shall not be construed to modify or otherwise affect the administrative and supervisory powers of the Regional Administrator, Area Director, and Insuring Office Director, or any of them, to whom a delegate is responsible.

(Secretary's delegation of authority to redelegate published at 36 FR 5005, March 16, 1971)

Effective date.—This amendment to the redelegation of authority is effective as of August 30, 1973.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.73-18847 Filed 9-5-73;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-73-191]

ELEUTHERA ISLAND CLUB

Order of Suspension

In the matter of Eleuthera Island Club OILSR No. 0-0778-60-23 Administrative Proceedings Division File No. Z-134.

Notice is hereby given that:

On June 25, 1973, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, published in the FEDERAL REGISTER a Notice of Proceedings and Opportunity for Hearing, pursuant to 44 U.S.C. 1508, informing the Developer of alleged untrue statements or omissions of material facts in the Developer's Statement of Record. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of said Notice. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Order of Suspension is being issued as follows:

Order of suspension.—1. L. Gillarde Land Company, Ltd., hereinafter referred to as the Developer, being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.) and the Rules and Regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, has filed its Statement of Record covering its subdivision, located in the Bahama Islands (OILSR No. 0-0778-60-23) which became effective on November 21, 1969, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. Pursuant to lawful delegation, as authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been vested in the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), if it appears to the Interstate Land Sales Administrator at any time that a Statement of Record, which is in effect, includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statement therein not misleading, the Administrator may, after notice, and after an opportunity for a hearing requested within 15 days of receipt of such notice, issue an order suspending the Statement of Record.

4. A Notice of Proceedings and Opportunity for Hearing was published in the FEDERAL REGISTER on June 25, 1973, pursuant to 44 U.S.C. 1508, informing the Developer of information obtained by the Office of Interstate Land Sales Registration showing an untrue statement of a material fact or an omission of a material fact required to be stated therein or necessary to make the statements therein not misleading in the above-specified Statement of Record. The Developer was notified of his right to request a hearing and that if he failed to request a hearing he would be deemed in default and the proceedings would be determined against him, the allegations of which would be determined to be true. The developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of publication of said Notice of Proceedings and Opportunity for Hearing.

Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of publication of this order of Suspension in the FEDERAL REGISTER. This Order of Suspension shall remain in full force and effect until the Statement of Record has been properly amended as required by the Interstate Land Sales Full Disclosure Act and the implementing Regulations.

Any sales or offers to sell made by the Developer or its agents, successors, or assigns while this Order of Suspension is in effect will be in violation of the provisions of said Act.

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

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-18846 Filed 9-5-73;8:45 am]

[Docket No. N-73-190]

HIGHLAND MEADOW ESTATES

Order of Suspension

In the matter of Highland Meadow Estates, OILSR No. 0-1110-36-44, Administrative Proceedings Division File No. Z-176.

Notice is hereby given that:

On June 21, 1973, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, published in the FEDERAL REGISTER a Notice of Proceedings and Opportunity for Hearing, pursuant to 44 U.S.C. 1508, informing the Developer of alleged untrue statements or omissions of material facts in the Developer's Statement of Record. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of said Notice. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Order of Suspension is being issued as follows:

Order of suspension. 1. United Brokers Corporation, hereinafter referred to as the Developer, being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Public Law 90-448) (15 U.S.C. 1701 et seq.) and the Rules and Regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, has filed its Statement of Record covering its subdivision, located in New Mexico (OILSR No. 0-1110-36-44) which became effective on May 8, 1970, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. Pursuant to lawful delegation, as authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been vested in the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), if it appears to the Interstate Land Sales Administrator at any time that a Statement of Record, which is in effect, includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statement therein not misleading, the Administrator may, after notice, and after an opportunity for a hearing requested within 15 days of receipt of such notice, issue an order suspending the Statement of Record.

4. A Notice of Proceedings and Opportunity for Hearing was published in the FEDERAL REGISTER on June 21, 1973, pur-

suant to 44 U.S.C. 1508, informing the Developer of information obtained by the Office of Interstate Land Sales Registration showing an untrue statement of a material fact or an omission of a material fact required to be stated therein or necessary to make the statements therein not misleading in the above-specified Statement of Record. The Developer was notified of his right to request a hearing and that if he failed to request a hearing he would be deemed in default and the proceedings would be determined against him, the allegations of which would be determined to be true. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of publication of said Notice of Proceedings and Opportunity for Hearing.

Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1710.45 (b) (1), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of publication of this Order of Suspension in the FEDERAL REGISTER. This Order of Suspension shall remain in full force and effect until the Statement of Record has been properly amended as required by the Interstate Land Sales Full Disclosure Act and the implementing Regulations.

Any sales or offers to sell made by the Developer or its agents, successors, or assigns while this Order of Suspension is in effect will be in violation of the provisions of said Act.

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

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-18845 Filed 9-5-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-334]

DUQUESNE LIGHT COMPANY, ET AL.

Order Extending Completion Date

Duquesne Light Company, Pennsylvania Power Company, and Ohio Edison Company are the holders of Construction Permit No. CPPR-75 issued by the Commission on June 26, 1970, for construction of the Beaver Valley Power Station, Unit 1, a 2,660 thermal megawatt pressurized water nuclear reactor presently under construction at the applicants' site on the south bank of the Ohio River in Shippingport Borough, Beaver County, Pennsylvania, approximately one mile from Midland, Pennsylvania, approximately 22 miles from Pittsburgh, Pennsylvania, and approximately five miles from East Liverpool, Ohio.

On July 2, 1973, Duquesne Light Company filed a request for an extension of the completion date because construction has been delayed. It has been determined that the delay is due to several interdependent reasons which include (1) the necessity of completely redesigning the circulating water system to a closed system, (2) the lack of sufficient numbers of qualified welders, (3) the flooding of the Ohio River in June 1972 and in November-December 1972, (4) lower productivity of labor than anticipated for nuclear construction, (5) major revisions in the seismic design criteria as a result of the AEC Regulatory staff review of the Preliminary Safety Analysis Report, (6) changes in the electrical design and construction criteria due to the adoption of new standards and guidelines, and (7) the applicants' underestimation of the original construction schedule. The Director of Regulation having determined that this action involves no significant hazards consideration, and good cause having been shown, the bases for which are set forth in a memorandum dated August 28, 1973, from R. C. DeYoung to A. Giambusso:

It is hereby ordered, That the latest completion date for Construction Permit No. CPPR-75 is extended from September 1, 1973, to June 30, 1975, with the earliest completion date being December 1, 1974.

Date of issuance August 29, 1973.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.73-18792 Filed 9-5-73;8:45 am]

[Docket No. 50-320]

METROPOLITAN EDISON CO., ET AL.

Notice of Hearing

AUGUST 31, 1973.

In the matter of Metropolitan Edison Co., et al. (Three Mile Island Nuclear Station, Unit 2), Docket No. 50-320.

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the National Environmental Policy Act of 1969 (NEPA), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and Part 2, "Rules of Practice", notice is hereby given that, subject to conditions set forth in this Board's Order of August 13, 1973, a hearing will be held concerning the Three Mile Island Nuclear Station, Unit 2 (the facility) of the Applicants, Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company.

The hearing will consider the single issue as to whether activities concerning the off-site right-of-way clearing and construction of the off-site portion of the Juniata transmission line should continue to be suspended pending completion of the full NEPA environmental review. The hearing will be held at a time and place to be set in the future by the Atomic Safety and Licensing Board (Licensing Board) designated herein, to be held in the vicinity of the facility in Dauphin County, Pennsylvania. Construction of the facility was authorized by Provisional Construction Permit No. CPPR-66 issued by the Atomic Energy Commission on November 4, 1969. The instant facility is subject to the provisions of section C of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits were issued prior to January 1, 1970.

The Licensing Board designated by the Chairman of the Atomic Safety and Licensing Board Panel will consist of Charles A. Haskins, Esq. (Chairman), Dr. M. Stanley Livingston and Dr. John R. Lyman.

On April 10, 1973, the Director of Regulation published in the FEDERAL REGISTER (38 FR 9105) a notice entitled "Determination To Rescind Suspension of Certain Construction Activities at the Three Mile Island Nuclear Generating Station * * *" That document provided that any person whose interest might be affected might file a request for a hearing on or before May 11, 1973.[1] On May 2, 1973, such a request was received from Citizens for a Safe Environment and the Environmental Coalition on Nuclear Power (Petitioners), joint intervenors in the ongoing licensing proceeding for Three Mile Island Nuclear Station, Unit 1. Answers to the request were filed by Applicants and the AEC Regulatory Staff.

By order dated July 11, 1973, this Board afforded Petitioners an opportunity to file a further pleading in amplification of their May 2, 1973, pleading, which Petitioners duly filed on July 19, 1973. Answers were filed by Applicants and the Regulatory Staff on July 30, 1973.

As set out in this Board's order of August 13, 1973, referred to above, a public hearing will be held and Petitioners will be admitted as a party.

A prehearing conference or conferences will be held by the Licensing Board at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's rules of practice. The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

For further details pertinent to the matter under consideration see documents entitled "Final Environmental Statement Related to Operation of Three Mile Island Nuclear Station, Units 1 and 2" dated December 1972 and "Amended Discussion and Findings by the Directorate of Licensing, U.S. Atomic Energy Commission, Related to Consideration of Suspension Pending NEPA Environmental Review of the Provisional Construction Permits for the Three Mile Island Nuclear Generating Station, Units 1 and 2" dated December 9, 1972, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.,

[1] The notice also provided that if a request for a hearing was timely filed, the effectiveness of the order partially rescinding the suspension would be stayed pending appropriate disposition of such request.

and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania, 17126. Copies of the Commission's Final Environmental Statement may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, must be filed by the parties to this proceeding (other than the regulatory staff) on or before September 26, 1973.

Any person who wishes to make an oral or written statement in this proceeding, but who has not filed a petition for leave to intervene as noted above, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Licensing Board, within such limits and on such conditions as may be determined by it. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, on or before September 26, 1973.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, ATTENTION: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Licensing Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and twenty (20) conformed copies of each such paper with the Commission.

Issued at Washington, D.C., this 31st day of August 1973.

It is so ordered.

For the Atomic Safety and Licensing Board designated to rule on petitions.

CHARLES A. HASKINS,
Chairman.

[FR Doc.73-18871 Filed 9-5-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 23080-1 etc.; Order 73-8-144]

DOMESTIC PRIORITY AND NONPRIORITY SERVICE MAIL RATES

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of August 1973.

Priority and nonpriority domestic service mail rates—Phase 1, Docket 23080-1; Domestic service mail rate case, Docket 16349; Nonpriority mail rates, Docket 18381.

By Order 70-12-48, December 8, 1970, the Board reopened the domestic priority [1] and nonpriority [2] service mail rates as of December 12, 1970, and instituted an investigation to determine the fair and reasonable rates of compensation to be paid on and after December 12, 1970, for domestic U.S. mail services rendered by the U.S. air carriers.[3] The services pertain to U.S. mail carried: (1) Between points within the 50 States; [4] (2) between the 50 States and certain territories and/or possessions of the United States; (3) between the United States and foreign "stub-end" points in Canada and Mexico; and, (4) between and within certain territories and/or possessions.

A prehearing conference was held in July 1971, but procedural dates were thereafter deferred in order to afford the Postmaster General and the parties an opportunity to study new services and possible modification of existing services that would affect the rates to be established. These efforts failed to produce meaningful results, and a supplemental prehearing conference was held in April 1973. Meanwhile, on March 28, 1973, the Postal Service had commenced tendering mail in containers to Flying Tiger, paying for the service at rates contained in a petition filed by Flying Tiger on March 22.

In light of this development and numerous similar filings by most of the trunkline carriers, which reflected a significant change in transportation of mail by air, on July 10, 1973, we divided this investigation into two phases: (1) A past period December 12, 1970, through March 27, 1973, and (2) the period on and after March 28, 1973.[5] Our action severing the past and future periods was taken at the urging of the Board's Bureau of Economics and of the Postmaster General. The Postmaster General particularly stressed the long open-rate period and the need to conclude Phase 1 expeditiously. We agree that protracted open-rate periods are undesirable and that the time and resources of the parties and the Board at this time should be devoted to the multitude of issues presented in Phase 2. By this order, we are therefore proposing to establish final mail rates for the certificated carriers for the Phase 1 past period.[6] By separate order issued simultaneously herewith, we are also proposing industrywide temporary mail rates to be effective pending conclusion of the investigation in Phase 2.

In general, the final rates proposed herein for the past period reflect increments to the prior effective multielement rates based upon a comparison of the adjusted operating expenses per revenue ton-mile plus provision for return and taxes for the domestic services of the trunklines and Flying Tiger [7] during the period under review with base-period results for similar services and the same carriers upon which the prior priority and nonpriority mail rates were predicated.[8] These base periods for the priority and nonpriority rate determinations are the fiscal year 1965 and calendar year 1967, respectively. To maintain annual period comparisons and, at the same time, reflect continued cost changes experienced by the industry during the past period, we have divided the past period of more than two and one-quarter years into two parts covering: (1) The 12½ months December 12, 1970, through and including December 31, 1971, which will be based on the adjusted results reported for the calendar year 1971; and (2) the 15 months January 1, 1972, through and including March 27, 1973, based on the adjusted results reported for the calendar year 1972.

The Board finds that the cost comparison approach utilized serves as an acceptable basis for determining the fair and reasonable domestic service mail rates in this proceeding, particularly in dealing with known results for a past period. In our opinion, on the basis of past experience, it is not unreasonable to assume that the movement of total economic costs amply describes the cost

[1] Established by Order E-25610, August 28, 1967.

[2] Established by Order 70-4-9, April 2, 1970.

[3] These include the domestic trunklines, the local service carriers, four additional combination air carriers (Alaska Airlines, Inc., Caribbean-Atlantic Airlines, Inc., Pan American World Airways, Inc. and Trans Caribbean Airways, Inc.), three all-cargo carriers (Airlift International, Inc., The Flying Tiger Line Inc., and Seaboard World Airlines, Inc.), and numerous air taxi/commuter operators whose mail services are compensated for in whole or in part at rates equivalent to the domestic service mail rates.

[4] Separate service mail rates are established for intra-Alaska and intra-Hawaiian services, which rates are not disturbed by the findings herein.

[5] Order 73-7-29.

[6] Rates for the air-taxi and commuter carrier parties will be proposed by separate order.

[7] The other carrier parties carry such a small proportion of the total domestic service mail that consideration of their costs was not required in determining the reasonable rates.

[8] The reported data have been adjusted to reflect conformance with the load factor, seating configuration, and return on investment standards adopted by the Board in the Domestic Passenger-Fare Investigation, Docket 21866 (DPFI).

changes taking place for the provision of the classes of domestic mail services involved in this investigation. Accordingly, we conclude that the total cost comparison bases from which we have derived our rate proposals herein produces results within an acceptable zone of reasonableness.

1. *Economic Cost Base for Priority Mail Services.*—As indicated above, the base period for the determination of the priority service mail rate increments in our proposal is the fiscal year 1965. For the domestic trunk carriers and Flying Tiger, the reported operating expenses for domestic services in fiscal 1965 were 46.71 cents per revenue ton-mile (Appendix A). To provide for return on investment at 10.5 percent and taxes at 48 percent requires a markup of 14.49 percent (Appendix D), producing a total economic cost for the fiscal year 1965 of 53.48 cents per revenue ton-mile.

2. *Economic Cost Base for Nonpriority Mail Services.*—The base period for the prior nonpriority mail rates was calendar year 1967. Reported operating expenses for the selected carriers in that year were 41.65 cents per revenue ton-mile. However, due to the extended lag time involved until decision was reached in that case, the Board provided an increment of 4.4 percent in the rates determined for the period on and after July 1, 1969,[9] recognizing the increase in operating expenses reported for the fiscal year 1969 over the base year. Therefore, we will likewise increase the reported operating expenses in 1967 by 4.4 percent here, producing an adjusted base operating cost of 43.48 cents per revenue ton-mile (Appendix A). Provision for return and taxes, similar to that reflected for the priority cost base above, adds 16.01 percent for a recognized total economic cost base for 1967 of 50.55 cents per revenue ton-mile.

3. *Recognized Economic Costs—1971.*—The reported operating expenses for the base carrier group in 1971 was 50.22 cents per revenue ton-mile (Appendix A). In Phase 7 of the DPFI,[10] the Board adopted load factor standards to be recognized for the trunkline carriers for ratemaking purposes. Since this standard was first applied by the Board in May 1971, we are proposing to reflect approximately 50 percent of the computed annual capacity reduction for determining the recognized level of operating expenses in calendar year 1971, or a net capacity reduction of 4.2 percent (Appendix B). The cost impact for this adjustment goes only to the capacity costs, those operating costs which are related to the movement of the aircraft which provides the available capacity for traffic; and, inasmuch as the capacity costs are computed to be 64.9 percent of the total operating expenses in the review period, the capacity reduction of 4.2 percent produces a related operating expense decrease of 2.7 percent. Application of this net cost adjustment to the reported operating expenses results in a recognized operating cost per revenue ton-mile of 48.86 cents. Provision of the recognized return at 12.0 percent on investment plus taxes at 48 percent in 1971 calls for a markup of 17.09 percent, or a recognized total economic cost per revenue ton-mile of 57.21 cents in 1971 (Appendix A).

4. *Priority and Nonpriority Mail Service Cost Increments—1971.*—As we previously concluded, the increments for mail service costs correlate with those for total economic expenses. Thus, the relationship of the recognized economic cost per revenue ton-mile of 57.21 cents in 1971 as related to the base costs in fiscal year 1965 of 53.48 cents produces an increment for priority mail service costs in 1971 of 7.0 percent. The relationship of the recognized 1971 economic costs to the adjusted base costs in 1967 of 50.44 cents per revenue ton-mile results in a 1971 increment for nonpriority mail service costs of 13.4 percent.

5. *Recognized Economic Costs—1972.*—Reported operating expenses per revenue ton-mile in 1972 for the base carriers amounted to 49.65 cents. Application of the load-factor standards is again required as in our 1971 economic cost determination, above, but for a full year in 1972. However, in addition to the load-factor standards, the Board also adopted seating configuration standards for ratemaking purposes in arriving at the fare increase which it authorized effective September 5, 1972.[11] As detailed in Appendix C, the imposition of the seating standards would increase the reported available seat-miles from 203.08 to 210.14 billion. Since this standard was not applicable until almost the last quarter of 1972, this adjustment at 25 percent would increase the capacity base for 1972 to 204.84 billion available seat-miles. Application of the load-factor standards would in turn reduce this capacity to 196.99 billion seat-miles, or a net reduction of 3.8 percent from the reported capacity. This reduction, at 64.9 percent for capacity costs, translates into a net operating cost decrease of 2.5 percent for 1972, which adjusts the reported operating expense per revenue ton-mile to 48.41 cents. Provision for return and taxes at rates of 12.0 and 48 percent, respectively, at a markup of 16.20 percent, produces a recognized total economic cost per revenue ton-mile in 1972 of 56.25 cents (Appendix A).

6. *Priority and Nonpriority Mail Service Cost Increments—1972.*—Similar to the computations made for 1971, above, the relationship of the recognized total economic costs per revenue ton-mile in 1972 of 56.25 cents to the 53.48 cents for 1965 and 50.44 cents for 1967 indicates priority and nonpriority mail service cost increments in 1972 of 5.2 percent and 11.5 percent for priority and nonpriority mail, respectively.

7. *Reasonableness of the Cost Findings.*—The previous rates for priority and nonpriority mail became effective on January 1, 1967, and July 1, 1969, respectively, and remained in effect at the same levels until December 12, 1970. Although the rates were opened on the latter date, nevertheless, the Postal Service has been making payments under that rate structure for over six years in the case of priority mail and four years in the case of nonpriority mail. Between 1967 and 1970, domestic passenger fares were increased four times, totaling about 11 percent; and the three increases permitted by the DPFI in 1971 and 1972 totaled an additional 12 percent. General-commodity freight rates were increased each year from 1969 through 1973 by 5 to 10 percent, and minimum-charge shipments and specific commodity rates have also seen very large increases. Thus, the proposed increases in priority and nonpriority mail rates of 7.0 and 13.4 for 1971 and 5.2 and 11.5 percent for 1972 appear to be well within the zone of reasonableness.[12] The 25.01 cents per revenue ton-file for the trunkline carriers, which also compares favorably with the overall 1972 yields of 22.45 and 34.84 cents per revenue ton-mile for the same carriers for domestic freight and express, respectively.

8. *Rate Structure.*—The previous rates and rate structure established for compensation to the carriers for the carriage of U.S. domestic priority and nonpriority mail were: [13]

(a) For priority mail—the sum of a linehaul rate of 24 cents per nonstop great-circle mail ton-mile and terminal charges of 2.34, 4.68, and 9.36 cents per pound of priority mail originated at stations classified X, Y and Z, respectively; and

(b) For nonpriority mail—the sum of 11.33 cents per nonstop great-circle nonpriority mail ton-mile and terminal charges of 2.34, 4.68, and 9.36 cents per pound of nonpriority mail originated at stations classified X, Y and Z, respectively.

In our opinion, continuation of the multielement rate structure of linehaul and terminal charges for the past period will provide the appropriate relationship of total mail yield to the economic costs for the various classes of scheduled air carriers performing the domestic services involved in this proceeding. Therefore, adjustment of the prior rates to reflect the appropriate 1971 and 1972 economic cost increments above those for the applicable base periods should produce reasonable mail yields for the periods December 12, 1970, through December 31, 1971, and January 1, 1972, through March 27, 1973, respectively. We propose to effect the rate changes for this past period by amendment of the rate paragraphs of Orders E–25610 and 70–4–9, since no other changes are proposed in the conditions of service set

[9] Order 70–4–9, supra, at pages 19 and 20.
[10] Order 71–4–59/60, April 9, 1971.
[11] Order 72–8–50, August 10, 1972.
[12] The 1972 increases are not in addition to the 1971 increases. The percentage increases shown for each year are based on a comparison of the proposed rate with the preexisting final service rate.
[13] For priority mail by Order E–25610, supra, and for nonpriority mail by Order 70–4–9, supra.

forth in those orders with respect to the transportation of priority and nonpriority mail.

PROPOSED FINDINGS AND CONCLUSIONS

On the basis of the foregoing, the Board proposes to issue an order to include the following findings and conclusions: [14]

1. The fair and reasonable final rates of compensation to be paid by the Postmaster General to Airlift International, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Caribbean-Atlantic Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Frontier Airlines, Inc., Hughes Air Corp., Mohawk Airlines, Inc., National Airlines, Inc., Northeast Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., Seaboard World Airlines, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans Caribbean Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

(a) for the transportation by air of nonpriority mail (i.e., all mail other than airmail and air parcel post, which may be tendered from time to time by the Postal Service and carried on a space-available basis) other than that for which rates are elsewhere established, the facilities used and useful therefor, and the services connected therewith, between the points at issue in Docket 23080-1, are (1) from December 12, 1970, through December 31, 1971, a linehaul charge of 12.85 cents per nonstop great-circle ton-mile and terminal charges of 2.65, 5.31, and 10.61 cents per pound at stations of origin classified as X, Y, and Z, respectively,[15] and (2) from January 1, 1972, through March 27, 1973, a linehaul charge of 12.63 cents per nonstop great-circle ton-mile and terminal charges of 2.61, 5.22, and 10.44 cents per pound at stations of origin classified as X, Y, and Z, respectively;

(b) for the transportation by air of mail other than that for which rates are elsewhere established, the facilities used and useful therefor, and the services connected therewith, between the points at issue in Docket 23080-1, are: (1) From December 12, 1970, through December 31, 1971, a linehaul charge of 25.68 cents per nonstop great-circle ton-mile and terminal charges of 2.50, 5.01, and 10.02 cents per pound at stations of origin classified as X, Y, and Z, respectively, and (2) from January 1, 1972, through March 27, 1973, a linehaul charge of 25.25 cents per nonstop great-circle ton-mile and terminal charges of 2.46, 4.92, and 9.85 cents per pound at stations of origin classified as X, Y, and Z, respectively.

2. These findings and conclusions shall be implemented by the following amendments to Board orders, effective December 12, 1970:

(a) Order 70-4-9, dated April 2, 1970, as amended, shall be further amended as follows:

(1) Amend paragraphs (A)(1) and (A)(2)(a)-(g) on pages 1 and 2 of Order 70-4-9 to read as follows:

(A) The fair and reasonable rates of compensation to be paid by the Postmaster General for the transportation by air of nonpriority mail (i.e., all mail other than airmail and air parcel post, which may be tendered from time to time by the Postal Service and carried on a space-available basis) other than that for which rates are elsewhere established, the facilities used and useful therefor, and the services connected therewith to: [16]

Airlift International, Inc.
Alaska Airlines, Inc.
Allegheny Airlines, Inc.
American Airlines, Inc.
Braniff Airways, Inc.
Caribbean-Atlantic Airlines, Inc.
Continental Air Lines, Inc.
Delta Air Lines, Inc.
Eastern Air Lines, Inc.
The Flying Tiger Line Inc.
Frontier Airlines, Inc.
Hughes Air Corp.
Mohawk Airlines, Inc.
National Airlines, Inc.
Northeast Airlines, Inc.
North Central Airlines, Inc.
Northwest Airlines, Inc.
Ozark Air Lines, Inc.
Pan American World Airways, Inc.
Piedmont Aviation, Inc.
Seaboard World Airlines, Inc.
Southern Airways, Inc.
Texas International Airlines, Inc.
Trans Caribbean Airways, Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
Western Air Lines, Inc.

for operations over their routes authorized under certificates in effect on or subsequent to December 12, 1970:

(1) On and after December 12, 1970, within the 48 contiguous States and the District of Columbia; between points in the 48 contiguous States and the District of Columbia, on the one hand, and, on the other hand, Hilo and Honolulu, Hawaii; San Juan, Puerto Rico; St. Croix and St. Thomas, Virgin Islands; Wake Island, Agana, Guam; Pago Pago, American Samoa; Acapulco, Guaymas, La Paz, Mazatlan, Merida, Mexico City, Monterrey, Puerto Vallarta, Tampico, and Veracruz, Mexico; and terminal points in Canada; between Honolulu, Hawaii, on the one hand, and, on the other hand, Agana, Guam; Wake Island; and Pago Pago, American Samoa; between points in Puerto Rico, on the one hand, and St. Croix and St. Thomas, Virgin Islands, on the other; between points in Puerto Rico; and between St. Croix and St. Thomas, Virgin Islands;

(2) From December 12, 1970, through January 2, 1973, between points in the 48 contiguous States and the District of Columbia, on the one hand, and Anchorage, Cordova, Fairbanks, Juneau, Ketchikan, Kodiak, and Yakutat, Alaska, on the other;

(3) On and after January 3, 1973, between points in the 48 contiguous States and the District of Columbia, on the one hand, and points in the State of Alaska, on the other; shall be the sum of the linehaul charges and the terminal charges computed as follows:

(2) Amend the first paragraph under "1. Linehaul charges" on page 3 of Order 70-4-9 to read as follows:

1. *Linehaul charges.*—For the period December 12, 1970, through December 31, 1971, the linehaul charge shall be the product of the nonpriority mail ton-miles times the linehaul rate of 12.85 cents per nonpriority mail ton-mile. For the period January 1, 1972, through March 27, 1973, the linehaul charge shall be the product of the nonpriority ton-miles times the line-haul rate of 12.63 cents per nonpriority mail ton-mile. The nonpriority mail ton-miles for each shipment shall be computed by using the nonstop great-circle miles between the station of origin and station of destination for each shipment as the standard mileage between such points.

(3) Amend paragraph 2(a) on page 3 of Order 70-4-9 to read as follows:

2. *Terminal charges.*—(a) The terminal charge for each shipment of nonpriority mail shall be the product of the pounds of nonpriority mail in each shipment times the terminal rate per pound set forth below for the station of origin of the mail shipment:

Station of origin	Terminal rate per pound (cents)	
	Dec. 12, 1970 to Dec. 31, 1971	Jan. 1, 1972 to Mar. 27, 1973[17]
Class X	2.65	2.61
Class Y	5.31	5.22
Class Z	10.61	10.44

(b) Order E-25610, dated August 28, 1967, as amended, shall be further amended as follows:

(1) Amend paragraph (2) on pages 1 and 2 of Order E-25610 to read as follows:

(2) The fair and reasonable rates of compensation to be paid by the Postmaster General for the transportation by air of mail other than that for which rates are elsewhere established, the facilities used and useful therefor, and the services connected therewith to:

Airlift International, Inc.
Allegheny Airlines, Inc.
Eastern Air Lines, Inc.
Frontier Airlines, Inc.
Hughes Air Corp.
Mohawk Airlines, Inc.
Northeast Airlines, Inc.
North Central Airlines, Inc.
Ozark Air Lines, Inc.
Piedmont Aviation, Inc.
Southern Airways, Inc.
Texas International Airlines, Inc.
United Air Lines, Inc.

[14] Based on the estimate set out in Appendix E, the rates proposed herein will produce approximately $28.5 million additional mail revenues to the carriers when applied to the reported results for the calendar years 1971 and 1972 and the first quarter of 1973. At an average rate increase of about $1.05 million per month, we estimate that the increased mail revenues for the past period will approximate $29 million.

[15] As defined by Order 70-4-9.

[16] The final rates for civil domestic mail of the second, third, and fourth classes established by Order 72-6-95, dated June 21, 1972, for the carriers, points, and dates specified therein are not affected by this order.

for operations over their entire systems as constituted on or subsequent to December 12, 1970, and

Alaska Airlines, Inc.
American Airlines, Inc.
Braniff Airways, Inc.
Caribbean-Atlantic Airlines, Inc.
Continental Air Lines, Inc.
Delta Air Lines, Inc.
The Flying Tiger Line, Inc.
National Airlines, Inc.
Northwest Airlines, Inc.
Pan American World Airways, Inc.
Seaboard World Airlines, Inc.
Trans Caribbean Airways, Inc.
Trans World Airlines, Inc.
Western Air Lines, Inc.

for operations over their routes within the 48 contiguous States and the District of Columbia insofar as authorized under certificates for interstate air transportation; over their routes between points within the 48 contiguous States and the District of Columbia, on the one hand, and on the other, points in the State of Alaska; Hilo and Honolulu, Hawaii; Acapulco, Merida, Mexico City, and Monterrey, Mexico; San Juan, Puerto Rico; points in the Virgin Islands; and terminal points in Canada; and between points in Puerto Rico, on the one hand, and points in the Virgin Islands, on the other; between points in Puerto Rico; and between points in the Virgin Islands; which are in effect on or subsequent to December 12, 1970, shall be computed by obtaining the sum of (1) the linehaul charges, and (2) the terminal charges, computed as follows:

(2) Amend the first paragraph under "1. Linehaul charges" on page 2 of Order E–25610 to read as follows:

1. *Linehaul charges.*—For the period December 12, 1970, through December 31, 1971, the linehaul charge shall be the product of the mail ton-miles times the linehaul rate of 25.68 cents per mail ton-mile. For the period January 1, 1972, through March 27, 1973, the linehaul charge shall be the product of the mail ton-miles times the linehaul rate of 25.25 cents per mail ton-mile. The mail ton-miles for each shipment shall be computed by using the nonstop great-circle miles between the station of origin and station of destination for each shipment as the standard mileage between such points.

(3) Amend paragraph 2(a) on page 2 of Order E–25610 to read as follows:

2. *Terminal charges.*—(a) The terminal charge for each shipment of mail shall be the product of the pounds of mail in each shipment times the terminal rate per pound set forth below for the station of origin of the mail shipment:

Station of origin	Terminal rate per pound (cents)	
	Dec. 12, 1970 to Dec. 31, 1971	Jan. 1, 1972 to Mar. 27, 1973
X	2.50	2.46
Y	5.01	4.92
Z	10.02	9.85

3. The final service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

4. The investigation in Docket 23080–1 is terminated with respect to the air carriers listed in paragraph 1 above.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR Part 302:

It is ordered, That:

1. All interested persons, and particularly Airlift International, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Frontier Airlines, Inc., Hughes Air Corp., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways Inc., Piedmont Aviation, Inc., Seaboard World Airlines, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and the Postmaster General are directed to show cause why the Board should not adopt the foregoing findings and conclusions and fix, determine, and publish the final rates specified above.

2. If there is objection to the rates proposed herein, notice thereof accompanied by written answer and supporting documents shall be filed within 14 days after the date of service of this order.

3. If objection and accompanying answer are not filed within 14 days after the date of service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order fixing the final rates and incorporating the findings and conclusions stated herein.[17]

4. This order shall be served upon the parties enumerated in paragraph 1 above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,[18]
Secretary.

[FR Doc.73-18929 Filed 9-5-73;8:45 am]

[Docket No. 23080-2; Order 73-8-145]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES—PHASE 2

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of August 1973.

By Order 70-12-48, dated December 8, 1970, the Board opened the domestic priority[1] and nonpriority[2] service mail rates as of December 12, 1970, and instituted an investigation to determine the fair and reasonable rates of compensation to be paid thereafter for domestic U.S. mail services.[3] A prehearing conference was held in July 1971, but several months thereafter the Board deferred all further procedural steps in order to afford the Postmaster General and the carriers an opportunity to study new services and possible modification of existing services which would affect the rate ultimately to be established.[4] These proceedings having failed to produce meaningful results, a supplemental prehearing conference was held in April 1973.

On July 10, 1973, we separated this investigation into two phases, the first to establish mail rates for the period December 12, 1970, through March 27, 1973, and the second to establish rates for the period on and after March 28, 1973, the date transportation of mail in containers began.[5] In Order 73-8-144, issued contemporaneously herewith, we are proposing to establish final multielement service mail rates for the Phase 1 period (Docket 23080-1).

This order concerns Phase 2 of this investigation, which relates to what has become known as the container mail program. The program had its genesis in a decision by the Postmaster General to tender for air transportation in containers airmail and nonpriority mail, including mail previously shipped by surface transportation. Before the institution of this program, all domestic mail was tendered to the carriers in sacks for carriage as either airmail or nonpriority mail, the principal difference being that airmail is by law entitled to priority service. Under the new system, however, no distinction is made in the classes of mail shipped in containers.

On March 22, 1973, The Flying Tiger Line Inc., filed a petition to establish final service mail rates for the transportation of containerized mail between 22 city pairs on its domestic route system. The petitioned rates are applicable only during daylight hours and are based on the daylight container rates embodied in the carrier's freight rate tariff.[6] On March 28, 1973, the Postal Service began tendering container mail to Flying Tiger in the markets and at the rates proposed therein and has used these rates as a basis for making progress payments for container services subject to modification depending upon the final service mail rates established in this proceeding.

Subsequent to the Flying Tiger petition, most of the trunkline carriers filed with the Board petitions proposing a variety of temporary and final service mail rates for the transportation of containerized mail in various markets in night (standard) and daylight service.[7]

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[17] Note is taken of the fact that hearing in Docket 23080-1 is currently scheduled for September 18, 1973 before Administrative Law Judge Harry H. Schneider. It is anticipated that if objection and answer are not timely filed the Law Judge would postpone or recess the hearing pending further Board action.

[18] Appendices A-E filed as part of the original document.

[1] Airmail and air parcel post.

[2] All mail other than airmail and air parcel post.

[3] The services pertain to U.S. mail carried (1) between points within the 50 states; (2) between the 50 states and certain territories and/or possessions of the U.S.; (3) between the U.S. and foreign "stub end" points in Canada and Mexico; and (4) between and within certain territories and possessions.

[4] Order 71-10-85, October 21, 1971.

[5] Order 73-7-29.

[6] Tariff C.A.B. No. 19.

[7] American, Continental, Eastern, Northwest, Pan American, Trans World, United, and Western.

The Postal Service filed answers in support of each of these petitions and has commenced shipping containers both in daylight and standard service in a number of markets at the various proposed rates.

Although the petitioned rates vary by carrier, by market, by type of container, by time of day, and in other details, they all have in common certain characteristics. The rates are stated in terms of a pivot-weight charge for the type of container used to transport the mail (e.g., A–2, LD–3, LD–7) with a further charge for each 100-pound increment by which the shipment weight exceeds the pivot weight of the container; separate additional charges are levied for pickup and delivery of the containers at Postal Service facilities; and the services to which the rates apply are, in most instances, to be offered under virtually the same terms and conditions as those which presently apply to the transportation of general freight commodities in containers.

During the time these petitions have been before the Board, there has been a dispute between the Postal Service and several trunkline carriers not only as to the proper temporary rates for container service, but also as to the appropriate distribution of mail among the carriers pursuant to the Postal Reorganization Act. An open-court settlement was reached by the parties in an injunction action in the District of Columbia District Court on August 7, 1973, in which the Postal Service agreed to distribute containerized mail fairly and equitably among the carriers, who in turn agreed to provide container service in their domestic markets at the temporary rates set forth in their petitions filed with the Board. This settlement, along with the uniform industrywide temporary rates we are proposing herein, should bring an end to the dispute and permit the efficient transportation of mail to continue at reasonable charges.[8]

We propose to establish temporary multielement domestic service mail rates for the certificated carriers for sack mail and for standard and daylight container mail, container minimum-charge weights, and pickup and delivery rates to be effective pending completion of Phase 2 of this investigation.[9] Effective October 1, 1973, we proposed one rate and one set of conditions for mail in sacks, whether it be airmail or nonpriority mail, in conformity with the removal of distinctions applicable to the transportation of all classes of mail by air inherent in the container program. For the period March 28 through September 30, 1973, we propose to continue as temporary rates for airmail and nonpriority mail the rates proposed in Order 73–8–144 for the period ending March 27, 1973.

[8] These actions largely dissipate the charges and counter-charges in motions filed by United and answers thereto, which will be dealt with by separate order.

[9] We shall propose temporary rates for the air-taxi and commuter operator parties by separate order.

The rates we propose constitute uniform, systemwide mail rates reflecting the new circumstances presented by the use of containers for the carriage of mail and the carriage of all loose-sack mail on a priority basis. These services are significantly different from past mail service, and the rates proposed herein reflect the differences in costs of service.

The establishment of uniform systemwide rates for sack and container mail is consistent with the policy the Board has traditionally followed with respect to mail as well as other transportation services over which the Board has exercised its ratemaking jurisdiction. Not only will an industrywide rate structure place all carriers on an equal rating basis, but it should in this instance have the additional salutary effect of ending the uneconomic competition for container mail which has resulted in the plethora of rate petitions and the court action discussed previously. Uniform rates will be effective for every carrier in every market, and the Postal Service can go about its business of shipping container and sack mail at reasonable rates on the basis of service considerations.

The proposed temporary rates and charges (except pickup and delivery charges) are predicated on the calendar 1972 cost and traffic data submitted by the trunks and Flying Tiger in Phase 1 of this investigation, with appropriate adjustments to the reported cost and investment data to reflect conformance with the seating-configuration, load-factor, and rate-of-return standards adopted in the *Domestic Passenger-Fare Investigation*.[10] Allocation of aircraft capacity costs is based on the space method applied by the Board in the *Nonpriority Mail Rates* case.[11] Densities are those developed from studies in the *Domestic Air Freight Rate Investigation* (Docket 22859). Relative tons enplaned, also employed in the *Nonpriority* decision, have been used to allocate traffic servicing costs to mail for temporary rate purposes.

Based on 1972 costs and traffic volume, the total economic cost (capacity and noncapacity costs plus an increment for taxes and return on investment) for the trunks and Flying Tiger for the transportation of domestic mail is 26.64 cents per great-circle ton-mile. In order to establish a multielement rate formula, we tentatively find that a 65/35 percentage relationship between the linehaul and terminal charges is appropriate. Although a ratio of 80 percent linehaul to 20 percent terminal was established in the *Domestic Service Mail Rate* case,[12] the 65/35 ratio more closely approximates the ratio of linehaul to terminal costs which is being experienced in airline operations today. The linehaul and terminal charges on this basis are 17.32 and 9.32 cents per mail ton-mile.

The terminal charges in the domestic mail rate structure established in the *Service Mail* and *Nonpriority* cases were based on a 1–2–4 relationship of rates per pound of mail originated at stations classified X, Y, and Z, respectively. Applying the same 1–2–4 relationship to the volumes of mail originated at each of the standard classification stations, the 9.32-cent per ton-mile terminal cost breaks down into terminal charges of 4.48, 8.96, and 17.92 cents per pound of sack mail originated at stations classified X, Y, and Z, respectively.

The proposed standard container[13] rate structure consists of the same linehaul element we have proposed for sack mail, and terminal charges reflecting the savings in ground handling costs generated by shipping mail in containers instead of sacks. This saving, which we have calculated to be 2.31 cents per pound of originated mail, was derived from a comparison of the ground handling times for sack mail and containerized freight developed in the Parson's study in Docket 22859. Subtracting the saving from each of the sack-mail terminal charges results in terminal charges for containers of 2.17, 6.65, and 15.61 cents per pound of mail originated at stations classified X, Y, and Z, respectively.

Because the costs of handling containers is presumably the same whether the container is shipped during the daytime or at night, we propose the same terminal charges for daylight container mail as for standard container mail. However, the proposed linehaul charges are lower. Daylight container service for mail, like daylight container service for freight, may be properly considered as off-peak in character since, like freight, it will be largely provided in the belly compartments of passenger aircraft typified by low cargo space load factors. The petitioning carriers have apparently recognized the off-peak nature of this service by basing their daylight container mail proposals on applicable daylight container freight rates; however, these container freight rates are predicated on purely promotional considerations and, as such, do not in our judgment provide a proper foundation upon which to base rates for mail. On the other hand, since it is reasonable to assume that daylight container mail will fill a substantial portion of otherwise unused belly space, we feel that it is unfair to charge this mail with a full share of present unused capacity costs.

We have therefore developed mail rates for daylight containers by assuming, on combination aircraft, the same 53 percent cargo space load factor as experienced in all-cargo services, which are presumably scheduled to meet the demands of both freight shippers and the

[10] Phase 6A (Seating Configuration), Order 72–5–101, May 26, 1972, Phase 6B (Load Factor), Order 71–4–54, April 9, 1971; and Phase 8 (Rate of Return), Order 71–4–58, April 9, 1971.

[11] Order 70–4–9, April 2, 1970. Since one rate is proposed for all sack mail, a reduced priority weighting is not applied to nonpriority mail.

[12] Order E–25610, August 28, 1967.

[13] The proposed standard container rate will be applicable on flights departing between 9 p.m. and 6 a.m., and the proposed daylight container rate will be applicable on flights departing between 6:01 a.m. and 8:59 p.m.

Postal Service. Stated differently, we propose to allocate capacity costs to daylight container mail as if the combination aircraft on which it is carried were operated with a belly compartment load factor of 53 percent instead of the 30 to 35 percent cargo space load factors currently being achieved on these aircraft, thereby reducing considerably the share of unused capacity cost allocable to this mail. Applying the load factor so assumed to the capacity costs of mail translates into a linehaul charge for daylight container mail which is 56.8 percent of that for sack mail and standard container mail, or 9.84 cents per ton-mile.

In order to assure reasonable utilization of the space occupied by containers, we propose minimum chargable weights[14] for each of the container types reported in the carriers' petitions as being used to transport mail similar, at least conceptually, to the variety of pivot weights used by the domestic air carriers to price their containerized freight services. Under this structure, there will be a minimum charge for the shipment of each container equal to the product of its minimum weight[15] times the rate applicable to the service (standard or daylight) in which the container is moved. The minimum-charge weights which we propose to establish for each standard container are as follows:

Container Type:	*Minimum-charge weight, lbs.*
A–1	5,600
A–2	6,000
A–3	6,200
LD–1	2,200
LD–3	2,000
LD–5	3,350
LD–7	4,750
LD–11	3,350
LD–W	800

We find these charges reasonable for this temporary rate period. To begin with, they are well within the range of pivot weights embodied in the carriers' rate petitions for the above-mentioned containers; for example, our proposed weight of 6,000 pounds for the A–2 container is roughly halfway between the A–2 pivot weights of 5,870 pounds and 6,200 pounds proposed, respectively, by Northwest and United. They also reflect a density[16] which, on the one hand, should continue to facilitate the containerizing and shipping of letter mail during peak periods while, on the other hand, allowing the Postal Service some flexibility to containerize lower-density mail.

Each of the carrier rate petitions includes charges for pickup and delivery services. These charges in all instances consist of two separate sets of charges for two different types of service—the first for pickup and delivery of containers at Postal Service facilities located in numerous cities throughout the country, which rates are either the same as or similar to the charges in their freight rate tariff applicable to the pickup and delivery of containers in such cities,[17] and the second for the same services when performed to and from postal facilities on or adjacent to airports, which vary by carrier and by city, and are purportedly based on individual carrier costs of providing the service. Both types of service are governed by the same rules and regulations which govern the airport-to-airport transportation of containerized mail shipments, except for several rules and provisions which relate to specific aspects of the subject services themselves.

We propose to adopt the charges embodied in the aforementioned freight tariff for the pickup and delivery of A–1, A–2, A–3, LD–1, LD–3, LD–5, LD–7, and LD–W containers as our temporary charges for pickup and delivery of these containers at Postal Service facilities in the cities listed in this tariff.[18] These freight charges are largely based on pass-through of local cartage costs, and we perceive no reason why the costs of picking up and delivering a container filled with mail should be either more or less than the costs of performing these services for a container filled with airfreight. Accordingly, we tentatively find such charges reasonable for this service for this period of temporary rates.

For pickup and delivery at airport and airport-adjacent facilities, we propose to adopt the following set of charges for each of the types of containers used to transport mail:

Container type:	*Charge*
A–1, A–2, A–3, and LD–7.	$40, or the applicable freight tariff rate, whichever is lower.
LD–5	$20
LD–1 and LD–3	13
LD–11	22
LD–W	5

These charges were determined by comparing, to each other, each of the petitioned charges for this service in numerous major hub cities[19] which are expected to generate substantial volumes of container mail traffic, and selecting from the charges so compared the ones most representative thereof for each of the container types. Although the selected charges are in some cities below those proposed by the carriers, they are above them in other cities so that, on balance, we believe they will fairly and reasonably remunerate the carriers for the provision of this service until this investigation is completed. In several of the sampled cities, however, we note that the charge selected for the type A–2 and LD–7 containers was considerably higher than charges embodied in the carriers' freight tariff for pickup and delivery of these containers at such points. Since it is reasonable to assume that the costs to pickup or deliver these containers to and from airport postal facilities, which are obviously in close proximity to aircraft, are substantially less than the costs to pickup or deliver them to and from regular postal facilities, which may be located at considerable distances from airports, the applicable tariff charge should be more indicative of the service's cost than the selected charge, and, therefore, we believe the Postal Service is entitled to the benefit of the lower tariff rate whenever such differences exist.

Since we intend to keep the present dual system of airmail and nonpriority rates for sack mail in effect as temporary rates from March 28 to September 30, 1973, we propose to continue in effect for this period the same conditions of carriage for these two classes of mail as prescribed in the *Domestic* and *Nonpriority* cases, respectively, *supra*. On and after October 1, 1973, we propose that the conditions of service applicable to airmail shall apply to all sack mail. For the transportation of mail in containers and for pickup and delivery of container mail, we propose to adopt the terms and conditions of service proposed in a majority of the rate petitions on file with the Board (Appendixes E and F).[20] The proposed terms and conditions are virtually the same as those embodied in the carriers' freight tariff for the transportation and pickup and delivery of containerized freight and are apparently satisfactory to the Postal Service since it has supported each of the rate petitions in which the subject conditions have been proposed. Accordingly, we find such terms and conditions reasonable for this period of temporary rates.

Although it is obviously impossible at this time, in the absence of any experienced data on the relative volumes of sack and container mail to be transported by the carriers in different markets, to predict accurately the results which will obtain under the proposed rates and charges, we believe that they will provide reasonable compensation for the transportation of domestic mail pending the completion of Phase 2 of this proceeding. Applied to the revenue ton-miles of container mail carried by Flying Tiger in April 1973, the ton-mile yield from our proposed daylight container rate is very close to the yield experienced by Flying Tiger during that month under the rate proposed in its petition. Based on 1972 traffic volume, the proposed standard and daylight container rates also compare favorably with freight container rates and the petitioned rates for similar pivot weights and densities and markets; for example, as reflected in Appendix C attached, our proposed daylight container formula produces a yield of 11.6 cents per

[14] Chargeable weight as used herein means the gross weight of the shipment less the actual empty weight of the container in the shipment.

[15] Under standard freight practice, the minimum weight of a container is related to the internal cubic capacity of the container times a standard density.

[16] Approximately 13 pounds per cubic foot. The densities of airmail and nonpriority mail from the study in Docket 22859 are 12.41 and 18.86 pounds per cubic foot, respectively.

[17] ATP Tariff No. 3–C, C.A.B. No. 19, Section I.

[18] We propose that the charges for LD–11 containers shall be the same as tariff rates for LD–7 containers.

[19] For example, Boston, Chicago, Seattle, Philadelphia, and Los Angeles.

[20] An exception has been made with respect to limitation of liability for loss or damage to container mail shipments.

ton-mile in the New York-Los Angeles market for the transportation of mail in A-2 type containers, as contrasted with a yield of 11.2 cents per ton-mile from the transportation in that market of general freight commodities in these containers at currently applicable airfreight rates. As reflected in Appendix D, the ton-mile yield produced by transporting mail in LD-3 containers between Chicago and Los Angeles is 23.41 cents under the formula proposed for standard container service and 21.64 cents under the formula for this same service proposed in the petition of Northwest.[21] Another rough estimate of the results for the proposed sack and container rates was obtained by comparing the actual 1972 priority and nonpriority mail yields experienced by each of the carriers with yields constructed by applying the proposed rates to their 1972 mail volumes as reported on Form 41. This comparison, embodied in Appendix B, shows most of the trunkline carriers receiving higher yields under the new temporary rate formulas than they did under the old rate formulas and the local service carriers and several of the shorter-haul trunk carriers achieving considerably higher mail yields than they have in the past.[22] Based on these tests and comparisons, and bearing in mind that overall mail revenues should increase as more mail is shipped in containers, we conclude that the temporary rates and charges proposed herein will produce results well within the zone of reasonableness for the services involved.

PROPOSED FINDINGS AND CONCLUSIONS

On the basis of the foregoing, the Board proposes to issue an order to include the following tentative findings and conclusions:

1. The fair and reasonable temporary rates of compensation to be paid by the Postmaster General

(a) From March 28 through September 30, 1973, for the transportation by air of nonpriority mail (i.e., all mail other than airmail and air parcel post, which may be tendered from time to time by the Postal Service in sacks and carried on a space-available basis) other than that for which rates are elsewhere established, the facilities used and useful therefor, and the services connected therewith, to Airlift International, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Caribbean-Atlantic Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Frontier Airlines, Inc., Hughes Air Corp., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., Seaboard World Airlines, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., for operations over their routes authorized under certificates in effect on or subsequent to March 28, 1973, within the 48 contiguous States and the District of Columbia; between points in the 48 contiguous States and the District of Columbia, on the one hand, and, on the other hand, points in the State of Alaska; Hilo and Honolulu, Hawaii; San Juan, Puerto Rico; St. Croix and St. Thomas, Virgin Islands; Wake Island; Agana, Guam; Pago Pago, American Samoa; Acapulco, Guaymas, La Paz, Mazatlan, Merida, Mexico City, Monterrey, Puerto Vallarta, Tampico, and Veracruz, Mexico; and terminal points in Canada; between Honolulu, Hawaii, on the one hand, and, on the other hand, Agana, Guam; Wake Island; and Pago Pago, American Samoa; between points in Puerto Rico, on the one hand, and St. Croix and St. Thomas, Virgin Islands, on the other; between points in Puerto Rico; and between St. Croix and St. Thomas, Virgin Islands; shall be the sum of a linehaul charge of 12.63 cents per nonstop great-circle ton-mile and terminal charges of 2.61, 5.22, and 10.44 cents per pound at stations of origin classified as X, Y, and Z, respectively,[23] subject to the terms and conditions specified in Order 70-4-9, dated April 2, 1970.

(b) From March 28 through September 30, 1973, for the transportation by air of mail in sacks other than that for which rates are elsewhere established, the facilities used and useful therefor, and the services connected therewith, to

Airlift International, Inc.
Allegheny Airlines, Inc.
Eastern Air Lines, Inc.
Frontier Airlines, Inc.
Hughes Air Corp.
North Central Airlines, Inc.
Ozark Air Lines, Inc.
Piedmont Aviation, Inc.
Southern Airways, Inc.
Texas International Airlines, Inc.
United Air Lines, Inc.

for operations over their entire systems as constituted on or subsequent to March 28, 1973, and

Alaska Airlines, Inc.
American Airlines, Inc.
Braniff Airways, Inc.
Caribbean-Atlantic Airlines, Inc.
Continental Air Lines, Inc.
Delta Air Lines, Inc.
The Flying Tiger Line Inc.
National Airlines, Inc.
Northwest Airlines, Inc.
Pan American World Airways, Inc.
Seaboard World Airlines, Inc.
Trans World Airlines, Inc.
Western Air Lines, Inc.

for operations over their routes within the 48 contiguous States and the District of Columbia insofar as authorized under certificates for interstate air transportation; over their routes between points within the 48 contiguous States and the District of Columbia, on the one hand, and, on the other, points in the State of Alaska; Hilo and Honolulu, Hawaii; Acapulco, Merida, Mexico City, and Monterrey, Mexico; San Juan, Puerto Rico; points in the Virgin Islands; and terminal points in Canada; and between points in Puerto Rico, on the one hand, and points in the Virgin Islands, on the other; between points in Puerto Rico; and between points in the Virgin Islands; which are in effect on or subsequent to March 28, 1973, shall be the sum of a linehaul charge of 25.25 cents per nonstop great-circle ton-mile and terminal charges of 2.46, 4.92, and 9.85 cents per pound at stations or origin classified as, X, Y, and Z, respectively, subject to the terms and conditions specified in Order E-25610, dated August 28, 1967.

(c) On and after October 1, 1973, for the transportation by air of mail in sacks other than that for which rates are elsewhere established, the facilities used and useful therefor, and the services connected therewith, to

Airlift International, Inc.
Allegheny Airlines, Inc.
Eastern Air Lines, Inc.
Frontier Airlines, Inc.
Hughes Air Corp.
North Central Airlines, Inc.
Ozark Air Lines, Inc.
Piedmont Aviation, Inc.
Southern Airways, Inc.
Texas International Airlines, Inc.
United Air Lines, Inc.

for operations over their entire systems as constituted on or subsequent to October 1, 1973, and

Alaska Airlines, Inc.
American Airlines, Inc.
Braniff Airways, Inc.
Continental Air Lines, Inc.
Delta Air Lines, Inc.
The Flying Tiger Line Inc.
National Airlines, Inc.
Northwest Airlines, Inc.
Pan American World Airways, Inc.
Seaboard World Airlines, Inc.
TransWorld Airlines, Inc.
Western Air Lines, Inc.

for operations over their routes within the 48 contiguous States and the District of Columbia insofar as authorized under certificates for interstate air transportation; over their routes between points within the 48 contiguous States and the District of Columbia, on the one hand, and, on the other, points in the State of Alaska; Hilo and Honolulu, Hawaii; Acapulco, Merida, Mexico City, and Monterrey, Mexico; San Juan, Puerto Rico; points in the Virgin Islands; and terminal points in Canada; and between points in Puerto Rico, on the one hand, and points in the Virgin Islands, on the other; between points in Puerto Rico; and between points in the Virgin Islands; which

[21] Yields for the carrier-proposed rates were computed at the pivot weights reflected in their petitions or at our proposed minimum charge weights, whichever was lower.

[22] For example, whereas American experienced yields of 27.07 and 15.35 cents per ton-mile of priority and nonpriority mail transported in calendar 1972, we have estimated that it would achieve priority and nonpriority mail yields of 28.48 cents and 17.11 cents per ton-mile from March 28 to September 30 of this year and, thereafter, a sack yield of 24.87 cents under the proposed single rate for sack mail. On the other hand, the new temporary rate formulas would give Allegheny a sack mail yield of 45.14 cents per ton-mile as compared with the ton-mile yields of 40.98 and 23.31 cents which that carrier achieved from the transportation of priority and nonpriority mail during 1972.

[23] As defined in Order 70-4-9.

are in effect on or subsequent to October 1, 1973, shall be the sum of a linehaul charge of 17.32 cents per nonstop great-circle ton-mile and terminal charges of 4.48, 8.96, and 17.92 cents per pound at stations of origin classified as X, Y, and Z, respectively, subject to the terms and conditions specified in Order E–25610, dated August 28, 1967.[24]

(d) On and after March 28, 1973, for the transportation by air of mail in containers, the facilities used and useful therefor, and the services connected therewith, for the carriers and between the points listed in subparagraph (c) above, (1) between 9:00 p.m. and 6:00 a.m. local time, the sum of a linehaul charge of 17.32 cents per nonstop great-circle ton-mile and terminal charges of 2.17, 6.65, and 15.61 cents per pound at stations of origin classified as X, Y, and Z, respectively, and (2) between 6:01 a.m. and 8:59 p.m. local time, the sum of a linehaul charge of 9.84 cents per nonstop great-circle ton-mile and terminal charges of 2.17, 6.65, and 15.61 cents per pound at stations of origin classified as X, Y, and Z, respectively; subject to the terms and conditions set forth in Appendix E attached hereto, and subject to a minimum charge for each container equal to the product of the rate specified in (1) or (2) above, as applicable, times the minimum chargeable weight set forth below for the container in which the mail is transported:

Container Type:	*Minimum Charge Weight, lbs.*
A–1	5600
A–2	6000
A–3	6200
LD–1	2200
LD–3	2000
LD–5	3350
LD–7	4750
LD–11	3350
LD–W	800

(e) The mail ton-miles for each shipment shall be computed by using the nonstop great-circle ton-miles between the station of origin and station of destination for each shipment as the standard mileage between such points.

(f) On and after March 28, 1973, for the pickup and the delivery of mail in containers, for the carriers and at the points listed in subparagraph (c) above, (1) at Postal Service facilities other than the facilities mentioned in subparagraph (2) below, the charges in ATP Tariff No. 3–C, C.A.B. No. 19, applicable to the pickup and delivery of A–1, A–2, A–3, LD–1, LD–3, LD–5, LD–7, and LD–W containers in the cities listed in this tariff,[25] and (2) at Postal Service facilities located on or adjacent to airports, the charges set forth below for each of the types of containers used to transport mail:

Container type:	*Charge*
A–1, A–2, A–3 and LD–7.	$40, or the applicable freight tariff rate, whichever is lower.
LD–5	$20
LD–1 and LD–3	13
LD–11	22
LD–W	5

subject to the terms and conditions set forth in Appendix F attached hereto.

2. The temporary service mail rates, including both linehaul and terminal charges, container minimum charges, and pickup and delivery charges, established herein shall be paid in their entirety by the Postmaster General and shall be subject to retroactive adjustment to March 28, 1973, as may be required by the order establishing final service mail rates in Docket 23080–2.

3. The petitions filed by American Airlines, Inc., Eastern Air Lines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., and United Air Lines, Inc., insofar as they request the establishment of temporary container mail rates in Docket 23080–2 are dismissed.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR Part 302;

It is ordered, That:

1. All interested persons, and particularly Airlift International, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Frontier Airlines, Inc., Hughes Air Corp., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., Seaboard World Airlines, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and the Postmaster General, are directed to show cause why the Board should not adopt the foregoing findings and conclusions and fix, determine, and publish the temporary rates and charges specified therein pending the fixing of final rates and charges in this investigation.

2. Further procedures herein shall be in accordance with the rules of practice, 14 CFR Part 302, and if there is any objection to the rates and charges or to the other findings and conclusions proposed herein, notice thereof shall be filed within 15 days, and, if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order.

3. If notice of objection is not filed within 15 days, or if notice is filed and answer is not filed within 30 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of an order fixing temporary service mail rates, minimum container charges, and pickup and delivery charges, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing and determining the temporary rates and charges herein specified.

4. If notice of objection and answer are filed presenting issues for hearing, issues going to the establishment of the fair and reasonable temporary rates and charges herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR 302.307.

5. Docket 25710 be, and it hereby is consolidated into Docket 23080–2.

6. The motions of American Airlines, Inc., Pan American World Airways, Inc., Northwest Airlines, Inc., United Air Lines, Inc., and Trans World Airlines, Inc., to amend their petitions in Docket 23080–2 be, and they hereby are granted.

7. The motions of the Postmaster General for consolidation of Dockets 25646, 25670, and 25710 into Docket 23080–2 be, and they hereby are dismissed as moot.[26]

8. This order shall be served upon the parties listed in paragraph 1 above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,[27]
Secretary.

[FR Doc.73–18930 Filed 9–5–73;8:45 am]

[24] On and after October 1, 1973, the temporary rates for sack mail to and from points previously subject to the nonpriority mail rate but not included in domestic priority mail rate orders (i.e., Wake Island; Agana, Guam; Pago Pago, American Samoa; Guaymas, La Paz, Mazatlan, Puerto Vallarta, Tampico, and Veracruz, Mexico) will thus be the mail rates established by Board orders applicable to those points (i.e., Orders 68–9–9, dated September 4, 1968, and 69–10–149, dated October 30, 1969, as amended).

[25] The charges for LD–11 containers shall be the same as the tariff rates for LD–7 containers.

[26] Dockets 25646 and 25670 were consolidated into Docket 23080–2 by Order 73–7–29, July 10, 1973.

[27] Appendices A–F filed as part of the original document.

CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

NOTICE OF MEETING

The Citizens' Advisory Committee on Environmental Quality will meet on September 9–10, 1973, in Moran and Moose, Wyoming. The Committee advises the President and the Council on Environmental Quality on matters pertaining to environmental quality.

On September 9, the Committee will take a bus tour conducted by the National Park Service to review programs and problems related to the management of Grand Teton National Park. The tour will depart from Jackson Lake Lodge, Moran, Wyoming, at 8:30 a.m. On September 10 at 9:30 a.m., the Committee will meet at the JY Ranch, Moose, Wyoming. The purpose of the meeting is to review pending Committee business

and consider future Committee activities. Subjects to be discussed include land use and urban growth, energy conservation, park and recreation management, Committee publications, and other current environmental issues.

A limited number of seats—approximately 10—will be available to observers from the press and the public on a reserved, first-come basis. Requests to attend the meeting must be submitted in writing or by telephone no later than Friday, September 7, 1973, to Lawrence N. Stevens, Executive Director, Citizens' Advisory Committee on Environmental Quality, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006, telephone 202–223–3040. Oral statements or questioning of Committee members or other participants by observers in attendance at the meeting will not be permitted. Members of the public may file written statements with the Committee before or after the meeting.

Requests for information should be submitted to Lawrence N. Stevens (address given above).

LAWRENCE N. STEVENS,
Executive Director.

[FR Doc.73-19081 Filed 9-5-73;10:00 am]

ENVIRONMENTAL PROTECTION AGENCY

AGREEMENT BETWEEN DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE AND ENVIRONMENTAL PROTECTION AGENCY

Notice Regarding Matters of Mutual Responsibility; Amendment

CROSS REFERENCE: For a document giving notice of an amended agreement between the Department of Health, Education, and Welfare, Food and Drug Administration (FDA) and the Environmental Protection Agency (EPA) on matters of mutual responsibility under the Federal Food, Drug, and Cosmetic Act and the Federal Insecticide, Fungicide and Rodenticide Act, see FR Doc. 18799, "Agreement between the Department of Health, Education, and Welfare and the Environmental Protection Agency" appearing at page 24233 of this issue of the FEDERAL REGISTER.

FEDERAL MARITIME COMMISSION

CITY OF LOS ANGELES, ET AL.

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before September 26, 1973. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

Burt Pines, Esq.
City Attorney
Harbor Division
P.O. Box 151
San Pedro, California 90733

Agreement No. T–2849, between the City of Los Angeles (City) and Japan Line, Ltd., Kawasaki Kisen Kaiska, Ltd., Mitsui O.S.K. Lines, Ltd., and Yamashita-Shinnihon Steamship Co., Ltd. (the Lines), is a 2-year nonexclusive preferential berth assignment agreement providing for the Lines' use of approximately 17.84 acres of terminal property at Los Angeles, California. The facility is to be used for the docking and mooring of vessels, for the receipt, handling, loading, unloading, storage, transporting and delivery of containerized cargo and for uses incidental thereto. As compensation the Lines will pay City the total amount of all charges accruing for dockage, wharfage, wharf storage, wharf demurrage, and all other charges which accrue under Port of Los Angeles Tariff No. 3, with a minimum payment of $332,227 per annum and a maximum payment of $413,476 per annum. In computing the minimum and maximum compensation, the Lines shall be entitled to a credit each month in the amount of all revenues received by City from secondary users of the premises.

Agreement No. T–2849–A, between the same parties, provides for the nonexclusive preferential assignment to the Lines of a twin-lift gantry type container crane at Berths 129–131, at rates set forth in the Port of Los Angeles Tariff No. 3, with a maximum annual compensation of $120,541. City will permit secondary use by other persons and will retain revenues received therefrom.

Dated August 31, 1973.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc. 73-18873 Filed 9-5-73;8:45 am]

ST. LOUIS TERMINALS CORP. AND GRANITE CITY TERMINALS CORP.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before September 26, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. E. J. Sheppard IV, Attorney for St. Louis Terminal Corporation, Morgan, Lewis & Bockius, 1140 Connecticut Avenue NW., Washington, D.C. 20036

Agreement No. T–2843, between St. Louis Terminals Corporation (Terminals) and Granite City Terminals Corporation (Granite City), provides for the 25-year sublease (with renewal options) to Granite City of certain marine terminal property at Granite City Harbor in the Missouri-Illinois Metropolitan District, which Terminals leases from Bi-State Development Agency (Bi-State). Granite City will use the premises as a public river-rail-truck terminal for the handling of waterborne cargo and uses incidental thereto. Granite City is subject to all of the terms, provisions, and conditions of Agreement No. T–2840, as amended, between Bi-State and Terminals. As compensation, Granite City will collect and retain as its own property all revenue derived from the operation of said terminal facilities.

Dated August 31, 1973.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.73-18874 Filed 9-5-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP73-98]

ALGONQUIN GAS TRANSMISSION CO.

Order Rejecting Proposed Increase in Rates and Charges and Permitting Intervention

AUGUST 29, 1973.

On June 8, 1973, Algonquin Gas Transmission Co. (Algonquin) tendered for filing First Revised Sheet Nos. 11-C and 11-D of its FPC Tariff, Original Volume No. 1. The tendered sheets reflect a change in the rate form for Synthetic Natural Gas (SNG) sales from a one part rate of $1.80 per Mcf, to a two part, Demand-Commodity form of rate.[1]

The proposed revised rate consists of a monthly Demand Charge of $15.90 per Mcf of contract demand plus a Commodity Charge described as the average cost of feedstock per Mcf of SNG produced during the billing month. The proposed revised tariff also contains a minimum monthly bill consisting of the Demand Charge plus the Commodity Charge specified above multiplied by a minimum volume of SNG for the particular billing month.

Algonquin requests an effective date of one day after the service under the initial rate is instituted (estimated to be October 16, 1973) and, accordingly, requests waiver of Section 154.22 of the Commission's regulations under the Natural Gas Act to permit the filing to be made at this time.

Section 154.38(d) of the regulations under the Natural Gas Act requires that a specific rate (cents or dollars and cents per unit) be stated in filed rate schedules and that no periodic adjustment provisions may be included in a rate schedule or tariff which purports to change the specified rate. The rate formula Algonquin proposes here is clearly not in conformance with our regulations. The Commodity Charge which Algonquin proposes is unknown and would not be known with any certainty until after the monthly bill is computed. We must assume that Algonquin is, therefore, seeking waiver of Section 154.38 of our Regulations.

As we stated in Opinion Nos. 637 and 637-A, Algonquin may file for an increase in rates under section 4(e) of the Natural Gas Act provided such increase is cost based, and the increased costs are reasonably and prudently incurred. However, we cannot accept for filing the rates proposed in this docket since the filing constitutes a radical departure from our regulations under the Natural Gas Act as well as from the guidelines laid down in Opinion Nos. 637 and 637-A. Algonquin here is attempting to not only increase its rates but also to, in effect, include a tracking provision in its SNG rate to allow it to adjust its monthly Commodity Charge to correspond to changes in the price of naphtha feedstock from its supplier, Algonquin SNG, Inc. In Opinion 637-A we stated that we intend to insure that increases in rates reflect actual costs which are reasonably and prudently incurred. (See Opinion 637-A, mimeo p. 4.) Algonquin here is proposing a rate which would thwart that intent.

Finally, we note that Algonquin has filed no cost and revenue data, nor testimony and exhibits, to support the alleged increases in costs.

Accordingly, we shall deny Algonquin's request for waiver of § 154.38(d) of our regulations, and we shall reject Algonquins' filing, without prejudice to Algonquin filing a rate conforming to our regulations and supported by appropriate testimony and exhibits from Algonquin and from Algonquin SNG, Inc. to support both the increase in feedstock costs and the proposed level of the Demand Component of the rate.

The Algonquin Customer Group[2] filed a protest to the proposed increase on July 16, 1973, and also urges rejection of the filing. Boston Gas' protest also makes reference to a petition to intervene which it filed in response to Algonquin's April 16, 1973, filing, and which it believes is properly filed in this proceeding. We shall treat Boston Gas' pleading as a proper petition to intervene in this proceeding, and, as such, grant the petition. However, should Algonquin choose to refile the proposed revised rate, Boston Gas will be required to file a new petition to intervene in order to become a party to any future proceeding. Boston Gas' intervention is limited to further proceedings concerning the filing of June 8, 1973, in this docket.

The Commission finds:

(1) Participation of the above-named petitioner to intervene may be in the public interest.

(2) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that Algonquin's proposed tariff sheets, tendered on June 8, 1973, in Docket No. RP73-98 be rejected as hereinafter provided.

The Commission orders:

(A) Algonquin's request for waiver of § 154.38(d) of the regulations under the Natural Gas Act is hereby denied.

(B) Algonquin's proposed tariff sheets, tendered on June 8, 1973, in Docket No. RP73-98 are hereby rejected.

(C) The above-named petitioner is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

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

By the Commission.

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

APPENDIX A

Boston Gas Company
Bristol and Warren Gas Company
Brockton Taunton Gas Company
Cape Cod Gas Company
Commonwealth Gas Company
The Connecticut Gas Company
Connecticut Natural Gas Corporation
Fall River Gas Company
The Hartford Electric Light Company
Town of Middleborough, Municipal Gas and Electric Department
New Bedford Gas and Edison Light Company
The Newport Gas Light Company
North Attleboro Gas Company
City of Norwich, Department of Public Utilities
Pequot Gas Company
South County Gas Company
The Southern Connecticut Gas Company
Tiverton Gas Company

[FR Doc.73-18907 Filed 9-5-73;8:45 am]

[Docket No. E-7775]

APPALACHIAN POWER CO.

Order Dismissing Complaint

AUGUST 29, 1973.

Appalachian Power Co. (Appalachian) filed on September 21, 1972, proposed rate changes in its FPC Rate Schedule Nos. 26, 27, 30-38, 40-44, 46-51, and 54 to become effective on October 21, 1972. Notice of the proposed increases, issued October 2, 1972, provided that the closing dates for petitions to intervene, protests, and comments would be October 16, 1972.

Timely petitions to intervene, motions to reject, and protests were filed by Virginia Polytechnic Institute and State University (VPI), City of Danville, City of Martinsville, City of Salem, City of Bedford, and City of Radford (Five Cities and VPI). City of Richland filed a protest and petition to intervene. By order of October 20, 1972, we permitted the interventions and accepted Appalachian's filing in the proceeding, hearing in which is now scheduled to commence on October 9, 1973.

On July 10, 1973, the Cities of Richland and Martinsville filed a complaint alleging that the proposed rates, which became effective at the end of the suspension period on March 22, 1973, were discriminatory because the rates charged to those cities were higher than the rates charged to large industrial customers of Appalachian.

We considered the possibility of such discrimination in our October 20, 1972, order suspending the rates. There we stated that the proposed increase "* * * may be unjust, unreasonable, unduly discriminatory, or preferential * * *" For

[1] By filing also made on June 8, 1973, Algonquin tendered the above described initial rate for filing. That rate was accepted for filing by order issued August 10, 1973, in Docket Nos. CP72-35 and CP69-41. An earlier filing of an initial and revised rate, tendered in April 16, 1973, was rejected by order issued June 5, 1973.

[2] See Appendix A for membership.

this reason, we ordered the evidentiary hearing pending in this docket.

The present complaint does nothing more than allege issues that cannot be dealt with summarily and are already set for hearing in the pending proceeding and raises no new facts which warrant any change in our prior order.

The Commission finds

The complaint by the Cities of Richland and Martinsville raises no new issues or facts which warrant modification or change in the prior order in this docket.

The Commission orders

The complaint of the Cities of Richland and Martinsville is dismissed.

By the Commission.

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

[FR Doc. 73-18881 Filed 9-5-73;8:45 am]

[Docket Nos. E-8250; E-8142; E-8071]

ARKANSAS POWER AND LIGHT CO.

Order Amending Prior Order

AUGUST 29, 1973.

On August 7, 1973, Arkansas Power and Light Co. (APLC) filed a Motion for Clarification of the Commission's Order of July 3, 1973, in Docket No. E-8142 and of July 31, 1973, in the above-captioned consolidated dockets.

In its motion APLC states that in Ordering Paragraph (C) of the Commission's Order Accepting Proposed Rate Increase for Filing and Instituting Investigation of Debt Adjustment Provision Under section 206 of the Federal Power Act, issued July 3, 1973, in Docket No. E-8142, the Commission directed APLC to file its prepared testimony and exhibits in that docket by September 4, 1973. In its Order of July 31, 1973, the Commission consolidated Docket No. E-8142 with Docket Nos. E-8250 and E-8071 and stated in Finding Paragraph (6) the procedural dates in the July 3, 1973, Order "should be amended as hereinafter ordered." In Ordering Paragraph (B) of the July 31, 1973, Order, the Commission required APLC to file an updated cost of service in Docket Nos. E-8250 and E-8071 within 60 days of the issuance of the order. In its motion of August 2, 1973, APLC asks whether the service of evidence by Company and Staff in Docket No. E-8142 will be the same schedule as established in Docket Nos. E-8071 and E-8250 and therefore, APLC's direct evidence in Docket No. E-8142 would be due at the same time as its updated cost of service is to be filed.

As hereinafter stated, the Commission finds that APLC's direct evidence in Docket No. E-8142 should be filed on October 1, 1973, the same due date for its updated cost of service in Docket Nos. E-8250 and E-8071.

The Commission finds

Good cause exists to amend the Commission Order of July 31, 1973, to provide for APLC's direct evidence in Docket No. E-8142 to be served on October 1, 1973.

The Commission orders

(A) The Commission Order of July 31, 1973, is hereinafter amended to provide for APLC's service of direct evidence on October 1, 1973, in Docket No. E-8142.

(B) Staff's evidence in Docket Nos. E-8250 and E-8071 shall be served in accordance with the procedural dates set forth in the order of July 31, 1973. Staff's evidence in Docket No. E-8142 shall be served on January 4, 1974.

(C) APLC's motion for clarification is hereby granted.

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

By the Commission.

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

[FR Doc.73-18882 Filed 9-5-73;8:45 am]

[Docket Nos. CI74-116 and CI74-117]

BEREN CORP.

Notice of Applications

AUGUST 28, 1973.

Take notice that on August 20, 1973, Beren Corp. (Applicant), 1130 Vickers-KSB&T Building, Wichita, Kans. 67202, filed in Docket Nos. CI74-116 and CI74-117 applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing sales for resale and deliveries of natural gas in interstate commerce to El Paso Natural Gas Co. from acreage in Lea County, New Mexico, and Eddy County, New Mexico, respectively, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant states that it commenced the sales of gas to El Paso from both areas on July 1, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sales for two years from the end of the sixty-day emergency periods within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 1,000 Mcf of gas per day in Docket No. CI74-116 and approximately 2,000 Mcf of gas per day in Docket No. CI74-117, all at 55.0 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward Btu adjustment.

It appears reasonable and consistent with the public interest in these cases to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said applications should on or before September 14, 1973, file with the Federal Power Commission, Washintgon, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearings will be held without further notice before the Commission on these applications if no petitions to intervene are filed within the time required herein, if the Commission on its own review of the matter finds that grants of the certificates are required by the public convenience and necessity. If petitions for leave to intervene are timely filed, or if the Commission on its own motion believes that formal hearings are required, further notice of such hearings will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearings.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-18772 Filed 9-5-73;8:45 am]

[Docket No. CI74-94]

BLAKE HAMMAN

Notice of Petition for Disclaimer of Jurisdiction or for Permission and Approval To Abandon

AUGUST 27, 1973.

Take notice that on July 23, 1973, Blake Hamman, Continental Life Building, Fort Worth, Tex 76102, filed in Docket No. CI74-94 a petition for disclaimer of jurisdiction over the sale of natural gas from its Winford No. 1 well in Jack County, Texas, or in the alternative, an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas from said well to George Mitchell and Associates, Inc. (Mitchell), for resale to Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the filing which is on file with the Commission and open to public inspection.

Applicant, pursuant to a gas contract dated August 1, 1967, agreed to sell to Mitchell all of his gas from the Winford No. 1 well at 16.5 cents per Mcf at 14.65 p.s.i.a. Applicant states that under Article IV of such contract the buyer, Mitchell, reserved the right to deliver this gas to a third party and that he was aware that Mitchell delivered this gas into a pipeline belonging to Natural, but that he was never so advised that this gas was being sold to any third party inasmuch as all dealings and payments

in connection with this sale with Mitchell were made for gas only and not for any plant processing.[1] Applicant further states that he has not adopted, ratified, or confirmed any other contract for the sale of this gas other than his contract with Mitchell.

Applicant believes that the Federal Power Commission in these circumstances has no jurisdiction over the sale of gas from this well and requests that the Commission make such a determination. In the event the Commission finds that it does have jurisdiction over this well, he requests authorization to abandon the said operation. Applicant states that under Article XII of his contract to Mitchell, he may cancel this sale by giving thirty days notice to Mitchell and he did so on May 1, 1973, with a view of trying to enter into a contract with a convenient intrastate purchaser with a pipeline under 25 pounds of pressure.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 21, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest, in accordance with requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such a hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18773 Filed 9-5-73;8:45 am]

[1] Article IV states "Buyer shall maintain and operate a gathering system and compression plant adequate to receive and deliver to a third party purchaser all gas produced from lands covered hereby. Gas required for the development and operation of the lands covered hereby shall be excluded from the terms of this purchase agreement. Buyer shall have the right to remove all of its property installed by a third party designated by Buyer within a reasonable time after the termination of this Contract."

[Docket No. E-8187]

BOSTON EDISON CO.

Order Accepting for Filing Initial Rate Schedule, Instituting an Investigation, Granting Waiver Request, Establishing Hearing Procedures, and Permitting Intervention

AUGUST 24, 1973.

On May 7, 1973, Boston Edison Co. (Edison) tendered for filing as an initial rate schedule a transmission agreement between it and New England Power Co. (NEPCO). Under the agreement Edison will wheel power on behalf of NEPCO over its 115 kv transmission lines to NEPCO's Quincy-Weymouth area which previously has been served by Edison. The proposed service will provide Edison with approximately $624,976 in revenues based on the twelve months ended October, 1973. Edison requests waiver of the Commission's Regulations to permit the proposed rate schedule to become effective as of November 1, 1972. In support of its requested waiver Edison states that NEPCO started supplying its 115 kv load in that area on November 1, 1972, and Edison was unable to submit this agreement earlier due to the length of the negotiating process.

On June 8, 1973, the Commission's Secretary notified Edison that the filing was deficient and informed Edison that a filing date would not be assigned this docket until the deficiency had been cured. On July 27, 1973, Edison cured the deficiency and reiterated its request for an effective day of November 1, 1972. In view of the circumstances presented we will grant the requested waiver and permit the proposed to take effect November 1, 1972.

Public notice of Edison's tendered proposal was issued on May 30, 1973, which required protest and petitions to intervene be filed by June 11, 1973. The Town of Norwood, Mass. (Norwood), timely filed a protest, petition to intervene and motion to consolidate this proceeding with Docket No. E-7784.

In its request for leave to intervene Norwood asserts that the refusal of Boston Edison to agree with Norwood for wheeling, while at the same time providing wheeling to NEPCO as set forth in the tendered agreement of November 1, 1972, is discriminatory in violation of section 205 of the Federal Power Act, as well as in violation of the antitrust laws.

Edison filed an answer to Norwood's petition on June 26, 1973, in which Edison asserts that Norwood has no interest in this proceeding. Edison further states that the special contract rate in this docket is not the same, not derived from the same formula and does not cover any service offered under the tariff filing in Docket No. E-7784. Edison concludes that Norwood's motions, being without substance, can only be designed to harass.

By order issued May 31, 1973, in Indiana and Michigan Electric Co., Docket No. E-7740 we set minimum standards for those who would raise anticompetitive issues. These standards are that the petition to intervene must clearly specify (1) the facts relied upon, (2) the anticompetitive practices challenged and (3) the requested relief which is within this Commission's authority to direct. (Mimeo p. 3). Our review of Norwood's petition to intervene indicates that it fails to specify the relief it seeks and fails to demonstrate that such relief is within this Commission's authority to direct. Accordingly, we shall limit Norwood's participation in this proceeding to matters other than the alleged anticompetitive activities. This action is without prejudice to Norwood's right to file an appropriate amended petition which sets forth the relief for the alleged anticompetitive conduct that is within this Commission's authority to grant.

The issues raised by the above pleadings cannot be decided summarily but rather require development in an evidentiary proceeding. Moreover, Edison's filing raises other issues, inter alia, rate of return, embedded debt cost adjustment provision, allocation method, depreciation rate, and the ratchet provision, which require development in an evidentiary hearing. The proposed rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful. Accordingly, we shall institute an investigation under section 206 of the Federal Power Act. Under the Federal Power Act the Commission may not suspend an initial rate schedule. We must therefore deny Norwood's motion for suspension. Since the issues raised in this proceeding and in Docket No. E-7784 are separable and since consolidation of these dockets would result in delaying the proceedings in Docket No. E-7784 which was filed on October 3, 1972, we will deny Norwood's motion for consolidation of these dockets.

The Commission finds

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon an investigation and hearing concerning the lawfulness of the transmission agreement tendered by Edison on May 7, 1973, as an initial rate schedule and whether the rates and charges therein contained are in the public interest.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(3) Good cause exists to waive the notice requirements of the Commission's Regulations.

(4) Norwood's participation in this proceeding may be in the public interest.

The Commission orders

(A) Boston Edison's proposed transmission agreement with NEPCO executed on November 1, 1972, and tendered as an initial rate schedule on May 7, 1973, is hereby accepted for filing.

(B) The notice requirements of the Commission's Regulations are hereby waived and Edison's proposed initial rate schedule described above is hereby made effective November 1, 1972.

(C) Norwood's motion to consolidate this proceeding with Docket No. E–7784 is hereby denied for the reasons stated above.

(D) Pursuant to the authority of the Federal Power Act, particularly section 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR, Chapter I), an investigation is hereby instituted to determine through an evidentiary hearing, commencing with a prehearing conference on November 27, 1973, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, the lawfulness of the transmission agreement tendered by Edison on May 7, 1973, as an initial rate schedule and whether the rates and charges therein contained are in the public interest.

(E) At the prehearing conference on November 27, 1973, all prepared testimony together with Edison's entire rate filing shall be admitted to the record subject to appropriate motions, if any, by parties to this proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of § 1.18 of the Commission's rules of practice and procedure.

(F) On or before September 25, 1973, Edison shall serve its prepared testimony and exhibits. On or before October 23, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of Norwood shall be served on or before November 6, 1973. Any rebuttal evidence by Edison shall be served on or before November 20, 1973. Cross-examination of the evidence will commence on December 4, 1973, at 10:00 a.m., e.s.t.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control the proceedings in accordance with the policies expressed in the Commission's rules of practice and procedure.

(H) The above-named petitioner is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene and matters other than alleged antitrust violations, and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it may be aggrieved because of any order or orders issued by the Commission in this proceeding.

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

By the Commission.

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

[FR Doc.73–18774 Filed 9–5–73;8:45 am]

[Docket Nos. E–7685; E–7798]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Notice of Extension of Time and Postponement of Hearing

AUGUST 29, 1973.

On August 16, 1973, Central Vermont Public Service Corp., joined by its wholesale customers and the Commission Staff, filed a joint motion to extend the procedural dates pending presentation of a settlement agreement in the above-designated proceedings.

Upon consideration, notice is hereby given that:

(A) The time is extended to and including October 30, 1973, within which briefs on exceptions may be filed to the decision issued August 1, 1973, in Docket No. E–7685. Briefs opposing exceptions to the decision may be filed on or before October 19, 1973.

(B) The procedural dates fixed by notice issued June 27, 1973, in Docket No. E–7798 are further modified as follows:

Service of Intervener Testimony, November 9, 1973.
Service of Company Rebuttal evidence, December 3, 1973.
Cross-Examination, December 13, 1973 (10 a.m., e.s.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–18883 Filed 9–5–73;8:45 am]

[Project No. 553]

CITY OF SEATTLE

Order Ruling on Motion for Extension of Time

AUGUST 28, 1973.

By motion filed July 31, 1973, Staff has requested an extension of time of the date set by our Order of January 24, 1973, for the filing of the Staff draft environmental impact statement and incidentally thereto, all subsequent dates in the schedule including the date set for hearing in this proceeding.[1]

Staff notes that on June 7, 1973, we issued our Order No. 485 which amended Part 2 of our general rules to provide guidelines for the preparation of applicants' environmental reports pursuant to our Order No. 415–C. On page 7 of Order No. 485 we stated:

> "Moreover, in relevant applications now pending before the Commission, Staff shall use the guidelines to determine deficiencies in the information submitted and to request necessary additional information."

Staff Counsel then stated that in view of the retroactive effect of Order No. 485 staff applied the guidelines to the information currently available to it and determined that due to certain deficiencies in the information additional data was required prior to issuing the draft environmental impact statement.

The additional time requested, if granted, would change the filing date for Staff's draft environmental impact statement from August 1, 1973, to November 1, 1973, and all other scheduled dates in our Order of January 24, 1973, accordingly.

Applicant's reply filed August 7, 1973, opposes the requested extension of time by staff, while intervenors' North Cascades Conservation Council, Wilderness Society, et al. reply filed August 13, 1973, supports staff's request.

We are aware of the extreme necessity for construction of new generation at this time; however, we cannot overlook the requirements of the National Environmental Policy Act and recent court interpretations of that Act calling for an independent evaluation by Commission staff of environmental impacts of proposed projects and circulation of an adequate draft statement for comment. Issuance of an incomplete draft environmental impact statement by Staff would be self-defeating and could well lead to much greater delay.

Reluctant as we are to permit any extension of schedules fixed by orders, the necessity for the circulation of an adequate draft environmental impact statement outweighs the delay involved. In granting Staff's request for additional time, we are directing it to expedite the studies and to file the statement no later than October 24, 1973.

The Commission orders

The dates set forth in Ordering Paragraph (B) of our Order of January 24, 1973, are changed, insofar as necessary to grant Staff's Motion as follows:

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[1] The schedule prescribed by our Order of January 24, 1973, was:

1. On August 1, 1973, Staff filing of its draft environmental impact statement, issuance of public notice of the availability of the statement and circulation for comments.
2. On September 7, 1973, filing of all comments to the Staff's draft environmental impact statement.
3. On November 1, 1973, filing of Staff's and Intervenor's testimony and exhibits and filing of Staff's final environmental impact statement.
4. On December 3, 1973, commencement of hearing in this proceeding.

The schedule proposed by Staff's Motion for Extension of Time is:

1. On November 1, 1973, filing of Staff's draft environmental impact statement, issuance of public notice of the availability of the statement, and circulation for comments.
2. On December 17, 1973, filing of all comments to the Statement.
3. On February 1, 1974, filing of Staff's and Intervenor's testimony and exhibits and filing of Staff's final environmental impact statement.
4. On March 4, 1974, commencement of hearing in this proceeding.

1. On October 24, 1973, Staff shall file a draft environmental impact statement.

2. At the same time that the Commission Staff's draft environmental impact statement is filed with the Secretary, public notice of the availability of the Commission Staff's statement shall be made available to the parties to this proceeding, the Council on Environmental Quality, the general public and other appropriate Federal, State and local agencies. All comments shall be filed with the Secretary by December 10, 1973.

3. On January 24, 1974, the Commission Staff and Intervenors, respectively, shall file, with the Secretary, an original and 10 copies of all direct testimony and exhibits, including qualifications of witnesses with copies served on all parties.

4. On January 24, 1974, the Commission Staff shall also file an original and 10 copies of the Commission Staff's final environmental impact statement. Copies of the final environmental impact statement shall be served on all participants.

5. In order that the parties may have a sufficient period of time in which to prepare cross-examination on the Staff's final environmental impact statement, the hearing in this proceeding shall commence on Febuary 25, 1974.

By the Commission.

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

[FR Doc.73-18884 Filed 9-5-73;8:45 am]

[Docket No. RP72-122]

COLORADO INTERSTATE GAS CO.

Proposed Change in Rates Under Purchased Gas Adjustment Clause Provisions

AUGUST 24, 1973.

Take notice that Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (CIG), on August 15, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. The proposed changes would increase the commodity rate under each of CIG's jurisdictional rate schedules by 2.39 cents per Mcf to reflect actual and estimated increased purchased gas costs.

The filing is made pursuant to the provisions of section 21 of CIG's FPC Gas Tariff, Second Revised Volume No. 1, which, according to CIG, authorizes the company annually to reflect changes in its cost of purchased gas.

CIG states that copies of the filing have been served upon the company's jurisdictional customers and other interested persons, including public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 17, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-18775 Filed 9-5-73;8:45 am]

[Docket No. RP73-93]

COLORADO INTERSTATE GAS CO.

Notice of Extension of Time and Postponement of Prehearing Conference and Hearing

AUGUST 24, 1973.

On August 21, 1973, Commission Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued April 27, 1973, in the above-designated matter. The motion states that there were no objections to the request.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matter are modified as follows:

Staff Service September 7, 1973
Prehearing Conference September 25, 1973 (10:00 a.m., e.d.t.)
Intervenor Service October 1, 1973
Company Rebuttal October 18, 1973
Hearing October 30, 1973 (10:00 a.m., e.s.t.)

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-18776 Filed 9-5-73;8:45 am]

[Docket No. E-7984]

CONSUMERS POWER CO. AND DETROIT EDISON CO.

Order Instituting Investigation and Hearing

AUGUST 28, 1973.

On December 27, 1971, Consumers Power Co. (Consumers) submitted an initial rate filing pursuant to section 205 of the Federal Power Act and Part 35.12 of the Commission's rules.[1] The Detroit Edison Co. (Detroit) filed a similar agreement on March 6, 1972 for sale to Commonwealth Edison Co. (Commonwealth) of portions of the initial output of the Ludington Pumped Storage Plant, which will comprise six units of 312 MW generating and 323 MW pumping capability each upon project completion in 1974, to be owned jointly by Detroit and Consumers.[2] The initial filings provide for the sale to Commonwealth of up to ⅓ of the Ludington output for the first ten years of operation and up to ⅙ output for five years thereafter.

Estimates of annual charges to be paid to Consumers and Detroit total $18,042,336 for each of the first ten years and $9,021,168 for each of the last 5 years of the 15-year term, based on an investment of $343,232,000 and an annual fixed charge rate of 15.77 percent with a return component of 10.32 percent. Consumers and Detroit submitted data indicating that if consideration be given to transmission and interconnection investment costs required for the Commonwealth sale but excluded from rate design computations, then total charges to be paid by Commonwealth over the 15-year term would yield a levelized rate of return of 8.30 percent. Notwithstanding such additional costs, the Commission calculates that Consumers and Detroit will realize a 12.5 percent return on equity from the proposed fixed charges, on the questionable assumption that incremental senior capital costs of 8.5 percent on long term debt and 8.75 percent on preferred stock used by Consumers and Detroit were reasonable. We therefore find that good cause exists for the institution of an investigation and hearing pursuant to section 206 of the Federal Power Act for the purpose of determining the justness and reasonableness of the proposed rate filings.

Written notice of the filings was issued by the Commission on March 22, 1973 and published on March 30, 1973 (38 FR 8311), stating that any person desiring to be heard or to make any protest with reference to the application should on or before April 12, 1973 file with the Federal Power Commission petitions or protests. No petition, protest or request to be heard having been received, the Commission finds it in the public interest to extend the period within which to file petitions in this Docket.

The Commission finds

Pursuant to the provisions of section 206 of the Federal Power Act, an investigation and hearing should be instituted for the purpose of determining the justness and reasonableness of the proposed rate filings submitted in this docket by Consumers Power Co. on December 27, 1971, and by Detroit Edison Co. on March 6, 1972.

The Commission orders

(A) Pursuant to the provisions of section 206 of the Federal Power Act, an investigation and hearing is hereby instituted for the purpose of determining the justness and reasonableness of the proposed rate filings.

(B) A prehearing conference shall be held on September 26, 1973, for the purpose of establishing necessary hearing procedures, including a schedule for the submission of evidence, if any, by the parties to the proceeding, and for the expeditious resolution of other related matters as may be required.

[1] Consumers-Commonwealth Agreement dated June 1, 1971, and amendment thereto dated August 15, 1971, were submitted on December 27, 1971, and were assigned a filing date of May 8, 1972, upon submittal of requisite supporting data. Designated: Consumers Power Company, Rate Schedule FPC No. 28.

[2] Detroit-Commonwealth Agreement dated June 1, 1971, and Amendment thereto dated August 15, 1971, were submitted on March 6, 1972, and were assigned a filing date of June 12, 1972 upon submittal of supporting data. Designated: The Detroit Edison Company, Rate Schedule FPC No. 16. The Consumers-Detroit Agreements are to become effective on the earliest of (a) the commercial operation date of the fifth unit of the Ludington plant; (b) January 1, 1974, if at least one unit is declared to be in commercial operation; or, (c) the commercial operation date of the first unit if such date is subsequent to January 1, 1974.

(C) The initial rate schedules tendered by Consumers and Detroit are hereby accepted for filing subject to the conditions stated herein. The effective date shall be the earliest of the following: (a) The commercial operation date of the fifth unit of the Ludington plant; (b) January 1, 1974, if at least one unit is declared to be in commercial operation; or, (c) the commercial operation date of the first unit if such is subsequent to January 1, 1974.

(D) Any person desiring to intervene in this proceeding should file a petition to intervene with the Federal Power Commission, Washington, D.C. 20426, in accordance with § 1.8 of the Rules of practice and procedure (18 CFR 1.8). All such petitions should be filed on or before September 25, 1973.

By the Commission.

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

[FR Doc.73-18885 Filed 9-5-73;8:45 am]

[Docket No. E-8189]

DAYTON POWER AND LIGHT CO.

Notice of Proposed Changes in Rates

AUGUST 27, 1973.

Take notice that The Dayton Power and Light Co. (Dayton), on August 9, 1973, tendered for filing revised tariff sheets to its FPC Electric Tariff Original Volume No. 1. The revised tariff sheets which are proposed as substitute sheets for the two revised tariff sheets filed by Dayton on May 11, 1973, applicable to service to municipalities for resale, would become effective on September 10, 1973. Dayton's rate filing of May 11 was suspended until September 10, 1973, by Commission order issued July 9, 1973.

Dayton states that the substitute tariff sheets are filed in compliance with paragraph (G) of the July 9 order and include amendments to the fuel adjustment clause of the rate schedule, together with a revised statement of the derivation of the fuel cost adjustment factor. As revised in the substitute sheets, following the revised definition therein contained, that factor is reduced from that contained in the May 11 rate filing from 0.0109 cents to 0.0108 cents per Kilowatt-hour, and the base cost of fuel reflected in the rates and charges is reduced from 41.96 cents to 41.24 cents per one million Btu. Copies of the August 9 filing have been served upon the 13 municipal customers and interveners in this proceeding.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-18778 Filed 9-5-73;8:45 am]

[Docket No. CI74-118]

DEVON CORP.

Notice of Application and Petition for Disclaimer of Jurisdiction Over Liquid Products Sale and Facilities

AUGUST 30, 1973.

Take notice that on August 20, 1973, Devon Corp. (Applicant), 3300 Liberty Tower, Oklahoma City, Oklahoma 73102, filed in Docket No. CI74-118 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Southern Natural Gas Co. (Southern) from the Big Escambia Creek Field, Escambia County, Alabama, and for an order declaring that the transportation and sale of condensate and light liquid products to Southern, together with Applicant's facilities necessary to such operations are not subject to the Commission's jurisdiction, all as more fully set forth in the application and petition which are on file with the Commission and open to public inspection.

Applicant proposes under the optional gas pricing procedure to sell approximately 67.5 Mcf of gas per day to Southern from the Big Escambia Creek Field at an initial rate of 55.0 cents per million Btu at 14.65 p.s.i.a., pursuant to a contract dated December 1, 1972. Said contract provides for a 1.0-cent per million Btu price escalation every two years, for reimbursement to the seller for 7/8 of any new or increased taxes and for a term of 20 years. Applicant also requests pregranted abandonment authorization.

Applicant states that its contract with Southern was the result of arm's length negotiations and that the contract with its price provisions is competitive with offers from other potential buyers, including potential purchasers in the intrastate market. Applicant asserts that the contract price with adjustments is substantially lower than prices for base load sales of liquefied natural gas or synthetic gas for which applications for authorization are pending or have been approved by the Commission. Applicant alleges that it will incur substantial costs in removing sulfur from the natural gas prior to its delivery to Southern.

Applicant requests that the Commission issue an order declaring that the sale of liquid products and facilities necessary therefor in the Big Escambia Creek Field are not within the Commission's jurisdiction. Applicant states that it, along with other producers in the field, intend to construct a gas treatment plant to treat the gas to remove the sulfur, carbon dioxide, and liquid hydrocarbons. Applicant plans to remove the condensate from the gas stream and then pump it into storage tanks, after stabilization in the gas treating plant. By an Option Agreement dated December 1, 1972, Applicant has granted Southern an option to purchase both the condensate and light liquid products from this point. Under this arrangement Applicant would deliver the condensate and light liquid products at Southern's liquid meters located immediately downstream from its storage tanks.

Applicant indicates that Southern, after taking delivery of both the condensate and light liquid products would transport both commodities to its Maximum Utilization Plant, which it proposes in Docket No. CP73-154 to construct in the Big Escambia Creek Field. The condensate and light liquid products would be converted into methane for delivery into Southern's interstate gas system. Applicant asserts that the Commission does not have jurisdiction over the sale and facilities necessary therefor since liquid hydrocarbons are not natural gas as that term is used in the Natural Gas Act.

Applicant requests that the Commission consolidate its proposal in the instant application with the proceedings in Mallard Exploration Inc. (Operator), et al., Docket No. CI73-698, and Exxon Corp., Docket No. CI73-839.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18886 Filed 9-5-73;8:45 am]

[Docket No. CI74-110]

DYCO PETROLEUM CORP.
Notice of Application

AUGUST 27, 1973.

Take notice that on August 14, 1973, Dyco Petroleum Corp. (Applicant), 607 Philtower Building, Tulsa, Okla. 74103, filed in Docket No. CI74-110, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Co. from the Weaver No. 3-23 Well, Ellis County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell for two years approximately 750 Mcf of gas per day at 46.0 cents per Mcf at 14.65 p.s.i.a. the first year and 46.5 cents per Mcf the second year, plus tax reimbursement and subject to upward and downward Btu adjustment from 930 Btu per cubic foot, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Monthly deliveries are estimated at 22,500 Mcf of gas. Applicant states that it holds a small producer certificate and is filing the instant application because of the present uncertainty of its status.[1]

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18777 Filed 9-5-73;8:45 am]

[Docket No. E-8366]

EL PASO ELECTRIC CO.
Notice of Application

AUGUST 30, 1973.

Take notice that on August 14, 1973, El Paso Electric Co. (Applicant), filed an application with the Federal Power Commission seeking authority pursuant to Section 204 of the Federal Power Act to issue 300,000 shares of Common Stock which, based upon recent market prices for the Company's Common Stock, would raise approximately $3,600,000.

The Applicant is incorporated under the laws of the State of Texas with its principal business office at El Paso, Texas, and is engaged in the electric utility business in the States of Texas and New Mexico in an area in the Rio Grande Valley extending approximately 110 miles northwesterly from El Paso to the Caballo Dam in New Mexico and approximately 120 miles southeasterly from El Paso to Van Horn, Texas, with a population of approximately 456,000 of whom 360,000 reside in the Metropolitan area of El Paso.

The aggregate proceeds from the proposed financing will be used to repay outstanding short-term bank loans, which at the time of the sale, are expected to total $5,200,000.

Any person desiring to be heard or to make any protest with reference to application should, on or before September 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18888 Filed 9-5-73;8:45 am]

[Docket No. CP70-138]

EL PASO NATURAL GAS CO.
Notice of First Supplement to Petition To Amend

AUGUST 24, 1973.

Take notice that on August 16, 1973, El Paso Natural Gas Co. (El Paso) filed in Docket No. CP70-138 a supplement to the petition filed therein on March 27, 1973, seeking issuance of an order amending the order of the Commission authorizing the importation of natural gas from Canada issued on May 12, 1970, as amended by order issued on February 9, 1971, in the subject docket so as to conform such order to the Fourth Service Agreement, as amended, as hereinafter described, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

El Paso states that by order issued May 12, 1970, as amended February 9, 1971, in Docket No. GP70-138, El Paso was authorized to import from Canada, at a point on the International Boundary near Sumas, Washington (Sumas Import), natural gas to be purchased from Westcoast Transmission Co. Ltd. (Westcoast) in accordance with the terms and conditions of an Agreement between El Paso and Westcoast dated October 10, 1969, as amended (Fourth Service Agreement). Provision is made under the Fourth Service Agreement for the delivery and receipt of 725,000 Mcf daily which commenced on November 1, 1971, which daily quantity was increased to 800,000 Mcf daily on November 1, 1972.

Pursuant to Commission order issued July 13, 1973, a formal hearing is to commence on August 28, 1973, respecting El Paso's petition.

El Paso states in its supplemental filing that Westcoast and El Paso have agreed, as set forth in a Letter Agreement dated August 14, 1973, to modify the Third Amending Agreement to satisfy an objection raised by the National Energy Board of Canada respecting the impact of the Third Amending Agreement upon the provision in the Fourth Service Agreement requiring a comparison of the rate paid by El Paso to Westcoast with the rate paid to Westcoast by its Canadian customer, British Columbia Hydro and Power Authority and an adjustment in the El Paso rate, if necessary, so as to assure that the rate paid by El Paso is not at any time less than 105 percent of the rate paid by Westcoast's Canadian customer.

El Paso requests that its petition of March 27, 1973, be supplemented to the extent set forth in its new filing, and that the Commission amend its said import order of May 12, 1970, as amended, to the extent necessary to conform to the terms and conditions of the Fourth Serv-

[1] By decision of December 12, 1972, in Texaco Inc., et al. v. F.P.C., Docket No. 71-1560, et al., the United States Court of Appeals for the District of Columbia Circuit set aside Commission Order No. 428, as amended, which promulgated small producer regulations. The Commission has petitioned the Supreme Court of the United States for a writ of certiorari in this matter.

ice Agreement, as so amended by the modified Third Amending Agreement.

El Paso also requests the Commission to provide a shortened time period for the submission of protests to El Paso's supplemental filing and for new petitions for leave to intervene, so that the hearing in this proceeding might commence as scheduled on September 28, 1973.

Any person desiring to be heard or to make any protest with reference to said filing should on or before September 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Parties who have petitioned to intervene pursuant to the Notice Of Petition To Amend issued April 26, 1973, need not file a new petition in this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18779 Filed 9-5-73;8:45 am]

[Docket No. RP72-154]

EL PASO NATURAL GAS CO.

Notice of Proposed Change in Rate

AUGUST 24, 1973.

Take notice that El Paso Natural Gas Co. (El Paso), on August 16, 1973, tendered for filing a notice of change in rates under its FPC Gas Tariff, First Revised Volume No. 3, applicable to service rendered to its Northwest Division System customers. Such change in rates is proposed to become effective on October 1, 1973. The proposed rate change is submitted for the purpose of compensating El Paso for increases in its cost of purchased gas for the period April 1, 1973, through September 30, 1973, and is filed in accordance with the provisions of El Paso's Purchased Gas Adjustment Clause (PGAC) in effect in El Paso's said tariff.

The annualized increase in El Paso's Northwest Division System domestic purchased gas costs aggregates $2,750,783 based upon adjusted Northwest Division System domestic purchased gas volumes for the twelve (12) month period ending June 30, 1973. Additional increased purchased gas costs, aggregating $12,577,712, have occurred as a result of changes in the cost of gas purchased from El Paso's Canadian supplier, Westcoast Transmission Co. Ltd. When applied to El Paso's Northwest Division System total sales volumes for the same period, the aggregate of the increased domestic and imported purchased gas costs equates to 3.40¢ per Mc.f. (0.326¢ per therm).

In addition, El Paso has accrued in Account 191, Unrecovered Purchased Gas Cost, $3,358,403 applicable to increases in its Northwest Division System purchased gas costs, both domestic and imported, which have occurred during the period January 1, 1973, through June 30, 1973. Such costs, when applied to El Paso's Northwest Division System jurisdictional sales volumes for the same period, produce an additional increase in rates of 1.44¢ per M c.f. (0.13¢ per therm) to be applied as a surcharge to all rate schedules identified in the subject filing.

El Paso included in its filing Alternate Tariff Sheets, with a proposed October 1, 1973, effective date, proposing to amend the currently effective PGAC so as to provide that gas cost adjustments pertaining to purchases of Canadian gas from Westcoast Transmission Co. Ltd., at Sumas, Washington, be computed on a 95 percent load factor basis, rather than on the basis of the most recent billing as the PGAC now provides. El Paso states that as a result of the wide fluctuation in monthly purchase levels at Sumas, significant fluctuations in the adjustments in rates under current PGAC provisions occur. The alternate proposal is designed to eliminate such fluctuations. The alternate method of computing gas cost adjustments under the proposed revisions in the PGAC included in the instant filing reflects a reduction in the total annual change in the cost of gas purchased from $15,328,495, equating to 3.40¢ per M c.f. (0.326¢ per therm) to $7,521,238, equating to 1.67¢ per M c.f. (0.160¢ per therm). Such reduction would change the proposed current adjustment level from a total of 4.84¢ per M c.f. (0.464¢ per therm) under present PGAC provisions to 3.11¢ per M c.f. (0.298¢ per therm) under the proposed revised PGAC provisions. The Alternate Tariff Sheets also included a Statement of Rates Sheet, reflecting lower rate adjustments based upon the proposed 95 percent load factor method of determining the annualized cost for the Sumas purchases. El Paso proposes that the alternate sheets be accepted by the Commission in lieu of the tendered revised tariff sheet in the event that the Commission finds the 95 percent load factor method appropriate.

Copies of the filing have been served upon all parties of record at Docket Nos. RP72-151 and RP72-154, and, otherwise, upon all Northwest Division System customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. El Paso's proposed tariff sheet and rate filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18780 Filed 9-5-73;8:45 am]

[Docket No. CP74-46]

EL PASO NATURAL GAS CO.

Notice of Application

AUGUST 28, 1973.

Take notice that on August 20, 1973, El Paso Natural Gas Co. (Applicant), P.O. Box 1492, El Paso, Tex. 79978, filed in Docket No. CP74-46 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a liquefied natural gas (LNG) plant, the sale for resale and delivery of vaporized LNG and the modification of certain existing measuring facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate an LNG plant located adjacent to Compressor Station No. 14, Benton County, Washington. The proposed LNG plant will have a liquefaction capacity of 6,000 M c.f. of gas per day, an LNG storage capacity of 348,000 barrels equivalent to approximately 1.2 million M c.f. vaporous gas, and a vaporization withdrawal capacity of up to 150,000 M c.f. per day. Applicant intends to liquefy gas for storage during the off-peak season of April through October by curtailment, if necessary, of deliveries to its customers and to vaporize the LNG on days of high demand during the period of November through March.

Applicant states that it intends to make the supplemental LNG service available to its existing customers presently being served under its ODL-1 or DS-1 Rate Schedules, FPC Gas Tariff, First Revised Volume No. 3. It is stated that the customers electing to receive peak shaving LNG service as herein proposed will be charged a capacity charge estimated to be 1.493 cents per 100,000 Btu, a demand charge estimated to be 1.803 cents per 100,000 Btu and a delivery charge estimated to be 4.108 cents per 100,000 Btu.

Applicant also proposes to increase the measurement capacities at the Prineville Meter Station, Crook County, Ore., at the Castle Rock Meter Station, Cowlitz County, Wash., and at the Smelterville Meter Station, Shoshone County, Idaho.

The total estimated cost of the proposed facilities is $12,280,951 which will be initially financed from current working funds.

The stated purpose of these proposals is to augment Applicant's ability to satisfy the firm service requirements of the growing residential and small commercial market of its customers during peak demand periods and to avoid curtailments of firm service therein.

Any person desiring to be heard or to make any protest with reference to said

application should on or before September 21, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18781 Filed 9-5-73;8:45 am]

[Docket Nos. RP72-150, RP72-155]

EL PASO NATURAL GAS CO.

Notice of Proposed Changes in Rate

AUGUST 28, 1973.

Take notice that El Paso Natural Gas Co. (El Paso), on August 16, 1973, tendered for filing a notice of change in rates under its FPC Gas Tariff, Original Volume No. 1, applicable to service rendered to its Southern Division System customers. El Paso requests a proposed effective date of October 1, 1973. El Paso states that the proposed rate change is submitted for the purpose of compensating El Paso for increases in its cost of purchased gas for the period April 1, 1973, through September 30, 1973, and is filed in accordance with the provisions of El Paso's Purchase Gas Adjustment Clause (PGAC) in effect in El Paso's said tariff.[1]

El Paso maintains that the annualized increase in El Paso's Southern Division System purchased gas costs aggregates $19,700,784 based upon adjusted Southern Division System purchased gas volumes for the twelve (12) month period ending June 30, 1973. When applied to El Paso's Southern Division System total sales volumes for the same period, El Paso states that the purchased gas cost increase equates to 1.45¢ per Mcf.

In addition, El Paso says that it has accrued in Account 191, Unrecovered Purchased Gas Cost, $10,490,073 applicable to increases in its Southern Division System purchased gas costs which have occurred during the period January 1, 1973, through June 30, 1973. El Paso contends that such costs, when applied to El Paso's Southern Division System jurisdictional sales volumes for the same period produce an additional increase in rates of 1.79¢ per Mcf to be applied as a surcharge to all rate schedules identified in the subject filing.

Also take notice that El Paso, on August 16, 1973, tendered for filing a notice of change in rates with respect to certain special rate schedules contained in its FPC Gas Tariff, Third Revised Volume No. 2 and Original Volume No. 2A, applicable to service rendered to certain of its Southern Division System customers. According to El Paso such change in rates is proposed to become effective as of October 1, 1973, and is in an amount of 2.61¢ per Mcf to be uniformly applied to each affected rate schedule. El Paso states that the proposed rate change is submitted for the purpose of compensating El Paso for increases in its cost of purchased gas, to maintain parity of treatment among similar purchasers and to give effect to the keyed nature of the pricing provisions in the affected rate schedules.

El Paso says that this notice was filed under the provisions of El Paso's Purchased Gas Adjustment Clause (PGAC), contained in its FPC Gas Tariff, Original Volume No. 1 and is occasioned solely by, and will compensate El Paso only for, increases in the cost of purchased gas occurring in its Southern Division System operations which will become effective on or before September 30, 1973.[2] El Paso maintains that the net increase in rates proposed by such concurrent notice of change is 2.61¢ per Mcf. The pricing provisions contained in all of the special rate schedules affected by the instant notice of change in rates provide that the applicable rate thereunder shall be keyed to, and identical with, the rate in effect from time to time under a designated rate schedule contained in Original Volume No. 1 of El Paso's FPC Gas Tariff.

El Paso further states that the instant tender is being filed in order to adjust the rates applicable to special Rate Schedules X-7, X-14 and X-25 of Third Revised Volume No. 2 and special Rate Schedules FS-25, FS-26, FS-27, FS-28, FS-29, FS-34, FS-35, and FS-45 of Original Volume No. 2A and service now rendered and to be rendered to Northern Natural Gas Company under a Letter Agreement dated December 27, 1972, and proposed special Rate Schedule X-30 of Third Revised Volume No. 2.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 13, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. El Paso's proposed tariff sheets and rate filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18887 Filed 9-5-73;8:45 am]

[Docket No. CP74-47]

EL PASO NATURAL GAS CO.

Notice of Application

AUGUST 30, 1973.

Take notice that on August 20, 1973, El Paso Natural Gas Co. (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP74-47 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline and appurtenant facilities in Eddy County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 20.2 miles of 16-inch pipeline and appurtenant facilities from its existing South Carlsbad Compressor Station to its mainline Pecos River Station. The proposed pipeline would have a designed transportation capacity of 101,000 Mcf of gas per day.

The cost of the proposed facilities is $1,587,008 which will be financed from working funds, supplemented, as necessary, by short term borrowings.

The purpose of the proposed pipeline facilities is to transport natural gas recently attached from approximately 27 wells in the South Carlsbad Area of Eddy County for use of Applicant's Southern Division System. Applicant states that it has temporarily been transporting a portion of these supplies via its existing 12¾-inch Eunice-Carlsbad line and through an exchange arrangement which Northern Natural Gas Co. (Northern) on a best efforts basis, pursuant to the

[1] As explained in the accompanying letter of transmittal, the instant notice of change in rates does not give effect to increased purchased gas costs which will result from the Commission's Opinion No. 662 and accompanying order, issued August 7, 1973, at Docket No. AR70-1 (Phase I) for the reason that sufficient information and data are not presently available to determine the impact of such opinion and order on El Paso's cost of purchased gas.

[2] The concurrently filed notice of change in rates does not give effect to increased purchased gas costs which will result from the Commission's Opinion No. 662 and accompanying order, issued August 7, 1973, at Docket No. AR70-1 (Phase I) for the reason that sufficient information and data are not presently available to determine the impact of such opinion and order on El Paso's cost of purchased gas. For the same reasons, the instant notice of change in rates does not give effect to such increased costs.

letter order of the Commission dated March 7, 1973, and within the contemplation of Section 157.22 of the regulations under the Natural Gas Act (18 CFR 157.22). It is stated that these arrangements have become increasingly unsatisfactory as Applicant is unable to effect a net increase in the volume of gas placed on the Southern Division due to capacity restraints on its and Northern's existing facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18889 Filed 9-5-73;8:45 am]

EXXON CORP. ET AL.

Notice of Further Postponement of Hearing

AUGUST 24, 1973.

In the matter of Exxon Corp., Docket No. CI73-751, Shenandoah Oil Corp., Docket Nos. CI73-799 and CI73-800, and SOC Gas Systems, Inc., Docket No. CI73-801.

On August 15, 1973, a notice was issued postponing the hearing to September 5, 1973, because of calendar conflicts in the Office of the Administrative Law Judges. On August 22, 1973, Staff counsel requested a further postponement to September 11, 1973.

Upon consideration, notice is hereby given that the hearing is further postponed to September 11, 1973, at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18782 Filed 9-5-73;8:45 am]

[Docket No. CI73-592]

HERMAN GEO. KAISER

Notice of Extension of Time and Postponement of Hearing

AUGUST 24, 1973.

On August 13, 1973, Herman Geo. Kaiser requested a postponement of the hearing scheduled in the above-designated matter by order issued July 25, 1973.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matter are modified as follows:

Direct Testimony and Evidence of Applicant and Intervenors supporting application, September 24, 1973.
Direct Testimony and Evidence of Staff and Intervenors opposing exceptions, October 17, 1973.
Hearing, October 18, 1973 (10:00 a.m., e.d.t.).
All Rebuttal Testimony and Evidence, October 18, 1973.
Administrative Law Judge Decision shall be rendered on or before, November 30, 1973.
Briefs on Exceptions by all Parties on or before, December 12, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18783 Filed 9-5-73;8:45 am]

[Docket No. CS71-878 et al.]

HURLEY PETROLEUM CORP. ET AL.

Order Clarifying Order To Show Cause and to Require Resumption of Deliveries of Natural Gas

AUGUST 29, 1973.

In the matter of Hurley Petroleum Corp.; Car-Tex Producing Co.; Texas Eastern Transmission Corp.; Docket No. CS71-878, CI73-431, CI73-558, CI61-1379, CI73-578, CP74-15.

On July 19, 1973, Hurley Petroleum Corp. (Hurley), filed in Docket No. CS71-878, et al., a petition for clarification of the order issued July 12, 1973, in said dockets. Hurley and Car-Tex Producing Co. (Car-Tex) were ordered to show cause why they or each of them should not be held to be in violation of section 7(b) of the Natural Gas Act and § 157.18 of the Commission's regulations thereunder for not having obtained abandonment authorization before abandoning jurisdictional sales. Texas Eastern Transmission Corp. was ordered to show cause why it should not be held to be in violation of section 7(c) of the Natural Gas Act by operating facilities to take natural gas dedicated to Arkansas Louisiana Gas Company and Car-Tex. Hurley and Car-Tex were ordered to resume the sale and delivery of gas as made under the certificates issued in Docket Nos. CS71-878 and CI61-1379, respectively.

Hurley states that under its gas purchase contract dated January 12, 1961, with Car-Tex for the sale of gas authorized in Docket No. CS71-878, the buyer is obligated to take only the quantities of casinghead gas from Hurley's oil wells up to the maximum capacity of buyer's gathering system. The contract is silent as to the disposition of the gas available in excess of the maximum capacity of buyer's facilities or to the volumes of gas which are undelivered due to equipment breakdowns. Hurley believes that our order of July 12, 1973, requiring resumption of the sales and deliveries of gas under the contract requires that the excess volumes of gas and the undelivered gas be flared.

Paragraph (D) of the order issued July 12, 1973, in the instant dockets does not require Hurley to flare either the excess or undelivered volumes of gas. We did not suggest, and certainly did not compel, Hurley to flare gas where it can possibly be avoided. Our intention is to require the resumption of sales and deliveries only insofar as they were authorized under certificates issued by and undertaken under rate schedules on file with the Commission. Hurley may market separately the excess and/or the undelivered gas to others on an emergency basis within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29). Hurley may also file an application pursuant to section 7(c) of the Natural Gas Act for authorization to sell and deliver the excess and/or undelivered gas to others for a longer term than the sixty-day emergency period. In addition or alternatively, Hurley might sell the excess or undelivered gas under authorization of its small producer certificate.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18890 Filed 9-5-73;8:45 am]

[Docket No. E-8368]

IOWA SOUTHERN UTILITIES CO.

Notice of Proposed Electric Service Agreement

AUGUST 30, 1973.

Take notice that on August 20, 1973, Iowa Southern Utilities Co. (Iowa Southern) of Centerville, Iowa tendered for filing its proposed new Electric Service Agreement including Attachments A and B dated July 26, 1973, between it and Seymour Municipal Utilities (Seymour) of Seymour, Iowa. Iowa Southern tendered also its Seventh Revised Sheet No. 5 to its FPC Electric Tariff Original Volume No. 1, revised to show the new proposed effective date for the proposed Seymour Agreements.

Iowa Southern stated that Seymour requested the proposed new Service Agreement because the advent of a new industry in their community does not allow them to carry the entire load and

their system is designed such that it is not possible for them to carry a portion of the load. Iowa Southern requests that the Commission waive its 30-day filing requirement to allow the proposed new Agreement to become effective on August 1, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protests with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 14, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18891 Filed 9-5-73;8:45 am]

[Docket No. CI73-817]

KISSINGER PETROLEUMS CORP. (OPERATOR), ET AL.

Order Granting Intervention and Fixing Date for Hearing

AUGUST 30, 1973.

The above-named Applicant has filed applications pursuant to section 7(c) of the Natural Gas Act,[1] and pursuant to § 2.75[2] of the Commission's general policy statements, the Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] (hereinafter § 2.75) for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce.

On May 29, 1973, Kissinger Petroleums Corp. (Operator), et al. (Kissinger) on its own behalf and on the behalf of Martin J. Freedman, a signatory party, and Inter-American Petroleum Corp., a non-signatory, filed in Docket No. CI73-817 an application pursuant to § 2.75 of the Commission's rules of practice and procedure (18 CFR 2.75) on sales to McCulloch Interstate Gas Corporation (McCulloch) from the Spotted Horse Field, Campbell County, Wyoming, Montana-Wyoming sub-area, Rocky Mountain Area. The sale contract, dated February 23, 1973, extends for a 20-year term or the life of the oil and gas leases, whichever is greater, and provides for an initial price of 35 cents per Mcf with 1 cent escalations each year. There is no Btu adjustment and no tax reimbursement. Gas is to be delivered and measured at the Wellhead but the volume is to be adjusted to a residue volume for payment. The buyer receives all plant liquids and fuel at no cost.

The contract may be terminated by the buyer in the event a final order by the Commission permitting the sale is not issued within ninety days of the date of the contract. The ninety-day period expired May 24, 1973, five days prior to the date the application was filed.

Notice of Kissinger's application in Docket No. CI73-817 was noticed on June 19, 1973, and was published in the FEDERAL REGISTER on July 2, 1973 (38 CFR 17534).

A late petition to intervene was filed by the American Public Gas Association.

A formal hearing has been requested, and we find a hearing is desirable to determine, on the record, whether the present and future public convenience and necessity will be served by certificating these sales, and whether the proposed rate is just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.[4]

This hearing is not the proper forum for the relitigation of the propriety of the § 2.75 procedures; that matter is now before the Court of Appeals. See n.3, supra. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness, of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and noncost data should structure their evidence to reflect the tests under § 2.75 for determining the justness and reasonableness of the rate sought.

No intervenor has questioned McCulloch's need for the additional natural gas supplies that will be available to it as a result of these purchases. However, we are unable to determine the extent of McCulloch's need for new supplies since it has failed to submit the certification required by § 2.75h (18 CFR 2.75h). Accordingly, we shall require McCulloch to present evidence as to its need for additional supplies of natural gas and whether or not a comparable supply of natural gas is available to McCulloch at any rate lower than the rates proposed in these applications.

The Commission finds

(1) It is necessary and in the public interest that the above-docketed proceeding be set for a formal hearing.

(2) It is desirable and in the public interest to allow the above-named petitioner to intervene in this proceeding.

The Commission orders

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, 15 and 16 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I) a public hearing on the issues presented by the applications herein shall be held commencing October 16, 1973, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(C) Applicant and all intervenors supporting the applications shall file their direct testimony and evidence on or before September 24, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to these proceedings.

(D) The Commission Staff and all intervenors opposing the applications shall file their direct testimony and evidence on or before October 1, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to these proceedings.

(E) All rebuttal testimony and evidence shall be served on or before October 8, 1973. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(F) The above-named petitioners are permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however;* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further;* That the admission of such interests shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(G) The Administrative Law Judge's decision shall be rendered on or before November 9, 1973. All briefs on exceptions shall be due on or before November 16, 1973, and replies thereto shall be due on or before November 27, 1973.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18892 Filed 9-5-73;8:45 am]

[1] 15 U.S.C. § 717, et seq. (1970).

[2] 18 C.R.F. § 2.75.

[3] Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales of Natural Gas, Docket No. R-441, —— F.P.C. —— (issued August 3, 1972, appeal pending sub nom. John E. Moss, et al. v. F.P.C., No. 72-1837 (D.C. Cir.)

[4] Opinion And Order Issuing Certificate Of Public Convenience and Necessity And Determining Just And Reasonable Rates, Opinion No. 659, Belco Petroleum Corporation, Agent, et al., Docket Nos. CI73-293, et al., —— F.P.C. ——, —— (issued May 30, 1973, slip op. at para. 21, p. 5).

[Docket No. CP74-54]

LOWELL GAS CO.

Order To Show Cause

AUGUST 28, 1973.

On January 15, 1973, New England LNG Co., Incorporated (NELNG), requested in Docket No. CP73-185 a certificate of public convenience and necessity authorizing the sale for resale of approximately 170,000 Mc.f. vaporous gas equivalent of liquefied natural gas (LNG) to Connecticut Natural Gas Corp. (CNG Corp.). Notice of the application was issued January 18, 1973, and published in the FEDERAL REGISTER on January 23, 1973 (38 FR 2354).

Lowell Gas Co. (Lowell) was involved in the NELNG-CNG Corp. transaction as follows: Lowell commingled gas owned by NELNG at CNG Corp.'s Rocky Hill, Connecticut storage facility, 134,981 Mc.f. of gas which Lowell acquired from Hopkinton, Massachusetts (as indicated by a letter from CNG Corp. to NELNG, Exhibit I, Docket No. CP73-185). In addition, in that docket NELNG reported that on December 1, 1972, 173,314 Mc.f. of gas at Rocky Hill was traded by NELNG to Lowell for a like amount in storage at Tewksbury, Massachusetts. Lowell, in turn, sold to Cape Cod Gas Co. (Cape) 306,740 Mc.f. of gas in place at Rocky Hill, which amount included the 173,314 Mc.f. from NELNG.

On July 23, 1970, NELNG filed in Docket No. CP71-18,[1] an abbreviated application pursuant to section 7(c) of the Natural Gas Act for certificate authority to render LNG service to gas distribution utilities in the New England area. The Commission issued an order granting that certificate on January 14, 1971, 45 F.P.C. 142. The Commission conditioned its January 14, 1971, order in section F, which declared the certificate requested was granted "without prejudice to the Commission's issuance of an order in the future requiring Lowell Gas Co. to file for authorization pursuant to Section 7(e) of the Natural Gas Act for its storage facilities and services * * *." We here seek to determine whether issuance of such an order requiring Lowell to file Section 7 applications is now appropriate.

The Commission finds

(1) Lowell Gas Co., a corporation having its principal place of business in Lowell, Massachusetts, may have provided service which may make it a "natural gas company" within the meaning of the Natural Gas Act.

(2) That good cause exists for, and the public interest in administering the Natural Gas Act demands that Lowell Gas Co. show cause why it should not be required to file an application for a certificate of public convenience and necessity for the storage of natural gas sold and transported for interstate commerce and stored with the jurisdictional gas of its affiliate, New England LNG Company, Incorporated; for the exchange of its gas at Tewksbury, Massachusetts, for an equal amount of its affiliate's at Rocky Hill, Connecticut; for its sale in place at Rocky Hill to Cape Cod Gas Co.

(3) That good cause exists for, and the public interest in administering the Natural Gas Act demands that Lowell Gas Co. disclose all transactions and ownership agreements with its affiliate, NELNG or any other company that may possibly involve transactions in interstate commerce.

The Commission orders

(A) That Lowell Gas Co. show cause why it should not be required to file an application for a certificate of public convenience and necessity for the commingled storage of natural gas with the jurisdictional gas of its affiliate, New England LNG Co., Inc.; for the exchange of its gas at Tewksbury, Massachusetts, for an equal amount of its affiliate's at Rocky Hill, Connecticut; for its sale in place at Rocky Hill to Cape Cod Gas Co.

(B) That Lowell Gas Co. disclose all transactions and ownership agreements with its affiliate, New England LNG Co., Inc., or any other company that may possibly involve transactions in interstate commerce.

(C) That Lowell Gas Co. is hereby required to file with the Commission in compliance with § 1.9(c) of the Commission's rules of practice and procedure within 30 days a written answer to paragraphs A and B above.

By the Commission.

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

[FR Doc.73-18893 Filed 9-5-73;8:45 am]

[1] Notice of Application was issued on July 30, 1970, and published in the FEDERAL REGISTER on August 6, 1970 (35 FR 12972).

[Docket No. CP73-114]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Service Agreements

AUGUST 27, 1973.

Take notice that on August 17, 1973, Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) tendered for filing sixty-three (63) executed service agreements providing for increased service to its customers commencing September 1, 1973. The company states that the above service was authorized by Commission order issued July 25, 1973 in Docket No. CP73-114. Also enclosed in the filing was an Exhibit A to Michigan Consolidated Gas Company's presently effective service agreement providing for the purchase of release gas under section 7.4 of Michigan Wisconsin's Rate Schedule ACQ-1 for the contract year commencing September 1, 1973. Michigan Wisconsin states that copies of this filing have been served on all customers and interested state commissions. An effective date of September 1, 1973, is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-18785 Filed 9-5-73;8:45 am]

[Docket Nos. RP71-16 et al.]

MIDWESTERN GAS TRANSMISSION CO.

Order Amending Prior Order

AUGUST 29, 1973.

By order of July 24, 1973, the Commission accepted a settlement agreement proffered in this docket and set procedural dates relating to an issue reserved by the agreement for hearing. In ordering paragraphs (D) and (E) of the July 24 order, reference is made to a prehearing conference. In light of the nature of this proceeding, a prehearing conference would appear to be unnecessary. The date so prescribed shall, therefore, be the date prescribed for the service of Midwestern's prepared testimony and exhibits.

The Commission finds

Good cause exists to amend the Commission's order of July 24, 1973, in this docket so as to eliminate the prehearing conference ordered therein and direct that Midwestern's prepared testimony shall be served on the date originally reserved for the prehearing conference.

The Commission orders

(A) The order of July 24, 1973, is hereby amended to eliminate the prehearing conference ordered therein and the date ordered for such conference shall be the date on which Midwestern shall serve its prepared testimony and exhibits.

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

By the Commission.

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

[FR Doc.73-18894 Filed 9-5-73;8:45 am]

[Docket No. CI74-122]

MOBIL OIL CORP., ET AL.

Notice of Application

AUGUST 27, 1973.

Take notice that on August 20, 1973, Mobil Oil Corp. (Applicant), Three

Greenway Plaza East, Suite 800, Houston, Tex. 77046, filed in Docket No. CI74-122 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for and delivery of natural gas in interstate commerce to El Paso Natural Gas Co. from the Azalea (Atoka/Devonian) Field, Midland County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has commenced the sale of gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for fifteen months from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell gas on a best efforts basis, estimated to be 1,100 Mcf per day, at 40.0 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward Btu adjustment. Monthly deliveries are estimated to be 34,100 Mcf of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18784 Filed 9-5-73;8:45 am]

[Docket No. CP73-185]

NEW ENGLAND LNG CO., INC.

Findings and Order Granting Intervention and Conditionally Issuing Certificate of Public Convenience and Necessity and Order To Show Cause

AUGUST 28, 1973.

On January 15, 1973, New England LNG Co., Inc. (NELNG), requested a certificate of public convenience and necessity authorizing the sale for resale of approximately 170,000 Mc.f. vaporous gas equivalent of liquefied natural gas (LNG) to Connecticut Natural Gas Corporation (CNG Corp.). Notice of application was issued January 18, 1973, and published in the FEDERAL REGISTER on January 23, 1973 (38 FR 2354).

CNG Corp., has filed a petition to intervene in the subject docket. In the event there is a formal hearing, CNG Corp.'s petition is in support of the application.

We determine that this application is appropriate for consideration under the shortened procedure set forth in § 1.32 (b) of the Commission's rules of practice and procedure.

In accordance with a letter of intent between NELNG and CNG Corp., dated June 19, 1972, NELNG and an affiliate, Lowell Gas Co. (Lowell) stored certain quantities of LNG in the CNG Corp. facilities at Rocky Hill, Connecticut. For this storage service CNG Corp. received an option to purchase from NELNG only a quantity equivalent to one-third of the quantity of LNG stored by Lowell and NELNG as of December 1, 1972, at the average cost of the gas to NELNG plus transportation. Such quantity purchased included the boiloff experienced by this quantity prior to December 1, 1972. Any LNG purchased under the option, if exercised by CNG Corp., is to be purchased from NELNG only. The quantity of LNG available for sale to CNG Corp., in accordance with the Letter of Intent, would be 181,093 Mc.f. equivalent based on the maximum volume of 543,279 Mc.f. equivalent in Rocky Hill storage during December 1, 1972.

In addition to the above transaction, the subject of this application, we find the following transaction to be directly and indirectly involved. The gas which NELNG proposed to sell to CNG Corp. was reportedly acquired under a service agreement between it and Philadelphia Gas Works (PGW). By this service agreement NELNG furnished PGW "Natural Gas" which has to be transported to PGW by Texas Eastern Transmission Corp. (TET). PGW then was to deliver LNG to NELNG within a delivery period of "approximately between October 25, 1972, and November 15, 1972". NELNG states in their response to Staff's request for additional information that the gas it proposes to sell to CNG Corp. was transported into storage at Rocky Hill for NELNG "During the period beginning October 2, 1972, and ending October 25, 1972". This information on delivery periods indicates that the gas in place on December 1, 1972, was not processed and delivered in accordance with the service agreement attached to the application as "Exhibit H" as stated.

Actual acquisition and transportation of the LNG into storage for the accounts of Lowell and NELNG was reportedly as follows:

1. Lowell acquired 134,981 Mc.f. from Hopkinton LNG, Inc., and transported it from Hopkinton, Massachusetts, to Rocky Hill, Connecticut.

2. NELNG acquired 408,298 Mc.f. from PGW. Of this amount only 165,313 Mc.f. was transported from Philadelphia to Rocky Hill, Connecticut, and 242,985 Mc.f. was transported from Carlstadt, New Jersey, to Rocky Hill, Connecticut. The LNG transported from Carlstadt appears to have been an exchange between NELNG, South Jersey Gas Co. and Philadelphia Electric Co.

All transportation of LNG appears to have been accomplished by means of over-the-road cryogenic vehicles operating under ICC tariffs. This transportation is not subject to regulation by FPC;[1] however, it establishes the interstate status of the gas NELNG proposes to sell.

CNG Corp. stores LNG for NELNG pursuant to a letter agreement filed as "Exhibit I" of the instant application. This letter is an agreement between NELNG and CNG Corp. only and in effect places NELNG in the position of acting as agent for Lowell insofar as the storage of gas at Rocky Hill is concerned. This is also indicated in the CNG Corp. letter to NELNG, dated November 28, 1972, and made part of "Exhibit I", wherein reference is made of the agreement between the two companies. In this letter CNG Corp. states "Since our records show only the total quantity for both Lowell and New England, it will be necessary for you to break down the quantity between those two companies". This breakdown is apparently to be done on some method of allocation. This indicates complete commingling of the gas in the storage facilities. CNG Corp. has not sought authorization from FPC for the storage service provided by reasons of this Letter of Intent.

On November 28, 1972, CNG Corp. notified NELNG of its election to purchase a quantity of LNG equivalent to one third of the quantity stored in the Rocky Hill facilities by Lowell and NELNG as of December 1, 1972. This quantity would be 181,093 Mc.f. as previously discussed. However, NELNG proposes to sell in place approximately 170,000 Mc.f. which will not fulfill the terms of the agreement or option as exercised in entirety. In addition to this proposed sale to CNG Corp., NELNG reports that on December 1, 1972, 173,314 Mc.f. was traded to Lowell for a like amount in storage in Tewksbury, Massachusetts, and that Lowell sold to Cape Cod Gas Co. (Cape) 306,740 Mc.f. in place at Rocky Hill.

This sale to Cape by Lowell involved the 173,314 Mc.f. which was traded to Lowell by NELNG. The date of the sale as reported by NELNG was December 1, 1972. This is in conflict with Lowell's notice and petition in Docket No. CP73-161. Here Lowell stated that it was concurrently making an emergency sale to Cape. This would date the sale as being

[1] See Order Terminating Proposed Rulemaking Proceeding in Docket No. R-377.

effective as of December 18, 1972, as indicated in the verification of the notice and petition. Lowell has not conformed with the requirements (Order No. 402–A) of notification as to the nature of the emergency or the required filings within 10 days after the 60-day limitation on short-term sales or deliveries.

It appears that the following transactions may have been subject to FPC jurisdiction:

1. NELNG furnishing "Natural Gas" to PGW as implied in the Service Agreement (Exhibit H).
2. The NELNG exchanges of LNG with South Jersey Gas Co. and the Philadelphia Electric Co.
3. The storage of LNG by CNG Corp., at its Rocky Hill, Connecticut facilities for NELNG, Lowell, and Cape.
4. The exchange of LNG stored in Rocky Hill, Connecticut, to Lowell by NELNG.
5. The sale of LNG stored in Rocky Hill, Connecticut, to Cape by Lowell.
6. The proposed sale of LNG stored in Rocky Hill, Connecticut, to CNG Corp., by NELNG.

and that all of the companies involved in the transactions discussed herein may have, because of the nature of the transactions and the absence of State jurisdiction in such transactions, relinquished exemption from FPC jurisdiction under section 1(c) of the Natural Gas Act, and that CNG Corp., may have relinquished its exemption by storage of gas involved in interstate gas sales without FPC approval.

In the above analysis, the Commission has interpreted the order terminating the proposed rulemaking in Docket No. R–377 such that, although the Commission has disclaimed jurisdiction of over-the-road transportation of LNG and other nonpipeline modes of transportation of LNG in interstate commerce it nevertheless has retained jurisdiction of the sale of LNG in interstate commerce regardless of the mode of transportation.

The Commission finds

(1) It is in the public interest to dispose of the application in Docket No. CP73–185 under the shortened procedure prescribed by § 1.32(b) of the Commission's rules of practice and procedure.

(2) Applicant, New England LNG Company, Inc., a corporation having its principle place of business in Lowell, Massachusetts, at the commencement of the service authorized herein, will be a "natural gas company" within the meaning of the Natural Gas Act.

(3) The service hereinbefore described as more fully described in the application in this proceeding, will involve the sale of natural gas in interstate commerce subject to the jurisdiction of the Commission and the sale thereof are subject to the requirements of subsection c of section 7 of the Natural Gas Act.

(4) Applicant is able and willing properly to do the acts, perform the service proposed, and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(5) The transportation and sale of natural gas enabling applicant to render the proposed LNG service are required by the public convenience and necessity, and a certificate should be issued as hereinafter ordered and conditioned.

(6) The public convenience and necessity require that the certificate issued and the rights granted hereunder be conditioned upon the applicant's compliance with all applicable Commission Regulations under the Natural Gas Act and particularly the general terms and conditions set forth in paragraphs (a), (c) (3), (e), and (f) of § 157.20 of the regulations.

(7) It is desirable to allow the above-named petitioner to become an intervener in this proceeding in order that they may establish the facts and law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(8) That good cause exists for, and the public interest in administering the Natural Gas Act demands that the certificate be conditioned on New England LNG Co., Inc., giving further information to show why it should not be required to file an application for a certificate of public convenience and necessity for the above set forth additional transactions.

The Commission orders

(A) A certificate of public convenience and necessity is issued to applicant, New England LNG Co., Inc., authorizing the transportation and sale and proposed LNG service as hereinbefore described, all as more fully described in the application, as supplemented, in this proceeding, upon the terms and conditions of paragraphs B through G of this order.

(B) Applicant shall file a tariff sheet acceptable to the Commission for its proposed LNG service, substantially as shown in its supplemental application, and pursuant to parts 154 and 155 of the Commission's regulations.

(C) That the certificate be conditioned on NELNG furnishing information to show why furnishing natural gas to PGW in exchange for LNG as implied in the Service Agreement (Exhibit H) should not be subject to this Commission's jurisdiction under section 1(b) of the Natural Gas Act and why NELNG should not be required to apply for and obtain a certificate of public convenience and necessity under sections 7(c) and 7(e) of the Natural Gas Act.

(D) That the certificate be conditioned on NELNG furnishing information to show why gas of South Jersey Gas Co. and Philadelphia Electric transported from Carlstadt should not be subject to this Commission's jurisdiction under section 1(b) of the Natural Gas Act and why NELNG should not be required to apply for and obtain a certificate of public convenience and necessity under sections 7(c) and 7(e) of the Natural Gas Act.

(E) That the certificate be conditioned on NELNG furnishing information to show why the storage of LNG by CNG Corp. at its Rocky Hill facilities for NELNG should not be subject to this Commission's jurisdiction under section 1(b) of the Natural Gas Act and why NELNG should not be required to apply for and obtain a certificate of public convenience and necessity under sections 7(c) and 7(e) of the Natural Gas Act.

(F) That the certificate be conditioned on NELNG furnishing information to show why the sale of LNG stored in Rocky Hill to Cape should not be subject to this Commission's jurisdiction under section 1(b) of the Natural Gas Act and why NELNG should not be required to apply for and obtain a certificate of public convenience and necessity under sections 7(c) and 7(e) of the Natural Gas Act.

(G) That the certificate be conditioned on NELNG furnishing information to show why the exchange with Lowell of gas in Rocky Hill for gas in Tewksbury, Massachusetts, should not be subject to this Commission's jurisdiction under section 1(b) of the Natural Gas Act and why NELNG should not be required to apply for and obtain a certificate of public convenience and necessity under sections 7(c) and 7(e) of the Natural Gas Act.

(H) The above-named petitioner is hereby permitted to become an intervenor in this proceeding subject to the rules and regulations of the Commission; *Provided, however;* That the participation of such intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene; and *Provided, further;* That the admission of such intervenor shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any order or orders entered in these proceedings.

By the Commission.

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

[FR Doc.73–18904 Filed 9–5–73;8:45 am]

NORTHERN MICHIGAN EXPLORATION CO. ET AL.

Order Remanding Proceedings to the Presiding Administrative Law Judge

AUGUST 27, 1973.

In the matter of Northern Michigan Exploration Co., Docket No. CI72–301 and CI72–770, Michigan Gas Storage Co., Docket No. CP72–112, Trunkline Gas Co., Docket No. CP72–128, and Corbin J. Robertson, et al., Docket No. CI73–495.

In a supplemental decision issued in these proceedings on August 3, 1973, the Presiding Administrative Law Judge concluded that the certificates applied for should be granted. In so concluding, he approved the proposed sale of the natural gas in question at a base price of 46.4¢ per Mc.f. The transaction concerns the sale in Louisiana of natural gas by Corbin J. Robertson, et al., to the

Northern Michigan Exploration Co. (NOMECO), and the subsequent sale of such gas by NOMECO to its parent, the Consumers Power Co., of Michigan.

The Supplemental Decision does not reflect two filings which significantly affect the base price. On July 27, 1973, the Michigan Gas Storage Co., which would participate in the transportation of the gas, and NOMECO filed a petition to reopen the record to receive evidence concerning contract amendments of July 24, 1973, that would increase the base price from 46.4¢ to 62.2¢ per Mc.f. On July 30, 1973, Corbin J. Robertson, et al., filed an amended application for sales at 62.2¢ per Mc.f. Notice of the latter filing was given on August 9, 1973, with responses due by August 31.

The foregoing filings have been followed by three motions and certain responses to them. NOMECO and the Michigan Gas Storage Co. moved on August 10 for an expedited schedule for the filing of exceptions to the August 3 decision, on the principal ground that the contracts carrying the 62.2¢ price will expire on October 23, 1973. An intervenor, the Central Illinois Light Co., moved on August 14 for an extension of time, on the ground that exceptions to the August 3 decision would not be meaningful in light of the price rise, and on the further ground that the Commission should first resolve the procedural questions that have arisen. On the basis of similar reasoning, the Staff on August 16 also moved for a postponement of the briefing schedule.

It seems to us essential that these proceedings again be remanded to the Presiding Administrative Law Judge, so that the record may be reopened for the receipt of evidence concerning the new price of the gas. It would be unrealistic for us to undertake to decide this case in the absence of record evidence on this central issue. And because price is a central issue, we also believe that a further Supplemental Decision by the Presiding Administrative Law Judge is necessary. In its absence, it seems to us that the parties would be hard put to know to what they are excepting.

We are, however, mindful of the contract deadline of October 23, 1973. It is our hope and current expectation that we will be able to decide this case by that date. We believe that we can do so, and that in the process the need for a full record can be met and the interests of the parties can be reasonably accommodated. To meet these objectives, we shall remand the case forthwith, and we will ask the Presiding Administrative Law Judge to arrange a further public hearing at the earliest feasible date. While we would prefer to give the Administrative Law Judge wide discretion in the fixing of procedural dates, we believe that we must, given the peculiar circumstances that exist here, prescribe deadlines. We shall, thus, ask that the hearing be scheduled so that a Supplemental Decision can be issued no later than September 14, and so that briefs on exceptions and briefs opposing exceptions will be filed as soon thereafter as possible, but in no event later than September 24 and October 5, respectively.

The Commission further finds

(1) Further hearings in these proceedings would be in the public interest, in light of the filing on July 27, 1973, by the Northern Michigan Exploration Co. and the Michigan Gas Storage Co. of their petition for limited reopening, and the amended contracts attached thereto, and in light of the filing on July 30, 1973, by Corbin J. Robertson, *et al.*, of its amended application.

(2) The filing of exceptions and briefs opposing exceptions to the Supplemental Decision of August 3, 1973, should be postponed until a further Supplemental Decision has been issued.

The Commission orders

(A) These proceedings are hereby remanded to the Presiding Administrative Law Judge, and further public hearings shall be held before him at such place in Washington, D.C., and commencing on such early date, as he may in his discretion provide. At such public hearings, evidence may be introduced concerning the price issue raised by the petition and its attachments filed by the Northern Michigan Exploration Co. and the Michigan Gas Storage Co. on July 27, 1973, and the amended application filed by Corbin J. Robertson, et al., on July 30, 1973. Upon the conclusion of such hearings, but no later than September 14, 1973, the Presiding Administrative Law Judge shall issue a Supplemental Decision. All parties will be entitled to file exceptions and replies thereto, as well as to the Supplemental Decision of August 3, 1973, in accordance with a schedule to be fixed by the Presiding Administrative Law Judge, but exceptions shall be required by him to be filed no later than September 24, 1973, and briefs opposing exceptions shall be required to be filed no later than October 5, 1973.

(B) All interested persons desiring to be heard in these remanded proceedings who are not already parties may file petitions to intervene on or before September 7, 1973.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18786 Filed 9-5-73;8:45 am]

[Project No. 108]

NORTHERN STATES POWER CO.

Notice of Further Extension of Time

AUGUST 29, 1973.

On June 6, 1973, a notice was issued postponing the procedural dates and fixing September 5, 1973, as the date for hearing in the above-designated matter. The September 5, 1973, date is in conflict with the calendar of the Office of Administrative Law Judges.

Upon consideration, notice is hereby given that the hearing is postponed to September 13, 1973, at 10 a.m., e.d.t. in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18895 Filed 9-5-73;8:45 am]

[Docket No. RP73-48]

NORTHERN NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

AUGUST 30, 1973.

Take notice that on August 15, 1973, Northern Natural Gas Co. (Northern) tendered for filing revisions in its FPC Gas Tariff, Original Volume No. 4, consisting of Original Sheet No. 3a, First Revised Sheet Nos. 4, 5, and 7 and Second Revised Sheet No. 1.

Northern states that the changes are made pursuant to the purchased gas adjustment clause (PGA) contained in its tariff, as approved by the Commission in this docket on March 27, 1973. Northern asserts that its proposed increase of 6.23¢ per Mc.f. is necessitated by an increase of the price of the gas it purchases from Colorado Interstate Gas Co. (Colorado). According to Northern, this proposal will increase revenues from jurisdictional customers by $53,788. In the event that Northern receives refunds from Colorado as a result of final Commission action in this docket, it states that such refunds will be flowed through to its customers. An effective date of October 1, 1973, is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18896 Filed 9-5-73;8:45 am]

[Docket No. E-7705]

OHIO EDISON CO.

Order Approving Rate Settlement

AUGUST 29, 1973.

This proceeding involves revised rate schedules filed by Ohio Edison Co. (Edison) on January 27, 1972, which contain proposed increased rates and charges of approximately $1,140,995 (18.5 percent) annually, based upon sales for the twelve month period ended December 31, 1970. The revised schedules also include proposed tariff changes, includ-

ing a new fuel adjustment clause, new load-shedding provisions, and the deletion of provisions relating to rendering service in certain areas by Edison and its municipal customers. Twenty Ohio municipal customers jointly petitioned for and were granted leave to intervene.[1] By order issued March 31, 1972, the Commission provided for hearing and suspended the filing until September 1, 1972, at which time it became effective subject to refund.

In hearing held on November 10, 1972, Edison's prepared testimony and exhibits and its rate filing of January 27 were received in evidence. The direct cases of the municipal interveners and the Commission Staff, together with Edison's rebuttal case were received in evidence. Thereafter, the parties entered into negotiations which resulted in a settlement of all issues in this proceeding. A Settlement Agreement and a motion for approval thereof were filed on February 12, 1973, jointly by Edison and the Municipal Interveners. The Presiding Adminstrative Law Judge, on February 14, 1973, certified the joint motion and Agreement to the Commission. Publice notice of the filing and certification of the Agreement was issued on March 2, 1973, and published in the FEDERAL REGISTER on March 9, 1973 (38 FR 6435). No comments or protests have been received.

The proposed Settlement Agreement is summarized as follows:

(1) Edison will file with the Commission new rate schedules applicable to Municipal Resale Service—Primary Voltage, and Municipal Resale Service—Transmission Voltage (Exhibit A to Agreement), to become effective upon approval by the Commission. These rate schedules are estimated to yield revenues of $6,904,400, annually as shown in the settlement cost of service reflected in the Agreement (Exhibit B) and in the Appendix A hereto. Edison will make refunds to its customers to reflect the difference between amounts collected under the rates filed on January 27, 1972, and the settlement rates, for the period commencing September 1, 1972, until the settlement rates become effective, with interest at 7 percent per annum.

(2) The proposed load-shedding provisions contained in the January 27, 1972, rate filing will be deleted and the parties agree to undertake a joint study to arrive at a load-shedding program which will be incorporated in amendments to individual power supply contracts as filed in the future.

(3) The parties agree to undertake a joint study and effort for the purpose of realigning their long-term power supply relationships, involving studies of the feasibility of joint ownership or other contractual agreements, relating to generating capacity.

As shown in the Agreement (Exhibit B), and as set forth in Appendix hereto, the proposed settlement rates are based upon a cost of service for wholesale, jurisdictional customers in the amount of $6,904,400, representing an annual increase of $742,100 compared with the proposed increase of $1,140,995 mentioned above, based upon sales for the 12 months ended December 31, 1970, over and above the rates in effect prior to September 1, 1972. The overall rate of return of 7.75 percent reflected in the cost of service is based upon the company's capitalization and cost of capital as of December 31, 1971, adjusted, including an allowance of 11.79 percent for common equity as shown in Appendix A hereto. We find this rate of return to be just and reasonable.

Based upon our review of the provisions of the Agreement, all the evidence and the positions of the parties as stated on the record, as certified to us by the Presiding Judge, we conclude that the proposed settlement of all issues herein provides a reasonable and appropriate resolution of the issues herein and that the public interest would be served by our approval of the settlement.

The Commission finds

The settlement of this proceeding upon the basis of the Settlement Agreement certified to the Commission by the Presiding Administrative Law Judge is reasonable and appropriate in the public interest in carrying out the provisions of the Federal Power Act and should be approved and made effective as hereinafter ordered.

The Commission orders

(A) The Settlement Agreement, as described herein, is approved and made effective for the period commencing September 1, 1972, subject to the terms and conditions of this order.

(B) Edison shall fully comply with each of the provisions of the Settlement Agreement and the terms and conditions of this order.

(C) Prior to Edison's effectuating any change in rates and charges pursuant to the Tax Adjustment provisions of its new rate schedules, described above, Edison shall submit appropriate data and computations showing the basis for such proposed change in rates, pursuant to the notice and other requirements of Part 35 of the Commission's regulations Under the Federal Power Act.

(D) This order is without prejudice to any findings or orders which have been made, or may hereafter be made, by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Ohio Edison Co., or any other party or person affected by this order, in any proceeding now pending or hereafter instituted by or against Ohio Edison Company or any other person or party.

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

(F) Edison shall file rates reflecting the terms and conditions of this order within 30 days of issuance of this order and upon compliance therewith this docket will be terminated.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

OHIO EDISON COMPANY

WHOLESALE FOR RESALE SERVICE TO MUNICIPALITIES

SETTLEMENT COST OF SERVICE

Test Year Ended 12/31/70, Adjusted

Rate Base	$21,741,800
Total Operating Expenses	4,597,700
Total Income Taxes	621,700
Return at 7.75%**	1,685,000
Total Revenue Requirements	6,904,400

**

OHIO EDISON CO., CAPITALIZATION AND RATE OF RETURN, DEC. 31, 1971, ADJUSTED

	Capital amounts	Percentage: Capital ratios	Percentage: Cost factors	Percentage: Weighted totals
Long-term debt	$527,542	53.42	5.78	3.09
Preferred stock	100,000	10.13	5.38	.54
Common equity	345,161	34.95	11.79	4.12
Deferred taxes acc/amort	14,836	1.50		
Total	987,539	100.00		7.75

[FR Doc.73-18906 Filed 9-5-73;8:45 am]

[Docket No. E-7777]

PACIFIC GAS AND ELECTRIC CO.

Notice of Further Extension of Time and Postponement of Prehearing Conference and Hearing

AUGUST 24, 1973.

On August 13, 1973, Pacific Gas and Electric Co. filed a response to Motion of Commission Staff Counsel for extension of the service dates. Pacific Gas and Electric Co. was unaware of a conflicting commitment when contacted by the Staff regarding the proposed extension. The motion states that no party has any objection to the proposed schedule.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Prehearing Conference, September 25, 1973 (10:00 a.m., e.d.t.).
Intervenors' Service Date, October 2, 1973.
Company Rebuttal Date, October 16, 1973.
Hearing, October 24, 1973 (10:00 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18787 Filed 9-5-73;8:45 am]

[1] The 20 Ohio municipal interveners are: Cities of Amherst, Cuyahoga Falls, Galion, Hubbard, Niles, Oberlin, Wadsworth; and Villages of Beach City, Brewster, Columbiana, Grafton, Hudson, Lodi, Lucas, Milan, Monroeville, Prospect, Seville, South Vienna, Wellington.

[Docket No. CP74-44]

PANHANDLE EASTERN PIPELINE CO.

Notice of Application

AUGUST 29, 1973.

Take notice that on August 17, 1973, Panhandle Eastern Pipe Line Co. (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP74-44 an application pursuant to section 7 of the Natural Gas Act and § 157.7(g) of the regulations thereunder (18 CFR 157.7 (g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval for the abandonment, for a 12-month period commencing on the date of authorization, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed $3,000,000 and the cost for any single project will not exceed $500,000. These costs will be financed from funds available from company operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by §§ 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18901 Filed 9-5-73;8:45 am]

[Docket No. C173-723, etc.]

PETROLEUM CORPORATION OF DELAWARE ET AL.

Notice of Postponement of Hearing

AUGUST 24, 1973.

On August 22, 1973, The Petroleum Corporation of Delaware, et al., requested a postponement of the hearing scheduled by notice issued July 30, 1973, from August 27 to August 30, 1973. The request states that all parties support the request and Staff counsel does not object. However, August 27 conflicts with the schedule of the Administrative Law Judge.

Upon consideration, notice is hereby given that the hearing in the above matter is postponed to September 5, 1973, at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18788 Filed 9-5-73;8:45 am]

[Docket No. R-433]

RESERVES DEDICATION IN THE TEXAS GULF COAST AND SOUTHERN LOUISIANA AREAS

Order Denying Rehearing

AUGUST 29, 1973.

Associated Gas Distributors (AGD) on July 20, 1973, filed an application for rehearing of the Commission's order issued June 21, 1973, in the above-entitled proceeding denying AGD's motion to make the submittal by pipelines of reserves dedication reports in the Texas Gulf Coast and Southern Louisiana Areas mandatory, in lieu of voluntary as now provided in Order No. 459 issued November 10, 1972, in Docket No. 433.[1]

AGD requests clarification as to whether the omission of Docket No. R-389-B from the caption of our June 21 order was an oversight. It was not. While the reasons given in support of its motion included, inter alia, reference to the pending proceeding in Docket No. R-389-B, the relief requested related directly to the action taken by the Commission in Order No. 459 (Docket No. R-433). It was for this reason that the caption referred only to the rulemaking proceeding in Docket No. R-433.

AGD states that the purpose of its motion was to provide additional information on "productivity" for purposes of computing new gas costs in Docket No. R-389-B, the rulemaking proceeding initiated to determine the just and reasonable rate nationally for sales from wells commenced on or after January 1, 1973. The collection of such data would place a considerable additional burden on producers, pipelines, and our staff. There is also a serious question as to the usefulness of the requested data in view of the lack of comparability between such data and the reserve estimates of the American Gas Association (AGD) which have been used in previous producer rate cases.[2] Finally, while the Form 15 data for 1972 will not be filed until December 31, 1973, as AGD notes, it would take the pipelines at least 90 days, perhaps longer in some instances, to complete the reports requested by AGD, and staff review thereof would take another 60 days.[3] Consequently, the granting of AGD's motion would also involve a delay in the issuance of a final order in Docket No. R-389-B.

AGD also points out that Form 15 data will include only proved reserves and suggests that such data is not the most reliable source of gas reserve information in the light of major downward revisions in Form 15 estimates in recent years. This simply shows that the Form 15 estimates have been on the high side. It also points up another difficulty with the use of the "proved and probable" reserves reported in Order No. 459 in determining costs in Docket No. R-389-B. "Probable" reserves by definition are more speculative than "proved" reserves. Accordingly, if "proved" reserve estimates are subject to major revision, then "probable" reserve estimates would be subject to even greater revision and thus less useful.

The application for rehearing by AGD presents no new facts or principles of law which were not fully considered by the Commission in its June 21 order, or which having now been considered, warrant any modification of that order.

The Commission orders

The application for rehearing filed by AGD on July 20, 1973, is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18880 Filed 9-5-73;8:45 am]

[Docket No. CI73-870]

RYDER SCOTT MANAGEMENT CO., INC. ET AL.

Notice Canceling Hearing

AUGUST 28, 1973.

By order issued on July 31, 1973, the above-designated matter was set for

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[1] Rehearing of the June 21 order was granted for purposes of further consideration by order issued August 6, 1973.

[2] While AGD states that the AGA reserve estimates for 1971 do not include gas discovered on leases sold in the December 1970 Federal lease sale, it overlooks the fact that the 1972 AGA report of reserve additions does not exclude the December 1970 lease results and for 1972 productivity dropped to 286 Mc.f./ft. Opinion No. 659-A, mimeo pp. 6-7.

[3] While AGD might be willing to use the reports prior to the completion of staff review, producers presumably would insist upon staff clearance in view of the fact that staff review may involve the disallowance of some of the claimed reserves.

hearing to commence on August 29, 1973. On August 10, 1973, Ryder Scott Management Co., Inc., et al., filed a motion to dismiss its application for a limited term certificate.

Upon consideration, notice is hereby given that the hearing in the above-designated matter is cancelled.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18897 Filed 9-5-73;8:45 am]

[Docket No. E-8052]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Notice of Filing of Settlement Agreement

AUGUST 27, 1973.

Take notice that on August 17, 1973, South Carolina Electric and Gas Co. (South Carolina) filed in the above-referenced docket a Settlement Agreement (Agreement) dated May 17, 1973. According to South Carolina's transmittal letter, the Agreement is between South Carolina and the Saluda River Electric Cooperative, Inc., on behalf of its member cooperatives.[1]

South Carolina states that under the terms of the Agreement, the Company's proposed increased rates were not to become effective as to those customers until June 15, 1973. South Carolina further states that since this date fell during the past price freeze, South Carolina did not begin billing these customers at the higher rate until August 13, 1973.

Any person desiring to be heard or to protest said filing should file comments or protests with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such comments or protests should be filed on or before September 19, 1973. Protests and comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18789 Filed 9-5-73;8:45 am]

[Docket No. E-8052]

SOUTH CAROLINA ELECTRIC & GAS CO.

Notice of an Extension of Time and Postponement of the Prehearing Conference and Hearing

AUGUST 29, 1973.

On August 24, 1973, The City of Orangeburg, South Carolina, and South Carolina Electric & Gas Co. filed a motion for a revision of the procedural dates fixed by the order issued May 15, 1973, in the above-designated matter. The motion states that Staff Counsel has no objection to the proposed changes.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of Testimony and Exhibits by Intervenors, October 17, 1973.
Service of Rebuttal Evidence by S.C.E. & G., October 31, 1973.
Cross-Examination, November 7, 1973 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18902 Filed 9-5-73;8:45 am]

[Docket No. E-8052]

SOUTH CAROLINA ELECTRIC & GAS CO.

Notice of Termination of FPC Rate Schedules

AUGUST 27, 1973.

Take notice that on July 16, 1973, South Carolina Electric and Gas Co. (South Carolina) in purported compliance with the Commission's order issued in this docket on May 15, 1973, filed notices of termination of the following FPC Rate Schedules: No. 20, No. 23, and No. 24. Customers served under the subject rate schedules are Palmetto Electric Cooperative, Inc., and Berkeley Electric Cooperative, Inc. South Carolina lists the termination date of all of the contracts as September 30, 1973.

South Carolina states that notices of termination have been served on the affected customers.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18790 Filed 9-5-73;8:45 am]

[Project No. 2730]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Application for Preliminary Permit for Unconstructed Project and Petition Disclaiming Federal Power Commission Jurisdiction

AUGUST 29, 1973.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Southern California Edison Co. (Correspondence to: Mr. R. E. Woodbury, Vice President and General Counsel, Southern California Edison Co., 2244 Walnut Grove Avenue, Rosemead, California 91770) for a preliminary permit for proposed Project No. 2730, to be known as Black Star Project, located in Orange County, California, near the cities of Orange, Santa Ana, Anaheim, and Fullerton.

The proposed Black Star Project would include an upper reservoir in Black Star Canyon with a storage capacity of 19,200 acre-feet at a maximum elevation of 2,125 feet. The upper reservoir would be formed by an earthfill dam 246 feet high and 1,720 feet long, with an ungated spillway in the natural rock of the left abutment. Four dikes would prevent the reservoir from inundating adjacent lands in the Cleveland National Forest.

The project would also include a lower reservoir in Fremont Canyon with a storage capacity of 21,800 acre-feet at a maximum elevation of 1,129 feet. The lower reservoir would be formed by an earthfill dam 328 feet high and 970 feet long, with an ungated spillway in the natural rock of the right abutment.

The upper and lower reservoirs would be connected by a tunnel 13,300 feet long, through which the project's 13,000 acre-feet of usable storage would flow. The powerhouse, to be located at the lower reservoir, would contain four reversible pump-turbine, motor-generator units with a total rated capacity of 1,235 mw.

Water would be purchased from the Municipal Water District of Orange County for initial filling of the reservoirs and subsequently for makeup water to compensate for evaporation and seepage losses. A water supply line 18,600 feet long would connect the lower reservoir to the District facilities.

Applicant proposes to use power generated at the project in its interconnected 230 kv transmission system.

The application for a preliminary permit was accompanied by a petition to disclaim Federal Power Commission jurisdiction. Applicant asserts that no navigable waters or lands of the United States would be affected by the project.

Any person desiring to be heard or to make protest with reference to said application should on or before October 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18898 Filed 9-5-73;8:45 am]

[1] Little River Electric Cooperative, Inc., Broad River Electric Cooperative, Inc., and Berkeley Electric Cooperative, Inc.

[Docket No. E-8176]

SOUTHERN CALIFORNIA EDISON CO.

Order Granting an Application for Rehearing in Part and Denying an Application for Rehearing

AUGUST 29, 1973.

Anza Electric Cooperative, Inc. (Anza), on July 30, 1973, and the Cities[1] on August 6, 1973, filed applications for rehearing of the Commission's order issued July 6, 1973, in the above docket. In that order the Commission accepted the May 8, 1973, proposed rate increase filing of Southern California Edison Co. (Edison), suspended the proposed increase for 60 days, and provided for hearing.

In support of its application Anza claims that the rate filing is of such a magnitude that the Commission abused its discretion in not granting a full five-month suspension.

Anza points out that at the time the contract was executed "it was generally assumed the California Public Service Commission had jurisdiction"; and under California law rate increases may be made effective only after final Commission order. Therefore it claims that the decision in Richmond Power and Light, et al., v. F.P.C., —— F. 2d —— (CADC No. 72-1963) applies and that Edison's rate increase to Anza cannot be made effective until after Commission action approving the new rate. Anza further points out that its contract with Edison was subject to termination upon 90 days notice to Anza but that Edison had not given such notice. Anza concedes that after such notice Edison could make a unilateral rate increase filing.

In its petition to intervene, filed June 14, 1973, Anza stated it would effectively waive such contract provisions if a five month suspension is ordered. If on rehearing, the Commission does not order a five-month suspension, Anza requests that the Commission's order issued June 14, 1973, in Gulf States Utilities Co., Docket No. E-8121 is controlling and that the rate increase should not become effective until two months after Edison gives notice of termination of the outstanding contracts.

Article V of Anza's contract with Edison provides, inter alia:

> The rates, including terms and conditions stated in this contract, are subject to change by any regulatory body now in existence or hereafter created by law having jurisdiction in the manner prescribed by law. In the event of such change, the new rates and terms and conditions as prescribed shall apply to this contract for the unexpired terms hereof. In the event that any regulatory body shall order a rate increase, Cooperative may at its option terminate this contract at any time by written notice to Company.

Based upon our review of Anza's contracts with Edison, we believe that California law does not apply to Edison's rate increase filing since Article V contains the language, "subject to change by any regulatory body now in existence or hereinafter created by law having jurisdiction in the manner prescribed by law." While Edison had the right to make a unilateral rate increase filing under Artivle V of the contract that article permits the rate increase to be made effective only after Commission order. We note, as Anza concedes in its pleading, that Edison could also make a unilateral rate increase filing if it gave the 90-day notice of termination required by Article XI of the contract to Anza.[2] However, since Edison has not given the notice required by Article XI of its contract, we shall accept the filing as being made pursuant to Article V which would permit the rates to become effective only after Commission order. Accordingly, we will amend our July 6, 1973, to provide that Edison's rate increase as to Anza may be made effective only after Commission order.

Cities in support of its application for rehearing states the Commission's two-month suspension of Edison's rate increase filing is inconsistent with its "responsibilities under the Economic Stabilization Act and Executive Orders issued thereunder and that the Commission grant rehearing and reject the filing. In the alternative, Cities asks, citing several cases it maintains are supportive of its position, that the suspension period be extended to December 7, 1973, the full statutory period. Also, Cities claim Edison has overstated several aspects of its rate increase filing and therefore the filing should be rejected. Finally, Cities notes, as it did in its Protest and Motion to Reject the Filing filed June 19, 1973, that if Edison is granted the proposed increase a price squeeze will exist as to Cities.

With respect to the claims by Anza and Cities that the Commission erred in not ordering a five-month suspension, it is well settled that the length of the period of suspension is a matter within our discretion and reasons or basis as to the period of suspension are not required. (Municipal Light Boards of Reading and Wakefield, Massachusetts v. F.P.C., 450 F.2d 1341 (CADC 1971) certiorai denied 405 U.S. 989 (1972). Moreover, insofar as the July 6, 1973, order dealt with the period of suspension, such order was procedural in that the substantive issues were set for hearing. Accordingly, the order, insofar as it deals with the length of suspension, is not subject to a petition for rehearing under section 313(a) of the Federal Power Act, F.P.C., v. Metropolitan Edison Co., 304, U.S. 375 (1938).

The remaining arguments raised by Cities and Anza are matters which cannot be dealt with summarily and require development at an evidentiary hearing which we have already ordered in this proceeding.

The Commission finds

(1) Anza's application for rehearing will be granted in part since we will, for the reasons set forth above, amend our July 6, 1973, order in this docket to provide that any rate increase as to Anza may become effective only after a Commission order approving the rate increase in whole or in part. In all other respects, the application raises no new issues not previously considered which warrant further modification of our July 6, 1973, order.

(2) The application for rehearing filed by Cities presents no issues or facts not previously considered or which warrant modification of our order of July 6, 1973, in this docket.

The Commission orders

(A) The application for rehearing by Cities is denied.

(B) Anza's application for rehearing is granted in part since we hereby amend our July 6, 1973, order in this docket to provide that any rate increase as to Anza may become effective only after a Commission order approving the rate increase in whole or in part. In all other respects, the application raises no new issues not previously considered which warrant further modification of cur July 6, 1973, order.

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

By the Commission.

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

[FR Doc.73-18899 Filed 9-5-73;8:45 am]

[Docket No. CI74-133]

SUN OIL CO.

Notice of Application

AUGUST 30, 1973.

Take notice that on August 17, 1973, Sun Oil Co. (Applicant), P.O. Box 2880, Dallas, Texas 75221, filed in Docket No. CI74-133 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp. from the Bear Field, Beauregard Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 1,000 Mc.f. of gas per day for three years at 35.0 cents per Mc.f. at 15.025 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Estimated monthly sales are 5,200 Mc.f. of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 1973, file with

[1] Cities of Anaheim, Riverside, Banning, Colton, and Azuza, California.

[2] Article XI of Anza's contract with Edison states, in relevant part: "Either party may terminate this contract by giving notice in writing to the other party at least ninety days prior to the effective date of termination."

the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by §§ 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure therein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18900 Filed 9-5-73;8:45 am]

[Project No. 2716]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Application for License for Unconstructed Project

AUGUST 29, 1973.

Public notice is hereby given that application for a major license under the Federal Power Act (16 U.S.C. 791a–825r) was filed on July 31, 1973, by Virginia Electric and Power Co. (Correspondence to: Mr. Stanley Ragone, Senior Vice President, Virginia Electric and Power Co., P.O. Box 26666, Richmond, Virginia 23261; copies to Arnold H. Quint, Esq., Hunton, Williams, Gay, and Gibson, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006), for the proposed Bath County Pumped Storage Project No. 2716. The project would be located on Back Creek and Little Back Creek, tributaries of the Jackson River in the James River Basin, in Bath County, Virginia, about 9 miles northeast of Mountain Grove, Virginia. The transmission lines would cross portions of Bath, Highland, Augusta, and Rockbridge Counties, Virginia. The proposed project would affect the interest of interstate or foreign commerce and lands of the United States in the George Washington National Forest.

The proposed pumped storage project would consist of: (1) An upper reservoir created by building a 2,400-foot long, 425-foot high, zoned rock and earth-fill dam across Little Back Creek, with a usable storage capacity of 24,300 acre-feet, of which 1,800 acre-feet could be for flood storage and 22,500 acre-feet would be power storage between elevation 3,215 and 3,320 feet, with a surface area at full power pool of 265 acres; (2) water conduits which will be composed of: (a) three intake structures in the Upper Reservoir; (b) a set of two fixed-wheel gates provided for each of the three intakes; (c) three power tunnels, each of which will be concrete-lined, 28.5 feet in inside diameter and approximately 7,500 feet long connecting each upper intake with two steel-lined 1,300-foot long, 18 feet inside diameter underground penstocks; (d) a single shaft surge tank, approximately 55 feet in inside diameter, for each of the power tunnels; (3) A powerhouse located on the west side of the lower reservoir which will be of the indoor type, housing six 350 mw reversible pumping-generating units; (4) A transmission switching station erected on top of the powerhouse containing transformers to step-up the generator voltage to 500 KV, the transmission line voltage; (5) A lower reservoir created by placing a 2,400-foot long and 155-foot high zoned rock and earth-fill dam across Back Creek, with a total usable storage capacity of 28,200 acre-feet, of which 2,500 acre-feet would be for flood storage, 3,200 acre-feet would be conservation storage, and 22,500 acre-feet would be power storage, with water level fluctuation for power between elevations 2,118 and 2,058 feet, and with a surface area of 555 acres at full power pool and a concrete gravity gated ogee spillway will be provided at the right abutment of the lower reservoir dam; low level outlet works would consist of a gated concrete conduit passing through the dam at the right abutment; and (6) two 500 KV transmission lines, one extending approximately 50 miles in an east-northeasterly direction to Valley Substation to be constructed near Burketown, Virginia, and one extending approximately 35 miles in a southeasterly direction to Applicant's existing Lexington Substation.

A recreation complex downstream of the Lower Dam to be built by Applicant will offer approximately one mile of stream side fishing, ponds totaling approximately 100 acre surface area which will allow swimming, boating and fishing, hiking trails and nature walks, camping, and a Visitors Center located inside of the Lower Dam.

Any person desiring to be heard or to make protest with reference to said application should on or before October 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18903 Filed 9-5-73;8:45 am]

[Docket No. CI74-114]

TARTAN RESOURCES CORP.

Notice of Application

AUGUST 27, 1973.

Take notice that on August 16, 1973, Tartan Resources Corp. (applicant), P.O. Box 2566, Houston, Tex. 77001, filed in Docket No. CI74-114 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp. from the West El Campo Field, Wharton County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for twenty-four months from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 90,000 Mc.f. of gas per month at 14.7 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required

herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18791 Filed 9-5-73;8:45 am]

[Docket No. E-8355]

LOUISVILLE GAS AND ELECTRIC CO.

Notice of Proposed Tariff Change

AUGUST 28, 1973.

Take notice that Louisville Gas and Electric Co. (LG&E) on August 10, 1973, tendered for filing a proposed electric rate schedule agreement whereby LG&E will transmit over its system power and energy sold by East Kentucky Rural Electric Cooperative Corp. (East Kentucky) to Salt River Rural Electric Cooperative Corp. (Salt River), and whereby certain other exchanges of power and energy during periods of emergencies may be made between LG&E and East Kentucky.

According to LG&E it has heretofore been supplying power and energy under its Rate Schedule FPC No. 22 to certain of Salt River's load centers. LG&E states that Salt River has contracted with East Kentucky to purchase from it the requirements of the load centers heretofore supplied by LG&E, to begin September 13, 1973. LG&E has filed a notice of concellation of its Rate Schedule FPC No. 22 to become effective September 12, 1973. Docket No. E-8354 LG&E states that under the proposed rate schedule, LG&E will accept power and energy scheduled to it by East Kentucky through the system of Kentucky Utilities Co. and transmit the same to the load centers of Salt River, for which service a transmission toll of .08¢ (.8 mill) per kilowatt-hour charged.

According to LG&E copies of the filing were served upon East Kentucky Rural Electric Cooperative Corp. and Salt River Rural Electric Cooperative Corp.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 7, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-19037 Filed 9-5-73;8:45 am]

[Docket No. RP72-118]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Proposed Revised Tariff Sheet

SEPTEMBER 4, 1973.

Take notice that on August 18, 1973, Michigan Wisconsin Pipe Line Co. (Michigan, Wis.) tendered for filing its Second Substitute Fourth Revised Sheet No. 27F to its FPC Gas Tariff, Second Revised Volume No. 1.

Michigan Wisconsin states that the above-revised tariff sheet reflects the change in its cost of gas purchased from Midwestern Gas Transmission Co. and increases in advance payments to producers and is being filed pursuant to section 15 of its FPC Gas Tariff, Second Revised Volume No. 1 and its Settlement Agreement in Docket No. RP72-118.

Michigan Wisconsin further states that it is proposing no change in its demand/commodity rates because its rate changes proposed on Docket No. RP73-102 will become effective November 1, 1973. By Michigan Wisconsin's statement, the revised tariff sheet accordingly provides for an increase in the Base Tariff Rate of .14¢ per Mcf and a decrease in the Current Cost of Gas Adjustment of .14¢ per Mcf which is equal to the annual effect of Midwestern's rate changes per Mcf of sales during the Determination Period.

Michigan Wisconsin requests a waiver of the requirements of Part 154 of the Commission's Regulations under the Natural Gas Act to the extent necessary to permit this filing to be made and to become effective September 1, 1973.

According to Michigan Wisconsin, copies of the filing have been mailed to its customers and all interested parties in Docket No. RP72-118.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 7, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-19040 Filed 9-5-73;8:45 am]

FEDERAL RESERVE SYSTEM

BANKSHARES OF LARAMIE, INC.

Formation of Bank Holding Company

AUGUST 29, 1973.

Bankshares of Laramie, Inc., Laramie, Wyoming, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Bank of Laramie, Laramie, Wyoming. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than September 25, 1973.

Board of Governors of the Federal Reserve System, August 29, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-18855 Filed 9-5-73;8:45 am]

FIRST WESTERN CORP.

Formation of Bank Holding Company

First Western, Corp., Sioux Falls, South Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent (less directors' qualifying shares) of the voting shares of Western State Bank, Sioux Falls, South Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than, September 25, 1973.

Board of Governors of the Federal Reserve System, August 29, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-18856 Filed 9-5-73;8:45 am]

MERCANTILE BANCORPORATION, INC.

Acquisition of Bank

Mercantile Bancorporation, Inc., St. Louis, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Noland Road Bank, Independence, Missouri. The factors that are considered in acting on

the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 25, 1973.

Board of Governors of the Federal Reserve System, August 29, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-18854 Filed 9-5-73;8:45 am]

FEDERAL RESERVE SYSTEM

[Regs. G, T, and U]

OTC MARGIN STOCK

List

In accordance with § 207.2(f)(2) of Regulation G, "Securities Credit by Persons other than Banks, Brokers, or Dealers", § 220.2(e)(2) of Regulation T, "Credit by Brokers and Dealers", and § 221.3(d)(2) of Regulation U, "Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks", there is set forth below the list of stocks traded over the counter, current as of September 4, 1973, that the Board of Governors has determined (in accordance with the criteria set forth in the Supplements to those regulations) to have the degree of national investor interest, the depth and breadth of market, the availability of information respecting the stock and its issuer, and the character and permanence of the issuer to warrant subjecting such stock to the requirements of such regulations.

Stocks appearing on the list have not been approved, in any way, by the Board and representation by any person that their appearance on the list indicates approval by the Board or any Government agency is unlawful.

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this list because following such requirements is unnecessary due to the objective character of the criteria for inclusion on the list, specified in 12 CFR 207.5 (d) and (e). No additional useful information would be gained by public participation. The requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this list, because following such requirements would allow speculators to reap unfair profits and would not aid other persons affected thereby.

Board of Governors of the Federal Reserve System acting by its Director of the Division of Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)(13)), September 4, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

LIST OF OTC MARGIN STOCKS

SEPTEMBER 4, 1973.

This list of "OTC margin stocks" is comprised of stocks traded over the counter (OTC) that have been determined by the Board of Governors of the Federal Reserve System to be subject to margin requirements as of September 4, 1973, pursuant to § 207.2(f) of Federal Reserve Regulation G, "Securities Credit by Persons other than Banks, Brokers, or Dealers," § 220.2(e) of Regulation T, "Credit by Brokers and Dealers," and § 221.3(d) of Regulation U, "Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks."

The list is published from time to time by the Board as a guide for lenders subject to the regulations and the general public. Stocks will be added to the list, or deleted, in the interim between publications as deemed appropriate by the Board. This list supersedes the previous list of OTC margin stocks published as of May 15, 1972, including changes thereto. For current information contact the nearest Federal Reserve Bank.

CAUTION: Stocks appearing on the list have not been approved, in any way, by the Board and representation by any person that their appearance on the list indicates approval by the Board or is based on approval by any government agency is unlawful.

Any inquiry relating to this list or to Regulations G, T, U, or X should be addressed to the nearest Federal Reserve Bank.

AITS, INC., $.10 par common.
AVM CORPORATION, $1.00 par common.
ACMAT CORPORATION. No par common.
ACUSHNET COMPANY, $1.00 par common.
ADDISON-WESLEY PUBLISHING COMPANY, INC. Class B, no par common.
ADVANCE ROSS CORPORATION, $.10 par common.
AFFILIATED BANKSHARES OF COLORADO, INC., $5.00 par common.
ALBANY INTERNATIONAL CORPORATION, $1.25 par common.
ALEXANDER & ALEXANDER SERVICES, INC., $1.00 par common.
ALEXANDER & BALDWIN, INC. No par common.
ALLEGHENY BEVERAGE CORPORATION, $1.00 par common.
ALLIED TELEPHONE COMPANY, $2.00 par common.
ALLYN AND BACON, INC., $.50 par common.
ALODEX CORPORATION, $.10 par common.
ALPEX COMPUTER CORPORATION, $.10 par common.
AMAREX, INC., $1.00 par common.
AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA, $1.00 par common.
AMERICAN BANKERS LIFE ASSURANCE COMPANY OF FLORIDA, $1.00 par common.
AMERICAN BEEF PACKERS, INC., $1.00 par common.
AMERICAN ELECTRONIC LABORATORIES, INC. Class A, $1.00 par common.
AMERICAN EXPRESS COMPANY, $.60 par common; $1.66⅔ par cumulative convertible preferred; Series $1.50, Series $2.30.
AMERICAN FAMILY LIFE ASSURANCE COMPANY OF COLUMBUS, $1.00 par common.
AMERICAN FIDELITY LIFE INSURANCE COMPANY, $1.00 par common.
AMERICAN FINANCIAL CORPORATION, No par common.
AMERICAN FLETCHER CORPORATION, $5.00 par common.
AMERICAN FURNITURE COMPANY, INC., $1.00 par common.
AMERICAN GREETINGS CORPORATION, Class A, $1.00 par common.
AMERICAN HERITAGE LIFE INVESTMENT CORPORATION, $1.00 par common.
AMERICAN INCOME LIFE INSURANCE COMPANY, $1.00 par common.
AMERICAN INTERNATIONAL GROUP, INC., $2.50 par common.
AMERICAN MICRO-SYSTEMS, INC., $1.00 par common.
AMERICAN NATIONAL FINANCIAL CORPORATION, $1.00 par common.
AMERICAN NUCLEAR CORPORATION, $.04 par common
AMERICAN RE-INSURANCE COMPANY, $1.50 par capital
AMERICAN RESERVE CORPORATION, $2.00 par common.
AMERICAN SAVINGS & LOAN ASSOCIATION, $.33⅓ par permanent reserve guarantee stock.
AMERICAN SECURITY AND TRUST COMPANY, $3.33⅓ par capital.
AMERICAN TELEVISION AND COMMUNICATIONS CORPORATION, $.75 par common.
AMERICAN WELDING & MANUFACTURING COMPANY, THE, No par common.
AMTERRE DEVELOPMENT INC., $.01 par common.
ANADITE, INC., No par common.
ANHEUSER-BUSCH, INC., $1.00 par common.
ANIXTER BROTHERS, INC., $1.00 par common.
APPLEBAUMS' FOOD MARKETS, INC., $1.00 par common.
ARDEN-MAYFAIR, INC., $1.00 par common.
ARIZONA BANK, THE, $2.50 par capital.
ARKANSAS WESTERN GAS COMPANY, $2.50 par common.
ARROW-HART, INC., $1.00 par common.
ARVIDA CORPORATION, $1.00 par common.
ASSOCIATED COCA-COLA BOTTLING COMPANY, INC., $.50 par common.
ASSOCIATED MADISON COMPANIES, INC., $.50 par common.
ASSOCIATED TRUCK LINES, INC., Class A, $3.00 par common.
ATLANTA GAS LIGHT COMPANY, $5.00 par common.
ATLANTIC BANCORPORATION, $1.00 par common.
AUTO-TRAIN CORPORATION, $.20 par common.
BCC, INC., $.50 par common.
BMA CORPORATION, $2.00 par common.
BAIRD-ATOMIC, INC., $1.00 par common.
BALL CORPORATION, $2.50 par common.
BALLY MANUFACTURING CORPORATION, $.66⅔ par common.
BANCO CREDITO Y AHORRO PONCENO, $5.00 par common.
BANCO POPULAR DE PUERTO RICO, $10.00 par common.
BANCOHIO CORPORATION, $6.66⅔ par common.
BANGOR HYDRO-ELECTRIC COMPANY, $5.00 par common.
BANK BUILDING & EQUIPMENT CORPORATION OF AMERICA, $1.33⅓ par common.
BANK OF TOKYO OF CALIFORNIA, THE, $5.00 par common.
BANKAMERICA CORPORATION, $3.125 par common.
BANKAMERICA REALTY INVESTORS, $1.00 par shares of beneficial interest.
BANKERS SECURITY LIFE INSURANCE SOCIETY, $2.00 par common.
BANKS OF IOWA, INC. No par common, $2.50 stated value.
BAATA, GEORGE COMPANY, INC., $.10 par common.
BARBER-GREENE COMPANY, $5.00 par common.

BARDEN CORPORATION, THE $1.00 par common.
BARNES-HIND PHARMACEUTICALS, INC. No par common.
BARNETT BANKS OF FLORIDA, INC., $2.00 par common.
BASSETT FURNITURE INDUSTRIES, INC., $5.00 par common.
BAYLESS, A. J. MARKETS, INC., $1.00 par common.
BAYSTATE CORPORATION, $7.50 par common.
BEELINE FASHIONS, INC. No par common.
BEKINS COMPANY, THE. No par common.
BENEFICIAL STANDARD CORPORATION, Class A, $1.00 par common. Class B, $1.00 par common.
BETZ LABORATORIES, INC., $.10 par common.
BI-LO, INC., $.33⅓ par common.
BIBB COMPANY, THE. No par common.
BIRD & SON, INC. No par common.
BLACK HILLS POWER AND LIGHT COMPANY, $1.00 par common.
BLUE CHIP STAMPS, $1.00 par common.
BOB EVANS FARMS, INC. No par common.
BOHEMIA, INC. No par common.
BONANZA INTERNATIONAL, INC. No par common.
BOOZ, ALLEN & HAMILTON, INC., $.25 par common.
BRENCO, INC., $1.00 par common.
BROWNING, $1.00 par common.
BUCKBEE-MEARS COMPANY, $.10 par common.
BUCKEYE INTERNATIONAL, INC. No par common.
BURNUP & SIMS INC., $.10 par common.
BUTLER MANUFACTURING COMPANY. No par common.
CBT CORPORATION, $10.00 par common.
CP FINANCIAL CORPORATION, $1.00 par common.
CALIFORNIA-PACIFIC UTILITIES COMPANY, $5.00 par common.
CALIFORNIA WATER SERVICE COMPANY, $12.50 par common.
CALIFORNIA-WESTERN STATES LIFE INSURANCE COMPANY, $2.50 par common-capital.
CAMERON-BROWN INVESTMENT GROUP. Warrants (expire 11/15/76).
CAMERON FINANCIAL CORPORATION, $3.33⅓ par common.
CAMPBELL TAGGART, INC., $1.00 par common.
CANNON MILLS COMPANY, $5.00 par common.
CAPITAL MORTGAGE INVESTMENTS, $1.00 par shares of beneficial interest.
CAROLINA CARIBBEAN CORPORATION, $.83⅓ par common.
CASCADE NATURLAL GAS CORPORATION, $25.00 par cumulative convertible junior preferred.
CAYMAN CORPORATION, $.10 par common.
CEDAR POINT, INC., $1.00 par common.
CLINTON OIL COMPANY, $.03⅓ par common.
CLOW CORPORATION, $6.25 par common.
COASTAL STATES CORPORATION, $1.00 par common.
COCA-COLA BOTTLING COMPANY CONSOLIDATED, $1.00 par common.
COCA-COLA BOTTLING COMPANY OF LOS ANGELES. No par common.
COCA-COLA BOTTLING COMPANY OF MIAMI, INC., THE, $.10 par common.
COGAR CORPORATION, $.60 par common.
COGNITRONICS CORPORATION, $.20 par common.
COLLEGE/UNIVERSITY CORPORATION. No par common.
COLONIAL FIRST NATIONAL BANK, $1.00 par common.
COLONIAL LIFE & ACCIDENT INSURANCE COMPANY, Class B, nonvoting, $1.00 par common.
COMBANKS CORPORATION, $1.00 par common.
COMBINED INSURANCE COMPANY OF AMERICA, $1.00 par common.
COMMERCE BANCSHARES, INC., $10.00 par common.
COMMERCIAL TRUST COMPANY OF NEW JERSEY, $5.00 par capital.
COMMONWEALTH TELEPHONE COMPANY, $6.66⅔ par common.
COMPUTER MACHINERY CORPORATION, $.10 par common.
COMPUTER USAGE COMPANY, $.25 par common.
CONNECTICUT GENERAL INSURANCE CORPORATION, $2.50 par common.
CONSOLIDATED PAPERS, INC., $12.50 par common.
CONTINENTAL BANK (Pennsylvania), $5.00 par common.
CENCOR, INC., $1.00 par common.
CENTRAL BANKING SYSTEM, INC., $2.50 par capital.
CENTRAL JERSEY BANK & TRUST COMPANY, THE, $2.50 par capital.
CENTRAL NATIONAL CORPORATION (Virginia), $5.00 par common.
CENTRAL VERMONT PUBLIC SERVICE CORPORATION, $6.00 par common.
CENTRAN BANCSHARES CORPORATION, $8.00 par common.
CENTRONICS DATA COMPUTER CORPORATION, $.01 par common.
CHAMPION PARTS REBUILDERS, INC., $.10 par common.
CHANCE, A. B. COMPANY, $2.50 par common.
CHARTER BANKSHARES CORPORATION, $3.00 par common.
CHESAPEAKE INSTRUMENT CORPORATION, $1.00 par common.
CHICAGO BRIDGE & IRON COMPANY, $5.00 par common.
CHUBB CORPORATION, THE, $1.00 par common.
CHURCH'S FRIED CHICKEN, INC., $.12 par common.
CINCINNATI FINANCIAL CORPORATION, $2.00 par common.
CITIZENS AND SOUTHERN CORPORATION, THE (South Carolina), $2.50 par common.
CITIZENS & SOUTHERN NATIONAL BANK, The (Georgia), $2.50 par common.
CITIZENS UTILITIES COMPANY, Series A, $1.00 par common; Series B, $1.00 par common.
CITY NATIONAL CORPORATION, $5.00 par common.
CLARK, J. L. MANUFACTURING COMPANY, $1.00 par common.
CLEVELAND TRUST COMPANY, THE, $20.00 par common.
CLEVEPAK CORPORATION, $1.00 par common.
CONTRAN CORPORATION, $1.00 par common.
CONWED CORPORATION, $5.00 par common.
CORNELIUS COMPANY, THE, $.20 par common.
COUSINS PROPERTIES INC., $1.00 par common.
CRADDOCK-TERRY SHOE CORPORATION, $1.00 par common.
CROSS COMPANY, THE, $5.00 par common.
CRUM AND FORSTER, $1.25 par common.
CRUTCHER RESOURCES CORPORATION, $1.00 par common.
CULLUM COMPANIES, INC., $1.00 par common.
CURTIS NOLL CORPORATION, No par common.
DAMSON OIL CORPORATION, $.40 par common.
DANIEL INTERNATIONAL CORPORATION, $2.00 par common.
DART DRUG CORPORATION, Class A, $1.00 par common.
DATA GENERAL CORPORATION, $.01 par common.
DATA 100 corporation, $.50 par common.
DATA PACKAGING CORPORATION, $.10 par common.
DAYTON MALLEABLE IRON COMPANY, THE, no par common.
DECISION DATA COMPUTER CORPORATION, $.10 par common.
DECORATOR INDUSTRIES, INC., no par common.
DEKALB AGRESEARCH, INC., Class B, no par common.
DELHI INTERNATIONAL OIL CORPORATION, $.10 par common.
DELUXE CHECK PRINTERS, INC., $1.00 par common.
DEPOSIT GUARANTY CORPORATION, no par common.
DETREX CHEMICAL INDUSTRIES, INC., $2.00 par common.
DETROITBANK CORPORATION, $10.00 par common.
DIAGNOSTIC DATA, INC., $1.00 par capital.
DIAMOND CRYSTAL SALT COMPANY, $2.50 par common.
DIAMONDHEAD CORPORATION, $1.00 par common.
DICK, A. B. COMPANY, $1.00 par common.
DISC INCORPORATED OF AMERICA, $1.00 par common.
DIXON, JOSEPH CRUCIBLE COMPANY, THE, $10.00 par capital.
DOCUTEL CORPORATION, $.10 par common.
DONALDSON COMPANY, INC., $5.00 par common.
DORCHESTER GAS CORPORATION, $.10 par common.
DOW JONES & COMPANY, INC., $1.00 par common.
DOWNE COMMUNICATIONS, INC., $1.00 par common.
DOWNTOWNER CORPORATION, $1.00 par common.
DOYLE DANE BERNBACH INC., $.50 par common.
DUNKIN' DONUTS INC., $1.00 par common.
DURIRON COMPANY, INC., THE, $1.25 par common.
ERC CORPORATION, $2.50 par common.
ECONOMICS LABORATORY, INC., $1.00 par common.
EDUCATIONAL DEVELOPMENT CORPORATION, $.20 par common.
EL PASO ELECTRIC COMPANY. No par common.
ELBA SYSTEMS CORPORATION. No par common.
ELECTRO-NUCLEONICS, INC., $.02½ par common.
ELLIS BANKING CORPORATION, $1.00 par common.
EMPIRE GENERAL CORPORATION, $1.00 par common.
ENERGY CONVERSION DEVICES, INC., $.01 par common.
EQUITY OIL COMPANY, $1.00 par common.
ERIE TECHNOLOGICAL PRODUCTS, INC., $2.50 par common.
FAIR LANES, INC., $1.00 par common.
FAMILY LIFE INSURANCE COMPANY, Class A, nonvoting, $1.00 par common.
FARMER BROTHERS COMPANY, $1.00 par common.
FARMERS GROUP, INC., $1.00 par common.
FARMERS NEW WORLD LIFE INSURANCE COMPANY, $1.00 par common.
FIDELITY AMERICAN BANKSHARES, INC., $5.00 par common.
FIDELITY CORPORATION (Virginia), $1.00 par common.
FIDELITY CORPORATION OF PENNSYLVANIA, $1.00 par common.
FIDELITY UNION LIFE INSURANCE COMPANY, $1.00 par common.
FIRST ALABAMA BANCSHARES, INC., $2.50 par common.

FIRST & MERCHANTS CORPORATION (Virginia), $7.50 par common.
FIRST AT ORLANDO CORPORATION, $2.50 par common.
FIRST BANC GROUP OF OHIO, INC., No par common, $5.00 stated value.
FIRST BANK SYSTEM, INC., $2.50 par capital.
FIRST CITY BANCORPORATION OF TEXAS, INC., $6.50 par common.
FIRST COLONY LIFE INSURANCE COMPANY, $1.00 par common.
FIRST COMMERCE CORPORATION, $5.00 par common.
FIRST COMMERCIAL BANKS INC., $5.00 par common.
FIRST EMPIRE STATE CORPORATION, $5.00 par common.
FIRST JERSEY NATIONAL CORPORATION, $5.00 par common.
FIRST MISSISSIPPI CORPORATION, $1.00 par common.
FIRST MORTGAGE INSURANCE COMPANY, $1.00 par common.
FIRST NATIONAL BANK OF MARYLAND, THE, $5.00 par common.
FIRST NATIONAL HOLDING CORPORATION, (Georgia), $5.00 par common.
FIRST OKLAHOMA BANCORPORATION, INC., $5.00 par common.
FIRST SECURITY CORPORATION, $1.25 par common.
FIRST TENNESSEE NATIONAL CORPORATION, $5.00 par common.
FIRST TEXAS FINANCIAL CORPORATION, $1.00 par common.
FIRST UNION, INC., $10.00 par common.
FIRST WESTERN FINANCIAL CORPORATION, $1.00 par common.
FLEXSTEEL INDUSTRIES, INC., $1.00 par common.
FLICKINGER, S. M., COMPANY, INC., $2.50 par common.
FLORIDA COMMERCIAL BANKS, INC., $1.00 par common.
FLORIDA MINING & MATERIALS CORPORATION, $1.00 par common.
FLORIDA NATIONAL BANKS OF FLORIDA, INC., $12.50 par common.
FLORIDA TELEPHONE CORPORATION, $2.50 par common.
FOREST OIL CORPORATION, $1.00 par common.
FORT WORTH NATIONAL CORPORATION, $5.00 par common.
FOSTER GRANT COMPANY, INC., $1.00 par common.
FOTOMAT CORPORATION, $.10 par common.
FOUNDERS FINANCIAL CORPORATION, $1.00 par common.
FRANKLIN ELECTRIC COMPANY, INC. No par common.
FRANKLIN LIFE INSURANCE COMPANY, THE, $2.00 par common.
FRANKLIN NEW YORK CORPORATION, $5.00 par common; $25.00 par convertible preferred.
FRASER MORTGAGE INVESTMENTS. No par shares of beneficial interest.
FREDERICK & HERRUD, INC., $.10 par common.
FRIENDLY ICE CREAM CORPORATION, $1.00 par common.
FRISCH'S RESTAURANTS, INC., No par common.
FUNK SEEDS INTERNATIONAL, INC., $.10 par common.
FURR'S CAFETERIAS, INC., No par common.
GALBREATH FIRST MORTGAGE INVESTMENTS. No par shares of beneficial interest.
GARFINCKEL, BROOKS BROTHERS, MILLER & RHOADS, INC., $.50 per common.
GATES LEARJET CORPORATION, $1.00 par common.
GATEWAY TRANSPORTATION COMPANY, INC., $.62½ par common.
GENERAL AIRCRAFT CORPORATION, $1.00 par common.
GENERAL AUTOMATION, INC, $.10 par common.
GENERAL CRUDE OIL COMPANY, $.80 par common.
GENERAL HEALTH SERVICES, INC., $1.00 par common.
GENERAL REINSURANCE CORPORATION, $2.00 par common.
GEORGE WASHINGTON CORPORATION, $1.00 par common.
GIFFEN INDUSTRIES, INC., $1.00 per common.
GILFORD INSTRUMENT LABORATORIES, INC. No par common.
GIRARD COMPANY, THE, $1.00 par common.
GLOBE LIFE AND ACCIDENT INSURANCE COMPANY, $1.00 par common.
GOVERNMENT EMPLOYEES INSURANCE COMPANY, $4.00 par common. Warrants (expire 08/01/78).
GOVERNMENT EMPLOYEES LIFE INSURANCE COMPANY, $1.50 par common.
GRAHAM MAGENTICS INC., $.10 par common.
GRAPHIC CONTROLS CORPORATION, $1.00 par common.
GRAPHIC SCIENCES, INC., $.50 par common.
GREAT COMMONWEALTH LIFE INSURANCE COMPANY, $1.00 par common.
GREAT SOUTHERN CORPORATION, $2.00 par common.
GREATER JERSEY BANCORPORATION, $5.50 par common.
GREEN MOUNTAIN POWER CORPORATION, $3.33⅓ par common.
GREY ADVERTISING INC., $1.00 par common.
HALL, FRANK B. & COMPANY INC., $.50 par common.
HAMILTON BANCSHARES, INC., no par common.
HAMILTON INTERNATIONAL CORPORATION, $1.00 par common.
HANOVER INSURANCE COMPANY, THE, $2.00 par capital.
HARPER & ROW, PUBLISHERS, INC., $.10 par common.
HARRIS BANKCORP, INC., $16.00 par common.
HARTFORD NATIONAL CORPORATION, $6.25 par common.
HAVATAMPA CIGAR CORPORATION, $7.50 par common.
HAWAII BANCORPORATION, INC., $2.00 par common.
HAWKEYE BANCORPORATION, $3.00 par common.
HAWTHORNE FINANCIAL CORPORATION, $1.00 par capital.
HEATH TECNA CORPORATION, No par common.
HERITAGE BANCORPORATION, No par common.
HEXCEL CORPORATION, $1.00 par common.
HOOK DRUGS, INC., No par common.
HOOVER COMPANY, THE, $2.50 par common.
HORACE MANN EDUCATORS CORPORATION, $1.00 par common.
HUDSON UNITED BANK, $8.00 par capital.
HUGHES SUPPLY, INC., $1.00 par common.
HUNTINGTON BANCSHARES, INC., $10.00 par common.
HYATT CORPORATION, $.50 par common.
HYSTER COMPANY, $.50 par common.
ISI CORPORATION, No par common.
INDEPENDENT LIFE & ACCIDENT INSURANCE COMPANY, THE, nonvoting, $1.00 par common.
INDIANA NATIONAL CORPORATION, No par common.
INDIANAPOLIS WATER COMPANY, $7.50 par common.
INDUSTRIAL NUCLEONICS CORPORATION, $1.00 par common.
INFOREX INC., $.25 par common.
INFORMATICS, INC., $.10 par common.
INFORMATION INTERNATIONAL, INC., $.25 par common.
INTEL CORPORATION, No par common.
INTERDATA, INC., $.01 par common.
INTERFINANCIAL INC., $1.00 par common.
INTERMOUNTAIN GAS COMPANY, $1.00 par common.
INTERNATIONAL BANK (Washington, D.C.), $1.00 par common, Class A, $1.00 par common.
INTERSTATE CORPORATION, THE, $1.00 par common.
INTERWAY CORPORATION, $1.00 par common.
INTEXT, INC., No par common.
IOWA SOUTHERN UTILITIES COMPANY, $10.00 par common.
IVEY, J. B. & COMPANY, $2.50 par common.
JAMESBURY CORPORATION, $1.00 par common.
JEFFERSON NATIONAL LIFE INSURANCE COMPANY, $1.00 par capital.
JOSLYN MANUFACTURING AND SUPPLY COMPANY, $1.25 par common.
KMS INDUSTRIES, INC., $.01 par common.
KAISER STEEL CORPORATION, $.66⅔ par common.
KALVAR CORPORATION, $.02 par capital.
KAMAN CORPORATION, Class A, $1.00 par common.
KAMPGROUNDS OF AMERICA, INC., $.12½ par common.
KEARNEY & TRECKER CORPORATION, $2.00 par common.
KELLWOOD COMPANY, No par common.
KELLY SERVICES, INC., $1.00 par common.
KEMPERCO, INC., $5.00 par common.
KENTUCKY CENTRAL LIFE INSURANCE COMPANY, Class A, nonvoting, $1.00 par common.
KEYES FIBRE COMPANY, $1.00 par common.
KEYSTONE CUSTODIAN FUNDS, INC., Class A, nonvoting, no par common.
KNAPE & VOGT MANUFACTURING COMPANY, $2.00 par common.
KNUDSEN CORPORATION, $1.00 par common.
KOSS CORPORATION, $.01 par common.
KUHLMAN CORPORATION, $1.00 par common.
KUSTOM ELECTRONICS, INC., $.10 par common.
LA-Z-BOY CHAIR COMPANY, $1.00 par common.
LADD PETROLEUM CORPORATION, $.10 par common.
LANCASTER COLONY CORPORATION, $4.00 par common.
LANCE, INC., $1.25 par common.
LANDMARK BANKING CORPORATION OF FLORIDA, $1.00 par common.
LAWSON PRODUCTS, INC., No par common, $1.00 stated value.
LAWTER CHEMICALS, INC., $1.00 par common.
LEADVILLE CORPORATION, $1.00 par common.
LEE WAY MOTOR FREIGHT, INC., $1.00 par common.
LEGGETT & PLATT, INC., $1.00 par common.
LIBERTY HOMES, INC., $1.00 par common.
LIBERTY NATIONAL LIFE INSURANCE COMPANY, $2.00 par common-capital.
LIFE INSURANCE COMPANY OF GEORGIA, $2.50 par capital.
LIFE INVESTORS, INC., $1.00 par common.
LIN BROADCASTING CORPORATION, $2.00 par common.
LINCOLN FIRST BANKS, INC., $10.00 par common; $4.50 par cumulative preferred.
LINCOLN MORTGAGE INVESTORS, $1.00 par shares of beneficial interest.
LITCO CORPORATION OF NEW YORK, $5.00 par common.
LOCTITE CORPORATION, No par common.
LONE STAR BREWING COMPANY, $1.00 par common.

LOWE'S COMPANIES, INC., $.50 par common.
MCI COMMUNICATIONS CORPORATION, $.10 par common.
MLS INDUSTRIES, INC., $.10 par common.
MADISON GAS AND ELECTRIC COMPANY, $8.00 par common.
MAJOR REALTY CORPORATION, $.01 par common.
MALLINCKRODT CHEMICAL WORKS, Class A, nonvoting, $1.00 par common.
MANCHESTER LIFE & CASUALTY MANAGEMENT CORPORATION, $1.00 par common.
MANHATTAN LIFE INSURANCE COMPANY, THE, $2.00 par guarantee capital shares.
MANUFACTURERS BANK (Los Angeles), $3.75 par capital.
MANUFACTURERS NATIONAL CORPORATION, $10.00 par common.
MARCUS CORPORATION, THE, $1.00 par common.
MARTHA WHITE FOODS, INC., $1.00 par common.
MARY KAY COSMETICS, INC., $.10 par common.
MARYLAND NATIONAL CORPORATION, $5.00 par common.
MAUI LAND & PINEAPPLE COMPANY, INC. No par common.
McCORMICK & COMPANY, INC. Nonvoting, no par common.
McQUAY-PERFEX INC., $1.00 par common.
MEASUREX CORPORATION. No par common.
MEDCOM, INC., $.10 par common.
MEDIAN MORTGAGE INVESTORS. No par shares of beneficial interest.
MEDIC-HOME ENTERPRISES, INC., $.10 par common.
MEDICENTERS OF AMERICA, INC., $1.00 par common.
MEDTRONIC, INC., $.10 par common.
MELLON NATIONAL CORPORATION, $1.00 par common.
MERCANTILE BANCORPORATION INC., $5.00 par common.
MERVYN'S, $1.00 par common.
MEYER, FRED, INC., Class A, no par common.
MICHIGAN NATIONAL CORPORATION, $10.00 par common.
MIDLANTIC BANKS, INC., $10.00 par common.
MIDWESTERN UNITED LIFE INSURANCE COMPANY, $1.00 par common.
MILLIPORE CORPORATION, $.16⅔ par common.
MINNESOTA FABRICS, INC., $.05 par common.
MRS. SMITH'S PIE COMPANY, $1.00 par common.
MOGUL CORPORATION, THE. No par common.
MONARCH CAPITAL CORPORATION, $1.00 par common.
MONFORT OF COLORADO, INC., $1.00 par common.
MONUMENTAL CORPORATION, $3.50 par common.
MOORE, SAMUEL AND COMPANY. No par common.
MORTGAGE INVESTORS OF WASHINGTON, $1.00 par shares of beneficial interest.
MOTOR CLUB OF AMERICA, $.50 par common.
MUTUAL SAVINGS LIFE INSURANCE COMPANY, $1.00 par common.
MYERS INDUSTRIES, INC. No par common.
NBT CORPORATION, $4.00 par common.
NCNB CORPORATION, $2.50 par common.
NFF CORPORATION, $.10 par common.
NN CORPORATION, $5.00 par common.
NRG INC., $.10 par common.
NATIONAL CITY CORPORATION, $8.00 par common.
NATIONAL LIBERTY CORPORATION, $1.00 par common.
NATIONAL LIFE OF FLORIDA CORPORATION, $1.00 par common.
NATIONAL MORTGAGE FUND, $1.00 par shares of beneficial interest.
NATIONAL OLD LINE INSURANCE COMPANY, Class BB, nonvoting $1.00 par common.
NATIONAL PATENT DEVELOPMENT CORPORATION, $.01 par common.
NATIONAL STATE BANK, THE (Elizabeth, New Jersey), $4.00 par common.
NATIONAL WESTERN LIFE INSURANCE COMPANY, Class A, common.
NATIONWIDE CORPORATION, Class A, $2.50 par common.
NEW ENGLAND GAS AND ELECTRIC ASSOCIATION, $4.00 par common.
NEW ENGLAND MERCHANTS COMPANY, INC., $5.00 par common.
NEW JERSEY NATIONAL CORPORATION, $5.00 par common.
NEW JERSEY NATURAL GAS COMPANY, $5.00 par common.
NIELSEN, A. C. COMPANY, Class A, $1.00 par common, Class B, $1.00 par common.
NORTH CAROLINA NATURAL GAS CORPORATION, $2.50 par common.
NORTHEAST BANCORPORATION INC., $5.00 par common.
NORTHERN CALIFORNIA SAVINGS AND LOAN ASSOCIATION, No par guarantee capital stock.
NORTHERN STATES BANCORPORATION, $5.00 par common.
NORTHRUP, KING & COMPANY, $1.00 par common.
NORTHWEST NATURAL GAS COMPANY, $3.00½ par common.
NORTHWESTERN FINANCIAL CORPORATION, $1.00 par common.
NORTHWESTERN NATIONAL LIFE INSURANCE COMPANY, $1.25 par common.
NORTHWESTERN PUBLIC SERVICE COMPANY, $7.00 par common.
NORTRUST CORPORATION, $10.00 par common.
NOXELL CORPORATION, Class B, nonvoting, $1.00 par common.
OCEAN DRILLING & EXPLORATION COMPANY, $.50 par common.
OFFSHORE LOGISTICS, INC., No par common.
OHIO CASUALTY CORPORATION, $.50 par common.
OIL SHALE CORPORATION, THE, $.15 par common.
OLD REPUBLIC INTERNATIONAL CORPORATION, $1.00 par common.
OLYMPIA BREWING COMPANY, $10.00 par common.
OMEGA-ALPHA, INC., $5.00 par common.
OPTICAL COATING LABORATORY, INC., No par common.
ORBANCO, INC., No par common.
ORMONT DRUG & CHEMICAL COMPANY, INC., $.10 par common.
OTTER TAIL POWER COMPANY, $5.00 par common.
OVERSEAS NATIONAL AIRWAYS, INC., $1.00 par common.
OZITE CORPORATION, $1.00 par common.
PVO INTERNATIONAL INC., $5.00 par common.
PABST BREWING COMPANY, No par common.
PACCAR INC., $12.00 par common.
PACIFIC GAMBLE ROBINSON COMPANY, $5.00 par common.
PACIFIC LUMBER COMPANY, THE, $3.33⅓ par capital.
PACIFIC STANDARD LIFE COMPANY, $1.00 par common.
PAN AMERICAN BANCSHARES, INC., $1.00 par common.
PAN OCEAN OIL CORPORATION, $.01 par common.
PARK-OHIO INDUSTRIES, INC., $1.00 par common.
PARKER DRILLING COMPANY, $1.00 par common.
PARKVIEW-GEM, INC., $1.00 par common.
PATRICK PETROLEUM COMPANY, $.10 par common.
PAULEY PETROLEUM INC., $1.00 par common.
PAY LESS DRUG STORES (California), No par common.
PAY'N SAVE CORPORATION, No par common.
PEACHTREE DOORS INC., $1.00 par common.
PEERLESS INSURANCE COMPANY, $2.50 par common.
PENNSYLVANIA GAS AND WATER COMPANY, No par common, $10.00 stated value.
PENNSYLVANIA LIFE COMPANY, $.50 par common.
PENNZOIL OFFSHORE GAS OPERATORS INC., Class B, $1.00 par common.
PETERSON, HOWELL & HEATHER, INC., No par common.
PETRO-LEWIS CORPORATION, $1.00 par common.
PETTIBONE CORPORATION, $10.00 par common.
PHILADELPHIA LIFE INSURANCE COMPANY, $1.00 par common.
PHILADELPHIA NATIONAL CORPORATION, $1.00 par common.
PIEDMONT AVIATION, INC., $1.00 par common.
PIONEER WESTERN CORPORATION, $1.00 par common.
PITTSBURGH NATIONAL CORPORATION, $5.00 par common.
PLANNED MARKETING ASSOCIATES, INC., $1.00 par common.
POPEIL BROTHERS, INC., $.40 par common.
POST CORPORATION, $1.00 par common.
POTT INDUSTRIES INC., $1.00 par common.
PRESTO PRODUCTS, INC., $.10 par common.
PRESTON TRUCKING COMPANY, INC., $1.00 par common.
PRINCETON AMERICAN BANCORP, $4.00 par common.
PROFESSIONAL GOLF COMPANY, $.50 par common.
PROGRESSIVE CORPORATION, THE, $1.00 par common.
PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY, $5.00 par common.
PROVIDENT LIFE INSURANCE COMPANY, $2.50 par common.
PROVIDENT NATIONAL CORPORATION, $1.00 par common.
PUBLIC SERVICE COMPANY OF NORTH CAROLINA, INC., $1.00 par common.
PUBCO CORPORATION, $.40 par common.
QUALITY INNS INTERNATIONAL, INC., $1.00 par common.
RAYCHEM CORPORATION, No par common.
RAYGO, INC., $.05 par common.
RAYMOND CORPORATION, THE, $1.50 par common.
RECOGNITION EQUIPMENT INC., $.25 par common.
REDKEN LABORATORIES, INC., $.50 par common.
REGENCY ELECTRONICS, INC., No par common.
REID-PROVIDENT LABORATORIES, INC., $1.00 par common.
RELIANCE UNIVERSAL, INC., $1.25 par common.
REPUBLIC NATIONAL BANK OF DALLAS, $6.00 par common-capital.
REPUBLIC NATIONAL LIFE INSURANCE COMPANY, $1.00 par common.
REYNOLDS AND REYNOLDS COMPANY, THE, Class A, $1.25 par common.
RIGGS NATIONAL BANK OF WASHINGTON, D.C., THE, $5.00 par common.
RIVAL MANUFACTURING COMPANY, $1.00 par common.
ROADWAY EXPRESS, INC. No par common.
ROUSE COMPANY, THE, $.01 par common.
RUSSELL STOVER CANDIES, INC., $1.00 par common.
SAFECO CORPORATION, $5.00 par common.

SAGA ADMINISTRATIVE CORPORATION, $1.00 par common.
ST. PAUL COMPANIES, INC., THE, $3.00 par common.
SAMSONITE CORPORATION. No par common.
SANTA ANITA CONSOLIDATED, INC. No par common.
SCOPE INC., $1.00 par common.
SCOTTISH INNS OF AMERICA, INC., $.10 par common.
SCOTT'S LIQUID GOLD, INC., $.10 par common.
SCRIPTO, INC., $.50 par common.
SEA WORLD, INC., $.50 par common.
SEALED AIR CORPORATION, $.01 par capital.
SEATTLE-FIRST NATIONAL BANK, $10.00 par common.
SECURITY LIFE AND ACCIDENT COMPANY, Series A, $2.00 par common.
SECURITY NATIONAL BANK (New York), $5.00 par common.
SECURITY NEW YORK STATE CORPORATION, $5.00 par common.
SECURITY PACIFIC CORPORATION, $10.00 par common.
SEISCOM DELTA INC., $.10 par common.
SENSORMATIC ELECTRONICS CORPORATION, $.01 par common.
SEVEN-UP COMPANY, THE. $1.00 par common.
SHAWMUT ASSOCIATION, INC., $5.00 par common.
SHIPPERS DISPATCH, INC., $1.00 par common.
SHONEY'S BIG BOY ENTERPRISES, INC., $1.00 par common.
SHOP RITE FOODS, INC., $3.33⅓ par common.
SMITHFIELD FOODS, INC., $1.00 par common.
SNAP-ON TOOLS CORPORATION, $1.00 par common.
SOUTH CAROLINA INSURANCE COMPANY, $1.00 par common.
SOUTHERN CALIFORNIA FIRST NATIONAL CORPORATION, $5.00 par common.
SOUTHERN CALIFORNIA WATER COMPANY, $5.00 par common.
SOUTHERN INDUSTRIES CORPORATION. No par common.
SOUTHLAND FINANCIAL CORPORATION, $1.00 par common.
SOUTHLAND PAPER MILLS, INC. No par common.
SOUTHWEST BANCSHARES, INC., $5.00 par common.
SOUTHWEST GAS CORPORATION, $1.00 par common.
SOUTHWESTERN LIFE CORPORATION, $2.50 par common.
SOVERIGN CORPORATION, $1.00 par common.
SPECTRA-PHYSICS, INC., $.20 par common.
STA-RITE INDUSTRIES, INC., $2.00 par common.
STANADYNE, INC., $5.00 par common.
STANDARD REGISTER COMPANY, THE, $.50 par common.
STATE STREET BOSTON FINANCIAL CORPORATION, $10.00 par common.
STEAK N SHAKE, INC., $.50 par common.
STORAGE TECHNOLOGY CORPORATION, $.10 par common.
SUBURBAN BANCORPORATION, $5.00 par common.
SUGARDALE FOODS, INC. No par common.
SUPERIOR ELECTRIC COMPANY, THE, $1.00 par common.
SYNERCON CORPORATION, $1.00 par common.
T.I.M.E.-DC, INC., $2.00 par common, $10.00 par convertible preferred.
TALLY CORPORATION, $.16⅔ par common.
TAMPAX INC., $.25 par common.
TAYLOR WINE COMPANY, INC., THE, $2.00 par common.
TELE-COMMUNICATIONS, INC., $1.00 par common.
TELECOM CORPORATION, $1.00 par common.
TELECREDIT, INC., $.01 par common.
TELEPHONE UTILITIES, INC., $1.00 par common.
TEENNESSEEE VALLEY BANCORP., INC., $6.66⅔ par common.
TEXAS COMMERCE BANCSHARES, INC., $4.00 par common.
THERMO ELECTRON CORPORATION, $1.00 par common.
TIBURON VINTNERS, INC., $.25 par common.
TIFFANY & COMPANY, $1.00 par common.
TIME HOLDINGS, INC., $2.00 par common.
TITAN GROUP, INC., $1.00 par common.
TORO COMPANY, THE, $1.00 par common.
TOWLE MANUFACTURING COMPANY. No par common.
TRACOR, INC. Common.
TRANSCONTINENTAL GAS PIPE LINE CORPORATION, $.50 par common.
TRANSOCEAN OIL, INC., $1.00 par common.
TRANSOHIO FINANCIAL CORPORATION, $1.00 par common.
TRANSPORT LIFE INSURANCE COMPANY, $1.00 par common.
TRIANGLE CORPORATION, THE, $.50 par common.
TRICO PRODUCTS CORPORATION. No par common.
TRITON OIL & GAS CORPORATION, $1.00 par common.
TWIN DISC, INC. No par common.
TYSON FOODS, INC. Common.
UB FINANCIAL CORPORATION, $5.00 par common.
UNAC INTERNATIONAL CORPORATION. Common.
UNICAPITAL CORPORATION, $1.00 par common.
UNICOA CORPORATION, $2.50 par common.
UNION PLANTERS CORPORATION, $5.00 par common.
UNION SPECIAL CORPORATION, $1.00 par common.
UNITED BANKS CORPORATION OF NEW YORK, $5.00 par common.
UNITED BANKS OF COLORADO, INC., $5.00 par common.
UNITED FIRST FLORIDA BANKS, INC., $1.00 par common.
UNITED FOUNDERS LIFE INSURANCE COMPANY, $.25 par common.
UNITED SERVICES LIFE INSURANCE COMPANY, $1.00 par common.
U.S. BANCORP, $10.00 par common.
UNITED STATES BANKNOTE CORPORATION, $1.00 par common.
U.S. TRUCK LINES, INC. OF DELAWARE, $1.00 par common.
UNITED STATES TRUST COMPANY OF NEW YORK, $5.00 par capital.
UNITED TENNESSEE BANCSHARES CORPORATION, $2.00 par common.
UNITED VIRGINIA BANKSHARES, INC., $10.00 par common.
UNIVERSAL FOODS CORPORATION, $1.00 par common.
UPPER PENINSULA POWER COMPANY, $9.00 par common.
VAIL ASSOCIATES, INC., No par common.
VALLEY NATIONAL BANK OF ARIZONA, $2.50 par common.
VAN DYK RESEARCH CORPORATION, $.10 par common.
VARIABLE ANNUITY LIFE INSURANCE COMPANY, THE, $1.00 par common.
VICO CORPORATION, $1.00 par common.
VIRGINIA NATIONAL BANKSHARES, INC., $5.00 par common.
VOLUME SHOE CORPORATION, $.50 par common.
WAGNER MINING EQUIPMENT, INC., $.10 par common.
WARNER ELECTRIC BRAKE & CLUTCH COMPANY, $1.00 par common.
WASHINGTON NATIONAL CORPORATION, $5.00 par common.
WASHINGTON NATURAL GAS COMPANY, $5.00 par common.
WASTE MANAGEMENT, INC., $1.00 par common.
WEBB RESOURCES, INC., $.10 par common.
WEEDEN & COMPANY. No par common.
WEIGHT WATCHERS INTERNATIONAL, INC., $.25 par common.
WELLINGTON MANAGEMENT COMPANY. Class A, $.10 par common.
WESTERN CASUALTY AND SURETY COMPANY, THE, $1.25 par capital.
WESTERN COMPANY OF NORTH AMERICA, THE, $.30 par common.
WESTERN GEAR CORPORATION, $1.00 par common.
WESTERN PUBLISHING COMPANY, INC., $1.00 par common, $2.50 stated value.
WESTMORELAND COAL COMPANY, $5.00 par common.
WETTERAU FOODS, INC., $1.00 par common.
WHITE SHIELD CORPORATION, $.05 par common.
WIEN AIR ALASKA, INC., $1.00 par common.
WILLAMETTE INDUSTRIES, INC., $.50 par common.
WINTER PARK TELEPHONE COMPANY, THE, $1.25 par common.
WISCONSIN POWER & LIGHT COMPANY, $5.00 par common.
WOLVERINE-PENTRONIX, INC., $1.00 par common.
WOODWARD & LOTHROP INC., $10.00 par common.
WORLD SERVICE LIFE INSURANCE COMPANY, $1.00 par common.
YELLOW FREIGHT SYSTEM, INC., $1.00 par common.
YOUNKER BROTHERS, INC. No par common.
ZIONS UTAH BANCORPORATION. No par common.

[FR Doc.73-18767 Filed 9-5-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

LEAD AGENCY ASSIGNMENTS

Recommendations of the Commission on Government Procurement

The purpose of this notice is to disseminate to interested parties the names of lead agencies official contacts and task group leaders responsible for developing a proposed executive branch position on the 149 recommendations of the Commission on Government Procurement.

The person whose name appears first after the Agency name in the following list is that agency's official liaison for all matters pertaining to the recommendations of the Commission on Government Procurement. Immediately following are the recommendations for which the named agency is responsible. The recommendations are identified by the Part of the report in which they appear and their numerical designation in that Part. For instance, B-11 represents recommendation in Part B of the report. Immediately following the recommendation number is the name and phone number of the Task Group Leader in charge of the Agency's activity for the indicated recommendation.

Pursuant to Executive Order 11717 and President Nixon's subsequent statement

on May 28, 1973, the General Services Administration is now responsible for directing and coordinating the development of proposed Executive Branch positions and implementation regarding the issues raised by the recommendations of the Commission on Government Procurement. The responsibility for such activity is in the Office of Federal Management Policy, Office of Procurement Management (AMC), General Services Administration, Washington, D.C. 20405. All questions or correspondence regarding procedures or coordination relative to the recommendations of the Commission on Government Procurement should in the future be addressed to that office, Attention:

Mr. H. E. Tetirick (202-343-6194).

Lead Agency:

ATOMIC ENERGY COMMISSION:
Joseph L. Smith (301-973-4123), Director of Contracts, Washington, D.C. 20545.

COGP Record No.	Contact	Telephone
B-11	C. Armstrong	301-973-4542
B-12	D. Shiller	301-973-3316
G-13 to G-20	T. J. Davin	301-973-4542
G-21 to G-24	H. B. Ragan	301-973-4383
H-4 and 5	....do	301-973-4383

CIVIL SERVICE COMMISSION:
Donald J. Biglin (202-632-6161), Director, Bureau of Management Services, 1900 E Street NW., Room 5554, Washington, D.C. 20415.

COGP Record No.	Contact	Telephone
A-15 to 17 and 20	A. W. Howerton	202-632-6013
A-18 and 19	W. R. Collins	202-632-5631
A-21	J. J. Bean	202-632-5653

DEPARTMENT OF AGRICULTURE:
T. M. Baldauf (202-447-3937), Director, Office of Plant and Operations, Washington, D.C. 20250.

COGP Record No.	Contact	Telephone
D-16	B. D. Ensley	202-447-3571
D-17	R. P. Bartlett	202-447-4638

Lead Agency:

DEPARTMENT OF DEFENSE:
BG M. J. Tashjian, USAF (202-697-7909), Director of Procurement Policy, OASD (I. & L.), Department of Defense, Washington, D.C. 20301.

COGP Record No.	Contact	Telephone
A-2 to A-11	L. E. Hopkins	202-697-2026
A-28	C. E. Deardorff	202-695-7092
A-29, 39, A-40 to A-42	A. Kollios	202-697-6329
A-32	E. F. Smith	202-697-0536
A-33	J. Perry	202-695-2267
A-34	P. E. Wight	202-695-6706
A-35	H. H. Conner	202-695-6709
A-36	C. P. Downer	202-697-6729
A-37	R. E. Larkin	202-274-7714
B-5	W. N. Jackomis	202-697-3684
B-10	C. E. Deardorff	202-695-7029
C-1 to C-8 and 10 13.	R. E. Coffin	202-697-4176
C-9	F. S. Petersen	202-697-9351
D-7	N. L. Wilansky	202-695-4569
G-1 to G-12	J. Phelan	202-692-7136
H-1 to H-3	G. J. Keefe	202-274-6441

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE:
John M. Donovan (202-963-3343), Acting Deputy Assistant Secretary for Grants and Procurement Management, Washington, D.C. 20201.

COGP Record No.	Contact	Telephone
A-38	A. Schwartz	202-443-2710
F-1	T. Reynolds	202-755-7090

Lead Agency:

DEPARTMENT OF JUSTICE:
Mr. Irving Jaffe (202-739-3306), Deputy Assistant Attorney General, Civil Division, Room 3607, Washington, D.C. 20530.

COGP Record No.	Contact	Telephone
J-1	M. M. Weinstein	202-739-3352

DEPARTMENT OF LABOR:
Mr. Richard Strom (202-961-2094), Office of Procurement Policy (OPP), Room 6213, Main Labor Building, Washington, D.C. 20210.

COGP Record No.	Contact	Telephone
A-43	H. Rose	202-961-3423
A-44 and 46	J. O. Hall	202-382-8851
A-45	L. Gold	202-961-2673

DEPARTMENT OF TRANSPORTATION:
Mr. Douglas L. Siegel (202-426-4237), Director, Installations and Logistics, Washington, D.C. 20590.

COGP Record No.	Contact	Telephone
B-9	D. L. Siegel	202-426-4237

Lead Agency:

GENERAL SERVICES ADMINISTRATION:
Mr. M. J. Timbers (703-557-8667), Commissioner, Federal Supply Service, Washington, D.C. 20405.

COGP Record No.	Contact	Telephone
A-30 and 31	J. J. Lordan	202-343-7747
D-1 and 5	L. Smith	703-557-8640
D-2	T. F. Parsons	703-557-8570
D-3 and 4	C. C. Travis	703-557-7500
D-6	C. D. Yeakel	703-557-8604
D-8 to D-10	F. D. Kehew	703-557-8470
D-11 to D-15	J. L. DeProspero	202-254-3370
D-18	H. D. Miller	703-557-8510
D-19	J. F. Reutemann	703-557-8500
E-1 to E-4	W. A. Meisen	202-343-4731
F-2	P. A. Marcantonio	202-343-3816
J-2	P. G. Read	703-557-7560

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION:
Mr. George J. Vecchietti (202-755-2255), Director of Procurement, Washington, D.C. 20546.

COGP Record No.	Contact	Telephone
A-12 to A-14	E. Golden	202-755-2242
B-7 and 8	E. M. James	202-755-3253
I-14 to I-16	L. Rawlez	202-755-3032

Lead Agency:

NATIONAL SCIENCE FOUNDATION:
Mr. Wilbur W. Bolton, Jr. (202-632-5772), Acting Deputy Assistant Director for Administration, 1800 G Street NW., Room 640, Washington, D.C. 20550.

COGP Record No.	Contact	Telephone
B-1 to B-4	R.L.Bisplinghoff	202-632-4376
I-1 to I-13	Dr. B. Ancher-Johnson	202-967-3111

OFFICE OF MANAGEMENT AND BUDGET:
Mr. James D. Currie (202-395-5193), Organization and Special Projects Division, Room 10236, NEOB, Washington, D.C. 20503.

COGP Record No.	Contact	Telephone
A-1	D. C. Mecum	202-395-4980
A-22 to A-26	J. Currie	202-395-5193
A-27	G. H. Strauss	202-395-3172
B-6	H. Loweth	202-395-4640

THE RENEGOTIATION BOARD:
Dr. George Lenches (202-254-8256), 2000 M Street NW., Washington, D.C. 20446.

COGP Record No.	Contact	Telephone
J-3 to J-6	G. Lenches	202-254-8256

Lead Agency:

SMALL BUSINESS ADMINISTRATION:
Mr. Robert F. McDermott (202-382-5050), Director, Office of Procurement Assistance, 1441 L Street NW., Room 622, Washington, D.C. 20416.

COGP Record No.	Contact	Telephone
A-47 to A-49	R. F. McDermott	202-382-5050

Issued in Washington, D.C. on August 28, 1973.

HAROLD S. TRIMMER, Jr.,
Associate Administrator for Federal Management Policy.

[FR Doc.73-18722 Filed 9-5-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

EASTERN ASSOCIATED COAL CORP.

Application for Renewal Permit; Notice of Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) has been received as follows:

ICP Docket No. 20113, Eastern Associated Coal Corporation, Joanne Mine, USBM ID No. 46 01430 0, Rachel, West Virginia, Section ID No. 004-0 (3 South Mains), Section ID No. 017-0 (2 Right-1 West), Section ID No. 016-0 (1 Left-3 West), Section ID No. 012-0 (16 Left-2 South), Section ID No. 013-0 (8 Right-3 East), Section ID No. 014-0 (3 West Mains).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

AUGUST 31, 1973.

[FR Doc.73-18870 Filed 9-5-73;8:45 am]

RENEGOTIATION BOARD

PERSONS HOLDING PRIME CONTRACTS OR SUBCONTRACTS FOR TRANSPORTATION BY WATER AS COMMON CARRIER

Extension of Time for Filing Financial Statements Under the Renegotiation Act of 1951

Every person who held a prime contract or subcontract for transportation by water as a common carrier at any time during the calendar year 1972 is hereby granted an extension of time until December 1, 1973 for filing a financial statement for such year pursuant to section 105(e)(1) of the Renegotiation Act of 1951, as amended.

Dated August 31, 1973.

W. S. WHITEHEAD,
Chairman.

[FR Doc.73-18928 Filed 9-5-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Application No. 01/01-5273]

MASSACHUSETTS VENTURE CAPITAL CORP.

Notice of Application for a License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 461 et seq.), has been filed by Massachusetts Venture Capital Corporation (applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1973).

The officers and directors of the applicant are as follows:

Thomas J. Brown, 12 Hickory Lane, Canton, Massachusetts 02021, President, Director.
George H. Whitney, 282 Beacon Street, Boston, Massachusetts 02116, Treasurer, Director.
Richard A. Soden, 42 Gray Street, Boston, Massachusetts 02116, Clerk.
Evelyn M. Beasley, 28 Cobb Place, Newton, Massachusetts 02168, Director.
Hamilton Coolidge, 235 Goddard Avenue, Brookline, Massachusetts 02146, Director.
Leland Goldberg, 14 Marcus Road, Sharon, Massachusetts 02067, Director.
John H. Lamothe, 53 Cypress Road, Wellesley Hills, Mass. 02181, Director.
Herbert Lyken, 349 Chestnut Street, Randolph, Massachusetts 02368, Director.
Alan T. Monroe, 493 Blue Hills Parkway, Milton, Massachusetts 02186, Director.
Calvin V. Perry, 25 O'Rourke Path, Newton Centre, Mass. 02159, Director.
Vincent Ryan, 104 Pleasant Valley Road, Westwood, Massachusetts 02090, Director.
Henry B. Shepard, Jr., 34 Spooner Road, Chestnut Hill, Mass. 02167, Director.
R. Courtney Whitin, Jr., 118 Myrtle Street, Boston, Massachusetts 02114, Director.

The applicant, a Massachusetts corporation with its principal place of business located at 100 Federal Street, Boston, Massachusetts 02110, will begin operations with $710,000 of paid-in capital and paid-in surplus, consisting of $135,000 of Common Stock having all voting rights, $70,000 of Class A Preferred Stock, and $505,000 of Class B Preferred Stock. The Voting Common Stock will be owned by The Boston Urban Foundation, a charitable trust, located at 90 Warren Street, Roxbury, Massachusetts 02119. The Massachusetts Business Development Corporation located at 1 Boston Place, Boston, Massachusetts 02106, will be the sole owner of the Class A Preferred Stock. The Class B Preferred Stock will be owned by twelve stockholders, including among others, four Insurance Companies, four Banks, and two Universities.

The applicant will not concentrate its investments in any particular industry. As a small business investment company under section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA rules and regulations.

Any person may, on or before September 21, 1973, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Boston, Massachusetts.

Dated: August 31, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73-18876 Filed 9-5-73;8:45 am]

VETERANS ADMINISTRATION

NATIONAL CEMETERY SYSTEM

Notice of Acquisition

The Veterans Administration gives notice that in accordance with Pub. L. 93-43 there was established in the Veterans Administration on June 18, 1973, a National Cemetery System for the interment of deceased servicemen and veterans. The National Cemetery System shall consist of:

a. National cemeteries transferred from the Department of the Army to the Veterans Administration by the National Cemeteries Act of 1973 on September 1, 1973.

b. Cemeteries under the jurisdiction of the Veterans Administration on June 18, 1973.

c. Any other cemetery, memorial, or monument transferred to the Veterans Administration by the National Cemeteries Act of 1973, or later acquired or developed by the Administrator.

Pursuant to the provisions of Public Law 93-43, notice is further given that all rules, regulations, orders, permits, and other privileges issued or granted by the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force with respect to the cemeteries, memorials, and monuments transferred to the Veterans Administration by this Act, unless contrary to the provisions of such Act, shall remain in full force and effect until modified, suspended, overruled, or otherwise changed by the Administrator of Veterans Affairs, by any court of competent jurisdiction, or by operation of law.

Dated August 31, 1973.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.73-18844 Filed 9-5-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

ILLINOIS DEVELOPMENTAL PLAN

Modifications to Illinois Developmental Plan

1. *Submission of modifications.*—Pursuant to section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and § 1902.12 of Title 29, Code of Federal Regulations, notice is hereby given that modifications to the Occupational Safety and Health Plan for

the State of Illinois have been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The State made these modifications in response to public comments received pursuant to the notice of submission of the Illinois Plan and its availability for public comment which appeared at 38 FR 2188.

The public comments from groups representing employers and workers and one individual included requests for a hearing on the plan on the basis of particularized objections to its standards-setting procedures, certain penalty questions and coverage of political subdivision employees, among others. The clarifications and modifications submitted by the State seem to cure the alleged inadequacies of the plan, and accordingly there appear to be no outstanding objections warranting a hearing. Consequently, the several requests for a hearing are hereby denied. However, it is appropriate to afford under § 1902.12 of Title 29, Code of Federal Regulations, an additional opportunity for public comment on the modifications of the plan.

The modifications, to which comments which will be considered in the Assistant Secretary's decision on the plan should be addressed, include the following: recordkeeping and reporting regulations; a revised timetable for the implementation of the Plan; variance regulations to be patterned after 29 CFR Part 1905; provision for the adoption of Federal Standards and the abrogation of existing Illinois Health and Safety Rules; a detailed description of the State's variance procedures; coverage of public employees; a description of its voluntary compliance program; draft Rules of Procedure for Promulgating, Modifying or Revoking Occupational Safety or Health Standards and Rules of Procedure for Advisory Committees on Standards; course outlines to be used in the State's training program for its inspectors and its Industrial Hygiene Unit and an increase in staff of the Industrial Hygiene Unit; provision for the submission of written comments pursuant to the State's standards-setting procedure; and a letter from the Office of the Governor reaffirming its support and approval of the Plan as modified.

Included in the modifications are also proposals for the following amendments to the State's legislation: deletion of the provision for independent review of the findings of the Industrial Hygiene Unit; deletion of the requirement that every petition for a hearing on a proposed standard must be signed by (5) employees or (5) employers or by a majority of employers in a specified industry; provision for a penalty for the violation of posting requirements; provisions for notices of public hearings on proposed standards to appear in a newspaper of general circulation within the state; amendment of its provision for judicial review of standards to provide that the petition for judicial review shall not operate as an automatic stay of a standard; provision for a criminal penalty for the falsification of records; provision requiring the posting of variance applications at places where employee notices are normally posted; provision for the publishing of decisions relating to standards in a newspaper of general circulation within the state; provision that temporary variances shall remain in effect for a maximum of two years; and provision that all rules made by the Industrial Commission shall be published annually.

2. *Location of plan for inspection and copying.*—A copy of the plan with modifications, may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, 400 First Street NW., Washington, D.C. 20210; Assistant Regional Director, Occupational Safety and Health Administration, U.S. Department of Labor, 300 South Wacker Drive, Room 1201, Chicago, Illinois 60606; and Illinois Department of Labor, or Illinois Industrial Commission, 160 LaSalle Street, Chicago, Illinois 60601.

3. *Public participation.*—Interested persons are hereby given until October 8, 1973, to submit to the Assistant Secretary written data, views, and arguments concerning the plan, as modified. The submissions are to be addressed to the Director, Office of Federal and State Operations, Occupational Safety and Health Administration, Railway Labor Building, Room 305, 400 First Street NW., Washington, D.C. 20210. The written comments will be available for public inspection and copying at the above address.

After consideration has been given to all material submitted, a final decision as to the approval or disapproval of the modified plan will be issued.

Signed at Washington, D.C., this 23d day of August 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-18798 Filed 9-5-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 335]

ASSIGNMENT OF HEARINGS

AUGUST 31, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after September 6, 1973.

MC 127834 Sub 87, Cherokee Hauling & Rigging, Inc., now assigned October 2, 1973, at Washington, D.C., is cancelled and transferred to modified procedure.

W 552 Sub 15, American Commercial Barge Line Co., W 654 Sub 8, Warrior & Gulf Navigation Company—Extension—Tug & Barge, now assigned October 29, 1973, at New Orleans, La., in the East Court Room, U.S. Court of Appeals, 600 Camp Street.

MC 33919 Sub 7, Fairchild General Freight, Inc., now assigned October 4, 1973, at Portland, Oreg., is postponed indefinitely.

MCC 8105, Leavitts Freight Service, Inc., V. Contract Carrier Service, Inc., now being assigned hearing October 4, 1973 (2 days), will be held in Room 40, Multnomah Bldg., 319 SW. Pine Street, Portland, Oreg.

MC-F-11875, Ace Doran Hauling & Rigging Co.—Purchase (Portion)—Smith's Truck Lines, now being assigned hearing October 16, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11890, Howard Sober, Inc.—Purchase (Portion)—Insured Transporters, Inc., now being assigned hearing October 17, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 52110 Sub 133, Brady Motorfrate, Inc., now being assigned hearing October 17, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 107515 Sub 847, Refrigerated Transport Co., Inc., now being assigned hearing October 23, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 83835 Sub 101, Wales Transportation, Inc., now being assigned hearing October 29, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I. & S. 8865, T.O.F.C. Service, Between New York, N.Y., and New England Points, now assigned September 12, 1973, is cancelled.

MC-76032 Sub 297, Navajo Freight Lines, Inc., now assigned September 10, 1973, at Kansas City, Mo., is cancelled and the application is dismissed.

MC 97699 Sub 39, Barber Transportation Co., now being assigned hearing October 1, 1973 (2 wks.), at Denver, Colo., in a hearing room to be later designated.

MC 76032 Sub 290, Navajo Freight Lines, Inc., application dismissed.

MC 29120 Sub 157, All-American, Inc., application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-18913 Filed 9-5-73;8:45 am]

[Sec. 5a Application No. 110]

FLORIDA SPECIALIZED CARRIERS INTERSTATE RATE CONFERENCE, INC.

Application for Approval of Agreement

AUGUST 15, 1973.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of Section 5a of the Interstate Commerce Act.

Filed July 27, 1973 by:
A. M. Downey, Jr., General Manager
Florida Specialized Carriers Interstate Rate Conference, Inc.
1021 Seaboard Coast Line Railroad Building
500 West Water St.
Jacksonville, Fla. 32202.

Agreement involves: Organization and procedures between and among common carriers by motor vehicle, members of the Florida Specialized Carriers Interstate Rate Conference, Inc., relative to the joint consideration, initiation, establishment and change of rates, rules, regulations, classifications and practices applicable thereto, for the transportation, in interstate commerce, of articles requiring specialized handling because of size or weight and oilfield, refinery, and pipeline machinery, materials, supplies, and equipment between points in the State of Florida.

The complete application may be inspected at the Office of the Commission in Washington, D.C.

Any person desiring to protest and participate in this proceeding shall notify the Commission in by September 26, 1973. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigation and determine the matters involved without public hearing.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-18924 Filed 9-5-73;8:45 am]

[No. MC-C-8102]

HAGERSTOWN MOTOR EXPRESS CO., INC.

Petition for Declaratory Order; Extension of Time for Filing Comments

AUGUST 30, 1973.

By notice published in the FEDERAL REGISTER on July 19, 1973 (38 FR 19303), all persons desiring to participate in this proceeding were directed to file an original and fifteen (15) copies of written representations, views, and arguments on or before September 10, 1973.

At the request of the Maryland Public Service Commission, the time for filing such representations has been extended until October 1, 1973.

A copy of each representation shall also be filed on petitioner's representative, Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, Md. 20910.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-18914 Filed 9-5-73;8:45 am]

[Ex Parte No. 241; Third Rev. Exemption No. 22; Amdt. 3]

EXEMPTION UNDER PROVISION OF MANDATORY CAR SERVICE RULES

Upon further consideration of Third Revised Exemption No. 22 issued January 12, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Third Revised Exemption No. 22 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire October 31, 1973.

This amendment shall become effective August 31, 1973.

Issued at Washington, D.C., August 27, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-18916 Filed 9-5-73;8:45 am]

[Rev. S.O. 994, I.C.C. Order 76, Amdt. 3]

READING CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 76 (Reading Company, Richardson Dilworth, and Andrew L. Lewis, Jr., Trustees) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 76 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.*—This order shall expire at 11:59 p.m., November 15, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 31, 1973, and that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 23, 1973.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.73-18915 Filed 9-5-73;8:45 am]

[Sec. 5a Application No. 46; Amdt. 9]

SOUTHERN MOTOR CARRIERS RATE CONFERENCE, INC.

Notice of Approval of Amendment to Agreement

AUGUST 15, 1973.

The Commission is in receipt of an application in the above-entitled proceeding for approval of an amendment to the agreement therein approved.

Filed August 6, 1973 by:

W. C. Brown, Jr.
Southern Motor Carriers Rate Conference, Inc.
1307 Peachtree St. NE.
Atlanta, GA 30309
Attorney-In-Fact.

Robert E. Born
J. Michael May
1000 Fulton Federal Building
Atlanta, GA 30303
Of Counsel.

The amendment involves: Establish a South-Western Interterritorial Committee in lieu of the South-Southwest and South-Middlewest Interterritorial Committees, and make other incidental changes made necessary by the foregoing change.

The complete amended application may be inspected at the Office of the Commission in Washington, D.C.

Any person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before September 26, 1973. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigation and determine the matters involved without public hearing.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-18917 Filed 9-5-73;8:45 am]

[Notice No. 20]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 31, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commissions's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against theuse of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed by October 8, 1973.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 660) (Cancels Deviation No. 650), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third St., Cleveland, Ohio 44113, filed August 14, 1973. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *passengers and their baggage,* and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as

follows: From junction Pennsylvania Highway 291 and Interstate Highway 95 (access ramp) near Philadelphia, Pa., over Interstate Highway 95 via Chester, Pa., and Wilmington, Del., to Baltimore, Md., to junction the Harbor Tunnel Thruway, thence over the Harbor Tunnel Thruway to junction the Baltimore-Washington Expressway, with the following access routes: (1) from junction U.S. Highway 13 and Sellers Road, over Sellers Road to junction Interstate Highway 95, (2) from junction Pennsylvania Highway 291 and Sellers Road, over Sellers Road to junction Interstate Highway 95, (3) from junction U.S. Highway 13 and Maryland Highway 273, over Maryland Highway 273 to junction Interstate Highway 95, (4) from junction U.S. Highway 222 and U.S. Highway 40 near Perryville, Md., over U.S. Highway 222 to junction Interstate Highway 95, (5) from Aberdeen, Md., over Maryland Highway 22 to junction Interstate Highway 95, and (6) from junction Maryland Highway 43 (White Marsh Boulevard) and U.S. Highway 40 over Maryland Highway 43 to junction Interstate Highway 95, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: from Philadelphia, Pa., over Pennsylvania Highway 291 to Chester, Pa., thence over U.S. Highway 13 via Wilmington, Del., to State Road, Del., thence over U.S. Highway 40 to Baltimore, Md., thence over the Baltimore-Washington Expressway to junction Harbor Tunnel Thruway, south of Baltimore, Md., and return over the same route.

No. MC-1515 (Deviation No. 661) (Cancels Deviation No. 633), GREYHOUND LINES, INC. (Eastern Division) 1400 West Third St., Cleveland, Ohio 44113, filed August 14, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) from junction U.S. Highway 31 and Interstate Highway 10 at Spanish Fort, Ala., over Interstate Highway 10 to junction U.S. Highway 331, thence over U.S. Highway 331 to junction U.S. Highway 90 at Defuniak Springs, Fla., with the following access routes: (a) from Pensacola, Fla., over U.S. Highway 29 to junction Interstate Highway 10, (b) from Milton, Fla., over Florida Highway 191 to junction Interstate Highway 10, and (c) from Crestview, Fla., over Florida Highway 85 to junction Interstate Highway 10, and (2) from Jacksonville, Fla., over Interstate Highway 10 to junction U.S. Highway 19, thence over U.S. Highway 19 to junction U.S. Highway 90 at Monticello, Fla., with the following access routes: (a) from Lake City, Fla., over U.S. Highway 441 to junction Interstate Highway 10, (b) from Live Oak, Fla., over U.S. Highway 129 to junction Interstate Highway 10, and (c) from Madison, Fla., over Florida Highway 53 to junction Interstate Highway 10, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Montgomery, Ala., over U.S. Highway 31 via Flomaton, Ala., to Mobile, Ala., (2) from Marianna, Fla., over U.S. Highway 90 via Pensacola, Fla., to Bridgehead, Ala., thence over U.S. Highway 98 via Fairhope, Ala., to Point Clear, Ala., (3) from Dothan, Ala., over U.S. Highway 231 to junction Florida Highway 73, thence over Florida Highway 73 to Marianna, Fla., thence over U.S. Highway 90 to Lake City, Fla., (4) from Chattanooga, Tenn., over U.S. Highway 41 via Macon, Ga., to Lake City, Fla., thence over U.S. Highway 90 to Jacksonville, Fla., and (5) from junction Alabama Highway 104 and U.S. Highway 98 (about two miles north of Fairhope, Ala.), over Alabama Highway 104 to junction Alabama Highway 59 (about one-half mile south of Robertsdale, Ala.), and return over the same routes.

No. MC-1515 (Deviation No. 662), GREYHOUND LINES, INC. (Eastern Division) 1400 West Third St., Cleveland, Ohio 44113, filed August 14, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Hartford, Conn., over Interstate Highway 84 to junction Interstate Highway 684, thence over Interstate Highway 684 to junction Interstate Highway 287 near White Plains, N.Y., thence over Interstate Highway 287 to junction Interstate Highway 87, thence over Interstate Highway 87 to New York, N.Y., with the following access route: from New Britain, Conn., over city streets to Junction Interstate Highway 84, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Hartford, Conn., over U.S. Highway 5 to junction Connecticut Highway 175, thence over Connecticut Highway 175 to Newington, Conn., thence over Connecticut Highway 174 to New Britain, Conn., thence over Connecticut Highway 71 to junction Connecticut Highway 72, thence over Connecticut Highway 72 to junction U.S. Highway 5, thence over U.S. Highway 5 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction Connecticut Turnpike (Interstate Highway 95) near Milford, Conn., thence over the Connecticut Turnpike and the New England section of the New York Thruway to New York, N.Y., (2) from Old Saybrook, Conn., over U.S. Highway 1 via Port Chester, N.Y., to New York, N.Y., (3) from Hartford, Conn., over U.S. Highway 5 to junction Connecticut Highway 72, north of Berlin, Conn. (also from Hartford over Maple Avenue to junction U.S. Highway 5, thence over U.S. Highway 5 to junction Connecticut Highway 175, thence over Connecticut Highway 175 to Newington, Conn., thence over Connecticut Highway 174 to New Britain, Conn., thence over Connecticut Highway 71 to junction Connecticut Highway 72, on or near the City of New Britain-Town of Berlin line, thence over Connecticut Highway 72 to junction U.S. Highway 5), thence over U.S. Highway 5 to Meriden, Conn., thence over U.S. Highway 5 and Alternate U.S. Highway 5 to New Haven, Conn., and (4) from New York, N.Y., over city streets and via the New England section of the New York Thruway to junction with the Connecticut Turnpike at the Connecticut-New York State line near Port Chester, N.Y., thence via the Connecticut Turnpike to the New Haven County, Conn., line near Milford, Conn., and return over the same routes.

No. MC-109780 (Deviation No. 46), CONTINENTAL TRAILWAYS, INC., 1501 South Central Avenue, Los Angeles, Calif. 90021, filed July 16, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From the junction of U.S. Highway 66 and Interstate Highway 40 at East Ludlow Junction, Calif., over Interstate Highway 40 to junction U.S. Highway 66 and Mountain Springs Road at West Java Junction, Calif. and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Albuquerque, N. Mex., over U.S. Highway 66 via McConnico and Topock, Ariz., to junction unnumbered highway near Victorville, Calif., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-18920 Filed 9-5-73;8:45 am]

[Notice No. 69]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 31, 1973.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the

applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 87720 (Sub-No. 83) (REPUBLICATION OF PETITION FOR MODIFICATION OF PERMIT), filed August 28, 1972, published in the FEDERAL REGISTER issue of November 29, 1972, and republished, as granted, this issue. Petitioner: BASS TRANSPORTATION COMPANY, INC., P.O. Box 391, Flemington, N.J. 08822. Petitioner's representative: Bert Collins, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. An Initial Decision and Order of the Commission, Administrative Law Judge Morton B. Margulies, dated June 21, 1973, and served July 6, 1973, became the effective Order of the Commission by Notice dated August 6, 1973, and served August 15, 1973, and finds that the petitioner's above-referenced permit should be modified to include authority to transport chemicals (except in bulk), with the proviso that to the extent the additional authority is duplicative it shall not constitute the issuance of more than one operating right, such that the authority granted in No. MC-87720 (Sub-No. 83) reads as follows: *Chemicals* (except in bulk), *plastic pellets or granules and powder*, and *plastic scrap*, between points in Bergen, Essex, Middlesex, and Union Counties, N.J., on the one hand, and, on the other, points in that part of Pennsylvania, on and east of a line beginning at the Pennsylvania-Maryland State line and extending along unnumbered highway (formerly portion U.S. Highway 111) through Shrewsbury and Jacobus, Pa., to junction Interstate Highway 83, thence along Interstate Highway 83 through York, Pa., to junction unnumbered highway (formerly portion U.S. Highway 111), thence along unnumbered highway to junction Pennsylvania Highway 295, thence along Pennsylvania Highway 295 through Zions View and Strinestown, Pa., to junction Interstate Highway 83, thence along Interstate Highway 83 through Lemoyne, Pa., to junction unnumbered highway (formerly portion U.S. Highway 111), thence along unnumbered highway to junction U.S. Highway 15, near Harrisburg, Pa., and thence along U.S. Highway 15 to the Pennsylvania-New York State line; and between points in Bergen, Essex, Hunterdon, Middlesex, and Union Counties, N.J., on the one hand, and, on the other, points in Connecticut, Massachusetts, New York, and Rhode Island; under a continuing contract or contracts with Tenneco Inc., of Piscataway, N.J., and restricted against duplicative operating rights. Because it is possible that other parties who have relied upon the notice of the petition as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld until October 8, 1973, during which period any proper party in interest may file an appropirate protest and petition for further hearing or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 124408 (Sub-No. 9) (REPUBLICATION), filed September 15, 1972, published in the FEDERAL REGISTER issue of November 2, 1972, and republished this issue. Applicant: THOMPSON BROS., INC., P.O. Box 457, Toronto, S. Dak. 57268. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. An Order of the Commission, Review Board Number 1, dated August 10, 1973, and served August 24, 1973, finds that the present and future public convenience and necessity requires operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *frozen potato products*, in vehicles equipped with mechanical refrigeration, from Clark, S. Dak., to points in Alabama, Arkansas, California, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, restricted to the transportation of traffic originating at the plantsite or storage facilities utilized by Midwest Food Sales, Inc., in or near Clark, S. Dak.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld until October 8, 1973, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 136240 (REPUBLICATION), filed November 2, 1971, published in the FEDERAL REGISTER issue of February 3, 1972, and republished this issue. Applicant: HARRY SAMDAL, doing business as HETTINGER BUS COMPANY, Hettinger, N. Dak. 58639. Applicant's representative: Lyle G. Stuart, 104 Main Street, Hettinger, N. Dak. 58639. The Third Supplemental Order of the Commission, Operating Rights Board, dated August 13, 1973, and served August 24, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over regular routes, of *general commodities* (except articles of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), between Bismarck and Hettinger, N. Dak., from Bismarck over U.S. Highway 10 to junction North Dakota Highway 6, thence over North Dakota Highway 6 to junction North Dakota Highway 21, thence over North Dakota Highway 21 to junction North Dakota Highway 8, thence over North Dakota Highway 8 to junction U.S. Highway 12, and thence over U.S. Highway 12 to Hettinger, and return over the same route, serving all intermediate points, subject to the condition that no service shall be provided in the transportation of articles weighing in the aggregate more than 300 pounds from one consignor at one location to one consignee at one location on any one day; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld until October 8, 1973, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 136980 (REPUBLICATION), filed August 3, 1972, published in the FEDERAL REGISTER issue of January 11, 1973, and republished this issue. Applicant: TERRANCE W. SHEARER, Rural Delivery No. 1, Hinsdale Highway, Box 337, Olean, N.Y. 14760. Applicant's representative: David P. Feldman, 714 Genesee Building, Buffalo, N.Y. 14202. An Order of the Commission, Operating Rights Board, dated August 8, 1973, and served August 23, 1973, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *engine parts, pump parts, compressor parts*, and *turbine parts*, between the plant site and facilities of Dresser Industries, Inc., Dresser Clark Division, at Olean, N.Y., La Guardia Airport, Kennedy International Airport, Monroe County Airport, and Buffalo International Airport, N.Y., and Newark Airport, N.J., on the one hand, and, on the other, points in Allegany, Cattaraugus, Cayuga, Chautauqua, Delaware, Erie, Monroe, Nassau, Niagara, Onondaga, Ontario, Orleans, Oswego, St. Lawrence, Steuben, Wayne, Wyoming, and Yates Counties, N.Y., under a continuing contract or contracts with Dresser Industries, Inc., Dresser Clark Division, of Olean, N.Y., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the

application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld until October 8, 1973, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 20492 (NOTICE OF FILING OF PETITION TO MODIFY A COMMODITY DESCRIPTION), filed July 20, 1973. Petitioner: FRANCIS P. RYAN CORPORATION, P.O. Box 488, Route 14, Barre, Vt. 05641. Petitioner's representative: Paul J. Goldstein, 109 Church Street, New Haven, Conn. Petitioner presently holds a motor *common carrier* certificate in No. MC 20492 issued June 25, 1968, authorizing transportation, over irregular routes, of *contractors' equipment, machinery, and supplies*, (1) between points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island; and (2) between points in the above specified states on the one hand, and, on the other, points in New York. By the instant petition, petitioner seeks to modify its commodity description to read: "Commodities the transportation of which because of size or weight requires the use of special equipment, and of related machinery parts and related contractor's materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight, require the use of special equipment." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition by October 8, 1973.

No. MC 26120 (NOTICE OF FILING OF PETTITION TO MODIFY PERMIT), filed July 18, 1973. Petitioner: GEORGE L. HOOKER, INC., Tuscarawas Road, Uhrichsville, Ohio 44683. Petitioner presently holds a motor *contract carrier* permit in No. MC 26120 issued April 3, 1961, authorizing as pertinent, transportation, over irregular routes, of *vitrified clay sewer pipe and fittings* from Diamond and Uhrichsville, Ohio, to points in Florida, restricted to a transportation service to be performed under a continuing contract or contracts with Universal Sewer Pipe Corporation and the United States Concrete Pipe Co.; and (2) *vitrified clay sewer pipe and fittings therefore, and clay conduit, clay base, drain block, and materials* used in the installation and insulation, thereof, from Diamondsville and Uhrichsville, Ohio, to points in Georgia, North Carolina, and South Carolina, and *empty pallets and reshipments* of the commodities described in (2) above, from points in Georgia, North Carolina, and South Carolina, restricted to a transportation service to be performed under a continuing contract or contracts with Universal Sewer Pipe Company, United States Concrete Pipe Co., and Heat Transmission Conduit Company. By the instant petition, petitioner seeks to (A) eliminate Universal Sewer Pipe Company as a contracting shipper in the authority described in (1) and (2) above to reflect a planned merger between Universal Sewer Pipe Company and the United States Concrete Pipe Company, and (B) extend the authority described in (1) and (2) above to authorize transportation of "vitrified clay sewer pipe and fittings from Uhrichsville, Ohio to points in Florida and Georgia, under a continuing contract or contracts with Superior Clay Corporation." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition by October 8, 1973.

No. MC 66101 (NOTICE OF FILING OF PETITION FOR MODIFICATION, CLARIFICATION, AND AMENDMENT OF CERTIFICATE), filed August 20, 1973. Petitioner: AFT SERVICES, INC., Newark, N.J. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds a certificate in No. MC-66101, issued June 4, 1971, authorizing it to perform service in interstate or foreign commerce, over irregular route, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, and commodities requiring dump or tank trucks), between New York, N.Y., on the one hand, and, on the other, points in New York and New Jersey, within 35 miles of Columbus Circle, New York, N.Y. By the instant petition, petitioner requests that an order be entered (1) to amend its certificate to read: *General Commodities* (except those of unusual value, and except dangerous explosives, livestock, household goods (when transported as a separate and distinct service in connection with so-called "household movings") and commodities requiring dump or tank trucks), over irregular routes, between the New York, N.Y., commercial zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exception of section 203(b)(8) of the Interstate Commerce Act, and those points in New Jersey within 5 miles of New York, N.Y., and all of any municipality in New Jersey any part of which is within 5 miles of New York, N.Y., on the one hand, and, on the other, points and places in New York and New Jersey, within 35 miles of Columbus Circle, New York, N.Y., or (2) the Commission issue an appropriate order that the petitioner be empowered and permitted to designate as its terminal area, all points within which local operations may be conducted in the New York, N.Y., commercial zone as defined by the Commission.

NOTE.—No oral hearing is contemplated at this time, but anyone wishing to make representations in favor, or against, the relief sought in the petition may do so by the submission of written data, views, or argumenta. An original and fifteen copies of such data, views, or arguments shall be filed with the Commission on or before November 5, 1973. A copy of each representation should be served upon petitioner's representative. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution Avenues, Washington, D.C., during regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

No. MC 116763 (Sub-No. 10) (NOTICE OF FILING OF PETITION TO EXTEND A COMMODITY DESCRIPTION), filed August 16, 1973. Petitioner: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Petitioner's representative: J. G. Dail, Jr., 111 E Street NW., Washington, D.C. 20004. Petitioner presently holds a motor *common carrier* certificate in No. MC 116763 (Sub-No. 10) issued May 18, 1960, authorizing as pertinent, transportation over irregular routes, of *meats and sausage* (cooked, cured or preserved, with or without cereal or vegetable ingredients), *soups, gelatin and animal fat shortening*, in containers, not moving under refrigeration, from Austin, Minn., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. By the instant petition, petitioner seeks to add meat curing compounds as an additional commodity to those stated in the above-described authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition by October 8, 1973.

No. MC 119493 (NOTICE OF FILING OF PETITION TO MODIFY COMMODITY DESCRIPTIONS), filed August 6, 1973. Petitioner: MONKEM COMPANY, INC., West 20th Street Road, P.O. Box 1196, Joplin, Mo. 64801. Petitioner's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Petitioner presently holds a motor *common carrier* certificate in No. MC 119493 issued April 15, 1960, authorizing as pertinent, transportation over irregular routes, of (a) *manufactured animal and poultry feeds, fishmeal, meat scraps, cottonseed meal, soybean meal, rice, rice bran and such other byproducts of soybeans, cottonseed, and rice* as are used as animal or poultry feeds or ingredients thereof, from points in Louisiana, Arkansas, Tennessee, and Mississippi, to points in Missouri, Iowa, Oklahoma, Kansas, Nebraska, and Illinois; (b) *cottonseed meal, soybean meal, and such other byproducts of cottonseed and soybeans* as are used as animal or poultry feeds or ingredients thereof, from points in Missouri, to points in Kansas, Oklahoma, Nebraska, Iowa, and Illinois; (c) *manufactured animal and poultry feeds, dehydrated and suncured alfalfa meal, and such oat and corn byproducts* as are used as animal or poultry feeds or ingredients thereof, from points in Ne-

braska, Iowa, Kansas, Oklahoma and Missouri, to points in Arkansas, Louisiana, Mississippi, Illinois, and Tennessee; (d) *manufactured animal and poultry feeds, steamed bone meal, meat scraps, dehydrated and suncured alfalfa, and such oat and corn byproducts* as are used as animal or poultry feeds or ingredients thereof, from points in Nebraska, Iowa, Kansas, Oklahoma, and Illinois, to points in Missouri; and (e) *steamed bone meal, meat scraps, soybean meal, and such soybean byproducts* as are used as animal or poultry feeds or ingredients thereof, from points in Illinois, to points in Nebraska, Iowa, Missouri, Kansas, Oklahoma, and Arkansas. By the instant petition, petitioner seeks to modify the above-described commodity descriptions to read as follows: "(a) manufactured animal and poultry feed and ingredients thereof, (b) ingredients of animal and poultry feeds, (c) manufactured animal and poultry feed and ingredients thereof, (d) manufactured animal and poultry feed and ingredients thereof, and (e) ingredients of animal and poultry feed." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments, in support of or against the petition by October 8, 1973.

No. MC 127951 (Sub-Nos. 2, 7, and 9) (NOTICE OF FILING OF PETITION TO MODIFY PERMITS), filed July 27, 1973. Petitioner: SOUTHEASTERN CARRIERS, INC., 6945 Willow Lane, P.O. Box 4763, Miami Lakes, Fla. 33014. Petitioner's representative: Bernard C. Pestcoe, Suite 511, Biscayne Building, 19 West Flagler Street, Miami, Fla. 33130. Petitioner presently holds motor *contract carrier* permits in No. MC 127951 (Sub-Nos. 2, 7, and 9) issued November 12, 1969, November 12, 1969, and July 2, 1971, respectively, authorizing as pertinent, transportation over irregular routes, of carpeting, carpet underlays, and carpet adhesives, from specified points in Connecticut, Rhode Island, Massachusetts, Delaware, Georgia, and New Jersey to various points in Florida, in Sub-No. 2 under a continuing contract or contracts with Northern Distributors, Inc., of Miami, Fla., Knight and Wall Co. of Tampa, Fla., and Flamingo Wholesale Distributors, Inc., of North Miami Beach, Fla.; in Sub-No. 7 under a continuing contract or contracts with the same shippers as listed immediately above; and in Sub-No. 9 under a continuing contract or contracts with Northern Distributors, Inc., of Miami, Fla. By the instant petition, petitioner seeks to: (1) delete Knight and Wall Co. and Flamingo Wholesale Distributors, Inc., from the authority specified in Sub-Nos. 2 and 7; and (2) add as additional contracting shippers Ludlow Corporation and Copper Distributors, Inc., to all of the authority described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition by October 8, 1973.

No. MC 135743 (NOTICE OF FILING OF PETITION FOR REMOVAL OF A RESTRICTION), filed August 7, 1973. Petitioner: HAROLD WILLIMAS, doing business as WILLIAMS MOVING CO., City Highway West, P.O. Box 209, Dexter, Mo. 63841. Petitioner's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Petitioner presently holds a motor *common carrier* certificate in No. MC 135473 issued May 16, 1973, authorizing transportation over irregular routes, of *used household goods*, restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized 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 traffic, between points in Ripley, Carter, Wayne, Madison, Bollinger, Perry, Cape Girardeau, Butler, Stoddard, Scott, Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo.; Randolph, Greene, and Mississippi Counties, Ark.; Obion, Lake, Dyer, and Lauderdale Counties, Tenn.; Fulton, Hickman, Carlisle, Ballard, and McCracken Counties, Ky.; and Alexander, Pulaski, Union, Jackson, Randolph, Monroe, and Massac Counties, Ill., on the one hand, and on the other, points in Arkansas, Tennessee, Kentucky, Missouri, and Illinois. By the instant petition, petitioner seeks removal of the restriction on used household goods. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition by October 8, 1973.

No. MC 136064 (NOTICE OF FILING OF PETITION TO ADD A CONTRACTING SHIPPER), filed August 21, 1973. Petitioner: NORTH GEORGIA TRANSPORT COMPANY, INC., 2209 Crestmoor Drive, Nashville, Tenn. 37215. Petitioner's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Petitioner presently holds a motor *contract carrier* permit in No. MC 136064 issued January 2, 1973, authorizing transportation, over irregular routes, of *such commodities* as are distributed by dealers in petroleum, petroleum products, and service station supplies (except liquefied petroleum gas), between points in Alabama, Georgia, Kentucky, and Tennessee, restricted against traffic originating at points in Kentucky, and further restricted to a transportation service to be performed under a continuing contract or contracts with North Georgia Oil Company, Mid-Tennessee Oil Company, and Richland Oil Company. By the instant petition, petitioner seeks to add B & S Oil Company as an additional contracting shipper to the authority described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition by October 8, 1973.

Applications Under Sections 5 and 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

Motor Carriers of Property

Applications for certificates or permits which are to be processed concurrently with applications under Section 5 governed by Special Rule 240 to the extent applicable.

No. MC 35628 (Sub-No. 351), filed July 31, 1973. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in Massachusetts.

NOTE.—Applicant states that the requested authority can be tacked at Springfield, Worcester, and Boston, Mass., to provide service to and from points in the United States (except Hawaii and Alaska) either direct or interline service. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. The instant application is a matter directly related to MC-F 11947, published in the FEDERAL REGISTER issue of August 8, 1973. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 121555 (Sub-No. 4), filed July 1, 1973. Applicant: PARCEL DISPATCH, INC., 305 North Senate Avenue, Indianapolis, Ind. 46204. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are ordinarily dealt in by retail stores and mail order houses in retail delivery only for retail stores and mail order houses only to retail customers, only, from Indianapolis, Ind., to points in Indiana, and *rejected shipments* on return.

NOTE.—The purpose of this application is to convert applicant's Certificate of Registration in MC 121555 (Sub-No. 4) into a Certificate of Public Convenience and Necessity. The instant application is a matter directly related to MC-F 11927 published in the FR issue of July 19, 1973. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC-F-11966. Authority sought for purchase by NEW ENGLAND MOTOR FREIGHTS INC., 520 Main Street, Wallington, N.J., of the operating rights and

property of DELAWARE VALLEY EXPRESS, INC., P.O. Box 24, Hankins, New York 12741, and for acquisition by MORRIS FRIEDMAN, DAVID GOLDMAN, AND JACOB GOLDMAN, 520 Main St., Wallington, N.J., of control of such rights through the purchase. Applicants' attorney: MORTON E. KIEL, 140 Cedar Street, New York, N.Y. 10006. Operating rights sought to be transferred: *General commodities* with exceptions as a *common carrier* over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Sullivan County, N.Y. Vendee is authorized to operate as a *common carrier* in New Jersey, Rhode Island, Connecticut, Massachusetts, and New York. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11967. Authority sought for purchase by CREGER FREIGHT LINES, INC., Old Tyburn Road and Corbin Lane, Morrisville, Pa. 19067, of the operating rights of CALVALCADE TRUCKING, INC., Old Tyburn Road, Fairless Hills Pa., 19030, and for acquisition by ALBERT H. CREGER, Old Tyburn Road and Corbin Lane, Morrisville, Pa., of control of such rights through the purchase. Applicants' attorney: V. BAKER SMITH, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Operating rights sought to be transferred: *Tinware*, as a *common carrier* over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Virginia, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, and Pennsylvania. Application has not been filed for temporary under section 210a(b).

No. MC–F–11968. Authority sought for purchase by SALT CREEK FREIGHTWAYS, 3333 West Yellowstone, Casper, Wyoming 82601, of the operating rights and property of BUTTE-BOZEMAN DELIVERY SERVICE, 712 East Main, Bozeman, Montana 59715, and for acquisition by WILLIAM UTZINGER, WILLIAM D. UTZINGER, and C. E. OGDEN, 3333 West Yellowstone, Casper, Wyo. 82601, of control of such rights through the purchase. Applicants' attorney: JOHN R. DAVIDSON, Rm. 805, Midland Bank Building, Billings, Montana 59101. Operating rights sought to be transferred: *General commodities* with exceptions as a *common carrier* over regular routes between Butte, Mont., and Bozeman, Mont., serving the intermediate points of Belgrade, Manhattan, Three Forks, Logan, Cardwell, and Whitehall, Mont., between Bozeman, Mont., and West Yellowstone, Mont., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Montana, Wyoming, Colorado, and Nebraska. Application has been filed for temporary under section 210a(b).

No. MC–F–11969. Authority sought for merger by BEKINS MOVING & STORAGE CO., INC., a New Mexico Corporation, 5304 Menau Blvd. NE., Albuquerque, NM 87110, and BEKINS MOVING & STORAGE CO., a Texas Corporation, 5342 E. Mockingbird Lane, Dallas, TX 75206, of the operating rights and property of (A) O.K. VAN & STORAGE CO. OF NEW MEXICO, 2315 S. Valley Dr., Las Cruces, NM 88001, and (B) O.K. VAN & STORAGE, INC., P.O. Box 9691, El Paso, TX 79987, and for acquisition by THE BEKINS COMPANY, 1335 S. Figueroa St., Los Angeles, CA 90015, of control of such rights and property through the transaction. Applicants' attorneys: Russell Bernhard,1625 K St. NW., Washington, DC 20006, and Eldon R. Clawson, 1335 S. Figueroa St., Los Angeles, CA 90015. Operating rights sought to be merged: (A) *Used household goods*, as a *common carrier* over irregular routes, between points in Dona Ana and Otero Counties, N. Mex., with restriction; (B) *used household goods*, as a *common carrier* over irregular routes, between points in El Paso, Tex., with restriction. BEKINS MOVING & STORAGE CO., INC., a New Mexico Corporation, and BEKINS MOVING & STORAGE CO., a Texas Corporation, holds no authority from this Commission. However, they are affiliated with (1) BEKINS MOVING & STORAGE CO., a Missouri Corporation, (2) BEKINS MOVING & STORAGE CO., a Oklahoma Corporation, (3) BEKINS MOVING & STORAGE CO., a Missouri Corporation, and (4) BEKINS MOVING & STORAGE CO., a Oklahoma Corporation. (1) and (2) are authorized to operate as *brokers* in all points in the U.S. except Alaska and Hawaii, and (3) and (4) are authorized to operate as *common carriers*, in Kansas, Missouri, and Oklahoma. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–11970. Authority sought for purchase by GENERAL TRANSPORTATION INCORPORATED, P.O. Box 670, Eager-Springerville Highway, Springerville, Ariz. 85938, of a portion of the operating rights and property of CROSBY LUMBER & SUPPLY, INC., P.O. 670, Springerville, Arizona, 85938, and for acquisition by CROSBY DEVELOPMENT, INC., P.O. Box 100 Greer, Ariz., of control of such rights through the purchase. Applicants' attorney: DONALD PARKER CROSBY, P.O. Box 670 Springerville, Ariz. 85938. Operating rights sought to be transferred: *Lumber*, as a *common carrier* over irregular routes from Snowflake, Cutter, Fredonia, and Payson, Ariz., to Port Hueneme, Los Angeles, and San Diego, Calif., with no transportation for compensation on return except as otherwise authorized, from points in Arizona, to points in Nevada, with no transportation for compensation on return except as otherwise authorized, from points in Los Angeles County, Calif., and points in that part of California north of Interstate Highway 80 to Phoenix, Ariz., with no transportation for compensation on return except as otherwise authorized, with restriction. Vendee is authorized to operate as a *common carrier* in Arizona, New Mexico, Texas, and Oklahoma. Application has been filed for temporary authority under Section 210a(b).

No. MC–F–11971. Authority sought for control and merger by ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, P.O. Box 471, Akron, Ohio 44309, of the operating rights and property of SHUMPERT TRUCK LINE, INC., 1720 Central Ave., Memphis, Tenn. 38100, and for acquisition by GALEN J. ROUSH, 1077 Gorge Boulevard, Akron, Ohio 44309, of control of such rights and property through the transaction. Applicants' attorneys: WILLIAM O. TURNEY, 2001 Massachusetts Ave. N.W., Washington, D.C. 20036, and DOUGLAS W. FARIS, 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Operating rights sought to be controlled and merged: *General commodities* as a *common carrier* over regular routes with exceptions, between Memphis, Tenn., and Amory, Miss., between points in Mississippi. Service is authorized to and from all intermediate on the above-specified routes, between Amory, Miss., and Aliceville, Ala., serving the intermediate points of Sulligent, Vernon, Millport, Reform, and Carrollton, between Columbus, Miss., and Reform, Ala., serving no intermediate points, and with service at Columbus, with restrictions, serving various off-route points. Serving Gattman, Miss., as an intermediate point in connection with carrier's authorized regular route operations between Amory, Miss., and Aliceville, Ala. Vendee is authorized to operate as a *common carrier* in Ohio, Texas, Oklahoma, Pennsylvania, Kansas, Illinois, Kentucky, Rhode Island, Alabama, Georgia, North Carolina, Tennessee, South Carolina, New Jersey, New York, Virginia, Delaware, Maryland, West Virginia, Wisconsin, and The District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F–11972. Authority sought for control and merger by MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, St. Paul, Minn. 55113 of the operating rights of MIDDLE STATES MOTOR FREIGHT, INC., 5723 Este Ave., Cincinnati, Ohio, 45232, and for acquisition by EDWARD L. MURPHY, JR., AND STANLEY L. WASIE, 2323 Terminal Road, St. Paul, Minn. 55113, of control of such rights through the transaction. Applicants' attorneys: DAVID AXELROD, 39 So. La Salle St., Chicago, Ill. 60603 and JACK B. JOSSELSON, 700 Atlas Bank Bldg., 524 Walnut St., Cincinnati, Ohio 45202. Operating rights sought to be controlled and merged: *General commodities* with exceptions, as a *common carrier* over regular routes, between junction U.S. Highways 35 and 40 and Columbus, Ohio, serving all intermediate points between Dayton, Ohio, and Springfield, Ohio, between Dayton, Ohio, and junction Ohio Highway 4 and U.S. Highway 40, between junction Ohio Highways 4 and 444 and junction Ohio Highway 444 and U.S. Highway 40, between Dayton, Ohio, and Vandalia, Ohio, serving no intermediate points, with restrictions, between Cincinnati, Ohio, and

Chicago, Ill., serving all intermediate points; and the off-route points of Covington, Newport, and Belleview, Ky., those in Ohio within 30 miles of Cincinnati, and those in Illinois within 30 miles of Chicago, serving the plant site of the Ford Motor Company at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with carrier's authorized regular-route operations to and from Louisville, Ky., between Salem, Ind., and Leipsic, Ind., serving the intermediate points of Campbellsburg, Saltillo, and Livonia, Ind., between Salem, Ind., and Louisville, Ky., serving all intermediate points, and the off-route points of Becks Mills and Martinsburg, Ind.; and the off-route points within 10 miles of Salem for pick-up of livestock only, between Salem, Ind., and Cincinnati, Ohio, and the off-route points of Canton, Harristown, New Philadelphia, South Boston, and Little York, Ind.; and the off-route points within 20 miles of Salem, for pick-up of livestock and cream, between Louisville, Ky., and junction Interstate Highway 65 and Indiana Highway 56, as an alternate route for operating convenience only, in connection with carrier's regular-route operations authorized herein, between Cincinnati, Ohio, and Louisville, Ky., as an alternate route in connection with carrier's authorized regular-route operations. *General commodities* with exceptions as a *common carrier* over irregular routes between Dayton and Cincinnati, Ohio, and a point on U.S. Highway 40 at the Ohio-Indiana State line, on the one hand, and on the other, points in that part of Ohio west of U.S. Highway 23 and south of U.S. Highway 40, including points on the indicated portions of the highways specified, with restrictions, between the plant site of the Nachman Corporation at or near Milford, Ill., on the one hand, and, on the other, points in that part of Ohio on, south and west of a line beginning at the Indiana-Ohio State line and extending over U.S. Highway 40 to junction U.S. Highway 23, and thence over U.S. Highway 23 to the Ohio-Kentucky State Line, between Columbus, Ohio, on the one hand, and, on the other, points in Ohio, Vendee is authorized to operate as a *common carrier* in Minnesota, South Dakota, Illinois, North Dakota, Indiana, Nebraska, Michigan, Ohio, New York, and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11973. Authority sought for purchase by TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta Ga. 30316, of the operating rights of CENTRAL STATES TRANSPORTATION COMPANY, INC., Eastern & Moonachie Ave., Carlstadt, N.J., and for acquisition by TEXAS GAS TRANSMISSION CORP., 3800 Frederica St., Owensboro, Ky. 42301, and AMERICAN COMMERCIAL LINES, INC., 2919 Allen Parkway, Houston, Tex. 77019, of control of such rights through the purchase. Applicants' attorney: HAROLD H. CLOKEY, 414 The Equitable Building, Atlanta, Ga. 30303. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes, between Boston, Mass., and Buffalo, N.Y., serving the intermediate and off-route points of Syracuse and Rochester, N.Y., restricted to westbound traffic only; Framingham, Springfield, Worcester, Westfield, Marlboro, Westboro, and North Grafton, Mass., restricted to eastbound traffic only; Niagara Falls, N.Y., and Brockton and Milford, Mass., and those within 10 miles of Boston, Mass., and those within 10 miles of Buffalo, N.Y. Vendee is authorized to operate as a *common carrier* in Kentucky, Illinois, Ohio, Indiana, Georgia, Tennessee, Alabama, Florida, Michigan, Mississippi, and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11974. Authority sought for merger into CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Building, Dallas, Tex. 75201, of the operating rights and property of STUBBS TRANSPORT, INC., 8192 East Skelly Drive, Tulsa, Okla. 74101, and for acquisition by CHEMICAL EXPRESS COMPANY, 1200 Simons Bldg., Dallas, Tex. 75201, of control of such rights and property through the transaction. Applicants' attorney: LEROY HALLMAN, 4555 First National Bank Building, Dallas, Tex. 75202. Operating rights sought to be merged: *Gasoline*, as a *common carrier* over irregular routes, from the Magnolia Petroleum Plant near Electra, Tex., and from Burkburnett, Tex., to Sunray, Okla., *Motor fuel*, from Sunray, Okla., to Wichita Falls, Tex., *Casinghead gasoline*, from points in Archer, Clay, Jack, Montague, Wichita, Wilbarger, and Young Counties, Tex., (except Wichita Falls, Tex., and points within 5 miles thereof), to Sunray, Okla., *Motor fuel gasoline*, from Sunray, Okla., to points in Archer, Clay, Jack, Montague, Wichita, Wilbarger, and Young Counties, Tex., with restrictions, *Petroleum* products, in bulk, in tank trucks, from Tulsa and Okmulgee, Okla., to points in Benton, Washington, Crawford, Sebastian, Franklin, Johnson, Pope, Van Buren, Carroll, and Boone Counties, Ark., from Cleveland, Okla., to points in Benton, Carroll, Boone, Washington, Crawford, Sebastian, Franklin, and Johnson Counties, Ark., from Bristow, Okla., to points in Benton, Washington, Crawford, and Sebastian Counties, Ark., *Doors, glazed windows, plywood, moulding, window frames* and *parts* thereof, *window glass* and *plate glass, empty containers, store fixtures*, and *insulation board*, from Henryetta, Okla., and points within 5 miles thereof, to points in Arkansas, Kansas, and Missouri, and *Putty* and *used store fixtures*, from points in the destination territory described immediately above, to Henryetta, Okla., and points within 5 miles thereof. CHEMICAL EXPRESS CARRIERS, INC., is authorized to operate as a *common carrier* in Texas, New Mexico, Oklahoma, Arkansas, Louisiana, Colorado, Kansas, Alabama, Mississippi, Missouri, Arizona, Utah, Georgia, Illinois, Indiana, Ohio, North Carolina, South Carolina, Wisconsin, Florida, Tennessee, Iowa, Michigan, Nebraska, California, Kentucky, New Jersey, Pennsylvania, and Nevada. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11976. Authority sought for purchase by WITTE TRANSPORTATION COMPANY, 2481 Cleveland Ave., North, St. Paul Minn. 55113, of the operating rights of JOHN D. TURCK, Preston, Minn. 55965, and for acquisition by SPACE CENTER, INCORPORATED, 444 Lafayette Road, St. Paul, Minn. 55101, of control of such rights through the purchase. Applicants' attorney: WILLIAM S. ROSEN, 630 Osborn Building, St. Paul, Minn. 55102. Operating rights sought to be transferred: *Household goods, emigrant movables*, and *general commodities*, with exceptions as a *common carrier* over irregular routes, between Preston, Minn., and points in Minnesota and Iowa with 15 miles of Preston, on the one hand, and, on the other, South St. Paul, St. Paul, Minneapolis, Austin, Albert Lea, Newport, and Winona, Minn., and points in Iowa and Wisconsin within 150 miles of Preston. *Tankage, meat scraps*, and *bone meal*, from Austin, Minn., to points in that part of Wisconsin on and south of U.S. Highway 16 within 150 miles of Preston, Minn., with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a *common carrier* in Wisconsin, Minnesota, North Dakota, Illinois, Michigan, Missouri, and Iowa. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-18922 Filed 9-5-73;8:45 am]

[Notice No. 346]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 26, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74451. By order of August 30, 1973, the Motor Carrier Board approved the transfer to J & D, Inc., doing business as J & D Transport, Sturdevant, Wis., of a portion of the operating rights in Certificate No. MC-123499 issued April 23, 1971, to Lowell L. Treffert, Inc., Franksville, Wis., authorizing the transportation of malt beverages, in containers, from St. Louis, Mo., to Kenosha and Twin Lakes, Wis. William C. Dineen, 710 North Plankinton Ave., Milwaukee, Wis. 53203. Attorney for applicants.

No. MC-FC-74456. By order of August 30, 1973, the Motor Carrier Board on reconsideration approved the transfer to M. L. Yockstock, Inc., Altoona, Iowa, of that portion of the operating rights in Certificate No. MC-117815 (Sub-No. 2) issued May 25, 1961, to Pulley Freight Lines, Inc., Des Moines, Iowa, authorizing the transportation of animal and poultry feed, and animal and poultry feed ingredients, between Des Moines, Iowa, and points within two miles thereof, on the one hand, and, on the other, points in Wisconsin; animal and poultry feed, from Des Moines, Iowa, to points in Illinois, Minnesota, Missouri, Nebraska, and South Dakota; and feed ingredients, and rejected shipments of animal and poultry feed, from points in Illinois, Minnesota, Missouri, Nebraska, and South Dakota, to Des Moines, Iowa. Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-18918 Filed 9-5-73;8:45 am]

[Notice No. 119]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 29, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 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, by September 21, 1973. 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 808 (Sub-No. 48 TA), filed August 21, 1973. Applicant: ANCHOR MOTOR FREIGHT, INC., 21111 Chagrin Blvd., P.O. Box 22005, Cleveland, Ohio 44122. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44122. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles and new automobile chassis*, in truckaway service, from the plantsite of General Motors Corporation at Norwood, Ohio, to points in Connecticut, for 180 days. SUPPORTING SHIPPER: General Motors Corporation, 30007 Van Dyke Avenue, Warren, Mich. 48090. SEND PROTESTS TO: Franklin D. Ball, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 6078 (Sub-No. 75 TA), filed August 20, 1973. Applicant: D. F. BAST, INC., 1425 North Maxwell Street, P.O. Box 2288, Allentown, Pa. 18001. Applicant's representative: Donald L. Proffit (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, conduit, ducts, and tubes and related fittings, attachments, materials, and accessories used in the installation thereof*, from Nazareth, Pa., to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, for 180 days. SUPPORTING SHIPPER: Carlon Division, Indian Head, Inc., 23200 Chagrin Blvd., Cleveland, Ohio 44122. SEND PROTESTS TO: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Wm. J. Green, Jr. Federal Bldg., 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 51146 (Sub-No. 329 TA), filed August 21, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, P.O. Box 2298, (Box zip 54306), Green Bay, Wis. 54304. Applicant's representative: Neil DuJardin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, one gallon or less in capacity, from Streator, Ill., to points in Minnesota, for 180 days. SUPPORTING SHIPPER: Owens-Illinois, Inc., 405 Madison Avenue, Toledo, Ohio 43666 (Noley B. Pauley, Jr., Mgr. Rates & Service—Corporate Transportation). SEND PROTESTS TO: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 51146 (Sub-No. 330 TA), filed August 21, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, P.O. Box 2298 (Box zip 54306), Green Bay, Wis. 54304. Applicant's representative: Neil DuJardin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and specialty gift packs*, from Monroe and Madison, Wis., to Cincinnati, Ohio; Indianapolis, Ind.; Livonia, Mich.; Washington, D.C.; Jersey City, N.J.; Boston, Mass.; Springfield, Mass.; New York City, Buffalo, and Long Island, N.Y.; Cleveland, Ohio; Philadelphia and Pittsburgh, Pa. and Baltimore, Md., for 180 days. SUPPORTING SHIPPER: Swiss Colony Stores, Inc., 1112 7th Avenue, Monroe, Wis. 53566 (Roger Rothenbuehler, Traffic Manager). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 62538 (Sub-No. 19 TA), filed August 22, 1973. Applicant: ASHTON TRUCKING CO., 1201 North Broadway, P.O. Box 472, Monte Vista, Colo. 81144. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Commerce City, Colo., to Lubbock, Tex., for 180 days. SUPPORTING SHIPPER: Colorado Milling & Elevator Company, P.O. Box 718, Denver, Colo. 80202. SEND PROTESTS TO: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 99780 (Sub-No. 26 TA), filed August 20, 1973. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 NE. Bond Street, Peoria, Ill. 61603. Applicant's representative: Robert L. Lang (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats and packinghouse products* as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificate*, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plant site and/or cold storage facilities utilized by Wilson and Company, Inc., at Cedar Rapids, Iowa, to Bloomington, Columbus, Crawfordsville, Elkhart, Frankfort, Greencastle, Indianapolis, Kokomo, Lafayette, Lebanon, Marion, Mishawaka, Muncie, and South Bend, Ind., for 180 days. SUPPORTING SHIPPER: A. N. Brent, Manager of Transportation, 4545 North Lincoln Boulevard, Oklahoma City, Okla. 73105. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S.

Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 103051 (Sub-No. 283 TA), filed August 20, 1973. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue North, P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Lebanon, Tenn., to points in Alabama, Arkansas, Georgia, Kentucky, Mississippi, Missouri, North Carolina, Tennessee, and Virginia, for 180 days. SUPPORTING SHIPPER: Corn Sweeteners, Inc., P.O. Box 1445, Cedar Rapids, Iowa 52404. SEND PROTESTS TO: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 107515 (Sub-No. 866 TA), filed July 27, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat and frozen seafood*, from Philadelphia, Pa., to points in Virginia, for 150 days. SUPPORTING SHIPPER: Colonial Beef Co., 3333 South Third Street, Philadelphia, Pa. 19148. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree St. NW., Atlanta, Ga. 30309.

No. MC 107515 (Sub-No. 867 TA), filed August 1, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehouse facilities of Mrs. Smith's Pie Co. at Pottstown, Pa., to points in North Carolina, South Carolina, Georgia, Florida, and Alabama, for 150 days. SUPPORTING SHIPPER: Mrs. Smith's Pie Company, Charlotte and South Streets, Pottstown, Pa. 19464. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 W. Peachtree St. NW., Room 309, Atlanta, Ga. 30309.

No. MC 107515 (Sub-No. 868 TA), filed August 1, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantside and other facilities of Seabrook Farms Co., Inc., Seabrook, N.J., to points in Tennessee, Georgia, Florida, North Carolina, South Carolina, Alabama, Louisiana, and Virginia, for 180 days. SUPPORTING SHIPPER: Seabrook Farms Co., Inc., Seabrook Farms, N.J. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

No. MC 110098 (Sub-No. 139 TA), filed August 22, 1973. Applicant: ZERO REFRIGERATED LINES, 1400 Ackerman Road, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Madison Foods at Madison, Nebr., to points in New Mexico, Texas, Oklahoma, Arkansas, and Louisiana, for 180 days. SUPPORTING SHIPPER: Armour and Company, Fresh Meats Division, Greyhound Tower, Phoenix, Ariz. 85077. SEND PROTESTS TO: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway Building, Room 206, San Antonio, Tex. 78205.

No. MC 110988 (Sub-No. 298 TA) (CORRECTION), filed August 10, 1973, published in the FEDERAL REGISTER issue of August 27, 1973, and republished as corrected this issue. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: David A. Petersen (same address as applicant).

NOTE.—The purpose of this partial republication is to correct the MC number to No. MC 110988 (Sub-No. 298 TA) in lieu of No. MC 51146 (Sub-No. 298 TA), which was published in error. The rest of the application remains the same.

No. MC 110988 (Sub-No. 299 TA), filed August 21, 1973. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: David A. Petersen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium hypochlorite*, in bulk, in rubber-lined trailers, from Milwaukee, Wis., to points in Illinois, for 180 days. SUPPORTING SHIPPER: Hydrite Chemical Corporation, 1237 W. Bruce Street, Milwaukee, Wis. 53204 (Edward A. Wex, Exec. Vice Pres.). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 111729 (Sub-No. 394 TA), filed August 22, 1973. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success (NHP-PO), N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Small emergency replacement parts, machine tools, and electrical parts*, restricted against the transportation of packages weighing in the aggregate more than 50 pounds from one consignor to one consignee on any one day, (a) between Chicago, Ill., on the one hand, and, on the other, points in Wisconsin and (b) between Milwaukee, Wis., on the one hand, and, on the other, points in Illinois (except Chicago, Ill.), and (2) *small automotive parts and supplies of all kinds*, restricted against the transportation of packages weighing in the aggregate more than 50 pounds from one consignor to one consignee on any one day, between Chicago, Melrose Park, and Broad View, Ill., on the one hand, and, on the other, Milwaukee, Green Bay, and Madison, Wis., for 90 days. SUPPORTING SHIPPERS: (1) Oster Corporation, 5055 N. Lydell Avenue, Milwaukee, Wis.; (2) International Harvester Company, 420 South First Street, Milwaukee, Wis.; (3) Wisconsin Bearing Company, 1310 S. 43rd Street, Milwaukee, Wis.; and (4) R. B. Tool & Manufacturing Co., 3510 W. Kiehnau Avenue, Milwaukee, Wis. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 395 TA), filed August 22, 1973. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success (NHP-PO), N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audit, and accounting media of all kinds, and advertising material*, (a) between Findlay, Ohio, on the one hand, and, on the other, Fort Wayne and Indianapolis, Ind.; Champaign, Ill.; Louisville, Ky.; and Lansing, Mich., and (b) between Chicago, Ill., on the one hand, and, on the other, Genoa and Gypsum, Ohio, for 90 days. SUPPORTING SHIPPERS: (1) Marathon Oil Company, Findlay, Ohio 45840, and (2) United States Gypsum Company, 101 South Wacker Drive, Chicago, Ill. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112627 (Sub-No. 17 TA), filed August 23, 1973. Applicant: OWENS BROS., INC., P.O. Box 247, Dansville, N.Y. 14437. 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*, from Columbus, Ohio, to Lakeville, N.Y., and *return empty containers and pallets*, in the reverse direction, for 180 days. SUPPORT-

ING SHIPPER: Mr. Francis E. West, President, West Beer Dist., Inc., Lakeville, N.Y. SEND PROTESTS TO: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Blvd., West, Syracuse, N.Y. 13202.

No. MC 113828 (Sub-No. 209 TA), filed August 22, 1973. Applicant: O'BOYLE TANK LINES, INCORPORATED, Mlg: P.O. Box 30006, Washington, D.C. 20014, and Off: 5320 Marinelli Drive, Montrcse Industrial Park, Rockville, Md. 20852. Applicant's representative: Michael A. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from Lugoff, S.C., to Salem, Va., for 180 days. SUPPORTING SHIPPER: Star Foundry Products, Inc., Inc., Route 1, Box 266, Salem, Va. 24153. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 114265 (Sub-No. 26 TA), filed August 22, 1973. Applicant: RALPH SHOEMAKER, doing business as SHOEMAKER TRUCKING CO., 8624 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh, P.O. Box 7651, Boise, Idaho 83705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood and steel trusses combined*, from the plantsite of Trus-Joist Corporation, Dubuque, Iowa, to points in Wyoming, Colorado, New Mexico, Utah, Arizona, Nevada, and California, for 180 days. SUPPORTING SHIPPER: Trus-Joist Corporation, 900 E. Park Blvd., Boise, Idaho 83706. SEND PROTESTS TO: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, Idaho 83724.

No. MC 114457 (Sub-No. 161 TA), filed August 20, 1973. Applicant: DART TRANSIT COMPANY, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and frozen potato products*, from Grand Forks, N. Dak., to points in Connecticut, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, and Pennsylvania, for 180 days. RESTRICTION: Restricted to traffic originating at the plantsite and storage facilities of Western Potato Service, Inc. at Grand Forks, N. Dak. and destined to points in the named states. SUPPORTING SHIPPER: Western Potato Service, Inc., P.O. Box 1391, Grand Forks, N. Dak. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Bureau of Operations, Interstate Commerce Commission, 448 Federal Bldg. & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 114604 (Sub-No. 19 TA), filed August 7, 1973. Applicant: CAUDELL TRANSPORT, INC., State Farmers Market, #33, Forest Park, Ga. 30050. 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: *Canned and preserved foodstuffs*, from the distribution facility of Heinz U.S.A. at Greenville, S.C., to points in Alabama, Georgia, Mississippi, Tennessee, and the New Orleans, La., commercial zone, for 180 days. RESTRICTION: Restricted to traffic originating at and destined to the points and territories shown. SUPPORTING SHIPPER: Heinz U.S.A., Division of H. J. Heinz Co., P.O. Box 57, Pittsburg, Pa. 15230. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree St. NW., Atlanta, Ga. 30309.

No. MC 115654 (Sub-No. 21 TA), filed August 20, 1973. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 1193, 809 Ewing Avenue, Nashville, Tenn. 37202. Applicant's representative: Walter Harwood, 404 James Robertson Parkway, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, confectionery products, chocolates, and related chocolate items*, in vehicles equipped with mechanical refrigeration, except commodities in bulk, from Atlanta, Ga., to points in Jefferson, Etowah, St. Clair, Calhoun, and Talladega Counties, Ala., for 150 days. SUPPORTING SHIPPER: M. & M./Mars, Inc., High Street, Hackettstown, N.J. 07840. SEND PROTESTS TO: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 117883 (Sub-No. 180 TA), filed August 22, 1973. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, P.O. Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same address as applicant). 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 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Madison Foods, Inc., at Madison, Nebr., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at Madison, Nebr., for 180 days. SUPPORTING SHIPPER: Armour and Company, Fresh Meats Division, Greyhound Tower, Phoenix, Ariz. 85077. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 118959 (Sub-No. 106 TA) filed August 20, 1973. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: John L. Bruemmer, 121 W. Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building* materials and supplies (except commodities in bulk), from Louisville and points in its commercial zone, and from the plant site and storage facilities of Bird & Son, Inc., at Bardstown, Ky., to Springfield, Ky., restricted to (1) traffic from the plant site of American Standard Corporation at Louisville, Ky., shall be restricted to destinations lying east of U.S. Highway 83 and (2) Tacking of this authority with carrier's certificate No. MC 118959 (Sub-No. 85) at the plant site of Tech-Panel Corporation, Springfield, Ky., shall be for the purpose of joinder only, and no service shall be provided thereby to the states of Alabama, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina, for 180 days. SUPPORTING SHIPPERS: Bird & Son, Inc., Shawhan Lane, Bardstown, Ky. 40004; American Standard, Inc., P.O. Box 2003; General Plywood Corp., 234 Silver, New Albany, Ind.; Queen Products Company, Inc., 1234 Rowan, Louisville, Ky. SEND PROTESTS TO: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

NOTE.—Applicant does intend to talk with MC 118959 (Sub-No. 85).

No. MC 119789 (Sub-No. 176 TA), filed August 22, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 1612 E. Irving Blvd., Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as above). Authority sought to operate as a *commom carrier*, by motor vehicle, over irregular routes, transporting: *Refined sugar*, in packages, from Gramercy, La., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Colonial Sugars Company, Gramercy, La. 70052. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 119934 (Sub-No. 194 TA), filed August 22, 1973. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: J. F. Crouch (same address as above). Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from New Orleans, La., to Louisville, Ky., for 180 days. SUPPORTING SHIPPER: Colonial Molasses Company, 400 No. Gayoso St., New Orleans, La. 70119. SEND PROTESTS TO: District Supervisor James W. Habermehl, Bureau of Operations, Interstate Commerce Commission, 802 Century Bldg., 36 S. Penn. Street, Indianapolis, Ind. 46204.

No. MC 123556 (Sub-No. 5 TA), filed August 14, 1973. Applicant: RAHIER TRUCKING, INC., 1822 South First Street, Yakima, Wash. 98901. Applicant's representative: Warren L. Dewar, Jr., 303 East D Street, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in trucks or trailers not exceeding a payload of 24,000 pounds per unit, from points in Los Angeles, County, Calif., to Yakima, Wash., for 180 days. SUPPORTING SHIPPER: Associated Grocers, Inc., 3301 South Norfolk Street, Seattle, Wash. 98118. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 SW. Pine St., Portland, Oreg. 97204.

No. MC 124027 (Sub-No. 7 TA), filed August 21, 1973. Applicant: MIDWEST BULK, INCORPORATED, 1100 Winneconne Avenue, P.O. Box 726, Neenah, Wis. 54956. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shredded auto scrap*, from Kingsford, Mich., to points in Wisconsin, Michigan, Iowa, Illinois, and Minnesota, for 180 days. SUPPORTING SHIPPER: East Kingsford Iron & Metal Company, 100 East Superior Avenue, Iron Mountain, Mich. 49801 (Norman J. Mainville, Jr., Owner). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124027 (Sub No. 8 TA) filed August 21, 1973. Applicant: MIDWEST BULK, INCORPORATED, 1100 Winneconne Avenue, P.O. Box 726, Neenah, Wis. 54956. Applicant's representative: John L. Bruemmer, 121 W. Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, from Neenah and Appleton, Wis., to points in Illinois, Indiana, Wisconsin, and the Upper Peninsula of Michigan, for 180 days. SUPPORTING SHIPPERS: A. E. Schultz Corporation, P.O. Box 726, Neenah, Wis. 54956 (S. L. Laurin, Vice Pres.) and Koppers Company, Inc., St. Paul, Minn. 55104 (W. J. Goodlet, Manager, Sales). SEND PROTESTS TO: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124328 (Sub-No. 56 TA) filed August 22, 1973. Applicant: BRINK'S INCORPORATED, 234 E. 24th Street, Chicago, Ill. 60616. Applicant's representative: John G. O'Keefe, O'Hare Plaza, Suite 650, 5725 E. River Road, Chicago, Ill. 60631. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precious metals and/or coins in bags, bars, bullion and specie*, from Laredo, Tex., to Chicago, Ill.; Newark, N.J.; Providence, R.I.; points in Los Angeles County, Calif.; and Fairfield, Conn., and between Chicago, Ill. and New York, N.Y. and points in Union, Essex and Middlesex Counties, N.J., and from Kellogg, Idaho, to Chicago, Ill.; points in Los Angeles County, Calif.; New York, N.Y.; and Newark, N.J., for 180 days. SUPPORTING SHIPPER: Saul Quinn, Assistant Traffic Manager, Philipp Brothers Division of Engelhard Minerals & Chemical Corporation, 299 Park Avenue, New York, N.Y. 10017. SEND PROTESTS TO: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 133801 (Sub-No. 4 TA), filed August 20, 1973. Applicant: FEDERATION TRUCKING CORP., 1101 Prospect Avenue, Brooklyn, N.Y. 11218. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Collating, binding and inserting machines, counter stackers, trimmers, newspaper stuffing and mail-room machinery and equipment*, between points in the New York, N.Y. Commercial Zone as defined by the Commission, and Hauppage, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Massachusetts, Pennsylvania, Rhode Island, Delaware, Maryland, Virginia, North Carolina, South Carolina, Ohio, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Muller-Martini Corp., 40 Rabro Drive, Hauppauge, N.Y. 11787. SEND PROTESTS TO: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 136831 (Sub-No. 2 TA), filed August 17, 1973. Applicant: GEORGE HUSACK, 167 Locust Drive, Schnecksville, Pa. 18078. Appplicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lamps, lampshades, flocked paper, plastic lampshades and parts and accessories* for lamps and lampshades, and *materials and supplies and equipment* used or useful in the production, storage, distribution or use of lamps and lampshades, from the plantsite of the Keystone Lamp Manufacturing Corporation, Washington Township, Lehigh County, Pa., to Dayton, Ohio and between the said plantsite and Elizabeth and West Paterson, N.J., for 180 days. SUPPORTING SHIPPER: Keystone Lamp Mfg. Corp., Slatington, Pa. 18080. SEND PROTESTS TO: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Wm. J. Green, Jr., Federal Bldg., 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 139011 TA, filed August 20, 1973. Applicant: GERALD N. HJERMSTAD, doing business as HJERMSTAD TRUCKING, Florence, S. Dak. 57735. Applicant's representative: Irving A. Hinderaker, P.O. Box 766, Watertown, S. Dak. 57201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa meal, alfalfa pellets, and alfalfa cubes*, from Twin Brooks, S. Dak., to points in North Dakota, Minnesota, Iowa, Nebraska, and Missouri for 180 days. SUPPORTING SHIPPER: Twin Brooks Alfalfa Mill, Inc., Russell Wiese, Secretary, P.O. Box 10, Twin Brooks, S. Dak. 57269. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 139012 TA, filed August 20, 1973. Applicant: BIG T BROKERS, INC., doing business as BIG T LINES, 230 Abbott Street, Salinas, Calif. 93901. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, viz.: *dessert mixes; dessert preparations*, other than frozen; *food*, cooked, cured, preserved or prepared, frozen; *food*, prepared, NOI; *fruit*, canned or preserved, including *crushed fruit and fruit butter; fruit, fresh*, cold pack (frozen fresh fruit, either sweetened or not sweetened); *jams, jellies, or preserves*, edible; *peanut butter* (peanut paster) or *peanut spread; pies*, NOI, not baked requiring baking, frozen; *sauces or toppings, ice cream or desert*, dry, liquid or paste; *syrup*, flavoring or fruit; and *labels, containers or items* related to packaging of above foodstuffs, between points in Wayne, Medina, and Summit Counties, Ohio; Clarion and Erie Counties, Pa.; and Cook County, Ill., on the one hand, and points in Yakima County, Wash.; Multnomah, Marion, and Washington Counties, Oreg.; Adam, Arapahoe, and Jefferson Counties, Colo.; Ventura, San Bernardino, Los Angeles, Orange, San Diego, Monterey, and Santa Cruz Counties, Calif.; and Maricopa County, Ariz., on the other, for 180 days. SUPPORTING SHIPPER: J. M. Smucker Co., P.O. Box 1447, Salinas, Calif. SEND PROTESTS TO: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 138360 TA PETITION FOR MODIFICATION OF TEMPORARY AU-

THORITY, filed June 27, 1973. Applicant: PRESTON DOBBS, doing business as PRESTON DOBBS TRUCK SERVICE, P.O. Box 11, Hamilton, Miss. 39746. Applicant's representative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives and commodities in bulk), and *empty trailers*, between Aberdeen and Tupelo, Miss., on the one hand, and on the other, points in Clay, Lee, and Monroe Counties, Miss., restricted to traffic having a prior or subsequent movement by rail in trailer-on-flatcar service.

NOTE.—The above-described authority has been granted by the Motor Carrier Board by order dated March 9, 1973. This republication is to show that applicant requests that the facilities of American Colloid Company at or near White Springs, Miss. be added as an additional destination point.

SEND PROTESTS TO: Alan C. Tarrant, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-18925 Filed 9-5-73;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 31, 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.

Alaska Docket No. 73-216-N/F/A, filed July 26, 1973. Applicant: CLARENCE WREN, doing business as DILLINGHAM CONSTRUCTION COMPANY, P.O. Box 81, Dillingham, Alaska 99576. Applicant's representative: Andrew E. Hoge, 921 West Sixth Avenue, Anchorage, Alaska 99501. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, within a 50-mile radius of Dillingham, Alaska (including Dillingham, Alaska). HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the Alaska Transportation Commission, 750 MacKay Bldg., 338 Denali Street, Anchorage, Alaska 99501, and should *not* be directed to the Interstate Commerce Commission.

California Docket No. 54249, filed August 20, 1973. Applicant: AIRPORT DRAYAGE COMPANY, 710 Dubuque Street, South San Francisco, Calif. 94080. Applicant's representative: E. H. Griffiths, 1182 Market Street, Suite 207, San Francisco, Calif. 94102. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, subject to exceptions and restrictions noted, as follows: (A) Between all points and places located in the following areas and along the following routes: (1) U.S. Highway 101 between San Rafael and Chualar, inclusive, and points within 10 miles of said route; (2) State Highway 17 between San Rafael and Santa Cruz, inclusive, and points within 10 miles of said route; (3) State Highway 1 between San Francisco and Carmel, inclusive, and points within 10 miles of said route, including the off route point of Carmel Valley; (4) State Highway 9 between Los Gatos and Santa Cruz, inclusive, and points within 5 miles of said route; (5) State Highway 152 between San Felipe and State Highway 1, at Watsonville, inclusive, and points within 5 miles of said route; (6) State Highway 156 between San Felipe and its intersection with U.S. Highway 101 south of Gilroy, inclusive, and points within 5 miles of said route; (7) State Highway 129 between its intersection with U.S. Highway 101 and State Highway 1, at Watsonville, inclusive, and points within 5 miles of said route; (8) State Highway 68 between Salinas and Monterey, inclusive, and points within 5 miles of said route; (9) Interstate Highway 80 between San Francisco and Roseville, inclusive, and points within 20 miles of said route; (10) Interstate Highway 580, U.S. Highways 205 and 5, between San Francisco and Stockton, inclusive, and points within 20 miles of said route; (11) State Highway 4 between Pinole and Stockton, inclusive, and points within 5 miles of said route; (12) State Highway 24 between Oakland and Concord, inclusive, and points within 5 miles of said route; (13) State Highway 84 between Livermore and Redwood City, inclusive, and points within 5 miles of said route; (14) Interstate Highway 680 between Vallejo and its intersection with State Highway 17 near Milpitas, inclusive, and points within 10 miles of said route; and (15) State Highway 99 between Sacramento and Fresno, inclusive, and points within 10 miles of said route; (B) Carrier may serve between any two points named above whether named in one or more than one of the above numbered paragraphs; and carrier may make use of any and all streets, roads, highways, and bridges, in performing the service herein authorized; and (C) Carrier shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Item No. 5 of Minimum Rate Tariff No. 4-B; (2) Automobiles, Trucks and Buses, viz: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (4) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (5) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (6) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (7) logs; (8) Fresh fruit and vegetables; and (9) Trailer Coaches and Campers, including integral parts and contents when the contents are within the trailer coach or camper. HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Bldg., Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should *not* be directed to the Interstate Commerce Commission.

California Docket No. 54265 filed August 23, 1973. Applicant: HASLETT COMPANY, 1991 Dennison Street, Oakland, Calif. 94604. Applicant's representative: Marvin Handler, Handler, Baker & Greene, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, subject to exceptions and restrictions noted, as follows: (A) Between all points in the San Francisco-East Bay Cartage Zone embraced by the followed boundary: Beginning at the point where the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along said Lake Merced Boulevard and Lynnewood Drive to South Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point one mile west of Highway U.S. 101; thence southeasterly along an imaginary line one mile west of and paralleling Highway U.S. 101 (El Camino Real) to its intersection with the southerly boundary line of the City of San Mateo; thence northeasterly, northwesterly, northerly and easterly along said southerly boundary to Bayshore Highway (U.S. 101 Bypass); thence leaving said boundary line and continuing easterly along the projection of last said course to its intersection with

Belmont (or Angelo) Creek; thence northeasterly along Belmont (or Angelo) Creek to Seal Creek; thence westerly and northerly to a point one mile south of Toll Bridge Road; thence easterly along an imaginary line one mile southerly and paralleling Toll Bridge Road and San Mateo Bridge and Mt. Eden Road to its intersection with State Sign Route 17; thence continuing easterly and northeasterly along an imaginary line one mile south and southeasterly of and paralleling Mt. Eden Road and Jackson Road to its intersection with an imaginary line one mile easterly of and paralleling State Sign Route 9.

Thence northerly along said imaginary line one mile easterly of and paralleling State Sign Route 9 to its intersection with "B" Street, Hayward; thence easterly and northerly along "B" Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to William Street; thence westerly along William Street and 168th Avenue to Foothill Boulevard; northwesterly along Foothill Boulevard to the southerly boundary line of the City of Oakland; thence easterly and northerly along the Oakland Boundary Line to its intersection with the Alameda-Contra Costa County Boundary Line; thence northwesterly along last said line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point one mile northeasterly of San Pablo Avenue (Highway U.S. 40); thence northwesterly along an imaginary line one mile easterly of and paralleling San Pablo Avenue (Highway U.S. 40) to its intersection with County Road No. 20 (Contra Costa County); thence westerly along County Road No. 20 to Broadway Avenue (also known as Balboa Road); thence northerly along Broadway Avenue (also known as Balboa Road) to Highway U.S. 40; thence northerly along Highway U.S. 40 to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Company right-of-way and continuing westerly along the prolongation of Morton Avenue to the shore line of San Pablo Bay; thence southerly and westerly along the shore line and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line from Point San Pablo to the San Francisco waterfront at the foot of Market Street; thence westerly along said waterfont and shore line to the Pacific Ocean; thence southerly along the shore line of the Pacific Ocean to the point of beginning.

(B) From, to and between all points on and within 10 miles on either side of the following routes: (1) Between Oakland and Auburn via Interstate Highway 80; (2) Between San Francisco and Roseville on Interstate Highway 80 including all points within 20 miles of the city limits of Sacramento; (3) Between Oakland and Sacramento via California State Route 24 and Interstate Highways 680 and 80; (4) Between Sacramento and Woodland via California State Route 16 and Interstate Highway 5; (5) Between the junction of Interstate Highway 80 and State Route 113 South of Davis and Marysville via State Routes 113, 99 and 20; (6) Between Roseville and Yuba City via State Routes 65 and 20; (7) Between Auburn and Jackson via California State Route 49; (8) Between North Sacramento and Elverta via unnumbered highway and between said unnumbered highway and Interstate Highway 80 via another unnumbered highway through Rio Linda; (9) Between Interstate Highway 80 and U.S. Highway 50 via unnumbered highway through Folsom; (10) Between U.S. Highway 50 at Clarksville and California State Route 16 via unnumbered highway through Latrobe; (11) Between Sacramento and Citrus via unnumbered highway through Fairoaks; (12) Between U.S. Highway 50 at Shingle Springs and Latrobe via unnumbered highway; (13) Between Roseville and Folsom via unnumbered highway; (14) Between California State Route 16 and Ione via California State Route 104; (15) Between Ione and Pine Grove via California State Route 88 through Martell and Jackson; (16) Between U.S. Highway 50 east of Shingle Springs and El Dorado via unnumbered highway; (17) Between Sacramento and California State Route 49 north of Drytown via California State Route 16; (18) Between Sacramento and points within a radius of ten miles thereof, on the one hand, and, on the other, Grass Valley, Nevada City, points and places within a radius of five miles of Grass Valley and of Nevada City and intermediate points on California State Highway 49 between Nevada City and Auburn but not including Auburn.

(19) Locally between all points on California State Highway 49 between Nevada City and Auburn but not including Auburn, including also all points and places within a radius of five miles of Grass Valley and of said Nevada City, California: Over and along U.S. Highway 40 and California State Highway 49. Over and along any streets and highways in the named cities and to reach any point or places within which carrier is authorized to render service; (20) Be-Clarksville, including Clarksville, and route; (22) Between Oakland and Pa-Clarksville, including Clarksville, and the off-route points of El Dorado and Diamond Springs: From Sacramento over U.S. Highway 50 to Pollock Pines and return over the same route; (21) Between Sacramento and Jackson serving the intermediate points of Sloughouse, Michigan Bar, Drytown, Amador City, Sutter Creek, and Martell: From Sacramento over California State Highway 16 to junction California State Highway 49, thence over California State Highway 49 to Jackson, and return over the same route; (22) Between Oakland and Pacific House via State Highways 17 and 238, Interstate Highways 580 and 205, State Highway 99 and U.S. Highway 50; (23) Between San Francisco and Stockton via Interstate Highway 80, State Highways 17 and 238, Interstate Highways 580 and 205, State Highway 99 and U.S. Highway 5; (24) Between Stockton and Sacramento via State Highway 99 including all points within 20 miles of the city limits of Stockton; (25) Between Stockton and Los Angeles Basin Territory (see note) over State Highway 99 and Interstate Highway 5; (26) Between Hercules and Stockton via State Highway 4; (27) Between Manteca and Interstate Highway 5 via State Highway 120; (28) Between Stockton and Modesto via State Highway 99; (29) Between Los Angeles Basin Territory and junction with Interstate Highway 580 near Tracy over Interstate Highway 5; (30) Between junction of Interstate Highway 580 near Tracy and Maricopa via State Highway 33; (31) Between Maricopa and junction with Interstate Highway 5 and State Highway 99 north of Wheeler Ridge over State Highway 166; (32) Between Taft and State Highway 99 over California Highway 119 to a point approximately 10 miles south of Bakersfield; (33) Between McKittrick and Bakersfield over California Highway 58; (34) Between Woodlake and junction with State Highway 99 near Bakersfield over California Highway 65; (35) Between Fresno and junction with Interstate Highway 5 near Kettleman City via State Highway 41.

(36) Between Visalia and junction with California Highway 198 near Lemoncove over State Highway 216; (37) Between junction with State Highway 98 north of Exeter and junction with State Highway 99 north of Bakersfield over State Highway 65; (38) Between Corcoran and Lindsay over State Highway 137; (39) Between Porterville and junction with State Highway 43 south of Corcoran over State Highway 190; (40) Between Orosi and Woodlake over State Highway 69; (41) Between Kingsburg and junction with State Highway 69 near Woodlake over State Highway 201; (42) Between Tulare and junction with State Highway 180 near Orange Cove over State Highway 63; (43) Between Fresno and junction with State Highway 63 near Orange Cove over State Highway 180; (44) Between Fresno and Mendota over State Highway 180; (45) Between Firebaugh and Madera over State Highway 145; (46) Between Merced and Gustine over State Highway 140; (47) Between Hanford and Bakersfield over State Highway 43; (48) Between junction with Interstate 5 and junction with State Highway 65 north of Exeter over State Highway 198; (49) Between Oakland and San Jose via California State Route 17 and U.S. Highway 101 and Interstate Highway 280; (50) Between Rodeo and Concord via California State Route 4; (51) Between Novato and Salinas via U.S. Highway 101; (52) Between junction of State Highway No. 4 near Pacheco and junction State Highway No. 17 near Warm Springs via U.S. Highway 21; (53) Between Milpitas and Saratoga over State Highways 237 and 85; (54)

Between Oakland and Santa Cruz via State Highway No. 17; (55) Between Salinas and Monterey via State Highway 68; (56) Between Santa Cruz and Monterey via State Highway No. 1; (57) Between Vallejo and Napa via State Highway 29; and (58) Between junction U.S. Highway No. 101 near Ignacio and Vallejo via State Highways 37 and 48. Through routes and rates may be established between any and all points specified above. For operating convenience carrier may make use of any street, road, highways, ferry, or bridge necessary or convenient for the purpose of performing the service authorized above. No service is to be performed locally between points in the Los Angeles Basin Territory.

(C) Carrier shall not transport any shipment of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements; (2) Automobiles, trucks and buses viz: new and used, finished or unfinished passenger automobiles (including jeeps), ambulance, hearses and taxis; freight automobile chassis, trucks, truck chassis, truck trailer, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine; (4) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment; (5) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids, in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles; (6) Commodities transported in bulk in dump trucks or in hopper-type trucks; (7) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; and (8) Logs.

NOTE.—LOS ANGELES BASIN TERRITORY: Los Angeles Basin Territory includes that area embraced by the following boundary; Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects California Highway 118, approximately 2 miles west of Chatsworth; easterly along California Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along the said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway 99, northwesterly along U.S. Highway 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway 60.

Southwesterly along U.S. Highways 60 and 395 to the county road approximately 1 mile North of Perris; easterly along said county road via Neuvo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly, and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to California Highway 74, westerly along California Highway 74 to the corporate boundary of the City of Hemet; southerly, westerly, and northerly along said corporate boundary, to the right-of-way of the Atchison, Topeka & Santa Fe Railway Company; southwesterly along said right-of-way to Washington Avenue; southerly along Washington Avenue through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the County road intersecting U.S. Highway 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway 395; southeasterly along U.S. Highway 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shore line of the Pacific Ocean to the point of beginning.

HEARING.—Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-18921 Filed 9-5-73;8:45 am]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

Extension of Time for Filing Requests To Participate

In the matter of MC-C-8133 filed August 3, 1973, and published August 22, 1973, special notice to indicate the extension of time for filing requests to participate in a petition for relief from the provisions of 49 CFR 1090.5(a) to permit participation in joint intermodal TOFC service.

Any interested person or persons desiring to participate in this proceeding as published in the FEDERAL REGISTER issue of August 22, 1973, should file an original and six copies of his or their representations, views or arguments in support of or against the petition by October 5, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-18923 Filed 9-5-73;8:45 am]

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THURSDAY, SEPTEMBER 6, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 172

PART II

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

■

WALKING-WORKING SURFACES

Proposed Occupational Safety and Health Administration

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[S-73-8]

WALKING-WORKING SURFACES

Occupational Safety and Health Standards

Pursuant to section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655), Secretary of Labor's Order No. 12-71 (36 FR 8754), and 29 CFR Part 1911, it is hereby proposed to amend Part 1910 of Title 29, Code of Federal Regulations, by revising Subpart D thereof as indicated below.

Written comments concerning the proposed revision may be mailed to the Director, Office of Standards, Room 400 First Street N.W., Washington, D.C. 20210, before November 2, 1973. The comments received will be available for public inspection and copying at the Office of Standards at the address given above.

In addition, interested persons may file written objections to the proposed revision, or any portion thereof, and request an informal hearing with respect thereto, before November 2, 1973, in accordance with the following conditions:

1. The objections must include the name and address of the objector;

2. The objections must be postmarked on or before 1973;

3. The objections must specify with particularity the provision of the proposed revision to which the objection is taken, and must state the grounds therefor;

4. Each objection must be separately stated and numbered; and

5. The objections must be accompanied by a summary of the evidence which the objector purposes to adduce at the requested hearing.

The essential issues presented by the proposed revision represent the material differences between the present Subpart D and the proposed revision. The material differences are summarized as follows:

1. A policy is advanced to consider as de minimis violation of standards differences from structural and dimensional requirements when the differences are trifling and do not directly or immediately relate to the safety or health of employees. Experience with the standards since their effective date of August 27, 1971, suggests that there are many situations where there are such differences. Abatement of the differences in these situations may also be costly, and perhaps impossible for the employer when he lacks sufficient control of the premises.

2. Some changes in format are made in the subpart, which are intended to permit easier reading; e.g., increasing the number of section designations and placing relevant definitions closer to substantive requirements.

3. In the standards dealing with fixed industrial stairs, allowing for ship stairs as an acceptable means of going from one level to another under certain conditions.

4. The standards governing the specifications for standard railings are made more flexible, and provision is made expressly for accomodation of the requirements of the standards with the rules of other Federal agencies with different regulatory objectives.

5. Provision is made for the use of spiral stairs in the standards dealing with fixed industrial stairs.

6. In the case of scaffolding, some allowance is made for the use of safety belts and/or safety nets to be used in place of scaffolding guardrails, where the guardrails cannot be properly installed. Further, minimum plank spacing is specified, and changes are made in the wire gauge allowed for protection between guardrails and toeboards.

7. More explicit requirements are provided for a climbing ladder or stairway to be used with a manually propelled scaffold.

As revised, Subpart D of Part 1910 reads as follows:

Subpart D—Walking-Working Surfaces

§ 1910.21 Application.

(a) The substance of the standards which are published in this Subpart D reflect in large measure certain national consensus standards published by the American National Standards Institute (ANSI). The ANSI standards are the following:

(1) ANSI Z4.1-1968, Requirements for Sanitation in Places of Employment.

(2) ANSI A58.1-1955, Minimum Design Loads in Building and Other Structures.

(3) ANSI A12.1-1967, Safety Requirements for Floor and Wall Openings, Railings, and Toeboards.

(4) ANSI A64.1-1968, Requirements for Fixed Industrial Stairs.

(5) ANSI A14.1-1968, Safety Code for Portable Wood Ladders.

(6) ANSI A14.2-1956, Portable Metal Ladders.

(7) ANSI A14.3-1956, Safety Code for Fixed Ladders.

(8) ANSI A10.8-1969, Safety Requirements for Scaffolding.

(9) ANSI A92.1-1971, Standards for Manually Propelled Mobile Ladder Stands and Scaffolds.

(10) ANSI B56.1-1969, Safety Standard for Powered Industrial Trucks.

(11) ANSI B24.1–1963, Safety Standard for Forging.

(12) ANSI 01.1–1954, Safety Code for Woodworking Machinery.

(b) Subpart D was first published in the FEDERAL REGISTER on May 29, 1971 (36 FR 10469) and made effective August 28, 1971. Experience with the standards contained therein since that effective date have indicated many situations where there are structural and dimensional differences between the specific requirements of a particular standard and the actual practices of an employer. Many differences have been trifling, and in addition have had no direct or immediate effect upon the safety or health of employees. At the same time, however, the cost to an employer of literal compliance with such a standard may be disproportionately high. When these circumstances are present, any requirement for abatement is considered impractical, and perhaps not even feasible when an employer lacks sufficient control of the premises. Accordingly, in such circumstances, a notice of de minimis violation shall be issued in accordance with section 9(a) of the Act and Part 1903 of this chapter instead of a citation for a violation involved.

(c) The execution of the requirements of portions of this part may actually be carried out by persons other than the employer because of proprietary or contractual relationships. Nevertheless, the employer has a duty for the meeting of the standards. The standards are for the protection of his employees.

GENERAL

§ 1910.22 Scope.

This Subpart D applies to all permanent places of employment, except where domestic, mining, or where agricultural work only is performed.

§ 1910.22a Housekeeping.

(a) All places of employment, passageways, storerooms, and service rooms shall be kept clean and orderly to the extent that the nature of the work allows.

(b) The floor of every workroom shall be maintained in a clean and, so far as practicable, a dry condition. Where wet processes are used, drainage shall be maintained, and false floors, platforms, mats, or other dry standing places should be provided where practicable.

(c) To facilitate cleaning, every floor, working place, and passageway shall be kept free from protruding nails, splinters, holes, or loose boards.

§ 1910.22b Aisles and passageways.

(a) Where mechanical handling equipment is used, sufficient safe clearances shall be allowed for aisles, at loading docks, through doorways and wherever turns or passage must be made. Aisles and passageways shall be kept clear and in good repair, with no obstruction across or in aisles that could create a hazard. Permanent aisles and passageways shall be appropriately marked.

§ 1910.22c Covers and guardrails.

Covers, guardrails or some other means of equivalent effect shall be provided to protect employees from open pits, tanks, vats, and ditches, and similar openings presenting a hazard of falling, except as otherwise provided for in this subpart.

§ 1910.22d Floor-loading protection.

(a) The floor-loading capacity (the weight and distribution of safe loads on a floor) of each floor of a building on which an employee is working shall be determined by a registered professional engineer, architect, or other person who is qualified by training or experience to apply the scientific principles required to make the determination. The floor-loading capacity as so determined shall not be exceeded.

(b) The floor-load capacity determined under paragraph (a) of this section shall be marked on a sign made of durable material in easy-to-read letters. The sign shall be conspicuously posted on each floor. The sign shall be maintained in good condition.

(c) The requirements of paragraph (a) of this section do not apply when: (1) A floor is built on an earth (soil) base in a multi-floor building; (2) the building is of one-story construction, and the floor is at grade level, without cellar or basement with the total floor being supported by earth (soil base).

(d) The employer shall not exceed the floor-loading capacity determined under this section.

GUARDING FLOOR AND WALL OPENINGS AND HOLES

§ 1910.23a Purpose; definitions.

(a) *Purpose.*—(1) The purpose of the sections under the centerhead "guarding floor and wall openings and holes" is to protect employees working in areas where floor and wall openings present hazards to the safety of employees. The primary hazard is falling.

(2) The standards in the sections under the centerhead "guarding floor and wall openings and holes" shall not apply to industrial grating holes nor to the working face of floor openings which are occupied by elevators, dumb waiters, conveyors, machinery, piping, or containers; the loading and unloading areas of automotive truck and railroad docks, or platforms, scaffolds, pits and trenches and which are occupied for the purpose of providing access to a product, facility or process equipment while being worked upon.

(b) *Definitions.*—As used in §§ 1910.23b through 1910.23n the definitions contained in this paragraph shall apply.

(1) *Floor hole.*—An opening measuring more than 1 inch in its least dimension, in any floor, pavement, or yard, through which materials or tools may fall on persons or into machinery or equipment.

(2) *Floor opening.*—An opening measuring 4 inches or more in its least dimension, in any floor, platform, pavement, or yard, into which employees may step; such as a hatchway, stair or ladder opening, pit, or large manhole. Floor openings occupied by elevators, dumb waiters, conveyors, piping, machinery, or containers are excluded from this definition.

(3) *Handrail.*—A single bar or pipe supported on brackets from a wall or partition, as on a stairway or ramp, to furnish persons with a handhold in case of tripping.

(4) *Platform.*—A working space for persons, elevated above the surrounding floor or ground; such as a balcony or platform for the operation of machinery and equipment.

(5) *Runway.*—A passageway for persons, elevated above the surrounding floor or ground level, such as a footwalk along shafting or a walkway between buildings.

(6) *Railing.*—A vertical barrier erected along exposed edges of a floor opening, wall opening, ramp, platform, or runway to prevent falls of persons.

(7) *Standard strength and construction.*—Any construction of railings, covers, or other guards that meets the requirements of the sections under the centerhead "Guarding Floors and Wall Openings and Holes".

(8) *Toeboard.*—A vertical barrier at floor level erected along exposed edges of a floor opening, wall opening, platform, runway, or ramp to prevent falls of materials.

(9) *Stair railing.*—A vertical barrier erected along exposed sides of a stairway to prevent falls of persons.

(10) *Wall hole.*—An opening less than 30 inches but more than 1 inch high, of unrestricted width, in any wall or partition; such as a ventilation hole or drainage scupper.

(11) *Wall opening.*—An opening at least 30 inches high and 18 inches wide, in any wall or partition, through which persons may fall; such as an opening for a window, a yard-arm doorway or chute opening.

§ 1910.23b Stairway and other floor openings.

Every stairway floor opening shall be guarded by a standard railing constructed in accordance with § 1910.23n. The railing shall be on all exposed sides, except at the entrance to the stairway. Alternatively, the guarding may consist of a floor-opening cover of standard strength. In the latter situation, standard railings on all exposed sides (except at the entrance to the stairway) shall be used when the cover is removed and the stairway is in use.

§ 1910.23c Ladderway opening or platform.

Every ladderway floor opening or platform shall be guarded by a standard railing with a standard toeboard on all exposed sides (except at entrance to opening), with the passage through the railing either provided with a raising or swinging gate or chain or so offset that a person cannot walk directly into the opening.

§ 1910.23d Hatchway: chute floor opening.

(a) (1) Every hatchway and chute floor opening shall be guarded by one of the means prescribed in either subparagraph (2) or (3) of the paragraph.

(2) A removable or hinged floor opening cover of sufficient strength shall be provided. When cover is off and hatchway or chute is open, the opening shall be protected by a standard guardrail so as to leave only one exposed side. When the opening is not in use, the cover shall be replaced.

(3) A removable railing with toeboards on all sides of the opening shall be provided as required by the usage of the opening or a fixed standard railing with toeboards on all exposed sides. The removable railings shall be kept in place when the opening is not in use and shall preferably be hinged or otherwise mounted so as to be conveniently replaceable.

(b) Where operating conditions necessitate the feeding of material into any hatchway or chute opening, protection shall be provided to prevent a person from falling through the opening.

§ 1910.23e Skylight opening.

Every skylight opening shall be guarded by a skylight screen or a fixed standard railing on all exposed sides.

§ 1910.23f Pit; trapdoor floor opening.

Every pit and trapdoor floor opening shall be guarded whenever practicable by a floor opening cover of standard strength and construction which should be hinged in place. While the cover is not in place, the pit or trap opening shall be guarded by a person designated by the employer, or shall be protected on all exposed sides by removable standard railings.

§ 1910.23g Other floor openings.

(a) Every manhole floor opening shall be guarded by a standard manhole cover which need not be hinged in place. While the cover is not in place, the manhole opening shall be guarded by a person designated by the employer, or shall be protected by removable standard railings.

(b) Every temporary floor opening shall have standard railings, or shall be guarded by a person designated by the employer.

§ 1910.23h Floor holes.

(a) Every floor hole into which persons can accidentally trip shall be guarded by either:

(1) A standard railing with standard toeboard on all exposed sides, or

(2) A floor hole cover of standard strength and construction that should be hinged in place. While the cover is not in place, the floor hole shall be guarded by a person designated by the employer, or shall be protected by a removable standard railing.

(3) Every floor hole into which persons cannot accidentally walk (on account of fixed machinery, piping, equipment, or walls) shall be protected by a cover that leaves no openings more than 1 inch wide. The cover shall be securely held in place to prevent tools or materials from falling through.

§ 1910.23i Doors or gates opening on stairways.

Where doors or gates open directly on a stairway, a platform shall be provided, and the swing of the door shall not reduce the effective width to less than 28 inches.

§ 1910.23j Protection for wall openings and holes.

(a) Every wall opening from which there is a drop of more than 4 feet shall be guarded by one of the following:

(1) A rail, picket fence, half door, or equivalent barrier. (The guard may be removable but when the guard is removable it shall be hinged or otherwise mounted so as to be conveniently replaceable. Where there is exposure below to falling materials, a removable toeboard or the equivalent shall also be provided. When the opening is not in use for handling materials, the guard shall be kept in position regardless of a door to the opening. In addition, a grab handle shall be provided on each side of the opening with its center approximately 4 feet above floor level and of standard strength and mounting.); or

(2) Extension platform onto which materials can be hoisted for handling, which shall have side rails or equivalent guards of standard specifications.

(b) Every chute wall opening from which there is a drop of more than 4 feet shall be guarded by one or more of the barriers specified in paragraph (a) of this section, or such other guards as the conditions render appropriate.

(c) Every window wall opening at a stairway landing from which there is a drop of more than 4 feet, and where the bottom of the opening is less than 3 feet above the platform or landing, shall be guarded by standard slats, standard grill work (as specified in § 1910.23n(k)) or standard railing. Where the window opening is below the landing, or platform, a standard toeboard shall be provided.

(d) Every temporary wall opening shall have adequate guards but these need not be of standard construction.

(e) Where there is a hazard of materials falling through a wall hole, and the lower edge of the near side of the hole is less than 4 inches above the floor, and the far side of the hole more than 5 feet above the next lower level, the hole shall be protected by a standard toeboard, or an enclosing screen either of solid construction, or as specified in § 1910.23n(k).

§ 1910.23k Platforms and runways.

(a)(1) Every platform or runway six feet or more above an adjacent floor or ground level where an employee works shall be guarded by a standard railing (or the equivalent as specified in § 1910.23n) on all open sides.

(2) When the requirement prescribed in subparagraph (1) of this paragraph is not feasible because it would result in an impairment of the work being performed or because some accommodation is needed so that the rules of another Federal agency may be met, such as those of the U.S. Department of Agriculture under the Wholesome Meat Act (21 U.S.C. 601), alternative protection may be provided for employees which is as safe as that which would be afforded by § 1910.23k(a)(1).

(3) The guarding requirement in subparagraph (1) of this paragraph does not apply to the entrance to a ramp, stairway, fixed ladder, or ship stair.

(4) The railing required by § 1910.23k (a)(1) shall be provided with a toeboard wherever, beneath the open sides, a person can pass, there is moving machinery, or there is equipment with which falling materials could create a hazard.

(b) Runways used exclusively for special purposes (such as oiling, shafting, or filing tank cars) may have the railing on one side omitted where operating conditions necessitate such omission, provided the falling hazard is minimized by using a runway of not less than 18 inches wide. Where persons entering upon runways become thereby exposed to machinery, electrical equipment, or other danger not a falling hazard, additional guarding than those specified may be essential for protection.

§ 1910.23l Stairway and railing guards.

Regardless of height, open-sided floors, walkways, platforms, or runways above dangerous equipment, pickling or galvanizing tanks, degreasing units, and similar hazards shall be guarded with a standard railing and toeboard.

§ 1910.23m Stairway railings and guards.

(a) Every flight of stairs having three or more risers shall be equipped with standard stair railings or standard handrails as specified in subparagraphs (1) through (5) of this paragraph, the width of the stair to be measured clear of all obstructions except handrails:

(1) On stairways less than 44 inches wide having both sides enclosed, at least one handrail, preferably on the right side descending.

(2) On stairways less than 44 inches wide having one side open, at least one stair railing on the open side.

(3) On stairways less than 44 inches wide having both sides open, one stair railing on each side.

(4) On stairways more than 44 inches wide but less than 88 inches wide, one handrail on each enclosed side and one stair railing on each open side.

(5) On stairways 88 or more inches wide, one handrail on each enclosed side, one stair railing on each open side, and one intermediate stair railing located approximately midway of the width.

(b) Winding stairs shall be equipped with a handrail offset to prevent walking on all portions of the treads having width less than 6 inches.

§ 1910.23n Railing, toeboards, and cover specifications.

(a) *Standard railing.*—A "standard railing" shall consist of a top rail, intermediate rail, and posts, and shall have a

minimum vertical height of 36 inches to 42 inches nominal from the upper surface of the top rail to the floor, platform, runway, or ramp level. The top rail of the "standard railing" shall be smooth-surfaced throughout its length. The intermediate rail of the "standard railing" shall be about halfway between the top rail and the floor, platform, runway, or ramp. The end of the rails of the "standard railing" shall not overhang the terminal posts to the extent of causing a projection hazard.

(b) *Stair railing.*—A "stair railing" shall be of similar construction to standard railing, but the vertical height shall be not more than 34 inches nor less than 30 inches from the upper surface of the top rail to the surface of the tread in line with the face of the riser at the forward edge of the tread.

(c) *Various specifications.*—Minimum requirements for "standard railings" under various types of construction are specified in the following subparagraphs. Dimensions specified are based on the U.S. Department of Agriculture Wood Handbook, No. 72, 1955 (No. 1 [S4S] Southern Yellow Pine [Modulus of Rupture 7,400 p.s.i.]) for wood; ANSI G41.5–1970, American National Standard Specifications for Welded and Seamless Steel Pipe, for pipe.

(1) *Wood railings.*—For wood railings, the posts shall be of at least 2-inch by 4-inch stock spaced not to exceed 6 feet; the top and intermediate rails shall be of at least 2-inch by 4-inch stock. If top rail is made of two right-angle pieces of 1-inch by 4-inch stock, posts may be spaced on 8-foot centers, with 2-inch by 4-inch intermediate rail.

(2) *Pipe railings.*—For pipe railing, posts and top and intermediate rails shall be at least one and one-half inches nominal outside diameter with posts spaced not more than eight feet on centers.

(3) *Structural steel railings.*—For structural steel railings, posts and top and intermediate rails shall be of 2-inch by 2-inch by ⅜-inch angles or other metal shapes of equivalent bending strength with posts spaced not more than 8 feet on centers.

(4) *Anchors.*—Anchoring of posts and framing of members for railings of all types shall be of such construction that the completed structure shall be capable of withstanding a load of at least 200 pounds applied to the top rail horizontally.

(5) *Others.*—Other types, sizes, and arrangements of railing construction are acceptable provided they meet the following conditions:

(i) A smooth-surfaced top rail at a height above floor, platform, runway, or ramp level not less than 36 inches to 42 inches nominal;

(ii) A strength to withstand at least the minimum requirement of 200 pounds applied to the top rail horizontally;

(iii) Protection between top rail and floor, platform, runway, ramp, or stair treads, equivalent at least to that afforded by a standard intermediate rail;

(iv) Elimination of overhang of rail ends unless such overhang does not constitute a hazard; such as, baluster railings, scrollwork railings, panelled railings.

(d) *Standard toeboard.*—(1) A "standard toeboard" shall be from two to six inches nominal in vertical height from its top edge to the level of the floor, platform, runway, or ramp. The toeboard shall be securely fastened in place. The clearance of the toeboard above the floor, platform, runway, or ramp level shall be the lowest that is practical under the existing circumstances. It is expected that in most situations, there shall be a minimum clearance above the level of the floor, platform, runway, or ramp. The toeboard shall be made of substantial material which is either solid or which has openings of not more than one inch in the greatest dimension.

(2) When materials are piled to such a height that the standard toeboard does not provide protection, substantial paneling or screening from the floor to the intermediate rail, or the toprail shall be provided.

(e) *Handrails.*—(1) A handrail shall consist of a lengthwise member mounted directly on a wall or partition by means of brackets attached to the lower side of the handrail so as to offer no obstruction to a smooth surface along the top and both sides of the handrail. The handrail shall be of rounded or other section that will furnish an adequate handhold for anyone grasping to avoid falling. The ends of the handrail should be turned in to the supporting wall or otherwise arranged so as not to constitute a projection hazard.

(2) The height of handrails shall be not more than 34 inches nor less than 30 inches from upper surface of handrail to surface of tread in line with face of riser at the forward edge of the tread.

(3) The size of handrails shall be: (i) When of hardwood, two inches nominal in outside diameter; and (ii) when of metal pipe at least one and one-half inches nominal outside diameter. The length of brackets shall be such as to give a clearance between the handrail and the wall or any projection thereon of at least one and one-half inches. The spacing of brackets shall not exceed eight feet.

(4) The mounting of handrails shall be such that the completed structure is capable of withstanding a load of at least 200 pounds applied in any direction at any point on the rail.

(f) *Clearance of handrails and railings.*—All handrails and railings shall have a clearance of not less than one and one-half inches between the handrail or railing and any other object.

(g) *Floor opening covers.*—Floor opening covers may be of any material that meets the following strength requirements:

(1) Trench or conduit covers and their supports, when located in plant roadways, shall be designed to carry a truck rear-axle load of at least 20,000 pounds.

(2) Manhole covers and their supports, when located in plant roadways, shall be designed to carry a truck rear-axle load of at least 20,000 pounds. Compliance with local standard highway requirements concerning the strength of manhole covers shall be accepted as compliance with this subparagraph.

(3) The construction of floor opening covers may be of any material that meets the surrounding floor strength requirements. Covers projecting not more than 1 inch above the floor level may be used providing all edges are chamfered to an angle with the horizontal of not over 30 degrees. All hinges, handles, bolts, or other parts shall set flush with the floor or cover surface.

(h) *Skylight screens.*—Skylight screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied perpendicularly on the screen. They shall also be of such construction and mounting that under ordinary loads or impacts, they will not deflect downward sufficiently to break the glass below them. The construction shall be of grillwork with openings not more than 4 inches long or of slatwork with openings not more than 2 inches wide with length unrestricted.

(i) *Wall opening barriers.*—Wall opening barriers (rails, picket fences, and half doors) shall be of such construction and mounting that, when in place at the opening, the barrier is capable of withstanding a load of at least 200 pounds applied in any direction (except upward) at any point on the top rail or corresponding member.

(j) *Wall opening grab handles.*—Wall opening grab handles shall be not less than 12 inches in length and shall be so mounted as to give 3 inches clearance from the side framing of the wall opening. The size, material, and anchoring of the grab handle shall be such that the completed structure is capable of withstanding a load of at least 200 pounds applied in any direction at any point on the handle.

(k) *Wall opening screens.*—Wall opening screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied horizontally at any point on the near side of the screen. They may be of solid construction, of grillwork with openings not more than 8 inches long, or of slatwork with openings not more than 4 inches wide with length unrestricted.

§ 1910.24a General application.

(a) The sections under the centerhead "Fixed Industrial Stairs" contain specifications for the safe design and construction of fixed industrial stairs. The term "fixed industrial stairs" includes interior and exterior stairs around machinery, tanks, and other equipment; and stairs leading to or from floors, platforms, or pits.

(b) The sections under the centerhead "Fixed Industrial Stairs" do not apply to stairs used as a means of egress (see Subpart E of this part), to construction operations in private residence, or to articulated stairs, such as may be

installed on floating roof tanks or on dock facilities, the angle of which changes with the rise and fall of the base support.

FIXED INDUSTRIAL STAIRS

§ 1910.24b Definitions.

As used in the sections under the centerhead "Fixed Industrial Stairs", unless the context requires otherwise, fixed industrial stair terms shall have the meaning ascribed in this section.

(a) *Handrail.*—A single bar of wood or pipe supported on brackets from a wall or partition to provide a continuous handhold for persons using a stair.

(b) *Nose, nosing.*—That portion of a tread projecting beyond the face of the riser immediately below.

(c) *Open riser.*—The air space between the treads of stairways without upright members (risers).

(d) *Platform.*—An extended step or landing breaking a continuous run of stairs.

(e) *Railing.*—A vertical barrier erected along exposed sides of stairways and platforms to prevent falls of persons. The top member of railing usually serves as a handrail.

(f) *Rise.*—The vertical distance from the top of a tread to the top of the next higher tread.

(g) *Riser.*—The upright member of a step situated at the back of a lower tread and near the leading edge of the next higher tread.

(h) *Ship stair.*—A series of treads with a slope greater than that of a fixed industrial stair, with handrails attached leading from one level or floor to another, or leading to platforms, pits, boiler rooms, crossovers or around machinery, tanks and other equipment in restricted spaces, in which a fixed industrial stair can not be fitted.

(i) *Stairs, stairway.*—A series of steps leading from one level or floor to another, or leading to platforms, pits, boiler rooms, crossovers, or around machinery, tanks, and other equipment that are used more or less continuously or routinely by employees, or only occasionally by specific individuals. A series of steps and landings having three or more risers constitutes stairs or stairway.

(j) *Tread.*—The horizontal member of a step.

(k) *Tread run.*—The horizontal distance from the leading edge of a tread to the leading edge of an adjacent tread.

§ 1910.24c Where fixed stairs are required.

Fixed stairs shall be provided for access from one structure level to another where operations necessitate regular travel between levels, and for access to operating platforms at any equipment which requires attention routinely during operations. Fixed stairs shall also be provided where access is required to elevations for such purposes as gauging, inspection, regular maintenance, etc., where such work may expose employees to acids, caustics, gases, or other harmful substances, or for which purposes the carrying of tools or equipment by hand is normally required. (It is not the intent of this section to preclude the use of fixed ladders for access to elevated tanks, towers, and similar structures, overhead traveling cranes, etc., where the use of fixed ladders is common practice.)

§ 1910.24d Industrial stair strength.

Fixed industrial stairs shall be designed, constructed, and installed to carry a minimum live load of 100 pounds per square foot. Industrial stair treads shall be designed to carry a minimum concentrated load of 300 pounds on the center line of tread span.

§ 1910.24e Stair width.

Fixed industrial stairs shall have a minimum width of 22 inches.

§ 1910.24f Angle of stairway rise.

(a) Fixed industrial stairs shall be installed at angles to the horizontal of between 30 and 50 degrees with a minimum rise of 6½ inches and a maximum rise of 8½ inches.

(1) Any uniform combination of rise-tread dimensions may be used that will result in a stairway at an angle to the horizontal within the permissible range.

(2) If an indicated elevation cannot be accomplished with fixed industrial stairs under this requirement because of physical restrictions and limited access to elevation, a ship stair may be installed in accordance with standard engineering practices.

§ 1920.24g Industrial stair treads.

Each tread and the top landing of an industrial stair, where risers are used, shall have a nose which extends one-half inch to 1 inch beyond the face of the lower riser. Noses shall have an even leading edge. Riser height and tread width shall be uniform throughout any flight of stairs.

§ 1910.24h Length of industrial stair; landings.

Industrial stairs shall have landings at intervals of not more than 12 feet of vertical rise. The stairway platforms shall be not less than the width of the stairway and have a minimum of 30 inches in length measured in the direction of travel.

§ 1910.24i Railings and handrails.

Standard railings shall be provided on open sides of all exposed stairways and stair platforms. Handrails shall be provided on at least one side of closed stairways. Stair railings and handrails shall be installed in accordance with § 1910.23n.

§ 1910.24j Open risers.

Industrial stairs having treads of less than a nine-inch width may have open risers.

§ 1910.24k Spiral stairway.

(a) A stair having a closed circular form in its plan view with uniform sector shaped treads attached to and radiating about a supporting column. The effective tread is delineated by the nosing radius line, the exterior arc (center-line of railing) and the overlap radius line (nosing radius line of tread above). Effective tread dimensions are taken along a line perpendicular to the center-line of the tread.

(1) A single-way tread shall have an exterior arc chord of at least 10" and minimum effective tread dimension of 6", measured 11" from the exterior arc.

(2) A two-way tread shall have an exterior arc chord of at least 18½" and a minimum effective tread dimension of 10", measured 22" from the exterior arc.

(3) A limited-access tread shall have an exterior arc chord of at least 8½" and minimum effective dimension of 5", measured 9" from the exterior arc. This limited access stair may be used for access to elevated tanks, towers and similar structures, overhead traveling cranes, etc., where the use of fixed ladders is common practice.

(4) The angle of stairway rise is to be between 30° and 50° to the horizontal measured on a line 11" in from the center-line of railing (two-way stair measured 22" in from the center-line of the exterior railing).

(5) The stair is to be designed, constructed and installed to carry a live load of five times the normal live load anticipated.

(6) The anchorage of posts and framing members for railings of all types shall be designed using standard engineering practices for stresses, safety factors, etc. The completed railing shall be designed and constructed to withstand a load of 25 pounds per linear foot applied in any direction at the top of the railing. The intermediate rail shall be capable of withstanding a horizontal load of 20 pounds per linear foot. The end of terminal posts shall be capable of withstanding a load of 200 pounds applied in any direction at the top of the post. The above loads are not additive. In lieu of the intermediate rail, vertical balusters may be used if the distance between balusters does not exceed 9". On a two-way stair a single-line handrail, supported from the center post, will be provided with a minimum clearance between railings of 42".

(7) Vertical clearance shall be 6'–6".

PORTABLE WOODEN LADDERS

§ 1910.25 Application of requirements.

The sections under the centerhead "Portable Wooden Ladders" are intended to prescribe rules and establish minimum requirements for the construction, care, and use of the common types of portable wood ladders, in order to insure safety under normal conditions of usage. Special wooden ladders such as fruitpicker's ladders, combination step and extension ladders, shelf ladders, and library ladders and other similar types of ladders are not covered by these sections.

§ 1910.25a Materials.

(a) *Requirements applicable to all wood parts.*—(1) All wood parts shall be of the species specified in Table D–5, seasoned to a moisture content of not more than 15 percent; smoothly machined and

dressed on all sides; free from sharp edges and splinters; sound and free by accepted visual inspection from shake, wane, compression failures, decay, or other irregularities except as hereinafter provided. Low density wood shall not be used.

(2) Black streaks in western hemlock shall not be considered an irregularity, except that chambers associated with black streaks, when present in the part, shall be limited as specified for pitch and bark pockets.

(b) *Permissible irregularities in side rails and back rails.*—(1) The general slope of grain in side rails of minimum dimension shall not be steeper than 1 in 12, except that for ladders under 10 feet in length and having flat steps for treads, the general slope of grain shall not be steeper than 1 in 10. The slope of grain in areas of local grain deviation shall not be steeper than 1 in 12 or 1 in 10 as specified above when occurring on the edges or in the outer one-fourth of the width of the wide face. Local areas of grain deviation within the center half of the width of the wide face may contain grain slope as steep as 1 in 8. Local deviations of grain associated with otherwise permissible irregularities are permitted.

(2) Knots shall not appear in narrow faces of side rails. Knots, if tight and sound and less than one-half inch in diameter, are permitted on the wide face provided they are at least one-half inch back from either edge and not more frequent than 1 to any 3 feet of ladder length.

(3) Pitch and bark pockets are permitted provided they are not more than one-eighth inch in width, or more than 2 inches in length, or more than one-half inch in depth, and then only if they are not more frequent than 1 to any 3 feet of ladder length.

(4) Checks are permitted on side rails provided they are not more than 6 inches in length or more than one-half inch in depth.

(5) Occurrences of compression wood in relatively small amounts and positively identified by competent and conscientious visual inspection of side rails are permitted provided no single streak shall exceed one-half inch in width nor shall the aggregate of streaks exceed one-fourth of the face of the side rail. Borderline forms of compression wood not positively identified by competent and conscientious visual inspection are permitted. Ladder parts containing bow or crook which would interfere with the operation of the ladder shall not be used.

(c) *Permissible irregularities in flat steps, rungs, and cleats.*—(1) The general slope of grain in flat steps of minimum dimension shall not be steeper than 1 in 12, except that for ladders under 10 feet in length the slope of grain shall not be steeper than 1 in 10. The slope of grain in areas of local deviation shall not be steeper than 1 in 12 or 1 in 10 as specified above. For all ladders, cross grain not steeper than 1 in 10 are permitted in lieu of 1 in 12, provided the size is increased to afford at least 15 percent greater calculated strength than for ladders built to minimum dimensions. Local deviations of grain associated with otherwise permissible irregularities are permitted.

(2) The general slope of grain and that in areas of local deviations of grain shall not be steeper than 1 in 15 in rungs and cleats. For all ladders cross grain not steeper than 1 in 12 are permitted in lieu of 1 in 15, provided the size is increased to afford at least 15 percent greater calculated strength for ladders built to minimum dimensions. Local deviations of grain associated with otherwise permissible irregularities are permitted.

(3) Knots over one-eighth inch in diameter shall not appear in rungs. Knots shall not appear in the narrow faces of flat steps and cleats. Knots appearing in the wide faces of flat steps and cleats shall not exceed a diameter of one-fourth inch.

(d) *Classification of species of wood.*—Table D–5 gives a list of native woods, divided into four groups on the basis of mechanical properties considered from the standpoint of use for ladder construction.

(1) All minimum dimensions and specifications set forth hereinafter for side rails and flat steps are based on the species of wood listed in Group 3 in Table D–5 except where otherwise provided. The species of all other groups may be substituted for those of Group 3 when used in sizes that provide at least equivalent strength. (See Table D–5 for suggested methods of size adjustment.)

(2) All minimum dimensions and specifications set forth hereinafter for rungs and cleats are based on the species of wood listed in Group 1 in Table D–5. Cleats may be made of species of any other group: *Provided*, That the cross-sectional dimensions specified for Group 1 species are increased by the factors shown in this subdivision (based on the percentages of Table D–5) for the species group of which the cleats are to be made.

Species group	Factor for Increase in: Each dimension	Width only (thickness unchanged)
1	1.00	1.00
2	1.03	1.05
3	1.11	1.19
4	1.17	1.25

(e) *Metal parts.*—All metal parts shall be made of aluminum, steel, wrought iron, malleable iron, or other material, adequate in strength for the purpose intended.

§ 1910.25b Construction requirements.

(a) *Basis of requirements.*—(1) Dimensions specified hereinafter for wood ladders are the minimum dressed cross-sectional dimensions for the types of ladders herein designated, based on the species of woods specified in § 1910.25a(d) of this subpart, at a moisture content of 15 percent. The dimensions for side rails are based on a mortise or gain as specified for the various types of ladders for step or rung attachments. Where the strength of the side rails or back legs is reduced by a greater mortise or gain than shown, or where it is desired to use a cross section for any wood part either dimension of which is less than that specified, the required dimensions may be found as indicated in subparagraph (2) of this paragraph.

(2) For the side rails of single extension and sectional ladders, the proposed section shall develop an actual stress per square inch not greater than 2,150 pounds for Group 1 woods, 2,000 pounds for Group 2 woods, 1,600 pounds for Group 3 woods, or 1,375 pounds for Group 4 woods when computed by the following formula applying to rectangular sections, with a maximum tolerance of 5 percent over these stresses:

$$S=\frac{3\,LD\,(P+W/16)}{2\,B(D^2-d)}\quad\frac{1.5\,LD\,(25+W/16)}{B(D^3-0.67)}$$

P=25 pounds, which is the normal component on each rail of a load of 200 pounds at the center of the ladder, equally distributed between the rails, when the foot of the ladder is moved out of the perpendicular by one-quarter of its length.

S=Stress in extreme fiber in pounds per square inch.

W=Weight of ladder in pounds.

L=Maximum working length of ladder in inches.

B=Net thickness of each side rail in inches.

D=Depth of side rail in inches.

d=Diameter of hole bored for rung (d^2 shall be taken as not less than 0.67).

(3) Adjustment of sizes for wood parts of stepladders and other ladder types covered by this section may be made as follows:

(i) The dimensions specified in later sections for parts having rectangular cross sections generally represent only one of a number of possible combinations of thickness and width which could satisfy the requirements for strength and stiffness. Depending upon the material sizes available, manufacturing practices, and like factors, parts produced by a particular manufacturer may or may not agree exactly with the sizes given later. The following provisions of this subparagraph provide means for determining equality of load-carrying capacity of parts of different sizes or of determining sizes needed to provide equality.

(ii) Any changes in dimensions shall result in a change in the width-thickness ratio for side rails of back legs not greater than 25 percent from the ratio for a corresponding ladder as now covered in this section.

(iii) Where both dimensions are different from those specified, the load-carrying capacity in bending of a part will be equal to or greater than that of a part of specified dimensions if the ratio P_2/P_1 is not less than 1, where

$$\frac{P_2}{P_1}=\frac{B_4D_4^2}{B_1D_1^2}$$

and

B=Dimensions of the part at right angles to the direction of load (width of a step, thickness of a side rail or back leg).

D=Dimensions of the part parallel to the direction of load (thickness of a step, width of a side rail or back leg).

B_1D_1=Dimensions as specified.

B_2D_2=Dimensions of part being considered.

(iv) The dimensions to be used in the computations are net dimensions. For example, in the case of a stepladder side rail, the dimension B is to be taken as the gross thickness of the rail minus the depth of the gain for the steps. Where there is a rung hole at the center of depth of a rail, a somewhat more accurate comparison may be made by the use of the formula

$$\frac{P_2}{P_1} = \frac{B_2 D_2 (D_2^2 - d^2)}{B_1 D_1 (D_1^2 - d^2)}$$

where the symbols have the same meanings as previously stated and d is the diameter of the hole for the rung tenon. In most instances the difference in results calculated by this and by the earlier formula will be slight.

(b) *Portable stepladders.*—Stepladders longer than 20 feet shall not be used. Stepladders as hereinafter specified shall be of three types:

Type I—Industrial stepladder, 3 to 20 feet for heavy duty, such as utilities, contractors, and industrial use.

Type II—Commercial stepladder, 3 to 12 feet for medium duty, such as painters, offices, and light industrial use.

Type III—Household stepladder, 3 to 6 feet for light duty, such as light household uses.

(1) *General requirements.*—(i) Slope is the inclination of side rails or back legs with respect to the vertical and is expressed as a deviaton from the vertical per unit length of the member. Stepladders shall be so constructed, that when in the open position, the slope of the front section shall not be less than 3½ inches and the slope of the back section not less than 2 inches, for each 12-inch length of side rail.

(ii) A uniform step spacing shall be employed which shall be not more than 12 inches. Steps shall be parallel and level when the ladder is in position for use.

(iii) The minimum width between side rails at the top step, inside to inside, shall be not less than 11½ inches. From top to bottom, the side rails shall spread at least 1 inch for each foot of length of stepladder.

(iv) When minimum thickness of side rails is used, steps shall be closely fitted into the grooves in the side rails one-eighth inch in depth with a tolerance of one thirty-second inch, and shall be firmly secured as hereinafter described; or they shall be closely fitted into metal brackets of an equivalent strength, which in turn shall be firmly secured to the side rails. The depth of groove herein provided may be increased in proportion to the thickness of side rails as provided in subparagraphs (2)(i), (3)(i), and (4)(i) of this paragraph.

(v) All stepladders shall have a top with wood or metal brackets or fittings tightly secured to the top, side rails, and back legs, to allow free swinging of the back section without excessive play or wear at the joints.

(vi) A metal spreader or locking device of sufficient size and strength to securely hold the front and back sections in open positions shall be a component of each stepladder. The spreader shall have all sharp points covered or removed to protect the user. For type III ladder, the pail shelf and spreader may be combined in one unit (the so-called shelf-lock ladder).

(vii) When measured along the front edge of the side rails, all stepladders shall measure within 3 inches of the specified length.

(viii) Where bucket shelves are provided, they shall be constructed to support a load of 25 pounds and shall be so fastened that they can be folded up when the ladder is closed.

(ix) All metal parts and fittings shall be securely attached by means of rivets, bolts, screws, or equivalent fasteners.

(2) *Type I industrial stepladder.* (i) (A) The minimum dimensions of the parts of the Type I stepladder shall be as shown in Table D–2 when made of Group 2 or Group 3 woods.

(B) The minimum thickness of side rails provides for the cutting of a groove of one-eighth inch in depth with the tolerance indicated in paragraph (b)(1)(iv) of this section.

(ii) Steps shall be secured with at least two 6–d nails at each end, or the equivalent thereof. Each step shall be reinforced by a steel rod not less than 0.160 inch in diameter with standard commercial tolerances, which shall pass through metal washers of sufficient thickness and diameter on each end to prevent pressing into the side rails, and a truss block which shall be fitted between the rod and the center of each step or by a metal angle brace on each end firmly secured to the steps and side rails, or by construction of equivalent strength and safety. Where the rod reinforcement construction is used, the bottom step shall also be provided with a metal angle brace on each end which shall be securely attached to the bottom step and side rails. In addition, all steps 3⅝ inches wide and 27 inches or more in overall length and all steps 4¼ inches wide and 32 inches or more in overall length shall be provided with a metal angle brace at each end securely attached to the step and side rail.

(iii) The back legs shall be braced by one of the following methods:

(A) The back legs shall be braced with 1⅛ inch diameter rungs of Group I woods (see Table D–5), or material of equivalent strength, having ⅞ inch diameter tenons or oval wood rungs, or rectangular wood rungs of equivalent strength, spaced not more than 12 inches apart. The back legs shall be bored with holes either extending through the legs or to within three-sixteenths inch of the outside face of the legs, the size of the hole to be such as to insure a tight fit for the rung. The shoulder of the rung shall be forced firmly against the leg, and the tenon secured in place with a nail, or the equivalent thereof, to prevent turning of the rungs. The back legs shall be braced by a metal angle brace on each side, securely fastened to the rung and the back legs, one rung to be braced for each 4 feet of length or fraction thereof, on ladders 4 feet or more in length, with braces required only on the bottom rung for ladders that are 4 feet or shorter. Where rungs are more than 28 inches in length between the back legs they shall be provided with center bearing consisting of a wood bar not less than ¾ by 2 inches in cross-section securely nailed to each rung passing through it and long enough to include each rung longer than 28 inches.

(B) The back leg shall be braced with horizontal wood bars of Group 1, 2, or 3 woods in Table D–5 and not less than ¾ by 2½ inches in cross-section spaced not more than 12 inches apart. The ends of the bars shall fit into metal sockets of not less than 20-gauge (Manufacturers Standard) steel, or other material of equivalent strength, or into mortises of not less than one-eighth inch (tolerance of ± one-thirty-second inch) in depth in the back legs. A steel rod not less than 0.160 inch in diameter with standard commercial tolerance shall pass through the back legs, the bar, and at each end through metal washers of sufficient diameter and thickness to prevent pressing into the back legs. The back legs shall also be braced by a metal angle brace on each side, securely fastened to the bar and to the legs, one bar to be so braced for at least each 4 feet of length or fraction thereof, with braces required only on bottom bar for ladders that are 4 feet or shorter. Metal sockets when used shall be attached to the back legs by rivets or by means of a rod running through the socket or equivalent thereof.

TABLE D–2

DIMENSIONS FOR TYPE I STEP LADDER

	Length, 12 feet and less		Length, 14 and 16 feet		Length, 18 and 20 feet	
	Thickness (inch)	*Depth (inches)*	*Thickness (inch)*	*Depth (inches)*	*Thickness (inch)*	*Depth (inches)*
Side rails	⅝	3⅛	⅝	3⅛	1 1/16	3⅛
Back legs	⅝	2¾	⅝	2⅝	1 1/16	2¾
Steps	⅝	3½	⅝	4¼	⅝	4¼
Tops	¾	5½	¾	5½	¾	5½

TABLE D–3

DIMENSIONS FOR TYPE II STEP LADDER

	Length, 3 to 8 feet		Length, 10 feet		Length, 12 feet	
	Thickness (inch)	*Depth (inches)*	*Thickness (inch)*	*Depth (inches)*	*Thickness (inch)*	*Depth (inches)*
Side rails	⅝	2⅝	⅝	2⅝	⅝	3
Back legs	⅝	1⅝	⅝	1⅝	⅝	2
Steps	⅝	3½	⅝	3½	⅝	3½
Tops	¾	5	¾	5	¾	5

(iv) The back legs shall be reinforced by a rivet through the depth of the leg above the hinge point, by metal plates or collars at the hinge point, or by other means suitable for preventing splitting of the back leg from the hinge pin to the top.

(3) *Type II commercial stepladders.*—(i) (A) The minimum dimensions of the parts of the Type II stepladder shall be as given in Table D–3 when made of Group 2 or Group 3 woods.

(B) The minimum thickness of side rails provides for the cutting of a groove of one-eighth inch in depth with the tolerance indicated in paragraph (b) (1) (iv) of this section, and shall be increased when grooves of greater depth are used.

(ii) Steps shall be secured with at least two 6-d rails at each end, or the equivalent thereof. Each step shall be reinforced by a steel rod not less than 0.160 inch in diameter with standard commercial tolerances which shall pass through metal washers of sufficient thickness and diameter on each end to prevent pressing into the side rails, and a truss block shall be fitted between the truss rod and center of each step; or by a metal angle brace on each end firmly secured to the steps and side rails; or by construction of equivalent strength and safety. Where the rod reinforcement construction is used, the bottom step shall be provided further with a metal angle brace on each end which shall be securely attached to the bottom step. In addition all steps 27 inches or more in overall length shall be provided with a metal angle brace at each end securely attached to the step and side rails.

(iii) The back legs shall be braced by one of the three following methods:

(A) (*1*) With ⅞-inch diameter wood dowels of Group 1 woods (see Table D–5) or material of equivalent strength having not less than ⅝-inch tenons firmly secured in the back legs and spaced not more than 12 inches apart. The back legs shall be bored with holes either extending through the legs or to within three-sixteenths inch of the outside face of the legs, the size of the holes to be such as to insure a tight fit for the dowel. The shoulder of the dowel shall be forced firmly against the leg and the tenon secured in place with a nail, or the equivalent thereof, to prevent turning of the dowel.

(*2*) A bar connecting two or more of the dowels shall be provided on all ladders of 6 feet or more. The cross-sectional dimensions of the bar shall be the same as the cross-sectional dimensions of the back legs, and the dowels shall pass through holes at the centerline of the bar. The bar shall be attached at the center of the length of the lower two dowels on a 6-foot ladder and shall extend upward one dowel for each 2 feet of added length.

(B) With wood dowels as set forth in this subparagraph (3) (iii) (A) of this paragraph, plus an inverted V bracing of ¾- by 1½-inch material through which the dowels extend two-thirds of the way up the back.

(C) With horizontal bracing of Group 1, 2, 3, or 4 woods (see Table D–5) not less than ¾ by 2 inches in cross-section, the ends of which shall fit into metal sockets of not less than 20-gauge (Manufacturing Standard), steel, or other material of equivalent strength or into mortises not less than one-eighth inch in depth in back legs. The bars shall be reinforced by steel rods not less than 0.160 inch in diameter with standrad commercial tolerances which shall pass through the back legs, the bar, and, at each end, through metal washers of sufficient diameter and thickness to prevent pressing into the back legs. The spacing of such braces shall not exceed 3 feet, and there shall be one brace on 3- and 4-foot ladders, two braces on 5- and 6-foot ladders, three braces on 7- and 8-foot ladders, and four braces on 10- and 12-foot ladders. The bottom bar shall not be more than 18 inches from the bottom of the ladder, and, where only one bar is used, it shall be braced by a metal angle brace on each end securely attached to the bar and the back leg.

(4) *Type III household stepladder.*—(i) The minimum dimensions of the parts of the Type III stepladder shall be as follows when made of Group 2 or Group 3 woods:

	Length, 3 to 6 feet	
	Thickness (inch)	Depth (inches)
Side rails	⅝	2⅝
Back legs	¾	1⅞
Steps	¾	3
Top	¾	5

The minimum thicknesses of side rails provide for the cutting of a groove one-eighth inch in depth with the tolerance indicated in paragraph (b) (1) (iv) of this section, and shall be increased when grooves of greater depth are used.

(ii) Steps shall be secured with at least one 6-d nail at each end, or the equivalent thereof. Each step shall be reinforced by a steel rod not less than 0.160 inch in diameter with standard commercial tolerance which shall pass through metal washers of sufficient thickness and diameter to prevent pressing into the side rails, or by a metal brace at each end firmly secured to steps and side rails or by construction of equivalent strength and safety. Where the rod reinforcement construction is used, the bottom step shall be provided further with a metal angle brace on each end which shall be securely attached to the bottom step and side rail.

(iii) Back legs shall be braced by one of the two following methods or by a construction of equivalent strength and safety:

(A) By diagonal slats or groups 1, 2, 3, or 4 wood (see Table D–5) not less than 5/16 by 1¼ inches securely fastened to the back legs by nails, screws, or the equivalent thereof.

(B) With horizontal bracing of Groups 1, 2, 3, or 4 wood (see Table D–5) not less than ⅝ by 1⅝ inches in cross section, the ends of which shall fit into metal sockets of not less than 20-gauge (Manufacturing Standard) steel or other material of equivalent strength or into mortises not less than one-eighth inch in depth in back leg. The bars shall be reinforced by steel rods not less than 0.160 inch in diameter with standard commercial tolerances which shall pass through the back leg, the bar, and at each end through metal washers of sufficient diameter and thickness to prevent pressing into each leg. The spacing of such bars shall not exceed 3 feet, and there shall be one brace on 3- and 4-foot ladders, two braces on 5- and 6-foot ladders. The bottom bar shall be not more than 18 inches from the bottom of the ladder.

(C) *Portable rung ladders.*—Portable rung ladders as herein specified shall be of four types, as follows: Single ladder; two-section extension ladder; sectional ladder; trestle and extension trestle ladder.

(*1*) *General requirements.*—(i) The base or lower portion of a ladder may have either parallel sides or flared sides in accordance with commercial practices.

(ii) Rungs shall be parallel, level, and uniformly spaced. The spacing shall be not more than 12 inches, except as hereinafter specified.

(iii) All holes for wood rungs shall either extend through the side rails or be bored so as to give at least a thirteen-sixteenths-inch length of bearing of the rung tenon. In through-bored construction, the rungs shall extend at least flush with the outside rail surface. All holes shall be located on the center line of the wide face of the side rails and shall be of such size as to insure a tight fit for the rung. The shoulder of the rung shall be forced firmly against the side rails and the tenon secured in place with a nail or the equivalent thereof, for the sole purpose of preventing the turning of the rung and maintaining the rung position in the side rail.

(iv) Round rungs shall be of Group 1 woods (see Table D–5), shall be not less than 1⅛ inches in diameter for lengths up to 36 inches between side rails and 1¼ inches in diameter for lengths over 36 up to and including 72 inches, and shall have not less than seven-eighths-inch-diameter tenons, or rungs of equivalent strength and bearing shall be provided. When rungs are 28 inches or more in length between side rails, they shall, in addition, be provided with center bearing.

(v) Oval rungs or rungs of any other cross section may be used provided they are secured by a nail at each end or the equivalent thereof and have at least the same strength and bearing as round rungs of the same length.

(vi) All metal parts and fittings shall be securely attached by means of rivets, bolts, screws, or equivalent fasteners.

(vii) The construction and assembly of the movable parts shall be such that they shall operate freely and securely without binding or unnecessary play.

(viii) When measured along the side rails, no rung ladder or section thereof shall be more than 4 inches shorter than the specified length.

(*ix*) Nonslip bases when used shall be securely bolted, riveted, or attached by equivalent construction to the side rails.

(*x*) Hooks when used shall be securely bolted or riveted to the side rails or equivalent construction and shall be of such dimensions as to withstand the loads imposed upon them.

(2) *Single ladder.* (i) Single ladders longer than 30 feet shall not be used.

(ii) The minimum dimensions of the side rails of the single ladder shall be as follows when made of Group 2 or Group 3 woods.

Length of ladder (feet)	Thickness (inches)	Depth (inches)
Up to and including 16	1⅛	2¾
Over 16 up to and including 22	1¼	2¾
Over 22 up to and including 30	1¼	3

(iii) Smaller side rails will be acceptable in all ladders of this type when reinforced by a steel wire, rod, or strap running the length of the side rails and adequately secured thereto. Where such reinforcement is used, the reinforced rails shall be equivalent in strength to the side rails specified in this subparagraph (2) (ii) of this paragraph.

(iv) The width between the side rails at the base, inside to inside, shall be at least 11½ inches for all ladders up to and including 10 feet. Such minimum widths shall be increased at least one-fourth inch for each additional 2 feet of length.

(3) *Two-section ladder.*—(i) Two-section extension ladders longer than 60 feet shall not be supplied. All ladders of this type shall consist of two sections, one to fit within the side rails of the other, and arranged in such a manner that the upper section can be raised and lowered.

(ii) The minimum dimensions of the side rails of the two-section extension ladder shall be not less than specified in Table D–4 of this section.

(iii) The minimum dimensions of side rails set forth in Table D–4 are based on the maximum working length, which is the size of ladder less the minimum overlap, which shall be as follows:

Size of ladder (feet):	*Overlap (feet)*
Up to and including 36	3
Over 36 up to and including 48	4
Over 48 up to and including 60	5

(iv) Smaller side rails will be acceptable in all ladders of this type when reinforced by a steel wire, rod or strap running the length of the side rails and adequately secured thereto. Where such reinforcement is used, the reinforced rails shall be equivalent in strength to the side rails specified in Table D–4.

(v) The minimum distance between side rails of the bottom section, inside to inside, shall be 14½ inches on ladders up to and including 28 feet; 16 inches on all ladders over 28 feet up to and including 40 feet; 18 inches on all ladders over 40 feet.

(vi) All locks and guide irons shall be of metal and shall be of such construction and strength as to develop the full strength of the side rails. All locks shall be positive in their action. The guide irons shall be securely attached and so placed as to prevent the upper section from tipping or falling out while it is being raised, lowered, or is in use.

(vii) (A) Ladders of this type may be equipped with a rope and pulley. When a ladder is so equipped, the rope and pulley shall be securely attached to the ladder in a manner not weakening either the rungs or the side rails. The pulley shall be not less than 1¼ inches in diameter.

(B) The rope used with the pulley shall be not less than five-sixteenths inch in diameter having a minimum breaking strength of 560 pounds, and shall be of sufficient length for the purpose intended.

(4) *Sectional ladder.* (i) Assembled combinations of sectional ladders longer than lengths specified in § 1910.25b(c) (3) shall not be used.

(ii) The minimum dimensions of side rails shall be as follows for Group 2 or Group 3 woods:

Assembled length of ladder (feet)	Thickness (inches)	Depth (inches)
Up to and including 21	1⅛	2¾
Over 21 up to and including 31	1⅛	3⅛

(iii) Ladders of this type shall have either straight sides slightly converging toward the top of each section, or shall have flaring sides at the bottom of the first (or bottom) section, with the top section having converging side rails to a width that shall be not less than 4 inches. Except for the top section, the minimum width between side rails shall be 11 inches.

(A) Adjacent sections shall be joined by means of a groove in the bottom end of each rail of the upper of the two sections setting firmly over extensions outside the side rails of the topmost rung of the next lower section and, at the same time, a groove in the top end of each rail of the lower of the two sections setting firmly over the bottom rung, inside the side rails, of the section next above.

TABLE D–4—DIMENSIONS OF SIDE RAILS FOR TWO-SECTION LADDER

Size of ladder, overall length (feet)	Rail	
	Thickness (inches)	Depth (inches)
For group 2 woods		
16	1 5/16 ×	2
20	1 5/16 ×	2¼
24	1 5/16 ×	2½
28	1 5/16 ×	2¾
32	1⅜ ×	2¾
36	1 5/16 ×	2¾
40	1 5/16 ×	2¾
44	1 5/16 ×	3
For group 3 woods		
16	1⅜ ×	2
20	1⅜ ×	2¼
24	1⅜ ×	2½
28	1⅜ ×	2¾
32	1 5/16 ×	2¾
36	1 5/16 ×	3
40	1⅜ ×	3
44	1⅜ ×	3¼
48–52	1⅜ ×	3¾
56–60	1⅜ ×	3¾

(B) The distance between the two rungs (topmost rung of one section, bottom rung of the section next above) mentioned in subparagraph (4) (iii) (A) of this paragraph shall not be less than 1 foot.

(C) The fit between rail grooves and rungs mentioned in subparagraph (4) (iii) (A) of this paragraph shall be such as to provided a good fit without binding or unnecessary play.

(D) The grooved ends of the section shall be reinforced with a metal plate of not less 18-gauge (Manufacturing Standard) material properly secured thereto, and a rivet adjacent to the groove, extending through the depth of the rail, or the equivalent thereof.

(5) *Trestle and extension trestle ladder.*—(i) Trestle ladders, or extension sections or base sections of extension trestle ladders longer than 20 feet shall be used.

(ii) The minimum dimensions of the side rails of the trestle ladder, or the base sections of the extension trestle ladder, shall be as follows for Group 2 or Group 3 woods:

Size of ladder (feet)	Thickness (inches)	Depth (inches)
Up to and including 16	1 5/16	2¾
Over 16 up to and including 20	1 5/16	3

(iii) The minimum dimensions of the side rails of the extension section of the extension trestle ladder, which shall have parallel sides, shall be as follows for Group 2 or Group 3 woods:

Size of ladder (feet)	Thickness (inches)	Depth (inches)
Up to and including 12	1 5/16	2¼
Over 12 up to and including 16	1 5/16	2¾
Over 16 up to and including 20	1 5/16	2¾

(iv) Trestle ladders and base sections of extension trestle ladders shall be so spread that when in an open position the spread of the trestle at the bottom, inside to inside, shall be at least 5½ inches per foot of the length of the ladder.

(v) The width between the side rails at the base of the trestle ladder and base sections of the extension trestle ladder shall be at least 21 inches for all ladders and sections up to and including 6 feet. Longer lengths shall be increased at least 1 inch for each additional foot of length. The width between the side rails of the extension sections of the trestle ladder shall be not less than 12 inches.

(vi) The tops of the side rails of the trestle ladder and of the base section of the extension trestle ladder shall be beveled, or equivalent construction, and shall be provided further with a metal hinge to prevent spreading.

(vii) A metal spreader or locking device to hold the front and back sec-

tions in an open position, and to hold the extension section securely in the elevated position shall be a component of all extension trestle ladders and all trestle ladders over 12 feet in length.

(viii) Rungs shall be parallel and level. On the trestle ladder, or on the base sections of the extension trestle ladder, rungs shall be spaced not less than 8 inches or more than 18 inches apart; on the extension section of the extension trestle ladder, rungs shall be spaced not less than 6 inches or more than 12 inches apart.

(d) *Special-purpose ladders.*—All special-purpose ladders shall comply with the appropriate requirements of paragraphs (a), (b), and (c) of this section, except as hereinafter modified in this paragraph.

(1) *Platform stepladder.*—A platform stepladder is a modification of a portable stepladder with a working platform provided near the top.

(i) Platform stepladders shall be made in accordance with the requirements for type I stepladders or in accordance with the requirements for type II stepladders.

(ii) The slope of the back section shall be such that a vertical from the back edge of the platform will strike the floor at a distance measured toward the front section of not less than 3 inches from the base of the back section.

(iii) The minimum width between side rails at the platform shall be not less than 15 inches.

(iv) The back legs and side rails shall extend at least 24 inches above the platform and shall be connected with a top member to form a three-sided rail, or equivalent construction shall be provided.

(v) Platforms shall be so constructed as to be capable of supporting a load of 200 pounds placed at any point on the platform.

(vi) A separate spreader may be omitted from platform ladders in which the height to the platform is 6 feet or less. If the spreader is omitted, the platform shall be so designed as to function as a spreader or locking device to hold the front and back sections securely in an open position, with the connection between side rails and back legs being through the metal parts of the platform. The wood parts of a combined wood and metal platform functioning as a spreader shall not be depended upon to contribute to the spreading or locking action.

(2) *Painter's stepladder.*—(i) Painter's stepladders longer than 12 feet shall not be used.

(ii) Painter's stepladders shall be made in accordance with the requirements of type II stepladders except for the following:

(A) The top may be omitted.

(B) A rope spreader may be substituted for the metal spreader required in paragraph (b) (1) (vi) of this section. The rope shall not be less than No. 6 sash cord or its equivalent.

(3) *Mason's ladder.*—A mason's ladder is a special type of single ladder intended for use in heavy construction work.

(i) Mason's ladders longer than 40 feet shall not be used.

(ii) The minimum dimensions of the side rails when made of Group 2 or Group 3 woods and rungs (Group 1 woods) of the mason's ladder shall be as follows:

Length of ladder (feet)	Side rails		Diameter	
	Thickness (inches)	Depth (inches)	Rung (inches)	Tenon (inches)
Up to and including 22	1¾	3¾	1¼	1
Over 22 up to and including 40	1¾	4½	1¼	1

(iii) The width between the side rails at the bottom rung, inside to inside, shall be not less than 12 inches for all ladders up to and including 10 feet. Such minimum widths shall be increased by at least one-fourth inch for each additional 2 feet of length.

(iv) Rungs shall be parallel and level and shall be spaced not less than 8 inches or more than 12 inches apart.

(A) *Trolley and side-rolling ladders.*—(1) *Length.*—Trolley ladders and side-rolling ladders longer than 20 feet should not be used.

(2) *Dimensions.*—The dimensions of the side rails shall not be less than the following for Group 2 or Group 3 woods:

Length of side rail (feet)	Thickness (inch)	Depth (inches)
Up to and including 10	2 5/32	3
Over 10 up to and including 20	2 5/32	3½

The minimum thickness of side rails provide for the cutting of a groove not over one-eight inch in depth and shall be increased when grooves of greater depth are used. Flat steps shall have the following minimum dimensions for Group 2 or Group 3 woods:

Length of step (inches)	Thickness (inch)	Width (inches)
Up to and including 16	2 5/32	3
Over 16 up to and including 20	2 5/32	3¼
Over 20 up to and including 24	2 5/32	3½
Over 24 up to and including 28	2 5/32	4

(3) *Width.*—The width between the side rails, inside to inside, shall be at least 12 inches.

(4) *Step attachment.*—Flat steps shall be inset in the side rails one-eighth inch and secured with at least two 6-d nails at each end or the equivalent thereof. They shall be reinforced with angle braces or a 3/16-inch steel rod.

(5) *Locking device.*—Locking devices should be provided on all trolley ladders.

(6) *Tracks.*—(i) Tracks shall be wood, or metal (excluding cast iron), or a combination of these materials.

(ii) Tracks for the top end of ladders shall be fastened securely and shall be so constructed that the wheels will not jump the track. Tracks shall be so designed as to provide for all probable loads to which they will be subjected.

(iii) The supports shall be securely fastened by lag screws, machine, hook, or toggle bolts, or their equivalent.

(iv) Tracks for side-rolling ladders shall be supported by metal or wood brackets securely screwed or bolted to shelving or other permanent structure at not over 3 feet.

(7) *Wheel carriages.*—(i) Wheel carriages shall be so designed as to provide for all loads to which they will be subjected. Two-point suspension should be used.

(ii) The wheel carriage for the top end of the ladder shall be securely fastened to the top of the ladder with metal brackets bolted either to the side rails or to the top step. When bolted to the top step, this step shall be secured to the side rail with metal braces in addition to those otherwise provided. The wheel carriage shall be so designed that a loose or broken wheel will not allow the ladder to drop or become detached from the track.

(iii) The wheel carriage for the bottom end of the ladder shall be securely fastened to the bottom of the ladder.

(iv) The wheels at the upper end of the ladder shall have minimum wheel base of 8 inches.

(v) When wheels are used at the bottom of the ladder, there shall be at least one wheel supporting each side rail.

(vi) Running gear for bottoms of both trolley and side-rolling ladders shall be so designed and constructed as to provide for any load to which they will be subjected.

§ 1910.25c Care and use of ladders.

(a) *Care.*—To insure safety and serviceability the following precautions on the care of ladders shall be complied with:

(1) Ladders shall be maintained in good condition at all times, the joint between the steps and side rails shall be tight, all hardware and fittings securely attached, and the movable parts shall operate freely without binding or undue play.

(2) Metal bearings of locks, wheels, pulleys, etc., shall be frequently lubricated.

(3) Frayed or badly worn rope shall be replaced.

(4) Safety feet and other auxiliary equipment shall be kept in good condition to insure proper performance.

(5) Ladders shall be stored in such a manner as to provide ease of access or inspection, and to prevent danger of accident when withdrawing a ladder for use.

(6) Wood ladders, when not in use, shall be stored at a location where they will not be exposed to the elements, but where there is good ventilation. They shall not be stored near radiators, stoves, steam pipes, or other places subjected to excessive heat or dampness.

(7) Ladders stored in a horizontal position shall be supported at a sufficient number of points to avoid sagging and permanent set.

(8) Ladders carried on vehicles shall be adequately supported to avoid sagging and securely fastened in position to minimize chafing and the effects of road shocks.

(9) Ladders shall be kept coated with a suitable protective material.

(10) Ladders shall be inspected frequently and those which have developed defects shall be withdrawn from service for repair or destruction and tagged or marked as "Dangerous, Do Not Use."

(11) Rungs shall be kept free of grease and oil.

(b) *Use.*—The following safety precautions shall be observed in connection with the use of ladders:

(1) Portable rung and cleat ladders shall, where possible, be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is one-quarter of the working length of the ladder (the length along the ladder between the foot and the top support). The ladder shall be so placed as to prevent slipping or it shall be lashed, or held in position. Ladders shall not be used in a horizontal position as platforms, runways, or scaffolds;

(2) Ladders for which dimensions are specified shall not be used by more than one man at a time, nor with ladder jacks and scaffold planks where the use by more than one man is anticipated, unless the ladders have larger dimensions of the parts specifically designed for use by the number of men involved.

(3) Portable ladders shall be so placed that the side rails have secure footing. The top rest for portable rung and cleat ladders shall be reasonably rigid and shall have ample strength to support the applied load.

(4) Ladders shall not be placed in front of doors opening toward the ladder unless the door is blocked, open, locked, or guarded.

(5) Ladders shall not be placed on boxes, barrels, or other unstable bases to obtain additional height.

(6) To support the top of the ladder at a window opening, a board shall be attached across the back of the ladder, extending across the window and provided firm support against the building walls or window frames.

(7) When ascending or descending, the employee shall face the ladder.

(8) Ladders with broken or missing steps, rungs or cleats, broken side rails, or other faulty equipment shall not be used; improvised repairs shall not be made.

(9) Short ladders shall not be spliced together to provide long sections.

(10) Ladders made by fastening cleats across a single rail shall not be used.

(11) Ladders shall not be used as guys, braces, or skids, or for other than their intended purposes;

(12) Tops of the ordinary types of stepladders shall be not be used as steps;

(13) On two-section extension ladders the minimum overlap for the two sections in use shall be as follows:

Size of ladder (feet):	*Overlap (feet)*
Up to and including 36	3
Over 36 up to and including 48	4
Over 48 up to and including 60	5

(14) Portable rung ladders with reinforced rails (see § 1910.25b (c) (2) (iii) and (3) (iv)) shall be used only with the metal reinforcement on the under side. Ladders of this type shall be used with great care near electrical conductors, since the reinforcing itself is a good conductor;

(15) No ladder shall be used to gain access to a roof unless the top of the ladder shall extend at least 3 feet above the point of support, at eave, gutter, or roof line;

(16) Adjustment of extension ladders shall only be made by the employee when standing at the base of the ladder, so that the employee may observe when the locks are properly engaged. Adjustment of extension ladders from the top of the ladder (or any level over the locking device) is a dangerous practice and shall not be done. Adjustment shall not be made while the employee is standing on the ladder.

(17) Middle and top sections of sectional or window cleaner's ladders shall not be used for bottom section unless the employer equips them with safety shoes.

(18) Extension ladders shall always be erected so that the upper section is resting on the bottom section.

(19) The employer shall equip all portable rung ladders with nonslip bases when there is a hazard of slipping. Nonslip bases are not a substitute for care in safely placing, lashing, or holding a ladder that is being used upon oily, metal, concrete, or slippery surfaces.

(20) The bracing on the back legs of step ladders is designed solely for increasing stability and not for climbing.

(21) When service conditions warrant, hooks shall be attached at or near the top of portable ladders to give added security.

TABLE D-5—CLASSIFICATION OF VARIOUS SPECIES OF WOOD ACCEPTABLE FOR USE IN LADDERS

The species are listed alphabetically within each group. The position of any species within a group therefore bears no relation to its strength or acceptability.

Where ladders are desired for use under conditions favorable to decay, it is recommended that the heartwood of decay-resistant species be used, or that the wood be given a treatment with a wood preservative. The species having the most durable heartwood are marked with an asterisk (*), and these should be preferred where resistance to decay is required.

GROUP 1

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 2,150 pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions may be not more than 10 percent smaller for each cross-section dimension, or the thickness may remain unchanged, in which case the width may not be more than 15 percent smaller if used edgewise (as in a rail) or 25 percent smaller if used flatwise (as in a tread).

White ash	Fraxinus americana, pennsylvanica, quadrangulata
Beech	Fagus grandifolia
Birch	Betula lenta, alleghaniensis, nigra (2)
Rock elm	Ulmus thomasii
Hickory	Carya ovata, laciniosa, tomentosa, glabra
Locust*	Robinia pseudoacacia, Gleditsia triacanthos
Hard maple	Acer nigrum, saccharum
Red maple	Acer rubrum (3)
Red oak	Quercus velutina, marilandica, kelloggii, falcata var. pagodaefolia, laurifolia, ellipsoidalis, rubra, nuttallii, palustris, coccinea, shumardii, falcata, laevis, phellos
White oak	Quercus arizonica, douglasii, macrocarpa, lobata, prinus, muehlenbergii, emoryi, gambelii, oblongifolia, virginiana, garryana, lyrata, stellata, michauxii, bicolor, alba
Pecan	Carya illinoensis, cordiformis, myristicaeformis (4), aquatica (4)
Persimmon	Diospryros virginiana

GROUP 2

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 2,000 pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions may be not more than 7½ percent smaller for each cross-section dimension, or the thickness may remain unchanged, in which case the width may be not more than 11 percent smaller if used edgewise (as in a rail) or 20 percent smaller if used flatwise (as in a tread).

Douglas fir (coast region)	Pseudotsuga menziesii
Western larch	Larix occidentalis
Southern yellow pine.	Pinus taeda, palustris, echinata, elliotii, rigida, virginiana

GROUP 3

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 1,600 pounds per square inch.

Red alder	Alnus ruba, rhombifolia (2)
Oregon ash	Fraxinus latifolia
Pumpkin ash	Flaxinus profunda
Alaska cedar*	Chamaecyparis nootkatensis
Port Oxford cedar.*	Chamaecyparis lawsoniana

NOTE 4: This species is not included under this common name in American Lumber Standards nomenclature, but strength data are available and it is accordingly included in this classification.

§ 1910.25 Definitions.

(a) As used in the sections under the centerhead "Portable Wood Ladders", unless the context requires otherwise, portable wood ladder terms shall have the meanings assigned in this section.

(b) *Ladders.*—A ladder is an appliance usually consisting of two side rails joined at regular intervals by crosspieces called steps, rungs, or cleats, on which a person may step in ascending or descending.

(c) *Stepladder.*—A stepladder is a self-supporting portable ladder, nonadjustable in length, having flat steps and a hinged back. Its size is designated by the overall length of the ladder measured along the front edge of the side rails.

(d) *Single ladder.*—A single ladder is a non-self-supporting portable ladder, nonadjustable in length, consisting of but one section. Its size is designated by the overall length of the side rail.

(e) *Extension ladder.*—An extension ladder is a non-self-supporting portable ladder adjustable in length. It consists of two or more sections traveling in guides or brackets so arranged as to permit length adjustment. Its size is designated by the sum of the lengths of the sections measured along the side rails.

(f) *Sectional ladder.*—A sectional ladder is a non-self-supporting portable ladder, nonadjustable in length, consisting of two or more sections of ladder so constructed that the sections may be combined to function as a single ladder. Its size is designated by the overall length of the assembled sections.

(g) *Trestle ladder.*—A trestle ladder is a self-supporting portable ladder, nonadjustable in length, consisting of two sections hinged at the top to form equal angles with the base. The size is designated by the length of the side rails measured along the front edge.

(h) *Extension trestle ladder.*—An extension trestle ladder is a self-supporting portable ladder, adjustable in length, consisting of a trestle ladder base and a vertically adjustable single ladder, with suitable means for locking the ladders together. The size is designated by the length of the trestle ladder base.

(i) *Special-purpose ladder.*—A special-purpose ladder is a portable ladder which represents either a modification or a combination of design or construction features in one of the general purpose types of ladders previously defined, in order to adapt the ladder to special or specific uses.

(j) *Trolley ladder.*—A trolley ladder is a semifixed ladder, nonadjustable in length, supported by attachments to an overhead track, the plane of the ladder being at right angles to the plane of motion.

(k) *Side-rolling ladder.*—A side-rolling ladder is a semifixed ladder, nonadjustable in length, supported by attachments to a guide rail, which is generally fastened to shelving, the plane of the ladder being also its plane of motion.

(l) *Wood characteristics.*—Wood characteristics are distinguishing features which by their extent and number determine the quality of a piece of wood.

(m) *Wood irregularities.*—Wood irregularities are natural characteristics in or on wood that may lower its durability, stength, or utility.

(n) *Cross grain.*—Cross grain (slope of grain) is a deviation of the fiber direction from a line parallel to the sides of the piece.

(o) *Knot.*—A knot is a branch or limb, imbedded in the tree and cut through in the process of lumber manufacture, classified according to size, quality, and occurrence. The size of the knot is determined as the average diameter on the surface of the piece.

(p) *Pitch and bark pockets.*—A pitch pocket is an opening extending parallel to the annual growth rings containing, or that has contained, pitch, either solid or liquid. A bark pocket is an opening between annual growth rings that contains bark.

(q) *Shake.*—A shake is a separation along the grain, most of which occurs between the rings of annual growth.

(r) *Check.*—A check is a lengthwise separation of the wood, most of which occurs across the rings of annual growth.

(s) *Wane.*—Wane is bark, or the lack of wood from any cause, on the corner of a piece.

(t) *Decay.*—Decay is disintegration of wood substance due to action of wood-destroying fungi. It is also known as dote and rot.

(u) *Compression failure.*—A compression failure is a deformation (buckling) of the fibers due to excessive compression along the grain.

(v) *Compression wood.*—Compression wood is an aberrant (abnormal) and highly variable type of wood structure occurring in softwood species. The wood commonly has density somewhat higher than does normal wood, but somewhat lower stiffness and tensile strength for its weight in addition to high longitudinal shrinkage.

(w) *Low density.*—Low-density wood is exceptionally light in weight and usually deficient in strength properties for the species.

Portable Metal Ladders

§ 1910.26a Requirements.

(a) *General.*—Specific design and construction requirements are not a part of sections under the centerhead "Portable Metal Ladders" because of the wide variety of metal and design possibilities. However, the design shall be such as to produce a ladder without structural defects or accident hazards such as sharp edges, burrs, etc. The metal selected shall be of sufficient strength to meet the test requirements, and shall be protected against corrosion unless inherently corrosion resistant. The employer shall obtain reasonable assurances that the design requirements of this section are met.

(1) Because of the varied conditions, and the wide variety of ladder uses, ladders may be designed with parallel side rails, with side rails varying uniformly in separation along the length (tapered), or with side rails flaring at the base to increase stability.

(2) The design of the side rails shall be such as to insure a product which will conform to the requirements of this section.

(3) The spacing of rungs or steps shall be on 12-inch centers.

(4) Rungs or steps to side rail connections shall be so constructed as to insure rigidity as well as strength.

(5) Rungs and steps shall be corrugated, knurled, dimpled, coated with skid-resistant material, or otherwise treated to minimize the possibility of slipping.

(6) Hardware shall meet strength requirements of the ladder's component parts, and shall be of a material that is protected against corrosion unless it is inherently corrosion-resistant. Metals shall be so selected as to avoid excessive galvanic action.

(b) *General specifications-straight and extension ladders.*—(1) The minimum width between side rails of a straight ladder or any section of an extension ladder shall be 12 inches.

(2) The length of single ladders or individual sections of ladders shall not exceed 30 feet. Two-section ladders shall not exceed 46 feet in length and over two-section ladders shall not exceed 60 feet in length.

(3) Based on the nominal length of the ladder each section of a multisection ladder shall overlap the adjacent section by at least the number of feet stated in the following:

Nominal length of ladder (feet):	Overlap (feet)
Up to and including 36	3
Over 36, up to and including 48	4
Over 43, up to 60	5

(4) Extension ladders shall be equipped with positive stops which will insure the overlap specified in the table above.

(5) (i) Extension ladders may be equipped with a rope and pulley. Any rope and pulley shall be securely attached to the ladder in such a manner as not to weaken either the rungs or the side rails. The pulley shall be not less than 1¼ inches in diameter.

(ii) The rope used with the pulley shall be not less than five-sixteenths inch in diameter, having a minimum breaking strength of 560 pounds, and shall be of sufficient length for the purpose intended.

(c) *General specifications—stepladders.*—(1) Stepladders shall be designed and constucted to give a minimum slope of 3½ inches per foot of length of the front section, and a minimum slope of 2 inches per foot of length of the back section, except that special ladders designed for straight-in-wall work shall maintain at least 1¼ inch back slope per foot of length.

(2) The minimum width between the side rails at the top step shall be 12 inches. The width spread of the side rails shall increase a minimum of 1 inch per foot of length. The width of the step or tread shall not be less than 3 inches.

(3) The length of a stepladder is measured by the length of the front rail. To be classified as a standard length ladder, the measured length shall be within plus or minus one-half inch of the specified length. Stepladders shall not exceed 20 feet in length.

(4) The pail shelf shall be designed to fold completely within the ladder.

(5) The back section may be designed with either rungs or cross bracing as long as it meets the general and testing requirements.

(6) Steps shall be corrugated, knurled, dimpled, coated with skid-resistant materials, or otherwise treated to minimize the possibility of slipping.

(7) The bottoms of the four rails shall be supplied with insulating nonslip material for the safety of the user.

(8) A metal spreader or locking device of sufficient size and strength to securely

hold the front and back sections in the open position shall be a component of each stepladder. The spreader shall have all sharp points or edges covered or removed to protect the employee.

(d) *General specifications—trestles and extension trestle ladders.*—(1) Trestle ladders or extension sections or base sections of extension trestle ladders shall be not more than 20 feet in length.

(2) The minimum distance between side rails of the trestle or extension sections or base section at the narrowest point shall not be less than 12½ inches. The width spread shall not be less than one inch per foot of length of side rail.

(3) Spread of base when section is open shall not be less than 5½ inches per foot of base section side rail.

(4) The extension locking device shall be designed to withstand all load tests.

(5) A metal spreader or locking device of sufficient size and strength to securely hold the front and back sections in the open position shall be a component of each trestle ladder. The spreader shall have all sharp points or edges covered or removed to protect the employee.

(e) *General specifications—platfrom ladders.*—(1) The length of a platform ladder shall not exceed 20 feet. The length of a platform ladder shall be measured along the front rail from the floor to the platform.

(2) Minimum width between side rails at platform level shall be 14 inches. Width spread shall not be less than 1 inch per foot of rise.

(3) Slope of the front rail when unit is in open position shall not be less than 3½ inches per foot of rise, and the back section shall have a minimum slope of 1 inch per foot of rise.

(4) The platform shall be at least 20 inches from the top of the ladder, and shall have an area of not less than 200 square inches nor more than 400 square inches.

(5) The back legs and side rails of a platform ladder shall extend at least 20 inches above the platform and shall be connected with the top member to form a three-sided top guard rail, or equivalent construction shall be provided.

(6) Spreaders shall be provided where the hinging apparatus is not designed to lock the unit open.

§ 1910.26b Testing.

(a) *General.*—The tests in this section are intended to insure uniform testing methods for metal ladders. The employer shall obtain reasonable assurances that the prescribed test methods have been applied, when the employer does not perform the testing.

(b) *Straight and extension ladders.*—(1) Ladder inclined strength is measured by placing the ladder unit in a flat, horizontal position supported 6 inches from the ends of the side rails. When testing extensions, the unit is opened to the required overlap. A load of 200 pounds is applied equally to the side rails at the center of the unit by means of a beam. The ladder shall withstand this test with no permanent deformation or other visible weakening of the structure. This test is based on a 200-pound man using the ladder, set at 75½° to the ground. With the man on the center rung, the component of his 200-pound weight at right angles to the ladder will be 50 pounds. Applying the load factor of 4, the test weight becomes 200 pounds.

(2) Test unit need only be of sufficient length for test purposes, and is to consist of the base and fly sections of an extension ladder with all the hardware or fittings attached. The ladder unit is placed in a vertical position and a downward load of 775 pounds equally distributed on the ends of the side rails of the upper portion of the test unit. The unit shall withstand this test with no permanent deformation or other visible weakening of the structure.

(3) A test unit of at least three rungs is to be used from the maximum width portion of the ladder. A load of 800 pounds shall be applied to a 3½ inch wide block resting on the center of the widest rung. A rung of 14 inches or less in length shall withstand this test with no permanent deformation or other visible weakening of the structure. A rung of more than 14 inches in length may have a permanent deflection of not more than one-eighth inch provided the rung cross section is not deformed and there is no other visible weakening of the structure.

(4) With at least a three-rung test unit set in a vertical position, a load of 800 pounds shall be applied to a 3½ inch wide block resting on the center rung as near to the side rail as possible. On removing the load, the unit shall show no indication of failure in the fasteners attaching the rungs to the side rail.

(5) The rung shall be so secured to the side rail that a torque load of 360 inch-pounds applied to the rung at a side rail shall cause no visible relative motion between the rung and the side rail.

(6) With the ladder extended to its maximum working length, and resting horizontally on level supports located 6 inches from each end of the ladder, a weight of 50 pounds shall be suspended from one of the side rails midway between supports. The deflection of the loaded rail, and the difference in deflection between the loaded and unloaded rails shall not exceed the values in Table D-6.

(7) Deflections in Table D-6 are to be determined by measuring at the midpoint between supports, the distance from the outside edges of both rails to the floor or other reference surface both before and after the test load of 50 pounds is applied to one rail of the ladder. The test is to be repeated, loading the other rail of the ladder. The angle (a) between the loaded and unloaded rails and the horizontal is to be calculated from the trigonometric equation:

$$\text{Sine } a = \frac{\text{Difference in deflection}}{\text{Ladder width}}$$

(c) *Step, trestle, extension trestle, and platform ladders.*—(1) (i) Load test of the entire ladder is made with the ladder in an open position, and an 800-pound load applied to the center of the top. Resistance to a side rail bending is tested by placing an 800-pound load on the center of the middle step. The strength of the step section is tested by applying an 800-pound load to a 3½ inch-wide block resting on the center of the longest or bottom step. The pail shelf shall be so constructed as to support a distributed load of 50 pounds.

(ii) In each test case, the unit shall withstand the load without failure or permanent deformation.

(2) Set ladder in open position on a level floor. Place a 200-pound distributed load on the top step. The ladder is then subjected to a horizontal pulling load, applied at the top step, of 12-pound force to the side; 58-pound force to the front; 33-pound force to the back. In each test, all side rails shall remain on the floor.

TABLE D-6—TABLE OF DEFLECTIONS

Length of ladder in feet	Maximum deflection of loaded rail in inches	Maximum difference in deflection between loaded and unloaded rails in degrees from horizontal
20	3.0	3.6
24	3.8	4.7
28	4.6	5.4
32	5.5	5.7
36	6.4	6.1
40	7.2	6.5
44	8.0	6.5
48	8.8	6.5

§ 1910.26c Care and maintenance of ladders.

(a) *General.*—To get maximum safety good safe practices in the use and care of ladder equipment shall be used by the employer. The rules in this section are considered essential to the safety of the employees.

(b) *Care of ladders.*—(1) Ladders, like any tool, shall be handled with care and not be subjected to unnecessary dropping, jarring, or misuse.

(2) Ladders shall be stored on racks when not in use. The racks shall have sufficient supporting points to prevent any possibility of excessive sagging.

(3) Ladders transported on vehicles shall be properly supported. Supporting points shall be of a softer material, such as hardwood or rubber-covered iron pipe, to minimize the chafing and effects of road shock.

(4) Ladders used by employees shall be maintained in good condition. Hardware fittings and accessories shall be checked frequently and kept in good condition.

(5) Ropes or cables shall be inspected frequently and replaced if defective.

(6) Complete ladder inspection shall be performed with reasonable frequency. If a ladder is involved in any of the following, immediate inspection shall be made:

(i) If a ladder tips over, the ladder shall be inspected for side rail dents or bends, or excessively dented rungs, all rung-to-side-rail connections, hardware connections, and rivets shall be inspected.

(ii) If a ladder is exposed to excessive heat as in the case of fire, the ladder shall be inspected visually for damage and tested for deflection and strength characteristics.

(iii) If a ladder is to be subjected to highly corrosive acids or alkali solutions, a protective coating such as asphalt and varnish shall be applied to the equipment.

(iv) If a ladder is exposed to oil or grease or other slippery materials, it shall be cleaned of oil, grease, or slippery materials.

(7) Any ladder having a defect likely to prejudice the safety of an employee using the ladder is to be marked and taken out of service until repaired.

(c) *Use of ladders.*—(1) Portable non-self-supporting ladders shall be erected at a pitch providing the maximum balance and strength. Generally, this is a pitch of 75½ degrees. A simple guide for setting up a ladder at the proper angle is to place the base a distance from the vertical wall equal to one-fourth the working length of the ladder.

(2) A portable ladder shall be treated as a one-man working ladder based on a 200-pound load.

(3) The ladder-base section shall be placed with a secure footing, such as that provided by the use of safety shoes or a foot-ladder board on hard slick surfaces.

(4) The top of the ladder shall be placed with the two rails supported, unless the ladder is equipped with a single support attachment. Such an attachment shall be substantial and large enough to support the ladder under load.

(5) When ascending or descending, the climber shall face the ladder.

(6) Ladders shall not be tied or fastened together to provide longer sections, except by the hardware fittings which make the ladders safe for an endorsement by a manufacturer for extended uses. Suitability of a hardware fastener for this purpose shall establish an inference of compliance with this standard.

(7) Ladders shall not be used as a brace, skid, guy or gin pole, gangway, or for other uses than that for which they were intended, unless they are specifically recommended for use by the manufacturer and the employer has ready and available evidence of this recommendation.

(8) Employers shall caution employees to take proper safety measures when metal ladders are used in areas containing electric circuits to prevent short circuits or electrical shock.

§ 1910.26d Definitions.

As used in the sections under the centerhead entitled "Portable Metal Ladders", unless the context requires otherwise, portable metal ladders terms shall have the following meanings:

(a) *Ladder.*—A ladder is an appliance usually consisting of two side rails joined at regular intervals by cross pieces called steps, rungs, or cleats, on which a person may step in ascending or descending.

(b) *Step ladder.*—A step ladder is a self-supporting portable ladder, nonadjustable in length, having flat steps and a hinged back. Its size is designated by the overall length of the ladder measured along the front edge of the side rails.

(c) *Single ladder.*—A single ladder is a non-self-supporting portable ladder, nonadjustable in length, consisting of but one section. Its size is designated by the overall length of the side rail.

(d) *Extension ladder.*—An extension ladder is a non-self-supporting portable ladder adjustable in length. It consists of two or more sections traveling in guides or brackets so arranged as to permit length adjustment. Its size is designated by the sum of the lengths of the sections measured along the side rails.

(e) *Platform ladder.*—A self-supporting ladder of fixed size with a platform provided at the working level. The size is determined by the distance along the front rail from the platform to the base of the ladder.

(f) *Sectional ladder.*—A sectional ladder is a non-self-supporting portable ladder, non-adjustable in length, consisting of two or more sections so constructed that the sections may be combined to function as a single ladder. Its size is designated by the overall length of the assembled sections.

(g) *Trestle ladder.*—A trestle ladder is a self-supporting portable ladder, nonadjustable in length, consisting of two sections, hinged at the top to form equal angles with the base. The size is designated by the length of the side rails measured along the front edge.

(h) *Extension trestle ladder.*—An extension trestle ladder is a self-supporting portable ladder adjustable in length, consisting of a trestle ladder base and a vertically adjustable single ladder, with suitable means for locking the ladders together. The size is designated by the length of the trestle ladder base.

(i) *Special-purpose ladder.*—A special-purpose ladder is a portable ladder which represents either a modification or a combination of design or construction features in one of the general-purpose types of ladders previously defined, in order to adapt the ladder to special or specific uses.

FIXED LADDERS

§ 1910.27 General application.

The sections under the centerhead "Fixed Ladders" prescribe minimum requirements for the structural soundness and use of fixed ladders. The sections do not apply to portable wood, metal or other types of special ladders, job-made ladders, or to special-purpose types of ladders on structures used for storage of water, grains, or animal feed, nor to ladders attached to structures when the ladders are used only for maintenance, fire-fighting, or emergency escape purposes. Further, the sections do not apply to electrical power transmission-line towers; oil or gas well drilling or pumping derricks, triangulation, radio, television, and microwave antenna communications towers and structures used exclusively for the support of these facilities, chimneys or stacks, manholes to underground utilities and facilities.

§ 1910.27a Definitions.

As used in the sections under the centerhead "Fixed Ladders", fixed ladder terms shall have the meanings set forth in this section, unless the context clearly indicates differently:

(a) *Ladder.*—A ladder is an appliance usually consisting of two side rails joined at regular intervals by crosspieces called steps, rungs, or cleats, on which a person may step in ascending or descending.

(b) *Fixed ladder.*—A fixed ladder is a ladder permanently attached to a structure, building, or equipment.

(c) *Individual-rung or step ladder.*—An individual-rung or step ladder is a fixed ladder each rung or step of which is individually attached to a structure, building, or equipment, or manhole.

(d) *Rail ladder.*—A rail ladder is a fixed ladder consisting of side rails joined at regular intervals by rungs or cleats and fastened in full length or in sections to a building, structure, or equipment.

(e) *Railings.*—A railing is any one or a combination of those railings constructed in accordance with § 1910.23; a standard railing is a vertical barrier erected along exposed edges of floor openings, wall openings, ramps, platforms, and runways to prevent falls of persons.

(f) *Pitch.*—Pitch is the included angle between the horizontal and the ladder measured on the opposite side of the ladder from the climbing side.

(g) *Fastenings.*—A fastening is a device to attach a ladder to a structure, building, or equipment.

(h) *Rungs.*—Rungs are ladder crosspieces on which a person may step in ascending or descending.

(i) *Cleats.*—Cleats are ladder crosspieces of rectangular cross-section places on edge on which a person may step in ascending or descending.

(j) *Steps.*—Steps are the cross-pieces of a ladder on which a person may step in ascending or descending.

(k) *Cage.*—A cage is a guard that may be referred to as a cage or basket guard which is an enclosure that is fastened to the side rails of the fixed ladder or to the structure to encircle the climbing space of the ladder.

(l) *Well.*—A well is a permanent complete enclosure around a fixed ladder.

(m) *Ladder safety device.*—A ladder safety device is any device, designed to eliminate or reduce the possibility of accidental falls and which may incorporate such features as life belts, friction brakes, and sliding attachments.

(n) *Grab bars.*—Grab bars are individual handholds placed adjacent to or as an extension above ladders for the purpose of providing access beyond the limits of the ladder.

(o) *Through ladder.*—A through ladder is one from which a man getting off at the top must step through the ladder in order to reach the landing.

(p) *Side-step ladder.*—A side-step ladder is one from which a man getting off at the top must step sideways from the ladder in order to reach the landing.

§ 1910.27b Design requirements.

(a) *Design considerations.*—All ladders, and fastenings used by an employer

shall be designed to meet the following load requirements:

(1) The minimum design live load shall be a single concentrated load of 200 pounds.

(2) The number and position of additional concentrated live-load units of 200 pounds each as determined from anticipated usage of the ladder shall be considered in the design.

(3) The live loads imposed by persons occupying the ladder shall be considered to be concentrated at such points as will cause the maximum stress in the structural member being considered.

(4) The weight of the ladder and attached appurtenances together with the live load shall be considered in the design of rails and fastenings.

(b) *Design stresses.*—Design stresses for wood components of ladders shall not exceed those specified in the sections of this part prescribing standards for portable wood ladders. All wood parts of fixed ladders shall meet the requirements of § 1910.25a.

(c) For fixed ladders consisting of wood side rails and wood rungs or cleats, used at a pitch in the range 75 degrees to 90 degrees, and intended for use by no more than one person per section, single ladders are permitted.

(d) An employer shall obtain reasonable assurances that the design requirements of this section have been met concerning ladders and fasteners used by his employees.

§ 1910.27c Specific features.

(a) *Rungs and cleats.*—(1) All rungs shall have a minimum diameter of three-fourths inch for metal ladders or of material of equivalent strength except as covered in paragraph (g)(1) of this section, and a minimum diameter of 1⅛ inches for wood ladders.

(2) The distance between rungs, cleats, and steps shall not exceed 16 inches and shall be uniform throughout the length of the ladder.

(3) The minimum clear length of rungs or cleats shall be 12 inches.

(4) Rungs, cleats, and steps shall be free of splinters, sharp edges, burrs, or projections which may be a hazard.

(5) The rungs of an individual-rung ladder shall be so designed that the foot cannot slide off the end. A suggested design is shown in figure D–1.

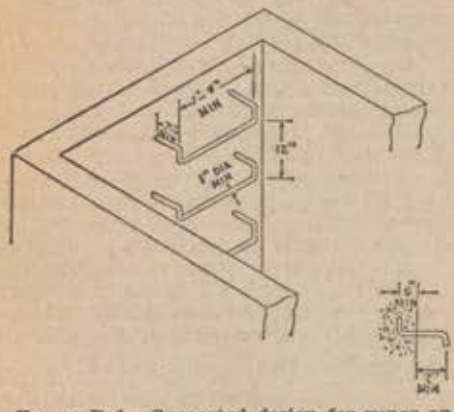


FIGURE D–1.—Suggested design for rungs on individual-rung ladders.

(b) *Side rails.*—Side rails which may be used as a climbing aid shall of such cross sections as to afford adequate gripping surface without sharp edges, splinters, or burrs.

(c) *Fastenings.*—Fastenings shall be an integral part of fixed ladder design.

(d) *Splices.*—All splices made by whatever means shall meet design requirements as stated in § 1910.27(b). All splices and connections shall have smooth transition with original members with no sharp or extensive projections.

(e) *Electrolytic action.*—Adequate means shall be employed to protect dissimilar metals from electrolytic action when such metals are joined.

(f) *Welding.*—All welding shall be in accordance with the "Code for Welding in Building Construction" (AWSD1.0–1966).

(g) *Protection from deterioration.*—(1) Metal ladders and appurtenances shall be painted or otherwise treated to resist corrosion and rusting when its location makes such treatment appropriate. Ladders formed by individual metal rungs imbedded in concrete, which serve as access to pits and to other areas under floors, are frequently located in an atmosphere that causes corrosion and rusting. Such individual metal rungs shall have a minimum diameter of 1 inch or shall be painted or otherwise treated to resist corrosion and rusting.

(2) Wood ladders, when used under conditions where decay may occur, shall be treated with a nonirritating preservative, and the details shall be such as to prevent or minimize the accumulation of water on wood parts.

(3) When different types of materials are used in the construction of a ladder, the materials used shall be so treated as to have no deleterious effect one upon the other.

§ 1910.27d Clearance.

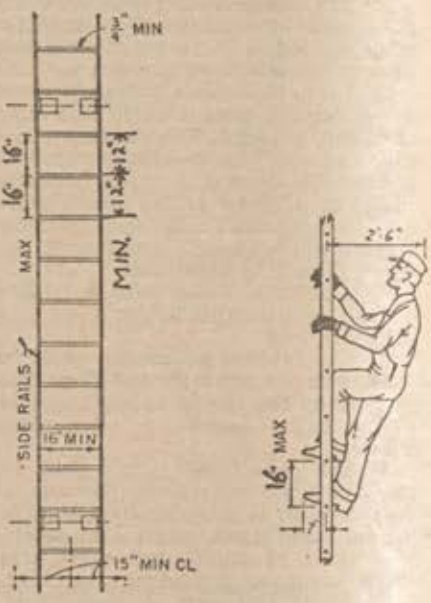
(a) *Climbing side.*—On fixed ladders, the perpendicular distance from the centerline of the runs to the nearest permanent object on the climbing side of the ladder shall be 36 inches for a pitch of 76 degrees, and 30 inches for a pitch of 90 degrees, and (fig. D–2 of this section), with minimum clearances for intermediate pitches varying between these two limits in proportion to the slope, except as provided in paragraphs (c) and (e) of this section.

(b) *Ladders without cages or wells.*—A clear width of at least 15 inches when possible, shall be provided each way from the centerline of the ladder in the climbing space, except when cages or wells are used.

(c) *Ladders with cages or baskets.*—Ladders equipped with cage or basket are excepted from the provisions of paragraphs (a) and (b) of this section, but shall conform to the provisions of § 1910.27e(a)(5). Fixed ladders in smooth-walled wells are excepted from the provisions of paragraph (a) of this section, but shall conform to the provisions of § 1910.27e(a)(6).

(d) *Clearance in back of ladder.*—The distance from the centerline of rungs, cleats, or steps to the nearest permanent object in back of the ladder shall be not less than 7 inches, when possible, except that when unavoidable obstructions are encountered, minimum clearances as shown in figure D–3 shall be provided.

(e) *Clearance in back of grab bar.*—The distance from the centerline of the grab bar to the nearest permanent object in back of the grab bars shall be not less than 4 inches. Grab bars shall not protrude on the climbing side beyond the rungs of the ladder which they serve.



RAIL LADDER WITH BAR STEEL RAILS AND ROUND STEEL RUNGS

FIG. D-2

Minimum Ladder Clearances

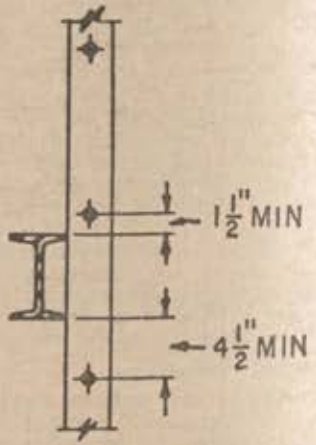


FIG. D-3

Clearance for Unavoidable Obstruction at Rear of Fixed Ladder

(f) *Step-across distance.*—The step-across distance from the nearest edge of ladder to the nearest edge of equipment or structure shall be not more than 12 inches, or less than 2½ inches (fig. D–4)

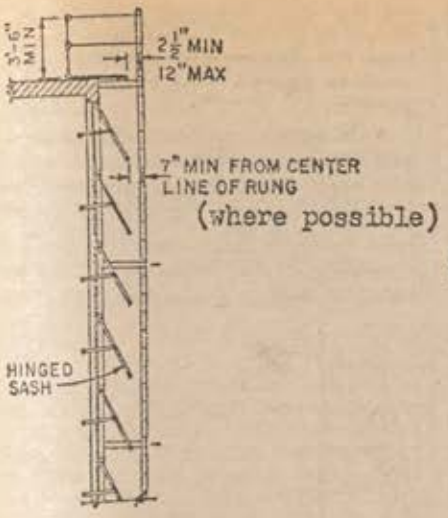


FIG. D-4
Ladder Far from Wall

(g) *Hatch cover.*—Counterweighted hatch covers shall open a minimum of 60 degrees from the horizontal. The distance from the centerline of rungs or cleats to the edge of the hatch opening on the climbing side shall be not less than 24 inches from offset wells or 30 inches for straight wells. There shall be no protruding potential hazards within 24 inches of the centerline of rungs or cleats; any such hazards within 30 inches of the centerline of the rungs or cleats shall be fitted with deflector plates placed at an angle of 60 degrees from the horizontal as indicated in figure D-5

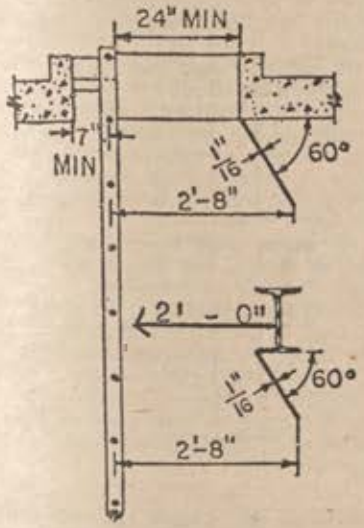
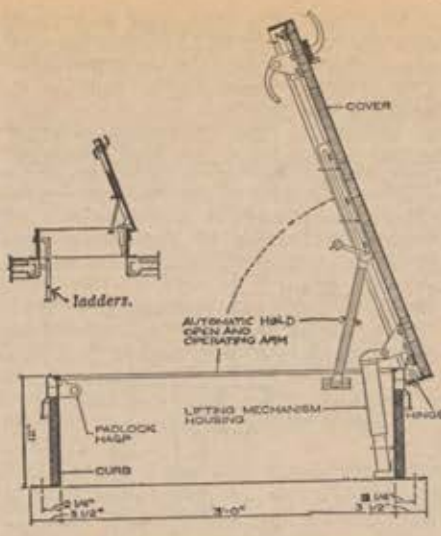


FIG. D-5
Deflector Plates for Head Hazards

The relationship of a fixed ladder to an appropriately counterweighted hatch cover is illustrated in figure D-6.



Relationship of Fixed Ladder to a Safe Access Hatch

Fig. D-6

§ 1910.27e Special requirements.

(a) *Cages or wells.*—(1) Cages or wells (when used) shall be built, as shown on the applicable drawings, covered in detail in figures D-7, D-8, and D-9, or of equivalent construction.

(2) Cages or wells (except as provided in paragraph (e) of this section) conforming to the dimensions shown in figures D-7, D-8, and D-9 shall be provided on ladders of more than 20 feet to a maximum unbroken length of 30 feet.

(3) Cages shall extend a minimum of 42 inches above the top of landing, unless protection is provided.

(4) Cages shall extend down the ladder to a point not less than 7 feet nor more than 8 feet above the base of the ladder, with bottom flared not less than 4 inches.

(5) Cages shall not extend less than 27 nor more than 28 inches from the centerline of the rungs of the ladder. Cage shall not be less than 27 inches in width. The inside shall be clear of projections. Vertical bars shall be located at a maximum spacing of 40 degrees around the circumference of the cage; this will give a maximum spacing of approximately 9½ inches, center to center.

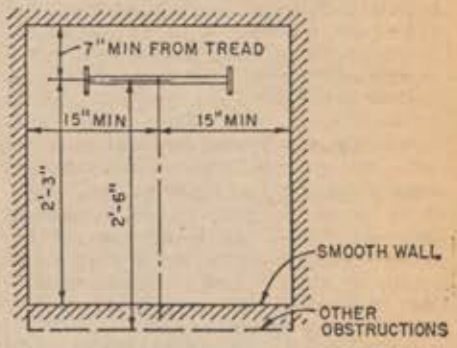
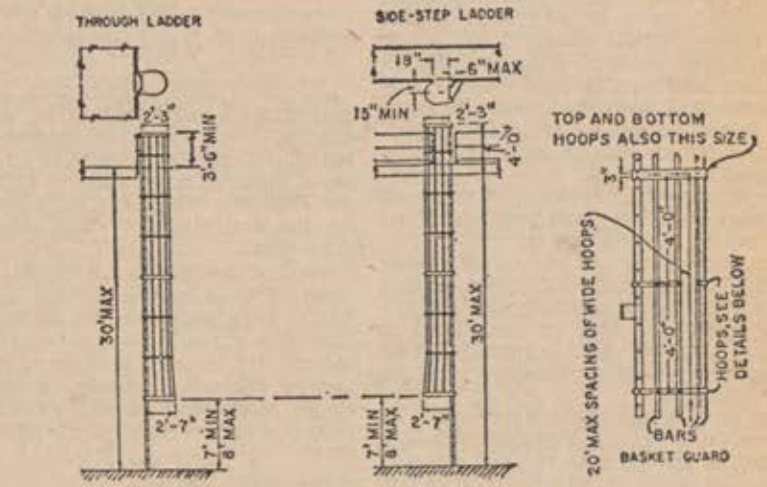


FIGURE D-7.—Clearance diagram for fixed ladder in well.



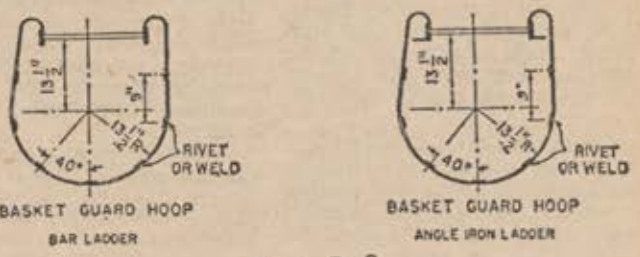


FIG. D-8
Cages for Ladders More Than 20 Feet High

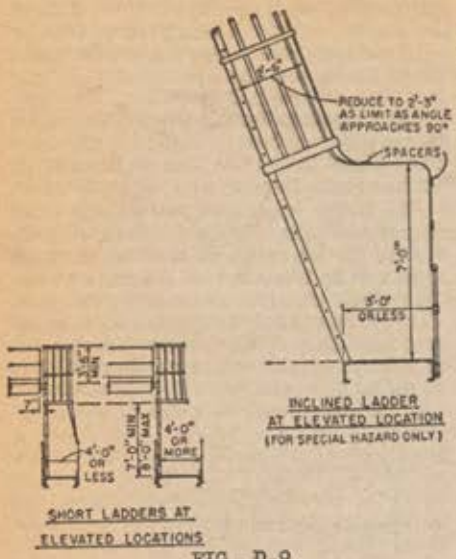


FIG. D-9

Cages — Special Applications

(6) Ladder wells shall have a clear width of at least 15 inches measured each way from the centerline of the ladder. Smooth-walled wells shall be a minimum of 27 inches from the centerline of rungs to the well wall on the climbing side of the ladder.

(b) *Landing platforms.*—When ladders are used to ascend to heights exceeding 20 feet, landing platforms shall be provided for each 30 feet of height or fraction thereof, except that, where no cage, well, or ladder safety device is provided, landing platforms shall be provided for each 20 feet of height or fraction thereof. Each ladder section shall be offset from adjacent sections. Where installation conditions (even for a short, unbroken length) require that adjacent sections be offset, landing platforms shall be provided at each offset.

(2) Where user has to step a distance greater than 12 inches from the centerline of the rung of a ladder to the nearest edge of structure or equipment, a landing platform shall be provided. The minimum step-across distance shall be 2½ inches.

(3) All landing platforms shall be equipped with standard railings and toeboards, so arranged as to give safe access to the ladder. Platforms shall be not less than 24 inches in width and 30 inches in length.

(4) One rung of any section of ladder shall be located at the level of the landing laterally served by the ladder. Where access to the landing is through the ladder, the same rung spacing as used on the ladder shall be used from the landing platform to the first rung below the landing.

(c) *Ladder extensions.*—The side rails of through or side-step ladder extensions shall extend 3½ feet above any landing or other walking surface. For through ladder extensions, the rungs shall be omitted from the extension and shall have not less than 18 nor more than 24 inches clearance between rails. For side-step or offset fixed ladder sections at landings, the side rails and rungs shall be carried to the next regular rung beyond or above the 3½ feet minimum (fig. D-10).

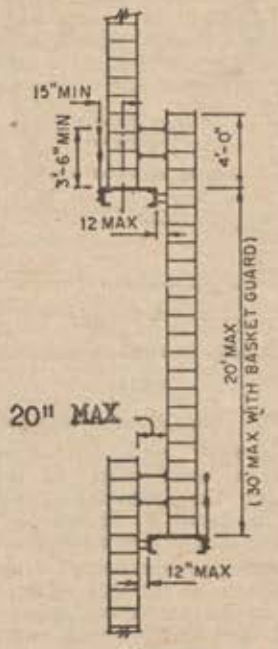


FIG. D-10

Offset Fixed Ladder Sections

(d) *Grab bars.*—Grab bars shall be spaced by a continuation of the rung spacing when they are located in the horizontal position. Vertical grab bars shall have the same spacing as the ladder side rails. Grab-bar diameters shall be the equivalent of the round-rung diameters.

(e) *Ladder safety devices.*—Ladder safety devices may be used on ladders in lieu of cage protection. No landing platform is required in these cases. All ladder safety devices such as those that incorporate lifebelts, friction brakes, and sliding attachments shall meet the design requirements of the ladder which they serve.

§ 1910.27f Pitch.

(a) *Preferred pitch.*—The preferred pitch of fixed ladders shall be considered to come in the range of 75 degrees and 90 degrees with the horizontal (fig. D-11).

(b) *Pitch.*—Fixed ladders within the pitch range of 60 and 75 degrees with the horizontal are permitted only where it is found necessary to meet conditions of installation. Lesser pitch ranges are not permissible.

(c) *Pitch greater than 90 degrees.*—Ladders having a pitch in excess of 90 degrees with the horizontal are prohibited.

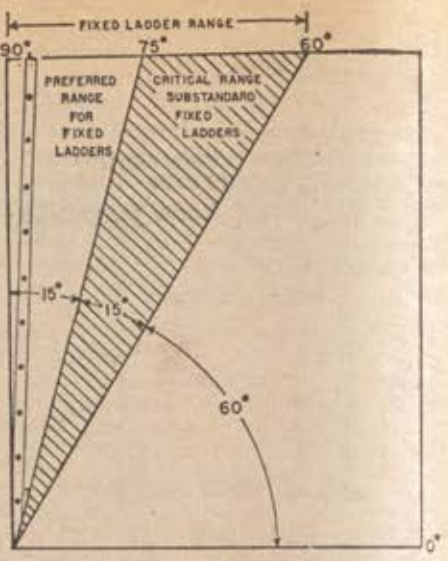


FIG. D-11

Pitch of Fixed Ladders

§ 1910.27g Manhole steps and ladders.

(a) Entrance into a manhole shall be by steps that are cast or mortared into the walls of riser or conical top sections or by portable ladder. Portable ladders shall conform to the requirements of §§ 1910.25 and 1910.26.

(b) Manhole steps that are cast or mortared into the walls of riser or conical top sections shall meet the following requirements:

(1) For steps, appurtenances and fastenings, the minimum design live load shall be a single concentrated load of 300 lbs.

(2) The live loads imposed by employees occupying the steps shall be considered to be concentrated at the such points as will cause the maximum stress in the structural member being considered.

(3) Steps in riser and conical top sections shall be aligned in each section so as to form a continuous ladder with steps equally spaced vertically in the assembled manhole at a maximum design distance of 16 inches apart. Steps shall be so designed that the foot cannot slide off the end.

(4) Steps shall be embedded in the riser or conical top section wall a minimum distance of 3 inches.

(5) When dissimilar types of materials are used in the steps, appurtenances and fastenings, the materials shall be treated to prevent deleterious effects.

(6) The portion of the step projecting into the riser or cone opening shall be free of any hazardous sharp edges, burrs, or projections.

(7) Ferrous metal steps not painted or treated to resist corrosion shall have a minimum cross sectional dimension of 1 inch.

(8) The minimum length of steps shall be 10 inches.

(9) The step shall project a minimum clear distance of 4 inches from the wall of the riser or cone section measured from the point of embedment.

§ 1910.27(h) Maintenance.

The employer shall maintain all ladders in a safe condition; i.e., a condition which is otherwise required under this Subpart D. All ladders shall be inspected with reasonable frequency. A reasonable frequency of inspections depends upon the use and exposure of the ladders.

SAFETY REQUIREMENTS FOR SCAFFOLDING

§ 1910.28a General requirements for scaffolds.

(a) (1) Scaffolds shall be furnished in accordance with the sections under the centerhead "Safety Requirements for Scaffolding" for employees engaged in work that cannot be done safely from the ground or from solid construction.

(2) The requirements of these sections on the use of scaffolding apply to operation, and use of scaffolds in other than construction operations. Requirements for construction, alteration, and repair of buildings or works, including painting or decorating, are to be found in Subpart L of Part 1926 of this chapter. In this regard, see § 1910.12, which applies Part 1926 of this chapter to such activities. In situations where the work contemplated by a standard is not normally performed by the employer, or when it is performed by a manufacturer the employer shall nevertheless obtain reasonable assurances that the standard has been met.

(b) This section and the remaining sections under the centerhead "Safety Requirements for Scaffolding" shall not apply when ladders conforming to the requirements of this Subpart D are used.

(c) When it is not practicable to install and use guardrails for employee protection on scaffolds as required by this section, safety belts, which are properly secured to a lanyard and life line or a safety net properly installed, may be used instead of scaffold guardrails.

(d) The footing or anchorage for scaffolds shall be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Unstable objects such as barrels, boxes, loose brick, or concrete blocks shall not be used to support scaffolds or planks.

(e) (1) Guardrails and toeboards shall be installed on all open sides and ends of platforms more than 10 feet above the ground or floor except:

(i) Scaffolding wholly within the interior of a building and covering the entire floor area of any room therein and not having any side exposed to a hoistway, elevator shaft or other wall opening, stairwell, or other floor openings, and

(ii) Needle-beam scaffolds and floats in use by structural iron workers.

(2) Guardrails shall be 2 x 4 inches or the equivalent, installed no less than 36 inches or not more than 42 inches nominal high, with a midrail, when required, of 1- x 4-inch lumber or equivalent. Supports shall be at intervals not to exceed ten feet. Toeboards shall be a minimum of 4 inches in height.

(f) Scaffolds and their components shall be capable of supporting without failure at least four times the maximum intended load.

(g) Scaffolds and other devices mentioned or described in this section shall be maintained in safe condition. Scaffolds shall not be altered or moved horizontally while they are in use or occupied.

(h) Any scaffold damaged or weakened from any cause shall be repaired and shall not be used until repairs have been completed.

(i) Scaffolds shall not be loaded in excess of the working load for which they are intended.

(j) All load-carrying timber members of scaffold framing shall be a minimum of 1,500 f. (Stress Grade) construction grade lumber. All dimensions are nominal sizes as provided in the American Lumber Standards, except that where rough sizes are noted, only rough or undressed lumber of the size specified will satisfy minimum requirements.

NOTE.—Where nominal sizes of lumber are used in place of rough sizes, the nominal size lumber shall be such as to provide equivalent strength to that specified in tables D-7 through D-12 and D-16.

(k) All planking shall be scaffold Grade as recognized by grading rules for the species of wood used.

(l) Nails or bolts used in construction of scaffolds shall be of adequate size and in sufficient numbers at each connection to develop the designed strength of the scaffold. Nails shall not be subjected to a straight pull and shall be be driven their full length.

(m) All planking or platforms shall be overlapped (minimum 12 inches) or secured from movement.

(n) An access ladder or equivalent safe access shall be provided.

(o) Scaffold planks shall extend over their end supports not less than 6 inches nor more than 18 inches and shall be laid tightly with their edges close together extending across the entire bearer from pole to pole. The scaffold planks shall be laid tightly with no opening greater than one inch through which tools or materials can fall.

(p) The poles, legs, or uprights of scaffolds shall be plumb, securely and rigidly braced to prevent swaying and displacement.

(q) Materials being hoisted onto a scaffold shall have a tag line or some other method of equivalent effect shall be used to control the load.

(r) Overhead protection shall be provided for men on a scaffold exposed to overhead hazards.

(s) Scaffolds shall be provided with a screen in the opening between the toeboard and the guardrail, with the screen extending along the entire opening. The screen shall consist of No. 19 gauge U.S. Standard Wire one-half-inch mesh, or other material of equivalent strength for the protection of employees who are required to work or pass under the scaffolds.

(t) Employees shall not be permitted to work on scaffolds during storms or high winds.

(u) Employees shall not be permitted to work on scaffolds covered with ice or snow, except that employees may be permitted to work under such conditions for the purpose of removing ice or snow from a scaffold in order to eliminate the hazardous condition.

(v) Tools, materials, and debris shall not be allowed to accumulate on a scaffold in quantities sufficient to cause a hazard.

(w) Only treated or protected fiber rope shall be used for or near any work involving the use of corrosive substances or chemicals.

(x) Wire or fiber rope used for scaffold suspension shall be capable of supporting at least six times the intended load.

(y) When acid solutions are used for cleaning buildings wire rope supported scaffolds shall be used.

(z) The use of shore scaffolds or lean-to scaffolds is prohibited.

(aa) Lumber sizes, when used in this section, refer to nominal sizes except where otherwise stated.

(bb) Scaffolds shall be secured to permanent structures, through use of anchor bolts, reveal bolts, or other equivalent means. Window cleaners' anchor bolts shall not be used.

(cc) Special precautions shall be taken to protect scaffold members, including any wire or fiber ropes, when using a heat-producing process.

§ 1910.28b General requirements for wood pole scaffolds.

(a) Scaffold poles shall bear on a foundation of sufficient size and strength to spread the load from the poles over a sufficient area to prevent settlement. All poles shall be set plumb.

(b) Where wood poles are spliced, the ends shall be squared and the upper section shall rest squarely on the lower section. Wood splice plates shall be provided on at least two adjacent sides and shall not be less than 4 feet 0 inches in length, overlapping the abutted ends equally, and have the same width and not less than the cross-sectional area of the pole. Splice plates of other materials of equivalent strength may be used.

(c) Independent pole scaffolds shall be set as near to the wall of the building as practicable.

(d) All pole scaffolds shall be securely guyed or tied to the building or structure. Where the height or length exceeds 25 feet, the scaffold shall be secured at intervals not greater than 25 feet vertically and horizontally.

(e) Putlogs or bearers shall be set with their greater dimensions vertical, long enough to project over the ledgers of the inner and outer rows of poles at least 3 inches for proper support.

(f) Every wooden putlog on single pole scaffolds shall be reinforced with a

$\frac{3}{16}$ x 2-inch steel strip or equivalent secured to its lower edge throughout its entire length.

(g) Ledgers shall be long enough to extend over two pole spaces. Ledgers shall not be spliced between the poles. Ledgers shall be reinforced by bearing blocks securely nailed to the side of the pole to form a support for the ledger.

(h) Diagonal bracing shall be provided to prevent the poles from moving in a direction parallel with the wall of the building, or from buckling.

(i) Cross bracing shall be provided between the inner and outer sets of poles in independent pole scaffolds. The free ends of pole scaffolds shall be cross braced.

(j) Full diagonal face bracing shall be erected across the entire face of pole scaffolds in both directions. The braces shall be spliced at the poles.

(k) Platform planks shall be laid with their edges close together so the platform will be tight with no spaces through which tools or fragments of material can fall.

(l) Where planking is lapped, each plank shall lap its end supports at least 12 inches. Where the ends of planks abut each other to form a flush floor, the butt joint shall be at the centerline of a pole. The abutted ends shall rest on separate bearers. Intermediate beams shall be provided where necessary to prevent dislodgment of planks due to deflection, and the ends shall be nailed or cleated to prevent their dislodgment.

(m) When a scaffold turns a corner, the platform planks shall be laid to prevent tipping. The planks that meet the corner putlog at an angle shall be laid first, extending over the diagonally placed putlog far enough to have a good safe bearing, but not far enough to involve any danger from tipping. The planking running in the opposite direction at right angles shall be laid so as to extend over and rest on the first lay of planking.

(n) When moving platforms to the next level, the old platform shall be left undisturbed until the new putlogs or bearers have been set in place, ready to receive the platform planks.

(o) Guardrails not less than 2 x 4 inches or the equivalent and not less than 36 inches or more than 42 inches nominal high, with a mid-rail, when required, of 1 x 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with § 1910.28a(s).

(p) All wood pole scaffolds 60 feet or less in height shall be constructed and erected in accordance with tables D–7 through D–12 of this Subpart D. If they are over 60 feet in height they shall be designed by a registered professional engineer and constructed and erected in accordance with such design.

(q) Wood-pole scaffolds shall not be erected beyond the reach of effective firefighting apparatus.

TABLE D–7—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS LIGHT DUTY

	Maximum height of scaffold	
	20 feet	60 feet
Uniformly distributed load	Not to exceed 25 pounds per square foot.	
Poles or uprights	2 by 4 in	4 by 4 in.
Pole spacing (longitudinal)	6 ft. 0 in	10 ft. 0 in.
Maximum width of scaffold	5 ft. 0 in	5 ft. 0 in.
Bearers or putlogs to 3 ft. 0 in. width	2 by 4 in	2 by 4 in.
Bearers or putlogs to 5 ft. 0 in. width	2 by 6 in. or 3 by 4 in	2 by 6 in. or 3 by 4 in. (rough).
Ledgers	1 by 4 in	1¼ by 9 in.
Planking	1¼ by 9 in. (rough)	2 by 9 in.
Vertical spacing of horizontal members	7 ft. 0 in	7 ft. 0 in.
Bracing, horizontal and diagonal	1 by 4 in	1 by 4 in.
Tie-ins	1 by 4 in	1 by 4 in.
Toeboards	4 in. high (minimum)	4 in. high (minimum).
Guardrail	2 by 4 in	2 by 4 in.

All members except planking are used on edge.

TABLE D–8—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS

MEDIUM DUTY

Uniformly distributed load.	Not to exceed 50 pounds per square foot.
Maximum height of Scaffold.	60 ft.
Poles or uprights	4 by 4 in.
Pole spacing (longitudinal).	8 ft. 0 in.
Maximum width of scaffold.	5 ft. 0 in.
Bearers or putlogs	2 by 9 in. or 3 by 4 in.
Spacing of bearers or putlogs.	8 ft. 0 in.
Ledgers	2 by 9 in.
Vertical spacing of horizontal members.	9 ft. 0 in.
Bracing, horizontal	1 by 6 in. or 1¼ by 4 in.
Bracing, diagonal	1 by 4 in.
Tie-ins	1 by 4 in.
Planking	2 by 9 in.
Toeboards	4 in. high (minimum).
Guardrail	2 by 4 in.

All members except planking are used on edge.

TABLE D–9—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS

HEAVY DUTY

Uniformly distributed load.	Not to exceed 75 pounds per square foot.
Maximum height of Scaffold.	60 ft.
Poles or uprights	4 by 4 in.
Pole spacing (longitudinal).	6 ft. 0 in.
Maximum width of scaffold.	5 ft. 0 in.
Bearers or putlogs	2 by 9 in. or 3 by 5 in. (rough).
Spacing of bearers or putlogs.	6 ft. 0 in.
Ledgers	2 by 9 in.
Vertical spacing of horizontal members.	6 ft. 6 in.
Bracing, horizontal and diagonal.	2 by 4 in.
Tie-ins	1 by 4 in.
Planking	2 by 9 in.
Toeboards	4 in. high (minimum).
Guardrail	2 by 4 in.

All members except planking are used on edge.

TABLE D–10—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS LIGHT DUTY

	Maximum height of scaffold	
	20 feet	60 feet
Uniformly distributed load	Not to exceed 25 pounds per square foot.	
Poles or uprights	2 by 4 in	4 by 4 in.
Pole spacing (longitudinal)	6 ft. 0 in	10 ft. 0 in.
Pole spacing (transverse)	6 ft. 0 in	10 ft. 0 in.
Ledgers	1¼ by 4 in	1¼ by 9 in.
Bearers to 3 ft. 0 in. span	2 by 4 in	2 by 4 in.
Bearers to 10 ft. 0 in. span	2 by 6 in. or 3 by 4 in	2 by 9 (rough) or 3 by 8 in.
Planking	1¼ by 9 in	2 by 9 in.
Vertical spacing of horizontal members	7 ft. 0 in	7 ft. 0 in.
Bracing, horizontal and diagonal	1 by 4 in	1 by 4 in.
Tie-ins	1 by 4 in	1 by 4 in.
Toeboards	4 in. high	4 in. high (minimum).
Guardrail	2 by 4 in	2 by 4 in.

All members except planking are used on edge.

TABLE D-11—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS

MEDIUM DUTY

Uniformly distributed load.	Not to exceed 50 pounds per square foot.
Maximum height of scaffold.	60 ft.
Poles or uprights	4 by 4 in.
Pole spacing (longitudinal).	8 ft. 0 in.
Pole spacing (transverse).	8 ft. 0 in.
Ledgers	2 by 9 in.
Vertical spacing of horizontal members.	6 ft. 0 in.
Spacing of bearers	8 ft. 0 in.
Bearers	2 by 9 in. (rough) or 2 by 10 in.
Bracing, horizontal	1 by 6 in. or 1¼ by 4 in.
Bracing, diagonal	1 by 4 in.
Tie-ins	1 by 4 in.
Planking	2 by 9 in.
Toeboards	4 in. high (minimum).
Guardrail	2 by 4 in.

All members except planking are used on edge.

TABLE D-12—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS

HEAVY DUTY

Uniformly distributed load.	Not to exceed 75 pounds per square foot.
Maximum height of scaffold.	60 ft.
Poles or uprights	4 by 4 in.
Pole spacing (longitudinal).	6 ft. 0 in.
Pole spacing (transverse).	8 ft. 0 in.
Ledgers	2 by 9 in.
Vertical spacing of horizontal members.	4 ft. 6 in.
Bearers	2 by 9 in. (rough).
Bracing, horizontal and diagonal.	2 by 4 in.
Tie-ins	1 by 4 in.
Planking	2 by 9 in.
Toeboards	4 in. high (minimum).
Guardrail	2 by 4 in.

All members except planking are used on edge.

TABLE D-13—TUBE AND COUPLER SCAFFOLDS LIGHT DUTY

Uniformly distributed load	Not to exceed 25 p.s.f.
Post spacing (longitudinal)	10 ft. 0 in.
Post spacing (transverse)	6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	8	125 ft.
2	4	125 ft.
3	0	91 ft. 0 in.

TABLE D-14—TUBE AND COUPLER SCAFFOLDS MEDIUM DUTY

Uniformly distributed load	Not to exceed 50 p.s.f.
Post spacing (longitudinal)	8 ft. 0 in.
Post spacing (transverse)	6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	6	125 ft.
2	0	78 ft. 0 in.

TABLE D-15—TUBE AND COUPLER SCAFFOLDS HEAVY DUTY

Uniformly distributed load	Not to exceed 75 p.s.f.
Post spacing (longitudinal)	6 ft. 6 in.
Post spacing (traverse)	6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	6	125 ft.

§ 1910.28c Tube and coupler scaffolds.

(a) A light-duty tube and coupler scaffold shall have all posts, bearers, runners, and bracing of nominal 2-inch O.D. steel tubing. The posts shall be spaced not more than 6 feet apart by 10 feet along the length of the scaffold. Other structural metals may be used but such metal must be designed to carry an equivalent load.

(b) A medium-duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing. Posts spaced not more than 6 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2½ inch O.D. steel tubing. Posts spaced not more than 5 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2-inch O.D. steel tubing. Other structural metals when used must be designed to carry an equivalent load.

(c) A heavy-duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D steel tubing, with the posts spaced not more than 6 feet apart by 6 feet 6 inches along the length of the scaffold. Other structural metals may be used but must be designed to carry an equivalent load.

(d) Tube and coupler scaffolds shall be limited in heights and working levels to those permitted in tables D-13, 14 and 15, of this section. Drawings and specifications of all tube and coupler scaffolds above the limitations in Tables D-13, 14, and 15 of this section shall be designed by a registered professional engineer and copies made available to the employer for inspection purposes.

(e) All tube and coupler scaffolds shall be constructed and erected to support four times the maximum intended loads as set forth in Tables D-13, 14, and 15 of this section, or as set forth in the specifications by a registered professional engineer copies which shall be made available to the employer for inspection purposes.

(f) All tube and coupler scaffolds shall be erected by a designated competent person.

(g) Posts shall be accurately spaced, erected on suitable bases, and maintained plumb.

(h) Runners shall be erected along the length of the scaffold located on both the inside and the outside posts at even height. Runners shall be interlocked to form continuous lengths and coupled to each post. The bottom runners shall be located as close to the base as possible. Runners shall be placed not more than 6 feet 6 inches on centers.

(i) Bearers shall be installed transversely between posts and shall be securely coupled to the posts bearing on the runner coupler. When coupled directly to the runners, the coupler must be kept as close to the posts as possible.

(j) Bearers shall be at least 4 inches but not more than 12 inches longer than the post spacing or runner spacing. Bearers may be cantilevered for use as brackets to carry not more than two planks.

(k) Cross bracing shall be installed across the width of the scaffold at least every third set of posts horizontally and every fourth runner vertically. Such bracing shall extend diagonally from the inner and outer runners upward to the next outer and inner runners.

(l) Longitudinal diagonal bracing shall be installed at approximately a 45-degree angle from near the base of the first outer post upward to the extreme top of the scaffold. Where the longitudinal length of the scaffold permits, such bracing shall be duplicated beginning at every fifth post. In a similar manner longitudinal diagonal bracing shall also be installed from the last post extending back and upward toward the first post. Where conditions preclude the attachment of this bracing to the posts, it may be attached to the runners.

(m) The entire scaffold shall be tied to and securely braced against the building at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(n) Guardrails not less than 2x4 inches or the equivalent and not less than 36 inches or more than 42 inches nominal high, with a mid-rail, when required, of 1x4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with § 1910.28a (s).

§ 1910.28d Tubular welded frame scaffolds.

(a) Metal tubular frame scaffolds, including accessories such as braces, brackets, trusses, screw legs, and ladders, shall be designed and proved to support safely four times the maximum intended load.

(b) Spacing of panels or frames shall be consistent with the loads imposed.

(c) Scaffolds shall be properly braced by cross bracing or diagonal braces, or both, for securing vertical members together laterally, and the cross braces shall be of such length as will automatically square and align vertical members so that the erected scaffold is always plumb, square, and rigid. All brace connections shall be made secure.

(d) Scaffold legs shall be set on adjustable bases or plain bases placed on mud sills or other foundations adequate to support the maximum intended load.

(e) The frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alinement of the legs.

(f) Where uplift may occur, panels shall be locked together vertically by pins or other equivalent suitable means.

(g) Guardrails not less than 2 x 4 inches or the equivalent and not less than 36 inches or more than 42 inches nominal high, with a mid-rail, when required, of 1- x 4- inch lumber or equivalent, and toeboards shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with § 1910.28a(s).

(h) All tubular metal scaffolds shall be constructed and erected to support four times the maximum intended loads.

(i) To prevent movement, the scaffold shall be secured to the building or structure at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(j) Planking shall be in conformity with § 1910.28a(k).

(k) Drawings and specifications for all frame scaffolds over 125 feet in height above the base plates shall be designed by a registered professional engineer, and copies of the drawings and specifications shall be available for inspection purposes.

(l) All tubular welded frame scaffolds shall be erected by a designate competent person.

(m) Frames and accessories for scaffolds shall be maintained in good repair. Any noncompliance with matters otherwise required by this subpart shall be immediately corrected before further use of the scaffold. Any broken, bent, excessively rusted, altered, or otherwise structurally damaged frames or accessories shall not be used.

(n) Inspections of frames and accessories shall be made by the employer with reasonable frequency to assure compliance with the requirements of the sections of this subpart relating to scaffolds. A reasonable frequency will depend on the circumstances governing the particular use of the scaffolding.

§ 1910.28e Outrigger scaffolds.

(a) Outrigger beams shall extend not more than 6 feet beyond the face of the building. The inboard end of outrigger beams measured from the fulcrum point to the extreme point of support, shall be not less than one and one-half times the outboard end in length. The beams shall rest on edge, the sides shall be plumb, and the edges shall be horizontal. The fulcrum point of the beam shall rest on a secure bearing at least 6 inches in each horizontal dimension. The beam shall be secured in place against movement and shall be securely braced at the fulcrum point against tipping.

(b) The inboard ends of outrigger beams shall be securely supported either by means of struts bearing against sills in contact with the overhead beams or ceiling, or by means of tension members secured to the floor joists underfoot, or by both if necessary. The inboard ends of outrigger beams shall be secured against tipping and the entire supporting structure shall be securely braced in both directions to prevent any horizontal movement.

(c) Unless outrigger scaffords are designed by a registered professional engineer, they shall be constructed and erected in accordance with table D–16. Outrigger scaffolds designed by a registered professional engineer shall be constructed and erected in accordance with such design. A copy of the detailed drawings and specifications showing the sizes and spacing of members shall be kept on the job.

(d) Planking shall be laid tight and shall extend to within 3 inches of the building wall. Planking shall be nailed or bolted to outriggers.

(e) Where there is danger of material falling from the scaffold, a wire mesh or other enclosure shall be provided between the guardrail and the toeboard.

(f) Where additional working levels are required to be supported by the outrigger method, the plans and specifications of the outrigger and scaffolding structure shall be designed by a registered professional engineer.

TABLE D–16—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF OUTRIGGER SCAFFOLDS

	Light duty	Medium duty
Maximum scaffold load	25 p.s.f.	50 p.s.f.
Outrigger size	2 x 10 in.	3 x 10 in.
Maximum outrigger spacing	10 ft 0 in.	6 ft 0 in.
Planking	2 x 9 in.	2 x 9 in.
Guardrail	2 x 4 in.	2 x 4 in.
Guardrail uprights	2 x 4 in.	2 x 4 in.
Toeboards	4 in. (minimum).	4 in. (minimum).

§ 1910.28f Masons' adjustable multiple-point suspension scaffolds.

(a) The scaffold shall be capable of sustaining a working load of 50 pounds per square foot and shall not be loaded in excess of that figure.

(b) The scaffold shall be provided with hoisting machines that meet nationally recognized testing standards, such as those of Underwriters' Laboratories Inc. or Factory Mutual Research Corp.

(c) The platform shall be supported by wire ropes in conformity with § 1910.28a(x), suspended from overhead outrigger beams.

(d) The scaffold outrigger beams shall consist of structural metal securely fastened or anchored to the frame of the building or structure.

(e) Each outrigger beam shall be equivalent in strength to at least a standard 7-inch, 15.3-pound steel I-beam, be at least 15 feet long, and shall not project more than 6 feet 6 inches beyond the bearing point.

(f) Where the overhang exceeds 6 feet 6 inches, outrigger beams shall be composed of stronger beams or multiple beams and be installed in accordance with the approved designs and instructions of a registered professional engineer.

(g) If channel iron outrigger beams are used in place of I-beams, they shall be securely fastened together with the flanges turned out.

(h) All outrigger beams shall be set and maintained with their webs in a vertical position.

(i) A stop bolt shall be placed at each end of every outrigger beam.

(j) The outrigger beam shall rest on suitable wood-bearing blocks.

(k) All parts of the scaffold such as bolts, nuts, fittings, clamps, wire rope, and outrigger beams and their fastenings, shall be maintained in sound and good working condition and shall be inspected before each installation and periodically thereafter.

(l) The free end of the suspension wire ropes shall be equipped with proper size thimbles and be secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of rope shall at all times remain on the drum.

(m) When single outrigger beam is used, the steel shackles or clevises with which the wire ropes are attached to the outrigger beams shall be placed directly over the hoisting drums.

(n) The scaffold platform shall be equivalent in strength to at least 2-inch planking.

(o) Guardrails not less than 2 x 4 inches or the equivalent and not less than 36 inches or more than 42 inches nominal high, with a mid-rail, when required, of 1 x 4-inch lumber or equivalent, and toe boards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with § 1910.28a(s).

(p) Overhead protection shall be provided on the scaffold, not more than 9 feet above the platform, consisting of 2-inch planking or material of equivalent strength laid tightly, when employees are at work on the scaffold and an overhead hazard exists.

(q) Each scaffold shall be installed or relocated in accordance with designs and instructions, of a registered professional engineer, and supervised by a competent designated person.

§ 1910.28g Two-point suspension scaffolds (swinging scaffolds).

(a) Two-point suspension scaffold platforms shall be not less than 20 inches nor more than 36 inches wide overall. The platform shall be securely fastened to the hangers by U-bolts or by other equivalent means.

(b) The hangers of two-point suspension scaffolds shall be made of wrought iron, mild steel, or other equivalent material having a cross-sectional area capable of sustaining four times the maximum intended load, and shall be designed with a support for guardrail, intermediate rail, and toeboard.

(c) When hoisting machines are used on two-point suspension scaffolds, such machines shall be of a design tested and approved by a nationally recognized testing laboratory, such as Underwriters' Laboratories, Inc. or Factory Mutual Research Corp., using nationally recognized testing standards.

(d) The roof irons or hooks shall be of wrought iron, mild steel, or other equivalent materials of proper size and

design, in good condition and securely installed. Tie-backs of three-fourth inch diameter manila rope or the equivalent shall serve as a secondary means of anchorage, installed at approximately right angles to the face of the building or structure and secured to a structurally sound portion of the building.

(e) Outrigger beams, when used, shall consist of structural metal securely fastened to the frame of the building or structure.

(f) Any outrigger beams which are used shall be equivalent in strength to at least a standard 7 inch, 15.3-pound steel I-beam; shall be at least 15 feet long; and shall not project more than 6 feet 6 inches beyond the bearing point.

(g) Where the overhang exceeds 6 feet 6 inches, outrigger beams shall be composed of stronger beams or multiple beams and be in accordance with designs and instructions approved by a registered professional engineer.

(h) If two-channel iron outrigger beams are used, they shall be securely fastened together with the flanges turned out.

(i) All outrigger beams shall be set and maintained with their webs in a vertical position.

(j) If a weight is used to counterbalance the suspended rated load on the overhang of the outrigger beam, the size of the weight, its position, arrangement, and method used to secure it shall be determined and specified by a registered professional engineer. A copy of the detailed drawings, specifications, and instructions for using weights shall be kept on the job and be available for inspection.

(k) Guardrails not less than 2 x 4 inches or the equivalent and not less than 36 inches or more than 42 inches nominal high, with a mid-rail, when required, of 1-x-4 inch lumber or equivalent, and toeboards, shall be installed at all open sides of all scaffolds, more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with § 1910.28(a)(s).

(l) Two-point suspension scaffolds shall be suspended by wire or fiber ropes. Wire and fiber ropes shall conform to § 1910.28a(x).

(m) The blocks for fiber ropes shall be of standard 6-inch size, consisting of at least one double and one single block. The sheaves of all blocks shall fit the size of rope used.

(n) All wire ropes, fiber ropes, slings, hangers, platforms, and other supporting parts shall be inspected before every installation. Periodic inspections shall be made while the scaffold is in use.

(o) On suspension scaffolds designed for a working load of 500 pounds, no more than two men shall be permitted to work at one time. On a suspension scaffold with a working load of 750 pounds, no more than three men shall be permitted to work at any one time. Each workman shall be protected by a safety lifebelt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or the securely rigged lines, which will safety suspend the workman in case of a fall.

(p) Where acid solutions are used, fiber ropes are not permitted unless they are acid-proof.

(q) Two-point suspension scaffolds shall be securely lashed to the building or structure to prevent them from swaying. Window cleaners' anchors shall not be used for this purpose.

(r) The platform of every two-point suspension scaffold shall be one of the following types:

(1) The side stringer of ladder-type platforms shall be clear straight grained spruce or materials of equivalent strength and durability. The rungs shall be of straight-grained oak, ash, or hickory, at least 1⅛ inch in diameter, with seven-eighths inch tenons mortised into the side stringers at least seven-eighths inch. The stringers shall be tied together with the tie rods not less than one-quarter inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips shall be spaced not more than five-eighths inch apart except at the side rails where the space may be 1 inch. Ladder-type platforms shall be constructed in accordance with table D–17.

(2) Plank-type platforms shall be composed of not less than nominal 2- x 8-inch unspliced planks, properly cleated together on the underside starting 6 inches from each end; intervals in between shall not exceed 4 feet. The plank-type platform shall not extend beyond the hangers more than 18 inches. A bar or other effective means shall be securely fastened to the platform at each end to prevent its slipping off the hanger. The span between hangers for plank-type platforms shall not exceed 10 feet.

(3) Beam platforms shall have side stringers of lumber not less than 2 x 6 inches set on edge. The span between hangers shall not exceed 12 feet when beam platforms are used. The flooring shall be supported on 2- x 6-inch cross-beams, laid flat and set into the upper edge of the stringers with a snug fit, at intervals of not more than 4 feet, securely nailed in place. The flooring shall be of 1- x 6-inch material properly nailed. Floorboards shall not be spaced more than one-half inch apart.

TABLE D–17—SCHEDULE FOR LADDER-TYPE PLATFORMS

	Length of platform (feet)				
	12	14 & 16	18 & 20	22 & 24	28 & 30
Side stringers, minimum cross section (finished sizes):					
At ends (in.)	1¾ x 2¾	1¾ x 2¾	1¾ x 3	1¾ x 3	1¾ x 3½
At middle (in.)	1¾ x 3¼	1¾ x 3¾	1¾ x 4	1¾ x 4¼	1¾ x 5
Reinforcing strip (minimum)	A ¼x1¼-in. steel reinforcing strip or its equivalent shall be attached to the side or underside full length.				
Rungs	Rungs shall be 1¼-in. minimum, diameter with at least ⅝-in. diameter tenons, and the maximum spacing shall be 12 in. center to center.				
Tie rods:					
Number (minimum)	3	4	4	5	6
Diameter (minimum)	⅜ in.	⅜ in.	⅜ in.	⅜ in.	⅜ in.
Flooring, minimum finished size (in.)	⅛ x 2¾	⅛ x 2¾	⅛ x 2¾	⅛ x 2¾	⅛ x 2¾

§ 1910.28h Stone setters' adjustable multiple-point suspension scaffolds.

(a) The scaffold shall be capable of sustaining a working load of 25 pounds per square foot and shall not be overloaded. Scaffolds shall not be used for storage of stone or other heavy materials.

(b) The hoisting machine and its supports shall be of a type tested and approved using nationally recognized standards by a nationally recognized testing laboratory such as Underwriters Laboratories, Inc. or Factory Mutual Research Corp.

(c) The platform shall be securely fastened to the hangers by U-bolts or other equivalent means.

(d) The scaffold unit shall be suspended from metal outriggers, iron brackets, wire rope slings, or iron hooks which will safely support the maximum intended load.

(e) Outriggers when used shall be set with their webs in a vertical position, securely anchored to the building or structure and provided with stop bolts at each end.

(f) The scaffold shall be supported by wire rope conforming with § 1910.28a(x), suspended from overhead supports.

(g) The free ends of the suspension wire ropes shall be equipped with proper size thimbles, secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of rope shall remain on the drum at all times.

(h) Guardrails not less than 2 by 4 inches or the equivalent and not less than 36 inches or more than 42 inches nominal high, with a mid-rail, when required, of 1- by 4-inch lumber or equivalent, and toeboards shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with § 1910.28a(s).

(i) When two or more scaffolds are used on a building or structure they shall not be bridged one to the other but shall be maintained at even height with platforms butting closely.

(j) Each scaffold shall be installed or relocated in accordance with designs and instructions of a registered professional engineer, and such installation or relocation shall be supervised by a competent designated person.

§ 1910.28i Single-point adjustable suspension scaffolds.

(a) The scaffolding, including power units or manually operated winches, shall

be of a type tested and approved using nationally recognized standards and by a nationally recognized testing laboratory, such as Underwriters' Laboratories Inc. or Factory Mutual Research Corp.

(b) The power units may be either electrically or air motor driven.

(c) All power-operated gears and brakes shall be enclosed.

(d) In addition to the normal operating brake, all-power driven units must have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(e) Guards, mid-rails, and toeboards shall completely enclose the cage or basket. Guardrails shall be no less than 2 by 4 inches or the equivalent installed no less than 36 inches nor more than 42 inches above the platform. Mid-rails shall be 1 by 6 inches or the equivalent, installed equidistant between the guardrail and the platform. Toeboards shall be a minimum of 4 inches in height.

(f) The hoisting machines, cables, and equipment shall be regularly serviced and inspected after each installation and every 30 days thereafter.

(g) The units may be combined to form a two-point suspension scaffold. Such scaffold shall comply with § 1910.28g.

(h) The supporting cable shall be straight for its entire length, and the operator shall not sway the basket and fix the cable to any intermediate points to change his original path of travel.

(i) Equipment shall be maintained and used in accordance with the manufacturers' instructions.

(j) Suspension methods shall conform to applicable provisions of §§ 1910.28f and 1910.28g.

§ 1910.28j Boatswain's chairs.

(a) The chair seat shall be not less than 12 by 24 inches, and of 1-inch thickness. The seat shall be reinforced on the underside to prevent the board from splitting.

(b) The two fiber rope seat slings shall be of ⅝-inch diameter, reeved through the four seat holes so as to cross each other on the underside of the seat.

(c) Seat slings shall be of at least ⅜-inch wire rope when a workman is conducting a heat producing process such as gas or arc welding.

(d) The workman shall be protected by a safety life belt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the employee in case of a fall.

(e) The tackle shall consist of correct size roller bearing on bushed blocks and properly spliced ⅝-inch diameter first-grade manila rope.

(f) The roof irons, hooks, or the object to which the tackle is anchored shall be securely installed. Tiebacks when used shall be installed at right angles to the face of the building and securely fastened to a chimney. Or some other structure which will safely suspend the employee in case of a fall.

§ 1910.28k Carpenters' bracket scaffolds.

(a) The brackets shall consist of a triangular wood frame not less than 2 by 3 inches in cross section, or of metal of equivalent strength. Each member shall be properly fitted and securely joined.

(b) Each bracket shall be attached to the structure by means of one of the following:

(1) A bolt no less than five-eighths inch in diameter which shall extend through the inside of the building wall.

(2) A metal stud attachment device.

(3) Welding to steel tanks.

(4) Hooking over a well-secured and adequately strong supporting member.

The brackets shall be spaced no more than 10 feet apart.

(c) No more than two persons shall occupy any given 10 feet of a bracket scaffold at any one time. Tools and materials shall not exceed 75 pounds in addition to the occupancy.

(d) The platform shall consist of not less than two 2- by 9-inch nominal size planks extending not more than 18 inches or less than 6 inches beyond each end support.

(e) Guardrails not less than 2 by 4 inches or the equivalent and not less than 36 inches or more than 42 inches nominal high, with a mid-rail, when required, of 1- by 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with § 1910.28a(s).

§ 1910.28l Bricklayers' square scaffolds.

(a) The squares shall not exceed 5 feet in width and 5 feet in height.

(b) Members shall be not less than those specified in Table D–18.

(c) The squares shall be reinforced on both sides of each corner with 1- by 6-inch gusset pieces. They shall also have braces 1 by 8 inches on both sides running from center to center of each member, or other means to secure equivalent strength and rigidity.

(d) The squares shall be set not more than 5 feet apart for medium duty scaffolds, and not more than 8 feet apart for light duty scaffolds. Bracing 1 x 8 inches, extending from the bottom of each square to the top of the next square, shall be provided on both front and rear sides of the scaffold.

TABLE D–18—MINIMUM DIMENSIONS FOR BRICKLAYERS' SQUARE SCAFFOLD MEMBERS

Members:	*Dimensions (inches)*
Bearers or horizontal members	2 by 6.
Legs	2 by 6.
Braces at corners	1 by 6.
Braces diagonally from center frame	1 by 8.

(e) Platform planks shall be at least 2- by 9-inch nominal size. The ends of the planks shall overlap the bearers of the squares and each plank shall be supported by not less than three squares.

(f) Bricklayers' square scaffolds shall not exceed two tiers in height and shall be so constructed and arranged that one square shall rest directly above the other. The upper tiers shall stand on a continuous row of planks laid across the next lower tier and be nailed down or otherwise secured to prevent displacement.

(g) Scaffolds shall be level and set upon a firm foundation.

§ 1910.28m Horse scaffolds.

(a) Horse scaffolds shall not be constructed or arranged more than two tiers or 10 feet in height.

(b) The members of the horses shall be not less than those specified in Table D–19.

(c) Horses shall be spaced not more than 5 feet for medium duty and not more than 8 feet for light duty.

(d) When arranged in tiers, each horse shall be placed directly over the horse in the tier below.

(e) On all scaffolds arranged in tiers, the legs shall be nailed down to the planks to prevent displacement or thrust and each tier shall be substantially cross braced.

TABLE D–19—MINIMUM DIMENSIONS FOR HORSE SCAFFOLD MEMBERS

Members:	*Dimensions (inches)*
Horizontal members or bearers	3 by 4.
Legs	1¼ by 4½.
Longitudinal brace between legs	1 by 6.
Gusset brace at top of legs	1 by 8.
Half diagonal braces	1¼ by 4½.

(f) Horses or parts which have become weak or defective shall not be used.

(g) Guardrails not less than 2 by 4 inches or the equivalent and not less than 36 inches or more than 42 inches nominal high with a mid-rail, when required, of 1- by 4-inch lumber or equivalent and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with § 1910.28a(s).

§ 1910.28n Needle beam scaffold.

(a) Wood needle beams shall be in accordance with § 1910.28a (f) and (j) and shall not be less than 4 by 6 inches in size, with the greater dimension placed in a vertical direction. Metal beams or the equivalent conforming to § 1910.28a (f) and (j) may be used.

(b) Ropes or hangers shall be provided for supports. The span between supports on the needle beam shall not exceed 10 feet for 4- by 6-inch timbers. Rope supports shall be equivalent in strength to 1-inch diameter first-grade manila rope.

(c) The ropes shall be attached to the needle beams by a scaffold hitch or a properly made eye splice. The loose end of the rope shall be tied by a bowline knot or by a round turn and one-half hitch.

(d) The platform span between the needle beams shall not exceed 8 feet when using 2-inch scaffold plank. For spans greater than 8 feet, platforms shall be designed based on design require-

ments for the special span. The overhang of each end of the platform planks shall be not less than 1 foot and not more than 18 inches.

(e) When one needle beam is higher than the other or when the platform is not level the platform shall be secured to prevent slipping.

(f) All unattached tools, bolts, and nuts used on needle beam scaffolds shall be kept in suitable containers.

(g) One end of a needle beam scaffold may be supported by a permanent structural member conforming to § 1910.28a (f) and (j).

(h) Each employee working on a needle beam scaffold 20 feet or more above the ground or floor shall be protected by a safety belt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the employee in case of a fall.

§ 1910.28o Plasterers', decorators', and large area scaffolds.

(a) Plasterers', decorators', lathers', and ceiling workers' inside scaffolds shall be constructed in accordance with the general requirements set forth for independent wood pole scaffolds.

(b) Guardrails not less than 2 by 4 inches or the equivalent and not less than 36 inches or more than 42 inches nominal high, with a mid-rail, when required, of 1- by 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in accordance with § 1910.28a(s).

(c) All platform planks shall be laid with the edges close together.

(d) When independent pole scaffold platforms are erected in sections, such sections shall be provided with connecting runways equipped with substantial guardrails.

§ 1910.28p Interior hung scaffolds.

(a) An interior hung scaffold should be hung or suspended from the roof structure or substantial ceiling beams.

(b) The suspended steel wire rope shall conform to § 1910.28a(x). Wire may be used provided the strength requirements of § 1910.28a(x) are met.

(c) For hanging wood scaffolds, the following minimum nominal size material is recommended:

(1) Supporting bearers 2 by 9 inches on edge.

(2) Planking 2 by 9 inches with maximum span 7 feet for heavy duty and 10 feet for light duty or medium duty.

(d) Steel tube and coupler members may be used for hanging scaffolds with both types of scaffold designed to sustain a uniform distributed working load up to heavy duty scaffold loads with a safety factor of four.

(e) When a hanging scaffold is supported by means of wire rope, such wire rope shall be wrapped at least twice around the supporting members and twice around the bearers of the scaffold, with each end of the wire rope secured by at least three standard wire-rope clips.

(f) All overhead supporting members shall be inspected and checked for strength before the scaffold is erected.

(g) Guardrails not less than 2 by 4 inches or the equivalent and not less than 36 inches or more than 42 inches nominal high, with a mid-rail, when required, of 1- by 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with § 1910.28a(s).

§ 1910.28q Ladder-jack scaffolds.

(a) All ladder-jack scaffolds shall be limited to light duty and shall not exceed a height of 20 feet above the floor or ground.

(b) All ladders used in connection with ladder-jack scaffolds shall be heavy-duty ladders and shall be designed and constructed in accordance with this subpart.

(c) The ladder jack shall be so designed and constructed that it will bear on the side rails in addition to the ladder rungs, or if bearing on rungs only, the bearing area shall be at least 10 inches on each rung.

(d) Ladders used in conjunction with ladder jacks shall be so placed, fastened, held, or equipped with devices so as to prevent slipping.

(e) The wood platform planks shall be not less than 2 inches nominal in thickness. Both metal and wood platform planks shall overlap the bearing surface not less than 12 inches. The span between supports for wood shall not exceed 8 feet. Platform width shall be not less than 18 inches.

(f) No more than two persons shall occupy any given 8 feet of any ladder-Jack scaffold at any one time.

(g) Ladder-jack scaffolds shall be provided with suitable guardrails unless safety belts with lifelines are attached and provided for the employee.

§ 1910.28r Window-jack scaffolds.

(a) Window-jack scaffolds shall be used only for the purpose of working at the window opening through which the jack is placed.

(b) Window jacks shall not be used to support planks placed between one window jack and another or for other elements of scaffolding.

(c) Window-jack scaffolds shall be provided with suitable guardrails unless safety belts with lifelines are attached and provided for the employee. Window-jack scaffolds shall be used by no more than one employee.

§ 1910.28s Roofing brackets.

(a) Roofing brackets shall be constructed to fit the pitch of the roof.

(b) Brackets shall be secured in place by nailing in addition to the pointed metal projections. The nails shall be driven full length into the roof. When rope supports are used, they shall consist of first-grade manila of at least three-quarter-inch diameter, or equivalent.

(c) A substantial catch platform shall be installed below the working area of roofs more than 20 feet from the ground to eaves with a slope greater than 3 inches in 12 inches without a parapet. In width the platform shall extend 2 feet beyond the projection of the eaves and shall be provided with a standard guardrail as required by § 1910.28a(e)(2). This provision shall not apply where employees engaged in work upon such roofs are protected by a safety belt attached to a lifeline.

(d) Where employees are required to work near the edge of a flat roof or a roof with a slope no greater than 3 inches in 12 inches they shall be protected by one of the following:

(1) A catch platform as required by paragraph (c) of this section or

(2) By a standard guardrail as required by § 1910.28(e)(2) or an equivalent barrier. These guards may be of removable construction or portable guardrails if they are of equivalent strength and protection or

(3) When the nature of the work to be done on the roof is not extensive enough to justify the installation of guards as indicated above, employees shall be protected by a safety belt properly secured to prevent falling.

§ 1910.28t Crawling boards or chicken ladders.

(a) Crawling boards shall be not less than 10 inches wide and 1 inch thick, having cleats 1 x 1½ inches. The cleats shall be equal in length to the width of the board and spaced at equal intervals not to exceed 24 inches. Nails shall be driven through and clinched on the underside. The crawling board shall extend from the ridge pole to the eaves when used in connection with roof construction, repair, or maintenance.

(b) A firmly fastened lifeline of at least three-quarter-inch rope shall be strung beside each crawling board for a handhold.

(c) Crawling boards shall be secured to the roof by means of adequate ridge hooks or equivalent effective means.

§ 1910.28u Float or ship scaffolds.

(a) Float or ship scaffolds shall support not more than three men and a few light tools, such as those needed for riveting, bolting, and welding. They shall be constructed in accordance with paragraphs (b) through (f) of this section, unless substitute designs and materials provide equivalent strength, stability, and safety.

(b) The platform shall be not less than 3 feet wide and 6 feet long, made of three-quarter-inch exterior plywood.

(c) Under the platform, there shall be two supporting bearers made from 2- x 4-inch, or 1- x 10-inch rough, selected lumber, or better. They shall be free of knots or other flaws and project 6 inches beyond the platform on both sides. The ends of the platform shall extend about 6 inches beyond the outer

edges of the bearers. Each bearer shall be securely fastened to the platform.

(d) An edging of wood not less than ¾ x 1½ inches, or equivalent, shall be placed around all sides of the platform to prevent tools from rolling off.

(e) Supporting ropes shall be 1-inch diameter manila rope or equivalent, free from deterioration, chemical damage, flaws, or other imperfections. Rope connections shall be such that the platform cannot shift or slip. If two ropes are used with each float, they should be arranged so as to provide four ends which are to be securely fastened to an overhead support. Each of the two supporting ropes shall be hitched around one end of a bearer and pass under the platforms to the other end of the bearer where it is hitched again, leaving sufficient rope at each end for the supporting ties.

(f) Each workman shall be protected by a safety belt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold) or to securely rigged lines, which will safely suspend the workman in case of a fall.

§ 1910.28v Definitions.

As used in the sections under the centerhead "Safety Requirements for Scaffolding", the scaffolding terms shall have the meaning set forth in this section, unless the context requires otherwise:

(a) *Bearer (Putlog).*—A horizontal member of a scaffold upon which the platform rests and which may be supported by ledgers.

(b) *Boatswain's chair.*—A seat supported by slings, attached to a suspended rope, designed to accommodate one workman in a sitting position.

(c) *Brace.*—A tie that holds one scaffold member in a fixed position with respect to another member.

(d) *Bricklayers' square scaffold.*—A scaffold composed of framed wood squares which support a platform limited to light and medium duty.

(e) *Carpenters' bracket scaffold.*—A scaffold consisting of wood or metal brackets supporting a platform.

(f) *Coupler.*—A device for locking together the component parts of a tubular metal scaffold. The material used for the couplers shall be of a structural type, such as drop-forged steel, malleable iron, or structural grade aluminum. The use of gray cast iron is prohibited.

(g) *Crawling board or chicken ladder.*—A plank with cleats spaced and secured at equal intervals, for use by a worker on roofs, not designed to carry any material.

(h) *Double pole or independent pole scaffold.*—A scaffold supported from the base by a double row of uprights, independent of support from the walls and constructed of uprights, ledgers, horizontal platform bearers, and diagonal bracing.

(i) *Float or ship scaffold.*—A scaffold hung from overhead supports by means of ropes and consisting of a substantial platform having diagonal bracing underneath, resting upon and securely fastened to two parallel plank bearers at right angles to the span.

(j) *Guardrail.*—A rail secured to uprights and erected along the exposed sides and ends of platforms.

(k) *Heavy duty scaffold.*—A scaffold designed and constructed to carry a working load not to exceed 75 pounds per square foot.

(l) *Horse scaffold.*—A scaffold for light or medium duty, composed of horses supporting a work platform.

(m) *Interior hung scaffold.*—A scaffold suspended from the ceiling or roof structure.

(n) *Ladder jack scaffold.*—A light duty scaffold supported by brackets attached to ladders.

(o) *Ledger (stringer runner).*—A horizontal scaffold member which extends from post to post and which supports the putlogs or bearer forming a tie between the post.

(p) *Light duty scaffold.*—A scaffold designed and constructed to carry a working load not to exceed 25 pounds per square foot.

(q) *Manually propelled mobile scaffold.*—A portable rolling scaffold supported by casters.

(r) *Masons' adjustable multiple-point suspension scaffold.*—A scaffold having a continuous platform supported by bearers suspended by wire rope from overhead supports so arranged and operated as to permit the raising or lowering of the platform to desired working positions.

(s) *Maximum intended load.*—The total of all loads including the working load, the weight of the scaffold, and such other loads as may be reasonably anticipated.

(t) *Medium duty scaffold.*—A scaffold designed and constructed to carry a working load not to exceed 50 pounds per square foot.

(u) *Mid-rail.*—A rail approximately midway between the guardrail and platform, used when required, and secured to the uprights erected along the exposed sides and ends of platforms.

(v) *Needle beam scaffold.*—A light duty scaffold consisting of needle beams supporting a platform.

(w) *Outrigger scaffold.*—A scaffold supported by outriggers or thrustouts projecting beyond the wall or face of the building or structure, the inboard ends of which are secured inside of such a building or structure.

(x) *Putlog.*—A scaffold member upon which the platform rests.

(y) *Roofing bracket.*—A bracket used in sloped roof construction, having provisions for fastening to the roof or supported by ropes fastened over the ridge and secured to some suitable object.

(z) *Runner.*—The lengthwise horizontal bracing or bearing members or both.

(aa) *Scaffold.*—Any temporary elevated platform and its supporting structure used for supporting employees or materials or both.

(bb) *Single-point adjustable suspension scaffold.*—A manually or power-operated unit designed for light duty use, supported by a single wire rope from an overhead support so arranged and operated as to permit the raising or lowering of the platform to desired working positions.

(cc) *Single pole scaffold.*—Platforms resting on putlogs or crossbeams, the outside ends of which are supported on ledgers secured to a single row of posts or uprights and the inner ends of which are supported on or in a wall.

(dd) *Stone setters' adjustable multiple-point suspension scaffold.*—A swinging-type scaffold having a platform supported by hangers suspended at four points so as to permit the raising or lowering of the platform to the desired working position by the use of hoisting machines.

(ee) *Toeboard.*—A barrier secured along the sides and ends of a platform, to guard against the falling of material.

(ff) *Tube and coupler scaffold.*—An assembly consisting of tubing which serves as posct, bearers, braces, ties, and runners, a base supporting the posts, and special couplers which serve to connect the uprights and to join the various members.

(gg) *Tubular welded frame scaffold.*—A sectional, panel, or frame metal scaffold substantially build up of prefabricated welded sections which consist of posts and horizontal bearer with intermediate members. Panels or frames shall be braced with diagonal or cross braces.

(hh) *Two-point suspension scaffold (swinging scaffold).*—A scaffold, the platform of which is supported by hangers (stirrups) at two points, suspended from overhead supports so as to permit the raising or lowering of the platform to the desired working position by tackle or hoisting machines.

(ii) *Window jack scaffold.*—A scaffold, the platform of which is supported by a bracket or jack which projects through a window opening.

(jj) *Working load.*—Load imposed by men, materials, and equipment.

(kk) *Floor.*—The main level or bottom or lower part of a room or space, on which an employee stands, as distinguished from a scaffold or platform or other narrower structure except that this does not include a flat roof.

(ll) *Roof.*—The cover of any building or the top of any building.

MANUALLY PROPELLED MOBILE LADDER STANDS AND SCAFFOLDS (TOWERS)

§ 1910.29a General requirements.

(a) The sections under the centerhead "Manually Propelled Mobile Ladder Stands and Scaffolds (Towers)" are intended to prescribe requirements for the design, construction, and use of mobile work platforms (including ladder stands but not including aerial ladders) and rolling (mobile) scaffolds (towers). The purpose is to protect employees using this equipment from hazards. When an employer is not immediately involved in matters relating to the design and construction of the equipment, he shall obtain reasonable assurances that the requirements of these sections have been met.

(b) *Working loads.*—(1) Work platforms and scaffolds shall be capable of carrying the design load under varying circumstances depending upon the conditions of use. Therefore, all parts and appurtenances necessary for their safe and efficient utilization must be integral parts of the design.

(2) Specific design and construction requirements are not a part of this section because of the wide variety of materials and design possibilities. However, the design shall be such as to produce a mobile ladder stand or scaffold that will safely sustain the specified loads. The material selected shall be of sufficient strength to meet the test requirements and shall be protected against corrosion or deterioration.

(i) The design working load of ladder stands shall be calculated on the basis of one or more 200-pound persons together with 50 pounds of equipment each.

(ii) The design load of all scaffolds shall be calculated on the basis of:

Light.—Designed and constructed to carry a working load of 25 pounds per square foot.

Medium.—Designed and constructed to carry a working load of 50 pounds per square foot.

Heavy.—Designed and constructed to carry a working load of 75 pounds per square foot.

All ladder stands and scaffolds shall be capable of supporting at least four times the design working load.

(3) The materials used in mobile ladder stands and scaffolds shall be of standard manufacture and conform to standard specifications of strength, dimensions, and weights, and shall be selected to safety support the design working load.

(4) Nails, bolts, or other fasteners used in the construction of ladders, scaffolds, and towers shall be of adequate size and in sufficient numbers at each connection to develop the designed strength of the unit. Nails shall be driven full length.

(5) All exposed surfaces shall be free from sharp edges, burrs or other hazards.

(c) *Work levels.*—(1) The maximum work level height shall not exceed four (4) times the minimum or least base dimension of any mobile ladder stand or scaffold. Where the basic mobile unit does not meet this requirement, suitable outrigger frames shall be employed to achieve this least base dimension, or provisions shall be made to guy or brace the unit against tipping.

(2) The minimum platform width for any work level shall not be less than 20 inches for mobile scaffolds (towers). Ladder stands shall have a minimum step width of 16 inches.

(3) The supporting structure for the work level shall be rigidly braced, using adequate cross bracing or diagonal bracing with rigid platforms at each work level.

(4) The steps of ladder stands shall be fabricated from slip resistant treads.

(5) The work level platform of scaffolds (towers) shall be of wood, aluminum, or plywood planking, steel or expanded metal, for the full width of the scaffold, except for necessary openings. Work platforms shall be secured in place. All planking shall be 2-inch (nominal) scaffold grade minimum 1,500 f. (stress grade) construction grade lumber or equivalent.

(6) All scaffold work levels 10 feet or higher above the ground or floor shall have a standard (4-inch nominal) toeboard.

(7) All work levels 10 feet or higher above the ground or floor shall have a guardrail of 2- by 4-inch nominal or the equivalent installed no less than 36 inches or more than 42 inches high, with a midrail, when required, of 1- by 4-inch nominal lumber or equivalent.

(8) A climbing ladder shall be provided for access and egress. It shall be fastened or built into the scaffold by sound design and engineering. It shall be located so that its use will not alter the stability of the scaffold. The rungs of the climbing ladder shall be equally spaced, but shall be not less than 12 inches nominal or more than 16 inches nominal between the rungs. Horizontal-end rungs used for platform supports may also be used as the climbing ladder if they are spaced in accordance with the requirements of the previous sentence, and if there is sufficient clearance between the rungs and the edge of the platform to afford an adequate hand-hold. If the aforementioned requirements cannot be met, a portable ladder with rungs equally spaced, but not less than 12 inches nominal or more than 16 inches nominal separating the rungs, shall be securely fixed to the scaffold. A clearance in the back of the ladder of 7 inches nominal from the center of the rungs to the nearest scaffold structural member shall be provided.

(d) *Wheels or casters.*—(1) Wheels or casters shall be properly designed for strength and dimensions to support four (4) times the design working load.

(2) All scaffold casters shall be provided with a positive wheel or swivel lock or both to prevent movement. Ladder stands shall have at least two (2) locking casters or other means of locking the unit in position and at least two (2) of the four (4) casters shall be of the swivel type.

(3) Where leveling of the elevated work platform is required, screw jacks or other suitable means for adjusting the height shall be provided in the base section of each mobile unit.

§ 1910.29b Mobile tubular welded frame scaffolds.

(a) *General.*—Units shall be designed to comply with the requirements of § 1910.29a of this subpart.

(b) *Bracing.*—Scaffolds shall be properly braced by cross braces and/or diagonal braces for securing vertical members so the erected scaffold is always plumb, square, and rigid.

(c) *Spacing.*—Spacing of panels or frames shall be consistent with the loads imposed. The frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alignment of the legs.

(d) *Locking.*—Where uplift may occur, panels shall be locked together vertically by pins or other equivalent means.

(e) *Erection.*—Only the manufacturer of a scaffold or his qualified designated agent shall be permitted to erect or supervise the erection of scaffolds exceeding 50 feet in height above the base, unless such structure is approved in writing by a registered professional engineer, or erected in accordance with the instructions furnished by the manufacturer.

§ 1910.29c Mobile tubular welded sectional folding scaffolds.

(a) *General.*—Units including sectional stairway and sectional ladder scaffolds shall be designed to comply with the requirements of § 1910.29a.

(b) *Stairway.*—An integral stairway and work platform shall be incorporated into the structure of each sectional folding stairway scaffold.

(c) *Bracing.*—An integral set of pivoting and hinged folding diagonal and horizontal braces and a detachable work platform shall be incorporated into the structure of each sectional folding ladder scaffold.

(d) *Sectional folding stairway scaffolds.*—Sectional folding stairway scaffolds shall be designed as medium duty scaffolds except for special base (open end) sections which are designed for high clearance. These special base sections shall be designed as light duty scaffolds. When upper sectional folding stairway scaffolds are used with a special high clearance base, the load capacity of the entire scaffold shall be reduced accordingly. The width of a sectional folding stairway scaffold shall not exceed 4½ feet. The maximum length of a sectional folding stairway scaffold shall not exceed 6 feet.

(e) *Sectional folding ladder scaffolds.*—Sectional folding ladder scaffolds shall be designed as light duty scaffolds including special base (open end) sections which are designed for high clearance. For certain special applications, the six-foot (6′) folding ladder scaffolds, except for special high clearance base sections, shall be designed for use as medium duty scaffolds. The width of a sectional folding ladder scaffold shall not exceed 4½ feet. The maximum length of a sectional folding ladder scaffold shall not exceed 6 feet 6 inches for a six-foot (6′) long unit, 8 feet 6 inches for an eight-foot (8′) unit or 10 feet 6 inches for a ten-foot (10′) long unit.

(f) *End frames.*—The end frames of sectional ladder and stairway scaffolds shall be designed so that the horizontal bearers provide supports for multiple planking levels.

(g) *Erection.*—Only the manufacturer of the scaffold or similarly qualified person shall be permitted to erect or supervise the erection of scaffolds exceeding 50 feet in height above the base, unless such structure is approved in writing by a registered professional engineer, or erected in accordance with instructions furnished by the manufacturer.

§ 1910.29d Mobile tube and coupler scaffolds.

(a) *Design.*—Units shall be designed to comply with the applicable requirements of § 1910.29a.

(b) *Material.*—The material used for the couplers shall be of a structural type, such as a drop-forged steel, malleable iron or structural grade aluminum. The use of gray iron is prohibited.

(c) *Erection.*—Only the manufacturer of the scaffold or his qualified designated agent shall be permitted to erect or supervise the erection of scaffolds exceeding 50 feet in height above the base, unless such structure is approved in writing by a registered professional engineer, or erected in accordance with instructions furnished by the manufacturer.

§ 1910.29e Mobile work platforms.

(a) *Design.*—Units shall be designed for the use intended and shall comply with the requirements of § 1910.29a.

(b) *Base width.*—The minimum width of the base of mobile work platforms shall not be less than 20 inches.

(c) *Bracing.*—Adequate rigid diagonal bracing of vertical members shall be provided.

§ 1910.29f Mobile ladders stands.

(a) *Design.*—Units shall comply with applicable requirements of § 1910.29a.

(b) *Base width.*—The minimum base width shall conform to § 1910.29a(c)(1). The maximum length of the base section shall be the total length of combined steps and top assembly, measured horizontally, plus five-eighth inch per step of rise.

(c) *Steps.*—Steps shall be uniformly spaced, and sloped, with a rise of not less than nine (9) inches, nor more than ten (10) inches, and a depth of not less than seven (7) inches. The slope of the steps section shall be a minimum of fifty-five (55) degrees and a maximum of sixty (60) degrees measured from the horizontal.

(d) *Handrails.*—(1) Units having more than five (5) steps or 60 inches vertical height to the top step shall be equipped with handrails.

(2) Handrails shall be a minimum of 29 inches high. Measurements shall be taken vertically from the center of the step.

(e) *Loading.*—The load (see § 1910.29a(b)(2)(i)) shall be applied uniformly to a 3½ inches wide area front to back at the center of the width span with a safety factor of four (4).

§ 1910.29g Definitions.

As used in the sections under the centerhead "Manually propelled mobile ladder stands and scaffolds (towers)", unless the context indicates otherwise, manually propelled mobile ladder stand and scaffold (tower) terms shall have the meanings ascribed in this section.

(a) *Bearer (Putlog).*—A horizontal member of a scaffold upon which the platform rests and which may be supported by ledgers.

(b) *Brace.*—A tie that holds one scaffold member in a fixed position with respect to another member.

(c) *Climbing ladder.*—A separate ladder with equally spaced rungs usually attached to or included in the scaffold structure for climbing and descending.

(d) *Coupler.*—A device for locking together the components of a tubular metal scaffold which shall be designed and used to safely support the maximum intended loads.

(e) *Design working load.*—The maximum intended load, being the total of all loads including the weight of the men, materials, equipment, and platform.

(f) *Equivalent.*—Alternative design or features, which will provide an equal degree or factor of safety.

(g) *Guardrail.*—A barrier secured to uprights and erected along the exposed sides and ends of platforms to prevent falls of persons.

(h) *Handrail.*—A rail connected to a ladder stand running parallel to the slope and/or top step.

(i) *Ladder stand.*—A mobile fixed size self-supporting ladder consisting of a wide flat tread ladder in the form of stairs. The assembly may include handrails.

(j) *Ledger (stringer, runner).*—A horizontal scaffold member which extends from post to post and which supports the bearer forming a tie between the posts.

(k) *Mobile scaffold (tower).*—A light, medium or heavy duty scaffold mounted on casters or wheels.

(l) *Mobile.*—"Manually propelled."

(m) *Mobile work platform.*—Generally a fixed work level one frame high on casters or wheels, with bracing diagonally from platform to vertical frame.

(n) *Runner (stringer, ledger).*—The lengthwise horizontal bracing and/or bearing members.

(o) *Scaffold.*—Any temporary elevated platform and its necessary vertical, diagonal, and horizontal members used for supporting workmen and materials. (Also known as a scaffold tower.)

(p) *Toeboard.*—A barrier at platform level erected along the exposed sides and ends of a scaffold platform to prevent falls of materials.

(q) *Tube and coupler scaffold.*—An assembly consisting of tubing which serves as posts, bearers, braces, ties and runners, a base supporting the posts, and uprights, and serves to join the various members, usually used in fixed locations.

(r) *Tubular welded frame scaffold.*—A sectional, panel or frame metal scaffold substantially built up of prefabricated welded sections, which consist of posts and bearers with intermediate connecting members and braced with diagonal or cross braces.

(s) *Tubular welded sectional folding scaffold.*—A sectional, folding metal scaffold either of ladder frame or inside stairway design, substantially built of prefabricated welded sections, which consist of end frames. Platform frame, inside inclined stairway frame and braces, or hinged connected diagonal and horizontal braces, capable of being folded into a flat package when the scaffold is not in use.

(t) *Work level.*—The elevated platform, used for supporting workmen and their materials, comprising the necessary vertical, horizontal, and diagonal braces, guardrails, and ladder for access to the work platform.

OTHER WORKING SURFACES

§ 1910.30 Dockboards (bridge plates).

(a) Portable and powered dockboards shall be strong enough to carry the load imposed on them.

(b) Portable dockboard shall be secured in position, either by being anchored or equipped with devices which will prevent their slipping.

(c) Powered dockboards shall be designed and constructed in accordance with standard engineering practices.

(d) Handholds, or other effective means, shall be provided on portable dockboards to permit safe handling.

(e) Positive protection shall be provided to prevent railroad cars from being moved while dockboards or bridge plates are in position.

§ 1910.30b Machine areas.

(a) Machines shall be so located as to give (1) enough clearance between machines so that the movement of one operator will not interfere with the work of another, (2) ample room for cleaning machines and handling the work, including material and scrap. The arrangement of machines shall be such that operators will not stand in aisles.

(b) Aisles shall be provided of sufficient width to permit the free movement of employees bringing and removing material. This aisle space is to be independent of working and storage space and should be defined by marking.

(c) Wood platforms used on the floor in front of machines shall be sustantially constructed.

§ 1910.30c Vats.

(a) Sides of vats shall extend to a height of not less than 36 inches above the floor, working platform, or ground.

(b) Large vats divided into sections shall be provided with substantial walkways between sections. Each walkway shall be provided with a standard handrail on each exposed side. These handrails may be removable, if necessary.

(c) Covers shall be removed only from that portion of vats on which men are working and a portable railing shall be placed at this point to protect the operator.

(d) Employees shall not ride or step on logs or other material in vats.

Signed at Washington, D.C., this 22d day of August 1973.

JOHN STENDER,
Assistant Secretary of Labor.

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