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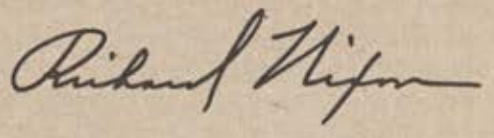
## Title 3—The President

### EXECUTIVE ORDER 11742

**Delegating to the Secretary of State Certain Functions With Respect to the Negotiation of International Agreements Relating to the Enhancement of the Environment**

Under and by virtue of the authority vested in me by section 301 of title 3 of the United States Code and as President of the United States, I hereby authorize and empower the Secretary of State, in coordination with the Council on Environmental Quality, the Environmental Protection Agency, and other appropriate Federal agencies, to perform, without the approval, ratification, or other action of the President, the functions vested in the President by section 7 of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92–500; 86 Stat. 898) with respect to international agreements relating to the enhancement of the environment.



THE WHITE HOUSE,
*October 23, 1973.*

[FR Doc.73–22837 Filed 10–23–73;4:19 pm]

# EXECUTIVE ORDER 11743

## Modifying Proclamation No. 3279, as Amended, With Respect to the Oil Policy Committee

By virtue of the authority vested in me by the Constitution and statutes of the United States, including section 301 of title 3 of the United States Code and section 232 of the Trade Expansion Act of 1962, as amended, it is hereby ordered as follows:

Section 1. The Oil Policy Committee, as reconstituted by this order is hereby continued.

Sec. 2. Sec. 8 of Proclamation No. 3279, as amended, is hereby amended to read as follows:

"Sec. 8. The Oil Policy Committee shall consist of the Director of the Energy Policy Office as Chairman, and the Secretaries of State, the Treasury, Defense, the Interior, Agriculture, Commerce, and Transportation, the Attorney General, the Chairman of the Council of Economic Advisers, and the Administrator of the Environmental Protection Agency. The President may, from time to time, designate other officials to serve as members of the Committee."

Sec. 3. So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred by section 2 of this order from the Deputy Secretary of the Treasury, to the Director of the Energy Policy Office, as Chairman of the Oil Policy Committee, as the Director of the Office of Management and Budget shall determine, in conformity with section 202(b) of the Budget and Accounting Act of 1950 (31 U.S.C. 581c(b)), shall be transferred at such time or times as he shall direct for use in connection with the functions transferred.

Sec. 4. Executive Order No. 11703 of February 7, 1973, is hereby superseded.

Richard Nixon

THE WHITE HOUSE,
*October 23, 1973.*

[FR Doc.73-22838 Filed 10-23-73;4:19 pm]

# Rules and Regulations



## Title 12—Banks and Banking

### CHAPTER II—FEDERAL RESERVE SYSTEM

#### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

### PART 217—INTEREST ON DEPOSITS

#### Maximum Rates of Interest

The Board of Governors has amended its Regulation Q so as to apply a limit on the maximum rates of interest payable by member banks on time deposits of less than $100,000 with maturities of four years or more. This action was taken pursuant to Pub. L. 93–123 which provides that the Board and the other Federal financial supervisory agencies shall limit the rates of interest or dividends which are paid on time deposits of less than $100,000 by institutions regulated by them. Pursuant to the Board's authority under section 19 of the Federal Reserve Act to prescribe rules governing the payment of interest on deposits and § 217.3 of Regulation Q, the Board's action removes time deposits of $1,000 or more (but less than $100,000), with maturities of four years or more, from the category of time deposits not subject to an interest rate limitation and provides that, effective November 1, 1973, member banks may pay interest on such time deposits at a rate not to exceed 7¼ per cent per year. The Board's action also removes the quantitative limitation on the total amount of such time deposits that may be accepted by member banks.

The effective date of this amendment is deferred until November 1, 1973, to provide member banks an opportunity to terminate in an orderly manner the offering of time deposits of $1,000 or more, with maturities of four years or more, that are not subject to an interest rate limitation. To assure compliance with Pub. L. 93–123 at the earliest possible date, however, during the intervening period until November 1, 1973, member banks should refrain from making new offerings of time deposits or initiating promotional programs relating to time deposits whose terms do not conform with the interest rate limitation established by this amendment. The rates of interest paid by member banks on outstanding time deposits of $1,000 or more with maturities of four years or more, offered pursuant to § 217.7(a)(2) of Regulation Q, as amended effective July 5, 1973, are not immediately affected by this amendment, although such deposits must be modified in the manner provided under § 217.3(b) of Regulation Q.

The effective date was deferred for less than the 30-day period referred to in title 5, United States Code, section 553(d), because the Board found that the public interest compelled it to make the action effective no later than the date adopted. See § 262.2(e) of the Board's rules of procedure (12 CFR 262.2(e)).

Effective November 1, 1973, § 217.7 of the Board's regulation Q is amended to read as follows:

**§ 217.7 Maximum rates of interest payable by member banks on time and savings deposits.**

Pursuant to section 19 of the Federal Reserve Act and § 217.3 hereof, the Board of Governors of the Federal Reserve System hereby prescribes the following maximum rates[1] of interest per annum payable by member bank of the Federal Reserve System on time and savings deposits:

(a) *Time deposits of $100,000 or more.*—There is no maximum rate of interest presently prescribed on any time deposit of $100,000 or more.

(b) *Time deposits of less than $100,000.*—(1) Except as provided in paragraph (a) and subpart 2 of this paragraph, no member bank shall pay interest on any time deposit at a rate in excess of the applicable rate under the following schedule:

| Maturity: | *Maximum percent* |
|---|---|
| 30 days or more but less than 90 days | 5 |
| 90 days or more but less than 1 year | 5½ |
| 1 year or more buti ess than 30 months | 6 |
| 30 months or more | 6½ |

(2) Member banks may pay interest on any time deposit of $1,000 or more, with a maturity of four years or more, at a rate not to exceed 7¼ percent.

(c) *Savings deposits.*—No member bank shall pay interest at a rate in excess of 5 percent on any savings deposit.

By order of the Board of Governors, October 17, 1973.

[SEAL] CHESTER B. FELDBERG,
*Secretary of the Board.*

[FR Doc.73-22615 Filed 10-24-73;8:45 am]

[1] The limitation on rates of interest payable by member banks of the Federal Reserve System on time and savings deposits, as prescribed herein, are not applicable to any deposit which is payable only at an office of a member bank located outside the States of the United States and the District of Columbia.

### CHAPTER V—FEDERAL HOME LOAN BANK BOARD

#### SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

### PART 524—OPERATIONS OF THE BANKS

#### Deposits From Members

Section 11(e) of the Federal Home Loan Bank Act, as amended (12 USC 1431(e)), authorizes a Federal Home Loan Bank to accept deposits from its members "upon such terms and conditions as the board (Federal Home Loan Bank Board) may prescribe". § 524.4 of the regulations for the Federal Home Loan Bank System (12 CFR 524.4), which implements this statutory provision, authorizes a Federal Home Loan Bank to accept from its members (a) demand deposits, which do not earn interest, and (b) time deposits, which may earn interest after a period of 30 days and which also may require 30 days' advance notice of withdrawal. The Board now considers it advisable to amend said § 524.4 by adding a new paragraph (c) which will permit a Federal Home Loan Bank to accept deposits from its members on a daily basis, and, within policy guidelines of the Board and boards of directors of the individual Federal Home Loan Banks, to pay daily interest on such deposits.

Accordingly, the Board hereby amends said § 524.4 by adding a new paragraph (c) immediately after paragraph (b) thereof, to read as follows, effective October 23, 1973.

**§ 524.4 Deposits from members.**

* * * * *

(c) In addition to acceptance of time deposits in accordance with the provisions of paragraph (b) of this section, Banks may accept time deposits from members on a daily basis and shall reserve the right to require notice prior to a given time period on any day of intention of withdrawal of such deposits or any part thereof on such day. The rates of interest to be paid on such deposits as remain unwithdrawn for a period of one day or more may, within the range established by the Board, be set by the board of directors of a Bank, or, between regular meetings of such board, by a committee of such directors selected by such board or the President of such Bank if such President is so authorized by such board. Unless otherwise specified by such board, a Bank President may delegate any authority possessed by him in accordance with the provisions of this paragraph to any officer or employee of such Bank.

Since affording notice and public procedure on the above amendment would

delay it from becoming effective for a period of time and since it is in the public interest that the authority contained in the amendment become effective as soon as possible, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since the amendment relieves restriction, publication for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendment is unnecessary; and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

(Secs. 11, 17, 47 Stat. 733, 736, as amended (12 U.S.C. 1431, 1437); 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.73-22637 Filed 10-24-73;8:45 am]

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## SUBCHAPTER F—REGULATIONS FOR SAVINGS AND LOAN HOLDING COMPANIES

## PART 584—REGULATED ACTIVITIES

### Forms for Use in Connection With Excepted Acquisitions

The Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corp., by Resolution No. 73–952 (30 FR 19112) adopted § 584.4–1 of the regulations for Savings and Loan Holding Companies (12 CFR 584.4–1). Section 584.4–1 requires any company which proposes to acquire an insured institution without prior written approval of the Corporation pursuant to the exception for such approval in § 408 (e) (1) (B) (ii) of the National Housing Act, as amended, to submit prior to such acquisition information pertaining to the acquisition on a form prescribed by the Corporation. The Corporation has prescribed new Form H–(e) (4) for making such information filings. The Board considers it desirable to amend § 584.10(d) (12 CFR 584.10(d)) in order to specify Form H–(e) (4) therein.

Accordingly, the Federal Home Loan Bank Board hereby amends said § 584.10 by revising paragraph (d) thereof to read as set forth below, effective October 25, 1973.

Since the above amendment relates to Board procedure and practice regarding filings under the Regulations for Savings and Loan Holding Companies, the Board hereby finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment 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 amendment would in the opinion of the Board be unnecessary for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

**§ 584.10 Statements, applications, reports, and notices to be filed.**

* * * * *

(d) *Applications under § 584.4 and § 584.4–1*—(1) *H–(e) 1.*—This application shall be used for all applications filed under § 584.4(b) by a company other than a savings and loan holding company for approval of acquisition of one insured institution, directly or indirectly, or through one or more subsidiaries or through one or more transactions. (2) *H–(e) 2.* This application shall be used for all applications filed for approval of acquisition, directly or indirectly, or through one or more subsidiaries or through one or more transactions of (i) one or more insured institutions by a savings and loan holding company under § 584.4(a) or (ii) more than one insured institution by any other company under § 584.4(b). (3) *H–(e) 3.* This application shall be used for all applications filed (i) under § 584.4(a) (2) by a savings and loan holding company for approval of acquisition by a merger, consolidation, or purchase of assets of an insured or uninsured institution or a savings and loan holding company or (ii) under § 584.4(b) by any company for approval of acquisition by a merger, consolidation, or purchase of assets of two or more insured institutions, and shall be used also for approval under §§ 563.22 and 571.5 of the Rules and Regulations for Insurance of Accounts. (4) *H–(e) 4.* This information filing shall be used for all filings required under § 584.4–1 of any company, other than a savings and loan holding company, which proposes to acquire an insured institution without the prior written approval of the Corporation.

* * * * *

(Sec. 402, 48 Stat. 1256, as amended, sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended (12 U.S.C. 1725, 1730a), 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.*

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Washington, D.C. 20552

Information Filing H(e) (4)

Information filing pursuant to § 584.4–1 of the Regulations for Savings and Loan Holding Companies as to exception under § 584.4(b) (2) from the requirement of prior written approval of an acquisition of an insured institution in connection with a reorganization.

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Legal name of company filing information

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Address of principal executive office of company Zip code

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Legal name of insured institution to be acquired

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Address of home office of institution Zip Code

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Name and address of person to whom communications are to be sent

GENERAL INSTRUCTIONS

1. *Preparation of Information Filing.*—This Information Filing is not to be used as a blank form to be filled in, but only as a guide in the preparation of the information required. The filing shall convey to the reader the coverage of the items without the necessity of his referring to the text of the items or instructions thereto. Each answer shall be furnished under the applicable item number and caption. Where any item requires information to be given in tabular form, it shall be given in substantially the tabular form specified in the item. The text and all instructions are to be omitted from the application. Riders shall not be used.

2. *Requirements as to Paper and Printing.*—(a) This Information Filing shall be filed on good quality, unglazed, white paper 8½ inches in width and not more than 13 nor less than 11 inches in length, insofar as practicable. However, tables, charts, and financial statements may be on larger paper if folded to that size.

(b) This Information Filing insofar as practicable, and all papers and documents filed as a part thereof, shall be printed, lithographed, mimeographed, or typewritten. However, this filing or any portion thereof may be prepared by any similar process which, in the opinion of the Corporation, produces copies suitable for a permanent record. Irrespective of the process used, all copies of any such material shall be clear and easily readable. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies.

3. *Number of Copies—Signatures—Binding.*—One original and one copy of this Information Filing, including exhibits and all other papers and documents filed as a part thereof, shall be filed with the Corporation addressed to the Director, Holding Companies Section of the Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, and one copy of this Information Filing shall be filed with the Supervisory Agent of the Federal Home Loan Bank of the district in which the principal office of the insured institution is located, except that when filings are made with the Los Angeles office a second copy of this Information Filing shall be filed. At least the original of the Information Filing filed with the Corporation shall be manually signed in the manner prescribed by the signature page of this Information Filing. Unsigned copies shall be conformed.

4. *Amendments.*—All amendments requested and additional information shall be filed under cover of this form, shall be clearly identified as amendments, numbered consecutively, and shall comply with all pertinent requirements of this Information Filing, including signature page.

5. *Additional Information.*—In addition to the information expressly required to be included in this Information Filing, there shall be added such further material information, if any, as may be necessary to make the required information, in light of the circumstances under which it is made, not misleading.

6. *Limited Incorporated by Reference.*—Only material contained in answer to another item in this Information Filing or in an exhibit hereto may be incorporated by reference in answer or partial answer to any item of the filing. Material incorporated by reference shall be clearly identified in the reference. An express statement that the specified material is incorporated by reference shall be made at the particular place in the filing where the information is required. Material shall not be incorporated by reference in any case where such incorporation would render the statement incomplete, unclear or confusing.

7. *Definitions.*—For definitions of various terms used in this Information Filing, reference is made to Part 583—Definitions of the

Regulations for Savings and Loan Holding Companies and to the Board Ruling contained in § 589.2.

INFORMATION REQUIRED

Item 1. *Organization of the filing company.*—State the date on which the filing company was organized and its form of organization (such as a "corporation", "partnership" or "trust").

Item 2. *Basis of request for acquisition to be considered within exception of § 584.4(b)(2).*—State the basis upon which the filing company considers the acquisition to be within the exception contained in § 584.4(b)(2).

Item 3. *Description of reorganization.*—Describe the material terms of the reorganization whereby a person or group of persons controlling the insured institution for more than three years preceding the date of filing will vest control of such institution in a newly formed savings and loan holding company.

Item 4. *Number of voting security holders in the insured institution.*—State in the tabular form indicated below the number of holders of record of each class of voting securities of the insured institution (a) as of a date within 30 days of the date of this Information Filing, and (b) as of a date approximately three years prior to the date used in (a).

| (1) | (2) | (3) |
|---|---|---|
| Title of class | Number of record holders | Number of shares outstanding |

Item 5. *Ownership of voting securities by controlling persons of the insured institution.*—(a) Furnish the following information, as of a date within 30 days of the date of this Information Filing, in substantially the tabular form indicated, as to the ownership, whether of record or beneficially, of the voting securities of the insured institution owned by each controlling person thereof. Show in Column (3) whether the securities are owned both of record and beneficially, of record only, or beneficially only, and show in Columns (4) and (5) the respective amounts and percentages owned in each such manner.

| (1) | (2) | (3) | (4) | (5) |
|---|---|---|---|---|
| Name and Address | Title of class | Type of ownership | Amount owned as of date within 30 days | Percent of class |

*Instruction.*—The percentages are to be calculated on the basis of the amount of outstanding securities, excluding securities held by or on account of the issuer.

(b) If any of the controlling persons named in (a) acquired or disposed of any voting securities of the insured institution during the three-year period preceding the date used in (a), furnish comparable information as to the title of class, type of ownership, and date and amount of acquisition or disposition.

(c) If there were any controlling persons of the insured institution during the three-year period preceding the date used in (a) who are not controlling persons as of such date, furnish comparable information to that required by (a) and (b) as to such persons during the portion of such period in which they were in control.

(d) If the controlling persons of the filing company will not be identical to those named in (a) or the ownership of voting securities by such controlling persons of the filing company will differ in percentage from those set forth in (a), describe the changes and the reasons therefor.

(e) If any of the persons named in this item are deemed to be controlling persons because they have acted or are acting in concert with one or more other persons, or through one or more subsidiaries, state the circumstances of this concerted action.

Item 6. *Offering of voting securities in connection with acquisition.*—Furnish information as to any offering or contemplated offering of the voting securities of the filing company in connection with the acquisition of the insured institution.

Item 7. *Assumption of debt of controlling persons.*—Furnish information as to any debt of the controlling persons of the insured institution being assumed by the filing company or otherwise in connection with the acquisition.

Item 8. *Proxy solicitation of voting security holders of the insured institution.*—State whether or not proxies will be solicited from the voting security holders of the insured institution in connection with the reorganization and if there will be a solicitation, whether it will be subject to Regulation 14A of the General Rules and Regulations under the Securities Exchange Act of 1934.

Item 9. *Tax consequences of the acquisition.*—If the proposed acquisition will be tax free, state whether a ruling thereon will be sought from the Internal Revenue Service or whether there will be reliance on an opinion of tax counsel or a tax accountant. If the proposed acquisition will be taxable, describe the tax consequences.

Item 10. *Exhibits.*—List all exhibits filed as a part of the Information Filing. Exhibits shall be appropriately lettered or numbered for convenient reference. Copies of signed exhibits shall be conformed. The following exhibits shall be filed as part of this Information Filing.

1. Lists of stockholders of the insured institution as of (a) a date within 30 days of the date of this filing, and (b) a date approximately three years preceding the date of the list furnished under (a).

*Instruction.*—The lists shall be dated and the names and addresses and number of shares held by each stockholder shall be stated. The dates of the lists shall correspond to those used in Items 4 and 5.

2. Any plan of reorganization described in Item 3.

3. Any offering material relating to an offering referred to in Item 6. Preliminary copies may be furnished if the definitive offering material is not yet available.

4. Any agreement relating to assumption of debt referred to in Item 7.

5. Proxy soliciting materials referred to in Item 8. Preliminary copies may be furnished if the definitive proxy soliciting materials are not yet available.

6. Any ruling or opinion referred to in Item 9. If a ruling is being requested but has not yet been obtained from the Internal Revenue Service, an opinion and a copy of the ruling request should be furnished.

SIGNATURES

Pursuant to the requirements of § 584.4–1 of the Regulations for Savings and Loan Holding Companies, the company making this Information Filing has caused this filing to be signed on its behalf by the undersigned duly authorized agent.

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Name of company making Information Filing

The undersigned principal executive or principal financial officer of the company making this Information Filing acknowledges and certifies that he has carefully reviewed the information contained herein (including exhibits), and that such information is true, correct and complete to the best of his knowledge and belief.

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(Signature)

Date: ---------- ---------- ----------

(Name) (Title)

[FR Doc.73-22733 Filed 10-24-73;8:45 am]

## Title 14—Aeronautics and Space

## CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 9974, Amdt. 93-27]

## PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

### High Density Traffic Airports

The purpose of this amendment to Part 93 of the Federal Aviation Regulations is to extend for an indefinite time period the special air traffic rule for High Density Traffic Airports which would otherwise expire on October 25, 1973, and to amend Subpart K of Part 93 by making certain nonsubstantive editorial changes to the rules brought about by prior amendments. The present amendment was proposed in Notice 73-22, issued on August 22, 1973, and published in the FEDERAL REGISTER (38 FR 23338) on August 29, 1973.

Of the comments received in response to the notice, several were in favor of the rule, several were in favor of the rule with the qualification that the FAA continuously monitor the traffic activity at the affected airports and adjust the quotas where appropriate, and several commentators were completely opposed to the rule and believed it should be permanently rescinded.

Those commentators who favored the rule with qualification urged that although yearly extensions be removed, the FAA maintain a constant surveillance over the airport demands and capacity and relax the quotas imposed and ultimately eliminate them as soon as conditions permit. The FAA agrees that the need for the quotas should be continually reviewed at each affected airport to ensure that no unnecessary burden is permitted to arise. Current monitoring of traffic conditions will accordingly be maintained. The quotas will be revised, and may even be eliminated, if monitoring reveals that such relaxations can be accomplished consistent with the air traffic objectives of the regulation.

One commentator took exception to the statements in the preamble that the use of heavy jet aircraft requires additional separation which is a factor adding to system congestion. The commentator argued that there has been a general reduction in the affected airspace operations and that additional separation required by heavy jet aircraft has not resulted in a practical reduction in airport acceptance rates. Airport operation records, however, since the inception of heavy jet aircraft, reveal that only one

airport (JFK) has experienced any significant decrease in total operations. At two airports (O'Hare and LaGuardia) operations have in fact increased. Separation standards behind the heavy jets are now two minutes instead of the usual one minute and radar separation has increased from the usual three miles to five miles following a heavy jet.

Several commentators believed that in effect the proposal intends to make the High Density Airports Reservation System a permanent rule by administrative action and suggested as an alternative an extension period of two years. The intent however is not merely to extend the rule, but to allow modifications of quotas based upon changing conditions rather than upon an arbitrary time period which only creates artificial deadlines for administrative action. In support of this intent it may be pointed out that past changes have removed Newark Airport, Newark, New Jersey, from the rule and have resulted in partial suspension of the rule at John F. Kennedy International Airport, New York, New York, and O'Hare International Airport, Chicago, Illinois.

No comments were received concerning the nonsubstantive editorial changes which were proposed in the notice affecting §§ 93.121, 93.130, and 93.133.

Interested persons have been afforded an opportunity to participate in the making of these amendments and due consideration has been given to all matter presented.

These amendments are made under the authority of sections 103, 307, 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1303, 1348, 1354(a), and 1421); and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

The present high density traffic airport rule terminates on October 25, 1973. In order to ensure that the orderly, efficient use of airspace is not interrupted by the expiration of § 93.131, I find that good cause exists for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 93 of the Federal Aviation Regulations is amended, effective October 25, 1973, as follows:

1. By amending § 93.121 by deleting the words "the aircraft equipment and" between the words "prescribes" and "air traffic rules."

2. By amending § 93.130 by deleting the phrase "§§ 93.125(a) and 93.125(b)" between the words "prescribed in" and "if he finds" and substituting "§ 93.125" therefor.

3. By deleting § 93.131.

4. By amending § 93.133 by deleting the phrase "§ 93.125(a) and (b)" between the words "and" and "do" and substituting "§ 93.125" therefor.

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

ALEXANDER P. BUTTERFIELD,
*Administrator.*

[FR Doc.73-22746 Filed 10-24-73;8:45 am]

## CHAPTER II—CIVIL AERONAUTICS BOARD

### SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-829; Amdt. 8]

### PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

**Deletion of Memorandum Subclassification of Selected Reported Expenses and Memorandum Subclassification of Ground Property Investment Schedules**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on October 19, 1973.

By ER-483, adopted January 23, 1967, the Board amended Part 241 of the Board's Economic Regulations by adding Memorandum Subclassification of Selected Reported Expenses and Memorandum Subclassification of Ground Property Investment schedules to CAB Form 41. These schedules were intended to produce refinements of data with respect to ground property investment and operating expenses so as to facilitate costing of passenger and cargo services performed by Group III carriers, i.e., major route air carriers.

Although the Board continues to believe that there is a need for the data refinements which we sought to obtain in ER-483, our experience with the memoranda submitted pursuant to the rule during the years since its adoption has persuaded us that these particular schedules do not achieve their intended purpose sufficiently to warrant their continued use.

The Board has, therefore, determined to delete the reporting requirement for filing the memorandum schedules provided for in sections 23 and 24 of the Uniform System of Accounts and Reports. For the time being, we shall rely on our remaining reporting requirements for data relating to ground property investment and operating expenses.

Since this amendment reduces present reporting requirements, and thereby relieves a burden, the Board finds that notice and public procedure hereon are not required and the rule may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241), effective October 19, 1973, as follows:

1. By amending Section 22—General Reporting Instructions as follows:

A. By deleting the references to Memorandum Subclassification of Ground Property Investment and to Memorandum Subclassification of Selected Reported Expenses Schedules from the list of schedules, so that the revised list reads, in pertinent part, as follows:

| Schedule No. | Schedule title | Filing frequency |
|---|---|---|
| * | * | * |
| B-46 | Long-Term and Short-Term Nontrade Debt. | Do. |
| P-1.1 | Income Statement—Group I Air Carriers. | Quarterly. |
| * | * | * |
| P-41 | Taxes | Annually. |
| T-1 | Traffic and Capacity Statistics by Class of Service. | Monthly. |
| * | * | * |

B. By deleting from the list of due dates and schedules the due dates of February 20, May 20, August 20 and November 20, as well as the references alongside those dates to "Memorandum subclassifications of selected reported expenses and ground property investment" schedules set forth in section 22, so that the revised list reads in pertinent part as follows:

Due Dates of Schedules in CAB Form 41 Report

| Due date: [1] | *Schedule No.* |
|---|---|
| * | * |
| Feb. 10 [2] | A, B-2, B-3, B-4, B-5, B-7, B-7 (b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2 (a), P-3, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.1, P-9.2, P-10, T-6, D-1. |
| Mar. 1 | B-1, P-1(a), T-1, T-7. |
| * | * |
| May 10 | A, B-2, B-3, B-4, B-5, B-7, B-7 (b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2 (a), P-3, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.1, P-9.2, P-10, T-6, D-1. |
| May 30 | B-1, P-1(a), T-1, T-7. |
| * | * |
| Aug. 10 | A, A-1, B-2, B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.1, P-9.2, P-10, T-6, D-1. |
| Aug. 30 | B-1, P-1(a), T-1, T-7. |
| * | * |
| Nov. 10 | A, B-2, B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2 (a), P-3, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.1 P-9.2, P-10, T-6, D-1. |
| Nov. 30 | B-1, P-1(a), T-1, T-7. |
| * | * |

[2] B and P reporting dates are extended to Mar. 30, if preliminary schedules are filed at the Board by Feb. 10.

C. By deleting from footnote "2" to said list, the reference to "memorandum subclassification," the amended footnote to read as follows:

2. By amending Section 23—Certification and Balance Sheet Elements—by deleting the caption "Memorandum Subclassification of Ground Property Investment," which follows paragraph (g) of Schedule B-46, as well as the entire text of paragraphs (a), (b) and (c) set forth under said caption.

3. By amending Section 24— Profit and Loss Elements—by deleting the caption "Memorandum Subclassification of Selected Reported Expenses," which follows paragraph (d) of Schedule P-41, as well as the entire text of paragraphs (a), (b), (c) and (d) set forth under said caption.

(Secs. 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766 (49 U.S.C. 1324, 1377).)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

[FR Doc.73-22732 Filed 10-24-73;8:45 am]

## Title 16—Commercial Practices

## CHAPTER I—FEDERAL TRADE COMMISSION

## PART 24—PAPER BAG INDUSTRY

## PART 44—MILLWORK INDUSTRY

## PART 52—COMMON OR TOILET PIN INDUSTRY

## PART 55—CHINA RECESS ACCESSORIES INDUSTRY

## PART 81—WASTE PAPER DEALERS AND PACKERS

## PART 89—ICE CREAM INDUSTRY, DISTRICT OF COLUMBIA AND VICINITY

## PART 90—MOPSTICK INDUSTRY

### Rescinded Trade Practice Rules

Trade Practice Rules for the following industries have been rescinded by the Federal Trade Commission and are hereby ordered removed from the Code of Federal Regulations, Title 16:

| Trade practice rules for the— | Date promulgated | Date rescinded |
|---|---|---|
| Paper bag industry | July 17, 1931 | July 20, 1970 |
| Millwork industry | Aug. 28, 1931 | Apr. 3, 1970 |
| Common or toilet pin industry | Sept. 3, 1931 | July 20, 1970 |
| China recess accessories industry | Oct. 2, 1931 | July 27, 1970 |
| Waste paper dealers and packers | Sept. 3, 1932 | July 27, 1970 |
| Ice cream industry, District of Columbia and vicinity | Mar. 20, 1933 | Mar. 20, 1970 |
| Mopstick industry | Mar. 20, 1933 | June 30, 1970 |

Issued October 24, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-22631 Filed 10-24-73;8:45 am]

## Title 21—Food and Drugs

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

## SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 15—CEREAL FLOURS AND RELATED PRODUCTS

## PART 17—BAKERY PRODUCTS

### Improvement of Nutrient Levels of Enriched Flour, Enriched Self-rising Flour, and Enriched Breads, Rolls or Buns

*Correction*

In FR Doc. 73-21918, appearing at page 28558, in the issue of Monday, October 15, 1973, in the effective date paragraph, the date "April 15, 1973" should read "April 15, 1974".

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH FOOD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 2B2749) filed by Wells Laboratories, Inc., 25 Lewis Avenue, Jersey City, N.J. 07306, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of dimethyl glutarate, in the preparation of polyamide-epichlorohydrin water-soluble thermosetting resins intended for use in the manufacture of uncoated paper and paperboard in contact with aqueous and fatty foods.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(a)(5) is amended by revising the entry in the "List of Substances" and "Limitations" columns for "polyamide-epichlorohydrin water-soluble thermosetting resins * * *" to read as follows:

**§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.**

* * * * *

(a) * * *

(5) * * *

| *List of substances* | *Limitations* |
|---|---|
| * * * | * * |
| Polyamide - epichlorohydrin water - soluble thermosetting resins prepared by reacting adipic acid, isophthalic acid, itaconic acid or dimethyl glutarate with diethylenetriamine to form a basic polyamide and further reacting the polyamide with one of the following:<br>Epichlorohydrin.<br>Epichlorohydrin and ammonia mixture.<br>Epichlorohydrin and sodium hydrosulfite mixture. | For use only in the manufacture of paper and paperboard under conditions such that the resins do not exceed 1.5 percent by weight of paper and paperboard. |
| * * * | * * |

Any person who will be adversely affected by the foregoing order may at any time on or before November 26, 1973, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

*Effective date.*—This order shall become effective on October 25, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 348(c)(1)).)

Dated October 16, 1973.

SAM D. FINE, *Associate Commissioner for Compliance.*

[FR Doc.73-22610 Filed 10-24-73;8:45 am]

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SANITIZING SOLUTIONS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 2H2732) filed by Lithium Corp. of America, a subsidiary of Gulf Resources & Chemical Corp., Post Office Box 795, Bessemer City, NC 28016, and other relevant material, concludes that the food additive regulations (21 CFR Part 121) should be amended, as set forth below, to provide for the safe use of an aqueous solution containing lithium hypochlorite for sanitizing food-processing equipment and utensils that contact food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under auhority delegated to the Commissioner (21 CFR 2.120), § 121.2547 is amended in paragraph (b) by adding a new subparagraph (15), and in paragraph (c) by adding a new subparagraph (10), as follows:

**§ 121.2547 Sanitizing solutions.**

* * * * *

(b) * * *

(15) An aqueous solution containing lithium hypochlorite.

(c) * * *

(10) Solutions identified in paragraph (b)(15) of this section will provide not more than 200 parts per million of available chlorine and not more than 30 ppm lithium.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before November 26, 1973, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

*Effective date.*—This order shall become effective on October 25, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 348(c)(1)).)

Dated October 16, 1973.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[FR Doc.73-22609 Filed 10-24-73;8:45 am]

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SANITIZING SOLUTIONS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 3H2923) filed by West Chemical Products, 42-16 West St., Long Island City, N.Y. 11101, and other relevant material, concludes that the food additive regulations (21 CFR Part 121) should be amended, as set forth below, to provide for the use of isopropyl alcohol as an optional adjuvant, rather than as a required ingredient, for sanitizing food-processing equipment and utensils that contact food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))), and under the authority delegated to the Commissioner (21 CFR 2.120), § 121.2547 is amended in paragraph (b)(5) to read as follows:

§ 121.2547 Sanitizing solutions.

* * * * *

(b) * * *

(5) An aqueous solution containing elemental iodine, hydriodic acid, α-(*p*-nonylphenyl) - *omega*-hydroxypoly(oxyethylene) (complying with the identity prescribed in § 121.2541(c) and having a maximum average molecular weight of 748) and/or polyoxyethylene-polyoxypropylene block polymers (having a minimum average molecular weight of 1,900). Additionally, the aqueous solution may contain isopropyl alcohol as an optional ingredient.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before November 26, 1973, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

*Effective date.*—This order shall become effective on October 25, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 348(c)(1)).)

Dated October 16, 1973.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[FR Doc.73-22611 Filed 10-24-73;8:45 am]

# Title 28—Judicial Administration

## CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 546-73]

## PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

### Abolishment of Office of Watergate Special Prosecution Force

This order abolishes the Office of Watergate Special Prosecution Force. The functions of that Office revert to the Criminal Division.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, the Office of Watergate Special Prosecution Force is abolished. Accordingly, Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

1. Section 0.1 of Subpart A, which lists the organizational units of the Department, is amended by deleting "Office of Watergate Special Prosecution Force."

2. Subpart G-1 is revoked.

Order No. 517-73 of May 31, 1973, Order No. 518-73 of May 31, 1973, Order No. 525-73 of July 8, 1973, and Order No. 531-73 of July 31, 1973, are revoked.

This order is effective as of October, 21, 1973.

Dated October 23, 1973.

ROBERT H. BORK,
*Acting Attorney General.*

[FR Doc.73-22824 Filed 10-24-73;8:45 am]

[Order No. 547-73]

## PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

### Subpart W—Additional Assignments of Functions and Designation of Officials To Perform the Duties of Certain Offices in Case of Vacancy, or Absence Therein or in Case of Inability or Disqualification To Act

DESIGNATING OFFICIALS TO ACT AS ATTORNEY GENERAL

This order amends the Department regulations designating officials of the Department of Justice to act as Attorney General in case of a vacancy in that Office.

By virtue of the authority vested in me by 28 U.S.C. 508, paragraph (a) of § 0.132 of Subpart W of Part 0 of Chapter I of Title 28, Code of Federal Regulations is amended, to read as follows:

**§ 0.132 Designating officials to perform the functions and duties of certain offices in case of vacancy therein.**

(a) In case of vacancy in the office of Attorney General, the Deputy Attorney General shall, pursuant to 28 U.S.C. 508, perform the functions and duties of and act as Attorney General. In case of vacancy in both the office of Attorney General and the Office of Deputy Attorney General, the following officials shall perform the functions and duties of and act as Attorney General, in the following order of succession:

(1) Solicitor General

(2) Assistant Attorney General, Criminal Division

(3) Assistant Attorney General, Antitrust Division

(4) Assistant Attorney General, Civil Rights Division

(5) Assistant Attorney General, Office of Legal Counsel

(6) Assistant Attorney General, Tax Division

(7) Assistant Attorney General, Land and Natural Resources Division

Dated October 23, 1973.

ROBERT H. BORK,
*Acting Attorney General.*

[FR Doc.73-22825 Filed 10-24-73;8:45 am]

# Title 32—National Defense

## CHAPTER XIV—RENEGOTIATION BOARD

### SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

## PART 1472—CONDUCT OF RENEGOTIATION

### Hours of Business

Section 1472.6(e)(2) *Hours of business* is amended by deleting the phrase "8:30 a.m. to 5:00 p.m." and inserting in lieu thereof the phrase "8:00 a.m. to 4:30 p.m."

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

Dated October 19, 1973.

W. S. WHITEHEAD,
*Chairman.*

[FR Doc.73-22712 Filed 10-24-73;8:45 am]

# Title 41—Public Contracts and Property Management

## CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## PART 3-3—PROCUREMENT BY NEGOTIATION

### Miscellaneous Amendments

Chapter 3, Title 41, Code of Federal Regulations, is amended as set forth below. The purpose of these amendments is to establish policies and procedures relative to the issuance of letter contracts.

It is the general policy of the Department of Health, Education, and Welfare

to allow time for interested parties to participate in the rulemaking process. However, the amendments herein involve administrative matters. Therefore, the public rulemaking authority is deemed unnecessary in this instance.

1. The table of contents of Subpart 3–3.4 is amended to add the following:

**Subpart 3–3.4—Types of Contracts**

Sec.
3–3.408 Letter Contract.

2. Subpart 3–3.4 is amended to add a new § 3–3.408 which reads as follows:

**§ 3–3.408 Letter contract.**

(a) *Definition.*—A letter contract is a written preliminary contractual instrument which authorizes immediate commencement of work or services.

(b) *Policy.*—The policy of the Department of Health, Education, and Welfare is not to issue letter contracts. Exceptions to this policy will be permitted only in those cases where all matters of a substantive nature, such as statements of work, delivery schedules, and general and special clauses have been resolved and agreed upon.

(c) *Application.*—A letter contract may be entered into only when: (1) The urgency of the requirement necessitates that the contractor be given a binding commitment so that work can commence immediately, (2) preparation of a definitive contract in sufficient time to meet Departmental requirements is not possible, and (3) prior approval has been obtained. (For approval levels, see paragraph (d) of this section.)

(d) *Approval.*—(1) Any letter contract which obligates more than 50 percent of the estimated cost of the procurement or provides for a period of effectiveness of more than 90 days, must be approved by the Deputy Assistant Secretary for Grants and Procurement Management. When approval is recommended such requests shall be forwarded by the official set forth below, with his concurrence to the Office of Grants and Procurement Management. All requests must be in writing and originated by the contracting officer. Requests for authority to issue letter contracts which can be approved by any official designated below shall be processed in accordance with the procedures established by the head of the procuring activity.

Office of the Secretary—Deputy Assistant Secretary for Administration.
Office of the Assistant Secretary for Health—Director, Office of Grants and Contracts.
Office of Education—Assistant Commissioner for Business Management.
National Institute of Education—Assistant Director of Administration.
Social and Rehabilitation Service—Assistant Administrator Financial Management.
Social Security Administration—Director, Division of Operating Facilities.

(2) Also, amendments to letter contracts which increase the funding under an existing letter contract to more than 50 percent of the estimated cost of the procurement or extend the period of effectiveness of the letter contract to more than 90 days must be approved by the Deputy Assistant Secretary for Grants and Procurement Management.

(3) In no event will the individual signing the contractual document be the person who approves it.

(e) *Limitations.*—(1) A letter contract shall not be entered into without competition when competition is practicable.

(2) A letter contract shall be superseded by a definitive contract at the earliest practicable date, but in no event later than 150 days after the date of execution of the letter contract.

(3) The maximum fund liability of the Government, stated in the letter contract, will be limited to only that amount determined essential to cover the contractor's requirements for funds prior to definitization.

(f) *Information to be furnished when requesting authority to issue a letter contract.* The following information should be included in any memorandum for approval to issue a letter contract:

(1) Name and address of proposed contractor.

(2) Location where contract is to be performed.

(3) Contract number, including modification number, if possible.

(4) Brief description of work and services to be performed.

(5) Performance or delivery schedule.

(6) Amount of letter contract.

(7) Estimated total amount of definitized contract.

(8) Type of definitive contract to be executed (fixed price, cost-reimbursement, etc.).

(9) Statement of the necessity and advantage to the Government of the use of the proposed letter contract.

(10) Statement of percentage of the estimated cost that the obligation of funds represents. In rare instances where the obligation represents 50 percent or more of the proposed estimated cost of the procurement, a justification for such obligation must be included which would indicate basis and necessity for the obligation, (e.g., the contractor requires a large initial outlay of funds for major subcontract awards or an extensive purchase of materials to meet an urgent delivery requirement). In every case, documentation must assure that the amount to be obligated is not in excess of an amount reasonably required to perform the work.

(11) Period of effectiveness of the proposed letter contract. If more than 90 days, complete justification must be given.

(12) Statement that the document meets the requirements of § 1–3.408(d) of this title.

(13) Statement of any substantive matters that need to be resolved.

(g) *Approval for modifications to letter contracts.*—All letter contract modifications, other than those covered in paragraph (d)(2) of this section, must be approved by an official designated in paragraph (d)(1) of this section. The Deputy Assistant Secretary for Grants and Procurement Management will approve those modifications covered by paragraph (d)(2) of this section. Requests for authority to issue letter contract modifications shall be processed in the same manner as requests for authority to issue letter contracts (see paragraph (d)(1) of this section) and shall include the following:

(1) Name and address of the contractor.

(2) Description of work and services.

(3) Date original request was approved and indicate approving official.

(4) Letter contract number and date issued.

(5) Complete justification as to why the letter contract cannot be definitized at this time.

(6) Complete justification as to why the level of funding must be increased.

(7) Complete justification as to why the period of effectiveness is increased beyond 90 days, if applicable.

(8) If the funding of the letter contract is to be increased to more than 50 percent of the estimated cost of the procurement, the information set forth in paragraph (f)(10) of this section must be included in the memorandum.

(5 U.S.C. 301, 40 U.S.C. 486(c).)

*Effective date.*—These amendments will be effective October 25, 1973.

Dated October 17, 1973.

S. H. CLARKE,
*Deputy Assistant Secretary for Administration and Management.*

[FR Doc.73-22711 Filed 10-24-73;8:45 am]

## CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

### Revision of GSA Form 1424, GSA Supplemental Provisions

The following change prescribes the use of a revised GSA Form 1424, GSA Supplemental Provisions.

### PART 5A–1—GENERAL

#### Subpart 5A–1.3—General Policies

Section 5A–1.376–2(c) is revised as follows:

**§ 5A–1.376–2 Exercise of options.**

* * * * *

(c) An "Option to Increase Quantities" clause for use in definite quantity contracts is provided in § 5A–7.103–81.

### PART 5A–2—PROCUREMENT BY FORMAL ADVERTISING

The table of contents for Part 5A–2 is amended to delete §§ 5A–2.303, 5A–2.303–8, and 5A–2.303–70.

#### Subpart 5A–2.2—Solicitation of Bids

Section 5A–2.201–70(e) is amended as follows:

**§ 5A–2.201–70 Forms to be used.**

* * * * *

(e) * * *

(1) GSA Form 1424, GSA Supplemental Provisions, July 1973 edition,

shall be incorporated by reference in each solicitation for offers, except solicitations for offers under the AID buying program, by using the following provision:

GSA Form 1424, GSA Supplemental Provisions, July 1973 edition, receipt of which is acknowledged by the bidder, is hereby incorporated by reference. A copy of GSA Form 1424, if not enclosed, is available upon request.

* * * * *

### Subpart 5A–2.3—Submission of Bids

1. Sections 5A–2.303, 5A–2.303–8, and 5A–2.303–70 are deleted.

2. Section 5A–2.370(b) is revised as follows:

**§ 5A–2.370 Copies of bids required in submission.**

* * * * *

(b) When it is necessary to vary the normal distribution prescribed in paragraph (a) of this section, the approval of the Director, Procurement Division, in the regional offices, or the chief of the appropriate branch of the National Buying Center Division shall be obtained.

---

## PART 5A–7—CONTRACT CLAUSES

The table of contents for Part 5A–7 is revised as follows:


Sec.
5A–7.000 General.

Subpart 5A–7.1—Fixed-Price Supply Contracts

5A–7.102 Required clauses.
5A–7.102–2 Changes (Delivery Options).
5A–7.102–4 Variation in quantity.
5A–7.102–5 Inspection.
5A–7.102–6 Responsibility for supplies (Rejected supplies).
5A–7.102–8 Assignment of claims.
5A–7.102–10 Federal, State, and local taxes.
5A–7.102–11 Default.
5A–7.102–70 Notice of shipment.
5A–7.102–71 Offer of former Government property.
5A–7.102–72 Interpretation of contract requirements.
5A–7.102–73 Delivery terms (meaning of).
5A–7.102–74 Patent indemnification.
5A–7.102–75 Marking provisions.
5A–7.102–76 Preservation, packaging, and packing.
5A–7.102–77 Packing list.
5A–7.102–78 Advertising of award.
5A–7.102–79 Notice to the Government of labor disputes.
5A–7.103 Clauses to be used when applicable.
5A–7.103–3 Examination of records by Comptroller General.
5A–7.103–23 Late bids (proposals) and modifications or withdrawals of bids (proposals).
5A–7.103–71 Special discount terms.
5A–7.103–72 Preproduction samples.
5A–7.103–73 Price escalation.
5A–7.103–74 Drawings referencing product or material specifications.
5A–7.103–75 Standard pack items.
5A–7.103–76 Patents, royalty payments, and copyrights.
5A–7.103–77 USDA Certificates of Quality and Condition—subsistence purchases.
5A–7.103–78 USDA inspection of roasted whole bean coffee.
5A–7.103–79 (Reserved)
5A–7.103–80 Guaranteed minimum quantity.
5A–7.103–81 Option to increase quantities.
5A–7.103–82 Indefinite delivery type contracts.
5A–7.103–83 Brand names.
5A–7.103–84 Hazardous substances.
5A–7.103–85 Program to promote use of recycled material.
5A–7.103–86 Requirements for recycled material for specified paper products.
5A–7.103–87 Availability for inspection and testing and delivery.
5A–7.103–88 Identification of production point.
5A–7.103–89 Guaranteed shipping weight and cube.
5A–7.103–90 Gratuities.
5A–7.103–91 Deliveries beyond the contractual period—placing of orders.
5A–7.104 Additional clauses.
5A–7.104–1 Liquidated damage provisions.


### Subpart 5A–7.1—Fixed-Price Supply Contracts

**§§ 5A–7.101 and 5A–7.101–23 [Deleted]**

1. Sections 5A–7.101 and 5A–7.101–23 are deleted.

2. Section 5A–7.102 is added as follows:

**§ 5A–7.102 Required clauses.**

3. Section 5A–7.101–2 is renumbered and amended as follows:

**§ 5A–7.102–2 Changes (Delivery Options).**

The following clause (included in GSA Form 1424) shall be used to amplify the Changes article of Standard Form 32.

CHANGES—DELIVERY OPTIONS AND ADJUSTMENTS IN TRANSPORTATION COSTS

Within the scope of Article 2 of Standard Form 32, the right is reserved by the Government to:

* * * * *

4. Section 5A–7.101–4 is renumbered and amended as follows:

**§ 5A–7.102–4 Variation in quantity.**

(a) The following Variation in Quantity clause (included in GSA Form 1424) shall be used to provide a standard or usual percentage of variation in quantity which may be authorized when the variation is caused by conditions specified in Article 4, of Standard Form 32.

* * * * *

5. Section 5A–7.101–5 is renumbered and amended as follows:

**§ 5A–7.102–5 Inspection.**

In addition to Article 5 of Standard Form 32, the following clauses (included in GSA Form 1424) shall be used:

* * * * *

(b) *Additional costs of inspection and testing.* The Contractor will be charged for any additional costs of Government inspection and test when (1) supplies are not ready at the time such inspection and test is requested by the Contractor, or (2) when reinspection or retest is necessitated by prior rejection. See Article 5(c) of Standard Form 32. When such inspection and test is performed by or under the direction of the General Services Administration, charges will be at the rate of $10 per man-hour if the inspection is at a GSA supply distribution facility, $15 per man-hour, plus travel costs incurred, if the inspection is at any other location, and $15 per man-hour for laboratory testing; except that when a testing facility other than a Federal Supply Service laboratory performs all or part of the required tests, the Contractor shall be assessed the actual amount of the costs incurred by the Government as a result of testing in such a facility. When inspection is performed by or under the direction of any agency other than the General Services Administration, the same charges may be used or such agency may assess their costs for performing the inspection and testing.

* * * * *

6. Section 5A–7.101–6 is renumbered and amended as follows:

**§ 5A–7.102–6 Responsibility for supplies (Rejected supplies).**

The following provision (included in GSA Form 1424) shall be inserted in all solicitations for supplies.

* * * * *

7. Section 5A–7.101–8 is renumbered as follows:

**§ 5A–7.102–8 Assignment of claims.**

* * * * *

8. Section 5A–7.101–22 is renumbered as follows:

**§ 5A–7.102–10 Federal, State, and local taxes.**

* * * * *

9. Section 5A–7.101–11 is renumbered and amended as follows:

**§ 5A–7.102–11 Default.**

(a) In addition to Article 11 of Standard Form 32, the following clause (included in GSA Form 1424) shall be included in Federal Supply Schedule Contracts:

* * * * *

10 Section 5A–7.101–70 is renumbered and amended as follows:

**§ 5A–7.102–70 Notice of shipment.**

The following clause (included in GSA Form 1424) shall be included in all solicitations so that the purchasing office from which the order is received and/or consignee, or both if so specified, will be advised when shipments are made:

* * * * *

11. Section 5A–7.101–71 is renumbered and amended as follows:

**§ 5A–7.102–71 Offer of former Government property.**

The following clause (included in GSA Form 1424) shall be included in all solicitations:

* * * * *

12. Section 5A–7.101–72 is renumbered and amended as follows:

**§ 5A–7.102–72 Interpretation of contract requirements.**

The following clause (included in GSA Form 1424) shall be included in all solications.

* * * * *

13. Section 5A–7.101–73 is renumbered and amended as follows:

§ 5A–7.102–73 Delivery terms (meaning of).

Standard contract delivery terms shall be used in accordance with the provisions of Subpart 1–19.3. The following clause (included in GSA Form 1424) shall be used to make reference to these delivery terms:

* * * * *

14. Section 5A–7.101–74 is renumbered and revised as follows:

§ 5A–7.102–74 Patent indemnification.

The Patent Indemnification clause (included in GSA Form 1424 and set forth in § 5–54.103) shall be included in all contracts in excess of $5,000 in amount.

15. Section 5A–7.101–75 is renumbered and revised as follows:

§ 5A–7.102–75 Marking provisions.

The following clause (included in GSA Form 1424) shall be included in all solicitations:

MARKING PROVISIONS

(a) *Deliveries to civilian agencies.*—Unless otherwise specified, unit, intermediate, and shipping container markings shall be in accordance with Federal Standard No. 123C, as amended, and the commodity specification for the item. Special marking, if any, shall be as otherwise provided in the contract or as stated in purchase orders issued under the contract, all within the scope of the applicable provisions of Federal Standard No. 123C, as amended. GSA Form 1400, Guide for Marking Shipments, illustrates the principal marking requirements for shipping containers as required by Federal Standard No. 123C, as amended. Copies of GSA Form 1400 and Federal Standard No. 123C, as amended, may be obtained from the Office issuing the invitation or as indicated in the provision entitled "Copies of Specifications and Federal Standards."

(b) *Deliveries to military agencies.*—Marking of shipments for delivery to military agencies shall be as otherwise specified in the contract or in purchase orders issued under the contract but, if not so specified, the interior packages and the exterior shipping containers shall be marked in accordance with Military Standard 129E, as amended.

(c) *Improperly marked material.*—In the event any shipment is not marked in accordance with the contract requirements, the Government shall have the right, without prior notice to the Contractor, notwithstanding Article 5 of Standard Form 32 to: (1) Reject the shipment; or (2) perform the required markings by use of Government personnel and charge the Contractor therefor at a rate of $11 per man-hour for the first or fractional hour and $6 for any succeeding or fractional hour; or (3) have the marking performed by an independent Contractor and charge the Contractor therefor at the above rates. In connection with any prompt payment discounts offered, time will be computed from the date of completion of such remarking services.

16. Section 5A–7.101–76 is renumbered and amended as follows:

§ 5A–7.102–76 Preservation, packaging, and packing.

The following clause (included in GSA Form 1424) shall be included in all solicitations:

* * * * *

17. Section 5A–7.101–79 is renumbered and amended as follows:

§ 5A–7.102–77 Packing list.

The following clause (included in GSA Form 1424) shall be included in all solicitations:

* * * * *

18. Section 5A–7.101–80 is renumbered and amended as follows:

§ 5A–7.102–78 Advertising of award.

The following clause (included in GSA Form 1424) shall be included in all solicitations:

* * * * *

19. Section 5A–7.101–81 is renumbered and amended as follows:

§ 5A–7.102–79 Notice to the Government of labor disputes.

The following clause (included in GSA Form 1424) shall be included in all solicitations:

* * * * *

20. Section 5A–7.170 is renumbered and revised as follows:

§ 5A–7.103 Clauses to be used when applicable.

In addition to the clauses prescribed in Subpart 1–7.1 and § 5A–7.102, the clauses set forth in this section shall be inserted in fixed-price supply contracts when applicable.

21. Section 5A–7.101–10 is renumbered and revised as follows:

§ 5A–7.103–3 Examination of records by Comptroller General.

In addition to the Examination of Records by Comptroller General clause in Standard Form 32, the clause, Examination of Records by GSA, shall be used as prescribed in § 5–53.303.

22. Section 5A–7.101–35 is renumbered and revised as follows:

§ 5A–7.103–23 Late bids (proposals) and modifications or withdrawals of bids (proposals).

The Late Bids, Modifications of Bids, or Withdrawal of Bids and the Late Proposals, Modifications of Proposals, and Withdrawals of Proposals clauses are set forth in §§ 1–2.201 and 1–3.802 respectively. They are included in GSA Form 1424, GSA Supplemental Provisions.

23. Section 5A–7.170–1 is renumbered as follows:

§ 5A–7.103–71 Special discount terms.

* * * * *

24. Section 5A–7.170–2 is renumbered as follows:

§ 5A–7.103–72 Preproduction samples.

* * * * *

25. Section 5A–7.170–3 is renumbered as follows:

§ 5A–7.103–73 Price escalation.

* * * * *

26. Section 5A–7.170–4 is renumbered as follows:

§ 5A–7.103–74 Drawings referencing product or material specifications.

* * * * *

27. Section 5A–7.170–5 is renumbered and revised as follows:

§ 5A–7.103–75 Standard pack items.

The following clause shall be included in solicitations for stock items for which standard packs have been established:

STANDARD PACK ITEMS

To facilitate the distribution and handling of certain items of stock, the General Services Administration has established standard packs of specified number of units per container. Where standard unit packing has been cited for an item in the Schedule or the referenced specification, such packing is necessary. A bid offering to furnish an item in other than the pack specified shall be considered nonresponsive with respect to that particular item.

28. Section 5A–7.170–6 is renumbered as follows:

§ 5A–7.103–76 Patents, royalty payments, and copyrights.

* * * * *

29. Section 5A–7.170–7 is renumbered as follows:

§ 5A–7.103–77 USDA Certificates of Quality and Condition—subsistence purchases.

* * * * *

30. Section 5A–7.170–8 is renumbered as follows:

§ 5A–7.103–78 USDA inspection of roasted whole bean coffee.

* * * * *

31. Section 5A–7.170–9 is renumbered as follows:

§ 5A–7.103–79 [Reserved]

32. Section 5A–7.170–10 is renumbered and amended as follows:

§ 5A–7.103–80 Guaranteed minimum quantity.

* * * * *

(a) * * *

GUARANTEED MINIMUM QUANTITY

The guaranteed minimum quantity the Government agrees to purchase is _____* percent of the estimated quantities shown opposite each destination. In the event an award is made to an offeror for the same stock item for delivery to two or more destinations, the Government's obligation shall be considered to be fulfilled whenever the total guaranteed minimum quantity for the stock item awarded to such offeror has been purchased.

The Contractor shall, forty-five (45) to thirty (30) days prior to the expiration date of the contract and again within ten (10) days following the expiration date of the contract, notify the Contracting Officer by letter of any unordered "Guaranteed Minimum Quantity." The Contractor shall be responsible for timely receipt by the Contracting Officer of such letters. Failure to notify the Contracting Officer within the prescribed times shall relieve the Government of its obligation to order; however, if the Government elects to issue orders for the entire balance or any portion thereof, the Contractor will be obligated to furnish such quantities. The Government reserves the right to defer placing orders for any un-

ordered "Guaranteed Minimum Quantity" for sixty (60) days following the expiration date of the contract.

*Enter percentage to be designated. Not to exceed 50 percent unless authorized by the Director, National Buying Center Division, or appropriate Directors of regional Procurement Divisions.

* * * * *

33. Section 5A–7.170–11 is renumbered and amended as follows:

**§ 5A–7.103–81 Option to increase quantities.**

* * * * *

(b) The right to exercise this option shall not extend for a period of more than— * * days beyond the date of initial award. Delivery of any additional quantities ordered pursuant to this clause shall be made within the same number of days after receipt of notice of increase as provided for delivery of the initial contract quantities.

34. Section 5A–7.170–12 is renumbered and amended as follows:

**§ 5A–7.103–82 Indefinite delivery type contracts.**

Except as otherwise provided in § 5A–72.606(b) which applies to contracts containing a standby-stock provision, each indefinite delivery type contract for stock items (see § 5A–72.105) shall contain one of the following clauses to set forth the scope of the contract.

(b) * * *

* * * * *

SCOPE OF CONTRACT

This contract provides for the normal supply requirements of the General Services Administration supply distribution facilities as identified herein during the period from —— to ——. The General Services Administration is obligated, except in exigencies or as may be otherwise provided herein, to purchase hereunder such quantities as may be needed from time to time to fill any such supply distribution facilities requirements determined in accordance with the currrently applicable procurement and supply procedures. Except as otherwise provided herein, the Contractor is obligated to deliver hereunder all such quantities as may be so ordered from time to time. Unless guaranteed minimum quantities are otherwise stipulated herein, the quantities shown represent the estimated requirements for each item during the contract period, are furnished only for information of bidders, but shall not be construed to represent any amount which the Government shall be obligated to purchase under the contract nor relieve the Contractor of his obligation to fill all orders which may be placed hereunder. If during the contract period significant changes in the estimated quantities occur, the Government will, where feasible, notify the Contractor of such changes. However, such notification is furnished exclusively for the Contractor's information and has no bearing on the contractual obligations of either party.

---

*Indicate amount. Generally, additional quantity should not exceed 25 percent of the basic quantity. However, in unusual circumstances, quantities in excess of 25 percent, not to exceed 50 percent, may be indicated when approved by the Director, National Buying Center Division, or appropriate Directors of regional Procurement Divisions.

**Indicate period of days not to exceed a maximum of ninety (90) days.

35. Section 5A–7.170–13 is renumbered as follows:

**§ 5A–7.103–83 Brand names.**

* * * * *

36. Section 5A–7.170–14 is renumbered and revised as follows:

**§ 5A–7.103–84 Hazardous substances.**

The following clause (included in GSA Form 1424) shall be included in all contracts that provide for packaged items subject to the Federal Hazardous Substances Labeling Act and to Federal Standard 313, as amended.

HAZARDOUS SUBSTANCES

(a) FEDERAL HAZARDOUS SUBSTANCES LABELING ACT—If the packaged items to be delivered under this contract are of a hazardous substance and ordinarily are intended or considered to be for use as a household item, the contract shall be subject to the Federal Hazardous Substances Labeling Act, as amended (15 U.S.C. 1261–1274), and Federal Standard No. 123C, Marking for Domestic Shipment (as amended).

(b) DATA SUBMISSION REQUIREMENT—Contractors must furnish "material safety data" as required by paragraphs S7.4 and S20.14 of Federal Standard 313, Symbols for Packages and Containers For Hazardous Industrial Chemicals and Materials, (as amended), (incorporated by reference in Federal Standard 123C, as amended).

37. Section 5A–7.103–85 is added as follows:

**§ 5A–7.103–85 Program to promote use of recycled material.**

(a) The following provision (included in GSA Form 1424) is applicable to those solicitations covering products which are packaged in fiberboard containers.

PROGRAM TO PROMOTE USE OF RECYCLED MATERIAL

(Applicable when Specified in the Solicitation)

GSA is making major efforts in support of the President's program to promote the recycling of post-consumer waste to alleviate the solid waste disposal problem. As part of these efforts, GSA is advocating maximum utilization of reclaimed fiber in all types of fiberboard boxes used for the packing of items which we buy. Industry is encouraged to cooperate in this endeavor by complying to the fullest extent possible with the objectives shown below:

(a) The Government desires that fiberboard boxes, (1) have a minimum reclaimed fiber content of 35 percent of the total weight of the paper stock; and (2) that a minimum of 10% of the total weight of the paper stock (10/35ths of the reclaimed fiber content) be of reclaimed fibers from sources listed in Part I, below, with the balance of reclaimed fibers, i.e., 25 percent of the total weight of the paper stock (25/35ths of the reclaimed fiber content) being from sources listed in Part II, below. It is emphasized that the stated percentages are minimum goals and, where practical, every effort should be made to increase the reclaimed fiber content. The use of reclaimed fibers shall not constitute a waiver of any specification requirement.

(b) In order to give the Government an indication of current industry utilization of reclaimed fibers, bidders are urged to indicate in the spaces provided in the solicitation the percentage of reclaimed fiber that will be included in the fiberboard boxes.

(c) *Reclaimed fiber sources.*

PART I—POST-CONSUMER WASTES

(i) Paper, paperboard, and fibrous wastes from factories, retail stores, office buildings, homes, etc., after they have passed through their end-usage as a consumer item, including used corrugated boxes, old newspapers, old magazines, mixed waste paper, tabulating cards, and used cordage.

(ii) All paper, paperboard, and fibrous wastes that enter and are collected from municipal solid waste.

PART II—MANUFACTURING, FOREST RESIDUES, AND OTHER WASTES.

(i) Dry paper and paperboard waste generated after completion of the papermaking process (i.e. those manufacturing operations up to and including the cutting and trimming of the paper machine reel into smaller rolls or rough sheets) including envelope cuttings, bindery trimmings, and other paper and paperboard waste, resulting from printing, cutting, forming, and other converting operations; bag, box, and carton manufacturing wastes; and butt rolls, mill wrappers, and rejected unused stock.

(ii) Finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others.

(iii) Fibrous by-products of harvesting, manufacturing, extractive, or woodcutting processes, flax straw, linters, bagasse, slash, and other forest residues.

(iv) Wastes generated by the conversion of goods made from fibrous material, i.e. waste rope from cordage manufacture, textile mill waste, and cuttings.

(v) Fibers recovered from waste water which otherwise would enter the waste stream.

(b) The following provision shall be included in solicitations to activate the clause in (a), above.

PROGRAM TO PROMOTE USE OF RECYCLED MATERIAL

Clause 50 of GSA Form 1424 sets forth the Government's desire that fiberboard boxes which are used for items that the Government purchases be made of recycled materials to alleviate the solid waste disposal problem. According to that clause, bidders are urged to indicate the percentage of reclaimed fibers that will be included in the fiberboard boxes.

*Percentage of reclaimed fibers in relation to total weight of the paper stock.*

Part I _____% plus Part II _____% =Total _____%

(c) Information furnished by offerors in the spaces provided under the clause in (b), above, shall be recorded in Part B of the Contract Award Summary format illustrated in § 5A–76.323 and submitted to the addressee (FMC) stated on this format.

38. Section 5A–7.103–86 is added as follows:

**§ 5A–7.103–86 Requirements for recycled material for specified paper products.**

(a) The following clause shall be included in all solicitations for paper products (building materials, office supplies, packaging supplies, tissue, and miscellaneous which must meet the applicable Federal Specification listed in § 5A–76.322. The applicable specification numbers and specification titles shall be inserted in the respective blank spaces in paragraph (a) of the clause. The applicable percentage figures (paragraph (b) of the

clause) must be obtained from the Consumer and Environmental Programs Staff (FMC), Office of Standards and Quality Control, for *each solicitation* requiring the incorporation of this provision.

REQUIREMENTS FOR RECYCLED MATERIAL FOR SPECIFIED PAPER PRODUCTS

(a) The following requirement applies to all products where compliance with specification* _____ for* _____ is prescribed. The use of reclaimed fibers shall not constitute a waiver of any specification requirements.

(b) *Reclaimed fiber content.* The products identified in paragraph (a), above, shall have a *minimum* reclaimed fiber content of* _____ percent of the total weight of the paper stock. A minimum of* _____ percent of the total weight of the paper stock shall be of reclaimed fibers from sources listed in Part I, below. The balance of reclaimed fibers, i.e.* _____ percent of the total weight of the paper stock shall be from sources listed in Part II, below.

(c) *Fiber content certification.* The percentages stated are the Government's minimum requirements. By submission of an offer, offeror certifies compliance with these minimum requirements. Failure to comply will result in the rejection of the bid on grounds of nonresponsiveness. Bidders are encouraged, however, to exceed these minimum requirements in the performance of any resultant contract.

(d) *Reclaimed fiber sources.*

PART I—POST-CONSUMER WASTES

(i) Paper, paperboard, and fibrous wastes from factories, retail stores, office buildings, homes, etc., after they have passed through their end-usage as a consumer item, including used corrugated boxes, old newspapers, old magazines, mixed waste paper, tabulating cards, and used cordage.

(ii) All paper, paperboard, and fibrous wastes that enter and are collected from municipal solid waste.

PART II—MANUFACTURING, FOREST RESIDUES, AND OTHER WASTES

(i) Dry paper and paperboard waste generated after completion of the papermaking process (i.e. those manufacturing operations up to and including the cutting and trimming of the paper machine reel into smaller rolls or rough sheets) including envelope cuttings, bindery trimmings, and other paper and paperboard waste, resulting from printing, cutting, forming, and other converting operations; bag, box, and carton manufacturing wastes; and butt rolls, mill wrappers, and rejected unused stock.

(ii) Finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others.

(iii) Fibrous by-products of harvesting, manufacturing, extractive, or wood-cutting processes, flax straw, linters, bagasse, slash and other forest residues.

(iv) Wastes generated by the conversion of goods made from fibrous material, i.e., waste rope from cordage manufacture, textile mill waste, and cuttings.

(v) Fibers recovered from waste water which otherwise could enter the waste stream.

(b) Upon award of contracts for products requiring the use of reclaimed fibers, procurement activities shall complete Part A of the Contract Award Summary format illustrated in § 5A–76.323 and submit it to the address (FMC) stated on the format.

39. Section 5A–7.101–77 is renumbered as follows:

**§ 5A–7.103–87 Availability for inspection and testing and delivery.**

* * * * *

40. Section 5A–7.101–78 is renumbered as follows:

**§ 5A–7.103–88 Identification of production point.**

* * * * *

41. Section 5A–7.101–82 is renumbered and amended as follows:

**§ 5A–7.103–89 Guaranteed shipping weight and cube.**

A clause substantially as follows (included in GSA Form 1424) shall be included in solicitations where guaranteed shipping weights and/or dimensions are required for realistic evaluation of freight costs (see § 1.19.202–3). Where guaranteed shipping weight and/or cube information is to be furnished by offerors, space for entering such information must be provided in the Schedule.

* * * * *

42. Section 5A–7.101–83 is renumbered and amended as follows:

**§ 5A–7.103–90 Gratuities.**

The following clause (included in GSA Form 1424) shall be included in all contracts under which orders may be placed by or for the military departments.

* * * * *

43. Section 5A–7.101–84 is renumbered as follows:

**§ 5A–7.103–91 Deliveries beyond the contractual period—placing of orders.**

* * * * *

44. Sections 5A–7.104 and 5A–7.104–1 are added as follows:

**§ 5A–7.104 Additional clauses.**

**§ 5A–7.104–1 Liquidated damages provisions.**

See §§ 1–1.315 and 5A–1.315–2.

## PART 5A–19—TRANSPORTATION

### Subpart 5A–19.2—Transportation Factors in the Procurement of Personal Property

1. Section 5A–19.202–2 is revised as follows:

**§ 5A–19.202–2 Packing and marking.**

See §§ 5A–7.102–75, 5A–7.102–76, and 5A–7.102–77 (clauses 31, 29, and 33, respectively, of GSA Form 1424).

2. Section 5A–19.202–6 is amended as follows:

**§ 5A–19.202–6 Bid requirements.**

* * * * *

(b) Notice of Shipment. See §§ 5A–7.102–70 (clause 37 of GSA Form 1424) and 5A–16.950–1056 for Notice of Shipment clause and form.

* * * * *

(d) Guaranteed maximum shipping weights. When guaranteed maximum shipping weights and/or dimensions are required for evaluation of freight costs, see § 5A–7.103–89 (clause 38 of GSA Form 1424).

3. Section 5A–19.202–8 is revised as follows:

**§ 5A–19.202–8 Options in shipment and delivery.**

The clause in § 5A–7.102–2 (Clause 2 of GSA Form 1424) is an amplification of Article 2 (Changes) of the General Provisions, Standard Form 32, and is prescribed for use in all Federal Supply Service contracts.

4. Section 5A–19.301 is amended as follows:

**§ 5A–19.301 Use of standard delivery terms.**

* * * * *

(b) The use of a standard delivery term in a solicitation activates clause 36 of GSA Form 1424 entitled "Meaning of Delivery Terms" (see § 5A–7.102–73) which in turn causes the FPR definition of the term and related contractor responsibilities shown thereunder to be incorporated by reference in the solicitation.

* * * * *

## PART 5A–73—FEDERAL SUPPLY SCHEDULE PROGRAM

### Subpart 5A–73.1—Production and Maintenance

1. Section 5A–73.109–1 is amended as follows:

**§ 5A–73.109–1 Statement of scope.**

* * * * *

(c) Orders from Government contractors who may use this contract after being authorized in writing by a Federal agency in accordance with 41 CFR 1–5.9 may be accepted under the optional use provisions. The requirement for written authorizations does not apply to purchase orders for security cabinets which may be purchased in accordance with the provisions of FPMR 101–26.407–3.

2. Section 5A–73.118 is amended as follows:

**§ 5A–73.118 Contractor's report of orders received.**

The following clause (included in GSA Form 1424) shall be included in all invitations for bids on Federal Supply Schedule items. The clause requires contractors to submit monthly reports of all orders placed against Schedule contracts by Government activities or authorized cost-reimbursement-type contractors. Any exception to this requirement must be approved in advance by the Assistant Commissioner for Procurement.

*Make appropriate entries. If space is insufficient make entries below the end of provision or on separate sheet(s).

REPORT OF ORDERS RECEIVED

(Applicable to (1) all Federal Supply Schedule contracts, and (2) other contracts where expressly made applicable by the solicitation.)

Contractors shall furnish, on or before the 15th day of each month, a report of all orders (from Government agencies and Government Contractors) received during the preceding month, by dollar value, on each item or sub-item upon which an award is received. Negative reports are required for each month in which no orders are received. The report shall be made on GSA Form 72, Contractor's Report of Orders Received, and forwarded to the General Services Administration at the address overprinted on the form. The right is specifically reserved to the Government to inspect without further notice such records of the Contractor as pertain to sales under any contract resulting from this invitation. Failure or refusal to furnish the required reports, or falsification thereof, shall constitute sufficient cause for terminating the contract for default in accordance with the provisions of Article 11 of Standard Form 32.

(a) It is expected that, in some instances, this reporting requirement will be a hardship on contractors, and may result in higher prices or refusal to bid, particularly when a large number of distribution points for numerous items is involved. Such cases shall be brought to the attention of the Director, Federal Supply Schedule Management Division, for determination as to an alternate method of ascertaining sales volume.

* * * * *

## PART 5A–76—EXHIBITS

### Subpart 5A–76.3—Miscellaneous Exhibits

The table of contents for Part 5A–76 is amended by adding the following sections to Subpart 5A–76.3.

Sec.

5A–76.322 List of specifications for paper products which require use of recycled materials.

5A–76.323 Contract Award Summary (Reclaimed Fiber Content).

NOTE.—Revised GSA Form 1424, GSA Supplemental Provisions, illustrated in § 5A–16.950–1424 and the exhibits identified in this Subpart 5A–76.3 are filed as part of the original document.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)); 41 CFR 5–1.101(c).)

*Effective date.*—These regulations are effective on November 26, 1973.

Dated September 26, 1973.

M. J. TIMBERS,
*Commissioner,*
*Federal Supply Service.*

[FR Doc.73–22710 Filed 10–24–73;8:45 am]

## Title 49—Transportation

## CHAPTER X—INTERSTATE COMMERCE COMMISSION

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1100–A]

## PART 1033—CAR SERVICE

### Union Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 17th day of October 1973.

Upon further consideration of Service Order No. 1100 (37 FR 12324; 38 FR 878, 14754, and 22625), and good cause appearing therefor:

*It is ordered,* That § 1033.1100 *Service Order No. 1100–A* (Union Pacific Railroad Company authorized to operate over tracks of Agricultural Products Corporation between Epco, Caribou County, Idaho, and Dry Valley, Caribou County, Idaho) be, and it is hereby, vacated and set aside.

(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 this order shall become effective at 12:01 a.m., October 18, 1973; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the 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 order shall 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.73–22707 Filed 10–24–73;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

### Great Swamp National Wildlife Refuge, New Jersey

The following special regulation is issued and is effective on December 10, 1973.

**§ 32.32 Special regulations; big game; for individual wildlife refuge areas.**

NEW JERSEY

GREAT SWAMP NATIONAL WILDLIFE REFUGE

Public hunting of deer of either sex with shotguns on the Great Swamp National Wildlife Refuge, New Jersey, is permitted, except on areas designated by signs as closed, during the period of December 11, 1973, to December 15, 1973, inclusive, and during the New Jersey special one-day either sex deer season on December 19, 1973. The open Deer Hunting Areas are delineated on maps available at refuge headquarters, RD 1, Box 148, Basking Ridge, New Jersey 07920, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109. Hunting of deer with firearms shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

Deer of either sex may be taken throughout the period of the hunt on the refuge. Four hundred hunter permittees will be randomly selected for the special hunt from applications for Great Swamp received by the New Jersey Division of Fish, Game and Shellfisheries. Only one hundred fifty hunters will be allowed to hunt on any given day during the hunt period. Special armbands and parking area permits will be issued and must be displayed as designated. Armbands and permits must be surrendered prior to departure from the refuge. All deer taken must be checked out at the refuge check station. Vehicles are restricted to public roads and areas designated by parking permits.

All shotguns and loads used in the hunt must be certified by New Jersey Division of Fish, Game and Shellfisheries enforcement personnel prior to the refuge hunt. Target practice or test firing is not permitted, and guns must be unloaded when in areas posted as "closed". Baiting or hunting with the aid of bait is prohibited.

Other than on the days of the hunt, entry is permitted only on approved Public Use Areas as designated by signs.

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 December 20, 1973.

RICHARD E. GRIFFITH,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

OCTOBER 15, 1973.

[FR Doc.73–22593 Filed 10–24–73;8:45 am]

## PART 32—HUNTING

### Certain National Wildlife Refuges in Oregon; Correction

In the FEDERAL REGISTER, Volume 38, Number 179, dated Monday, September 17, 1973, page 25993, Special Condition under Malheur National Wildlife Refuge should be deleted.

R. KAHLER MARTINSON,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

OCTOBER 15, 1973.

[FR Doc.73–22708 Filed 10–24–73;8:45 am]

## Title 7—Agriculture

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

### SUBCHAPTER I—DETERMINATION OF PRICES

[Docket No. SH–317]

## PART 874—SUGARCANE; LOUISIANA

### Fair and Reasonable Prices for 1973 Crop

The Sugar Act requires producers who also process sugarcane grown by other producers to pay prices determined by the Secretary of Agriculture to be fair

and reasonable as one of the conditions for receiving Sugar Act payments on their own production.

Such determination may not be made until after investigation and opportunity for interested persons to testify on the fair and reasonable prices to be paid under either purchase or toll agreements. A public hearing was held in Houma, Louisiana, on June 5, 1973.

The determination, which is applicable to the 1973 crop of Louisiana sugarcane, continues most of the basic provisions of the 1972 crop determination. Changes include minor revisions in the beginning and ending dates of the pricing periods of raw sugar and blackstrap molasses used by processors in making settlement with producers for sugarcane; adjustments in area freight differentials to reflect current freight rates on raw sugar; and an increase in the maximum fee which processors may charge producers for processing sugarcane which has been damaged by a general freeze.

Changes have also been made in the 1973 crop determination which have the effect of allowing cooperative processors to make deductions from the price paid to nonmember producers under certain circumstances, and of permitting processors and producers to negotiate the costs which each will bear for transporting the producers' sugarcane to the mill. Both provisions are subject to the approval of the Louisiana State Agricultural Stabilization and Conservation Committee.

The changes in the determination are not expected to significantly alter the rate at which producers and processors share in the returns from sugar and molasses.

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948 (7 U.S.C. 1131(C)(1), as amended (herein referred to as "act"), after investigation and due consideration of the evidence presented at the public hearing held in Houma, Louisiana, on June 5, 1973, the following determination is hereby issued.

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

*Sec.*


874.33 General requirements.
874.34 Definitions.
874.35 Basic Price.
874.36 Conversion of net sugarcane to standard sugarcane.
874.37 Payment for frozen sugarcane.
874.38 Molasses payment.
874.39 Hoisting, weighing, and transportation.
874.40 Mutual plan for improving harvesting and delivery.
874.41 Toll agreements.
874.42 Applicability.
874.43 Subterfuge.
874.44 Processor mill procedures and checking compliance.
874.45 Reporting requirements.


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

**§ 874.33 General requirements.**

A producer of sugarcane in Louisiana who is also a processor of sugarcane, to which this part applies as provided in § 874.42 (herein referred to as "processor"), shall have paid or contracted to pay for sugarcane of the 1973 crop grown by other producers and processed by him, or shall have processed sugarcane of other processors under a toll agreement, in accordance with the following requirements.

**§ 874.34 Definitions.**

For the purpose of this part, the term:

(a) "Price of raw sugar" means the price of 96° raw sugar quoted by the Louisiana Sugar Exchange, Inc., except that if the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, determines that such price does not reflect the true market value of raw sugar, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of raw sugar.

(b) "Price of blackstrap molasses" means the price per gallon of blackstrap molasses quoted by the Louisiana Sugar Exchange, Inc., except that if the Director of the Sugar Division determines that such price does not reflect the true market value of blackstrap molasses, because of inadequate volume, failure to report sales in accordance with the rules of such exchange or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of blackstrap molasses.

(c) "Weekly average price" means the simple average of the daily prices of raw sugar or blackstrap molasses, for the week (Friday through the following Thursday) in which the sugarcane is delivered.

(d) "Season's average price" means the simple average of the weekly prices of raw sugar or of blackstrap molasses for the period October 5, 1973, through April 11, 1974.

(e) "Delivered average price" means the weighted average price of 1973-crop raw sugar determined by weighting: (1) The simple average of the daily prices of raw sugar for the period October 5, 1973, through December 31, 1973, by the quantity of 1973-crop sugar, raw value, marketed under the processors' 1973 marketing allotment; and (2) the simple average of the daily prices of raw sugar for the period January 1, 1974, through February 21, 1974, by the quantity of 1973-crop sugar, raw value, not marketed in 1973 under the processors' 1973 marketing allotment.

(f) "Net sugarcane" means the quantity of sugarcane obtained by deducting the weight of trash from the gross weight of sugarcane as delivered by a producer.

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

(h) "Standard sugarcane" means net sugarcane, containing 12 percent sucrose in the normal juice with a purity of at least 76.00 but not more than 76.49 percent.

(i) "Salvage sugarcane" means any sugarcane containing either less than 9.5 percent sucrose in the normal juice or less than 68 purity in the normal juice.

(j) "Percent sucrose in normal juice" means average percent sucrose in sample mill juice obtained from producers' sugarcane multiplied by a factor representing the ratio of factory normal juice sucrose to the average percent sucrose in sample mill juice extracted from producers' sugarcane.

(k) "Average percent sucrose in sample mill juice" means the percentage of sucrose solids in juice extracted from samples of producers' sugarcane by the sample bill.

(l) "Factory crusher juice Brix" means the percentage of soluble solids in undiluted mill crusher juice as determined by direct analysis in accordance with standard procedures.

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

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

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

(p) "Percent purity of normal juice" means the ratio which the percentage of sucrose solids bears to the percentage of Brix solids in the normal juice of each producer's sugarcane.

(q) "State office" means the Louisiana State Agricultural Stabilization and Conservation Service Office, 3737 Government Street, Alexandria, La. 71303.

(r) "State committee" means the Louisiana State Agricultural Stabilization and Conservation Committee.

**§ 874.35 Basic price.**

(a) The basic price for standard sugarcane shall be not less than $1.05 per ton for each 1-cent per pound of raw sugar determined on the basis of the weekly average price, the season's average price, or the delivered average price as elected by the processor in writing to the State office not later than October 29, 1973, and the pricing basis elected shall be used for pricing all 1973-crop sugarcane. The average price of raw sugar as determined above shall

be increased 0.02 cent for all mills located in Freight Area (A); may be decreased 0.02 cent in Freight Area (B); and may be decreased 0.05 cent in Freight Area (C).[1]

(b) The basic price for salvage sugarcane shall be determined in accordance with the method of settlement used by the processor for the 1972 crop, except that the processor and producer may agree upon a different method of settlement subject to written approval by the State office upon a determination by the State committee that the method of settlement and the resultant price are fair and reasonable.

[1] Freight Area (A) includes all mills except those located in Areas (B) and (C) below;

Freight Area (B) includes all mills located north of Bayou Goula between the Atchafalaya and Mississippi Rivers and southeast of New Iberia and west of the Atchafalaya River.

Freight Area (C) includes all mills located north and west of New Iberia west of the Atchafalaya River.

(c) Notwithstanding subparagraphs (a) and (b) of this section, a cooperative processor and its nonmember producers may agree upon a reasonable deduction for a reasonable number of years from the basic price paid to nonmembers for standard sugarcane in cases where the parties have entered into uniform marketing agreements whereby the cooperative guarantees the acceptance and processing of specified quantities of nonmembers' sugarcane for a period of not less than 10 years, any such agreement to be approved in writing by the State office upon a determination by the State committee that the agreement is fair and reasonable.

### § 874.36 Conversion of net sugarcane to standard sugarcane.

Net sugarcane (except salvage sugarcane) shall be converted to standard sugarcane as follows:

(a) By multiplying the quantity of net sugarcane delivered by each producer by the applicable quality factor in accordance with the following table:

| Percent sucrose in normal juice: | *Standard sugarcane quality factor* [1] |
|---|---|
| 9.5 | 0.60 |
| 10.0 | .70 |
| 10.5 | .80 |
| 11.0 | .90 |
| 11.5 | .95 |
| 12.0 | 1.00 |
| 12.5 | 1.05 |
| 13.0 | 1.10 |
| 13.5 | 1.15 |
| 14.0 | 1.20 |
| 14.5 | 1.25 |

[1] The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 14.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

and,

(b) By multiplying the quantity determined pursuant to paragraph (a) of this section by the applicable purity factor in the following table:

STANDARD SUGARCANE PURITY FACTOR [1]

| Percent purity of normal juice | | Percent sucrose in normal juice | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| At least | But not more than | At least 9.50 But not more than 9.69 | 9.70 9.89 | 9.90 10.09 | 10.10 10.29 | 10.30 10.49 | 10.50 10.99 | 11.00 11.49 | 11.50 11.99 | 12.00 12.49 | 12.50 12.99 | 13.00 13.49 | 13.50 13.99 | 14.00 14.49 | 14.50 14.99 | 15.00 15.49 | 15.50 15.99 |
| 68.00 | 68.24 | 1.000 | 0.989 | 0.978 | 0.967 | 0.956 | 0.945 | 0.936 | 0.929 | 0.922 | 0.915 | 0.908 | 0.901 | 0.894 | 0.887 | 0.880 | 0.873 |
| 68.25 | 68.49 | 1.005 | .993 | .982 | .971 | .960 | .949 | .941 | .934 | .927 | .920 | .913 | .906 | .899 | .892 | .885 | .878 |
| 68.50 | 68.74 | 1.010 | .998 | .987 | .976 | .965 | .954 | .945 | .938 | .931 | .924 | .917 | .910 | .904 | .897 | .890 | .884 |
| 68.75 | 68.99 | 1.016 | 1.003 | .992 | .981 | .970 | .959 | .950 | .943 | .936 | .929 | .922 | .915 | .909 | .902 | .896 | .890 |
| 69.00 | 69.49 | 1.021 | 1.009 | .997 | .986 | .975 | .964 | .955 | .948 | .941 | .934 | .927 | .920 | .914 | .908 | .902 | .896 |
| 69.50 | 69.99 | 1.025 | 1.013 | 1.001 | .990 | .979 | .968 | .960 | .953 | .945 | .938 | .931 | .924 | .918 | .912 | .906 | .900 |
| 70.00 | 70.49 | 1.030 | 1.018 | 1.006 | .995 | .984 | .973 | .965 | .958 | .950 | .943 | .936 | .929 | .923 | .917 | .911 | .905 |
| 70.50 | 70.99 | 1.035 | 1.023 | 1.011 | .999 | .988 | .977 | .969 | .962 | .954 | .947 | .940 | .933 | .927 | .921 | .915 | .909 |
| 71.00 | 71.49 | 1.040 | 1.028 | 1.016 | 1.004 | .993 | .982 | .974 | .966 | .959 | .951 | .945 | .938 | .932 | .926 | .920 | .914 |
| 71.50 | 71.99 | 1.045 | 1.033 | 1.021 | 1.009 | .998 | .987 | .978 | .970 | .963 | .955 | .949 | .942 | .936 | .930 | .924 | .918 |
| 72.00 | 72.49 | 1.050 | 1.038 | 1.026 | 1.014 | 1.003 | .992 | .983 | .975 | .967 | .960 | .954 | .947 | .940 | .934 | .928 | .922 |
| 72.50 | 72.99 | 1.055 | 1.043 | 1.031 | 1.019 | 1.007 | .996 | .987 | .979 | .971 | .964 | .958 | .951 | .944 | .938 | .932 | .926 |
| 73.00 | 73.49 | 1.060 | 1.048 | 1.036 | 1.024 | 1.012 | 1.000 | .991 | .984 | .976 | .968 | .962 | .955 | .948 | .942 | .936 | .930 |
| 73.50 | 73.99 | 1.065 | 1.052 | 1.040 | 1.028 | 1.016 | 1.004 | .995 | .988 | .980 | .972 | .966 | .959 | .952 | .946 | .940 | .934 |
| 74.00 | 74.49 | ---------- | 1.057 | 1.044 | 1.032 | 1.020 | 1.008 | 1.000 | .992 | .984 | .977 | .970 | .963 | .956 | .950 | .944 | .938 |
| 74.50 | 74.99 | ---------- | 1.062 | 1.049 | 1.036 | 1.024 | 1.012 | 1.004 | .996 | .988 | .981 | .974 | .967 | .960 | .954 | .948 | .942 |
| 75.00 | 75.49 | ---------- | ---------- | 1.054 | 1.041 | 1.028 | 1.016 | 1.008 | 1.000 | .992 | .985 | .978 | .971 | .964 | .958 | .952 | .946 |
| 75.50 | 75.99 | ---------- | ---------- | 1.059 | 1.046 | 1.033 | 1.020 | 1.011 | 1.004 | .996 | .988 | .981 | .974 | .967 | .961 | .955 | .949 |
| 76.00 | 76.49 | ---------- | ---------- | ---------- | 1.051 | 1.038 | 1.025 | 1.015 | 1.008 | 1.000 | .992 | .985 | .978 | .971 | .965 | .959 | .953 |
| 76.50 | 76.99 | ---------- | ---------- | ---------- | 1.056 | 1.041 | 1.028 | 1.019 | 1.011 | 1.004 | .996 | .989 | .981 | .976 | .969 | .963 | .957 |
| 77.00 | 77.49 | ---------- | ---------- | ---------- | ---------- | 1.045 | 1.032 | 1.023 | 1.015 | 1.008 | 1.000 | .993 | .985 | .979 | .973 | .967 | .961 |
| 77.50 | 77.99 | ---------- | ---------- | ---------- | ---------- | 1.049 | 1.035 | 1.027 | 1.019 | 1.011 | 1.003 | .996 | .989 | .982 | .976 | .970 | .964 |
| 78.00 | 78.49 | ---------- | ---------- | ---------- | ---------- | ---------- | 1.039 | 1.031 | 1.023 | 1.015 | 1.007 | 1.000 | .993 | .986 | .980 | .974 | .968 |
| 78.50 | 78.99 | ---------- | ---------- | ---------- | ---------- | ---------- | 1.042 | 1.035 | 1.026 | 1.018 | 1.010 | 1.003 | .996 | .989 | .983 | .977 | .971 |
| 79.00 | 79.49 | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | 1.039 | 1.030 | 1.022 | 1.014 | 1.007 | 1.000 | .993 | .987 | .981 | .975 |
| 79.50 | 79.99 | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | 1.043 | 1.033 | 1.025 | 1.017 | 1.010 | 1.003 | .996 | .990 | .984 | .978 |
| 80.00 | 80.49 | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | 1.037 | 1.029 | 1.021 | 1.014 | 1.007 | 1.000 | .994 | .988 | .982 |
| 80.50 | 80.99 | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | 1.040 | 1.032 | 1.024 | 1.017 | 1.010 | 1.003 | .997 | .991 | .985 |
| 81.00 | 81.49 | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | 1.036 | 1.028 | 1.021 | 1.014 | 1.006 | 1.000 | .994 | .988 |
| 81.50 | 81.99 | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | 1.039 | 1.032 | 1.024 | 1.017 | 1.009 | 1.003 | .997 | .991 |
| 82.00 | 82.49 | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | 1.035 | 1.027 | 1.020 | 1.013 | 1.007 | 1.000 | .994 |
| 82.50 | 82.99 | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | 1.038 | 1.030 | 1.023 | 1.016 | 1.010 | 1.004 | .998 |
| 83.00 | 83.49 | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | 1.033 | 1.027 | 1.019 | 1.013 | 1.007 | 1.000 |
| 83.50 | 83.99 | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | 1.036 | 1.030 | 1.022 | 1.016 | 1.010 | 1.004 |
| 84.00 | 84.49 | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | 1.033 | 1.025 | 1.019 | 1.013 | 1.007 |
| 84.50 | 84.99 | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | ---------- | 1.028 | 1.022 | 1.016 | 1.010 |

[1] Factors applicable to higher or lower sucrose and purity of normal juice than shown in this table shall be determined by the same method of calculation used to compute the factors specified and shall be furnished by the State Office upon request.

### § 874.37 Payment for frozen sugarcane.

(a) The payment for sugarcane determined pursuant to § 874.36 may be reduced upon certification by the State office that sugarcane has been damaged by freeze and that the processing of such sugarcane has adversely affected boiling house operations. Deductions from the payment for such frozen sugarcane shall be at rates not in excess of 1.5 percent of the payment for each 0.1 cc. of acidity above 2.50 cc. of N/10 alkali per 10 cc. of juice but not in excess of 4.75 cc. (intervening fractions are to be computed to the nearest multiple of 0.05 cc.). No payment is required for the amount of sugar recoverable from sugarcane testing in excess of 4.75 cc. of acidity.

(b) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose and purity tests of sugarcane, payment for such sugarcane may be made as mutually agreed upon between the producer and the processor subject to written approval by the State office: *Provided*, That the payment for each ton of net sugarcane shall be not less than an amount equal to the total returns from raw sugar and molasses actually recovered from such sugarcane, determined on the basis of the season's average prices of raw sugar and blackstrap molasses less an amount not to exceed $3.90 per gross ton of sugarcane for processing and less the actual costs of hoisting, weighing, and transporting of such sugarcane.

§ 874.38 **Molasses payment.**

The processor shall pay an amount equal to the product of 6.8 gallons times one-half of the average price per gallon of blackstrap molasses in excess of 6 cents for each ton of net sugarcane processed except for: (a) Salvage sugarcane where settlement is based on the so-called "Java Formula"; (b) frozen sugarcane testing in excess of 4.75 cc. of acidity; and (c) sugarcane damaged by a general freeze which is tolled by the processor and settlement is based on the net proceeds from sugar and molasses recovered from such cane. The average price of blackstrap molasses shall be the weekly average price or the season's average price as elected by the processor in writing to the State office not later than October 29, 1973, and the pricing basis elected shall be used in making molasses payments for 1973-crop sugarcane.

§ 874.39 **Hoisting, weighing, and transportation.**

(a) The price for sugarcane established by this part shall be applicable to sugarcane delivered by the producer (1) to a hoist for loading into the conveyance for transportation to the mill, or (2) from the farm directly to the mill. Except as provided in paragraph (b), with respect to sugarcane delivered to a hoist, the costs of hoisting, weighing, and transporting sugarcane from the hoist to the mill shall be borne by the processor. If the producer performs such services the processor shall make allowance to the producer, based on net sugarcane, at per ton rates not less than those made with respect to sugarcane of the 1972 crop: *Provided*, That the processor shall not be required to make hauling allowances to producers in excess of the rates charged by a contract or commercial carrier or the rates which such carrier would have charged for performing such services. Except as provided in paragraph (b), with respect to sugarcane delivered directly from the farm to the mill the processor shall bear the cost of transportation. If the producer performs such services the processor shall make allowance to the producer, based on net sugarcane, at per ton rates not less than those made with respect to the 1972 crop. The processor shall not be required to make an allowance to the producer for hauling sugarcane directly from the farm to the mill at rates in excess of 30 cents per ton for distances of 1 mile or less, 40 cents per ton for distances of 1.1 to 2 miles, plus 5 cents per ton for each mile or fraction thereof in excess of 2 miles.

(b) Nothing in this section shall be construed as prohibiting negotiations between the processor and the producer with reference to transportation costs or allowances, any change to be approved in writing by the State office upon a determination by the State committee that the change is fair and reasonable.

§ 874.40 **Mutual plan for improving harvesting and delivery.**

If a processor and the producers delivering sugarcane to such processor mutually agree upon a plan for improving harvesting and delivery operations, the processor may deduct from the price per ton of sugarcane an amount equal to one-half of the per ton cost of such plan. Such deduction may not be made until the plan has the written approval of the State office and it has been determined by the State committee that the plan is fair and reasonable.

§ 874.41 **Toll agreements.**

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

§ 874.42 **Applicability.**

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

§ 874.43 **Subterfuge.**

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

§ 874.44 **Processor mill procedures and checking compliance.**

The procedures to be followed by processors in determining net sugarcane, trash, average percent sucrose in normal juice, average percent crusher juice sucrose, factory normal juice sucrose, factory crusher juice sucrose, percent purity of normal juice; and other related mill procedures and required reports are set forth in ASCS Handbook 8–SU entitled "Sampling, Testing, and Reporting for Louisiana Sugar Processors", copies of which have been furnished each processor. The procedures to be followed by the State office in checking compliance with the requirements of this part are set forth under the heading "Fair Price Compliance" in Handbook 3–SU, issued by the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service. Handbooks 8–SU and 3–SU may be inspected at county ASCS offices and copies may be obtained from the Louisiana State ASCS Office, 3737 Government Street, Alexandria, LA 71303.

§ 874.45 **Reporting requirements.**

The processor shall submit to the State office no later than May 1, 1974, a statement showing the calculation of the average price of raw sugar and blackstrap molasses for the period(s) on which settlement is based. The processor shall maintain on file for a period of 5 years records of the original data complied for the reports required by Handbook 8–SU.

STATEMENT OF BASES AND CONSIDERATIONS

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

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

*1973-crop price determination.*—This determination differs from the 1972 crop determination in the following respects: (1) The period for determining the season's average prices of raw sugar and blackstrap molasses is from October 5, 1973, through April 11, 1974; (2) the periods for determining the delivered average price of raw sugar are from October 5, 1973, through December 31, 1973, for 1973-crop sugar, raw value, marketed under the 1973 quota, and from January 1, 1974, through February 21, 1974, for 1973-crop sugar, raw value, not marketed under the 1973 quota; (3) area freight differentials are adjusted to reflect an increase in freight rates on raw sugar; (4) the maximum charge for processing sugarcane which has been damaged by a general freeze is increased from $3.40 per gross ton of sugarcane to $3.90 per gross ton; (5) a cooperative processor may make a deduction from the price paid to nonmember producers under certain circumstances, subject to State committee approval; and (6) processors and producers are permitted to negotiate the costs which each will bear for transporting the producers' sugarcane to the mill, subject to State committee approval.

At the public hearing held in Houma, Louisiana, on June 5, 1973, interested persons were afforded the opportunity to present their views on fair and reasonable prices for 1973-crop Louisiana sugarcane. Representatives of the Louisiana Grower-Processor Committee and the Louisiana Farm Bureau Federation recommended that the same three bases of settlement for sugarcane provided in the 1972 determination be continued for the 1973 crop; that the period for determining the season's average prices of raw sugar and blackstrap molasses extend from October 5, 1973, through April 11, 1974; and that the period for determining the delivered average price of raw sugar extend from October 5, 1973, through December 31, 1973, for 1973-crop sugar marketed under the processor's

1973 marketing allotment, and from January 1, 1974, through February 21, 1974, for 1973-crop sugar not marketed under the processor's 1973 marketing allotment. The witnesses further recommended that no change be made in the standard sugarcane purity factors; that the maximum rate allowed for processing frozen sugarcane be increased from $3.40 to $3.90 per gross ton; and that raw sugar freight differentials be adjusted to recognize any increase in rail freight rates. They also recommended that the Department, in its review of the pricing factor, analyze all increases or decreases in returns and costs to be certain the proper sharing relationship between producers and processors is being maintained.

In a supplemental brief submitted subsequent to the hearing, a cooperative processor in Louisiana requested that cooperative processors be permitted under the fair price determination to make a deduction from the price paid to producers who are not members of the cooperative under certain limited circumstances. The cooperative stated that in its particular case, as a condition for continued financing, the Bank for Cooperatives in 1972 required members of the cooperative to personally guarantee a portion of the cooperative's indebtedness to the Bank for certain required improvements, and also required each member to agree to pay a specified amount per ton for several years beginning with the 1972 crop. As a condition for further financing this year, the Bank has required the cooperative to obtain additional quantities of sugarcane for processing, subject to a specified deduction per standard ton for a like number of crop years. The cooperative processor pointed out that its members were unable to supply the required additional tonnage from their operations alone, and therefore the cane had to be obtained from nonmember producers who were willing to so participate. Uniform marketing agreements entered into by the cooperative and nonmember producers provide that the cooperative will accept and process specified quantities of the nonmembers' sugarcane each year for a term of 10 years, and that the nonmembers will agree to a specified deduction in the price per ton per year during the first several years of the marketing agreement.

The Louisiana Grower-Processor Committee submitted a supplemental brief supporting the proposal made by the cooperative processor. The Committee stated that without a loan from the Bank for Cooperatives, the cooperative in question cannot continue operating and the member and nonmember producers now dependent on that cooperative to accept and process their cane will have no market for the cane. The Committee recommended that such a deduction from the price paid to nonmembers be permitted in such exceptional circumstances.

In a supplemental brief submitted subsequent to the hearing, an independent processor in Louisiana requested that payment of cane transportation costs be subject to negotiation between producers and processors of sugarcane, regardless of who arranges or provides transportation services. The processor explained that recently they were offered substantial quantities of sugarcane by nearby producers which would allow them to pay considerably lower transportation costs than for some of their current, more distant cane suppliers. To avoid abandoning old producers' cane, the processor and its high-freight-cost producers negotiated an agreement whereby the processor would continue to arrange transportation of and accept their cane and the producers would pay all freight costs over $1.10 per ton of cane. However, the transportation provision, as contained in the 1972 price regulations, requires the processor to bear all "costs" of transporting producers' sugarcane. Only if transportation were arranged and provided for by the producer could negotiations be made with regard to "allowances" to be paid by the processor to the producer for performing the services. The processor recommended that negotiations also be allowed, subject to State committee review, with respect to transportation "costs" where the processor performs transportation services. In support of his recommendation, the processor pointed out the economic plight of processors, evidenced by the closing of more sugarcane processing facilities each year, and urged a less rigid provision on the sharing of transportation costs to the benefit of both producers and processors. An independent producer submitted a supplemental brief which endorses the recommendation presented by the processor. This producer stated that he sells his cane to the aforementioned processor, and that he has a considerable acreage of sugarcane representing a large dollar investment in jeopardy if he cannot find a processor. He added that the request by the processor is not an attempt to use a superior bargaining position to force a concession from growers but results from an economic situation arising through conditions beyond anyone's control. A brief was also submitted by the Louisiana Grower-Processor Committee concurring in the recommendation that where the grower and processor negotiate the proportion of transportation costs to be paid by each, and the agreement is determined to be fair and reasonable by the State committee, such agreement should be permissible without distinction as to how the transportation is arranged and who directly pays for it.

Consideration has been given to the recommendations presented at the public hearing; to data on the returns, costs, and profits of producing and processing sugarcane in Louisiana obtained by recent field survey and recast in terms of price and production conditions likely to prevail for the 1973 crops; and to other relevant factors. Analysis of these data indicates that the provisions of this determination will provide an equitable sharing of total returns between producers and processors based on their sharing of total costs.

The time periods recommended by the Louisiana Grower-Processor Committee and Farm Bureau Federation for determining the average prices of raw sugar and blackstrap molasses, on which payments to producers for 1973-crop sugarcane are to be based, have been adopted. It is believed that the alternative pricing bases for sugarcane settlements with producers are equitable and will enable processors to relate such settlements to their marketing opportunities.

The Department has adopted the recommendation to increase the maximum processing rate for sugarcane which has been damaged by freeze from $3.40 per gross ton of sugarcane to $3.90 per gross ton. Since the maximum processing rate of $3.40 was set in 1969, there has been a steady increase in the cost of most goods and services. A review of recent Department cost studies showed the recommended rate of $3.90 per gross ton to be justified in view of current factory costs. The Department believes that this increase is necessary to reimburse processors for the cost of processing frozen low quality sugarcane while assuring producers a market for such cane.

Increases in freight rates on raw sugar were approved by the Louisiana Public Service Commission on June 29, 1973, subsequent to the public hearing on fair prices. At the hearing the Grower-Processor Committee recommended that raw sugar freight differentials for the three freight areas be adjusted in the 1973 determination to recognize any increase in rail freight rates which might occur prior to issuance of the determination. Current freight rates average about 4 percent more than those which became effective December 31, 1969. Area freight differentials were last adjusted in the 1971 price determination to recognize the 1969 increase in rates. The freight allowances provided in this determination reflect the increase in freight rates of raw sugar and maintain the customary differentials heretofore established. The average rate for Freight Area A when rounded to the nearest cent remains the same. Therefore, no change has been made in the allowance for Freight Area A.

The recommendation by a cooperative processor that cooperatives be allowed to make a deduction from the price paid to nonmember producers under certain circumstances has been adopted. It is believed that a specified deduction in the price paid to producers who are not members of a cooperative for a limited number of crop years in return for a guaranteed home for their cane for a period of at least 10 crop years is fair and reasonable in circumstances such as those surrounding the particular cooperative's need for financing. The new provision contained in § 874.35 of the price determination

permits a cooperative processor and its nonmembers to agree upon a reasonable deduction for a reasonable number of years from the fair price for sugar cane where the nonmember producers have received in return assurance that their cane will be processed for a period of not less than 10 years. The agreement between the cooperative making the request and any other such agreements between cooperative processors and nonmember producers will be subject to approval of the Louisiana State ASC Committee.

This determination also adopts the recommendation made by an independent processor that the determination be amended to allow negotiations (subject to State committee approval) between producers and processors with respect to the portion to be borne by each party of the costs of transporting sugarcane from a hoist to the mill or the costs of transporting the cane directly from the farm to the mill regardless of who arranges or pays for the transportation services. While the new provision contained in § 874.39 will allow more flexibility in producer-processor negotiations, the result of such negotiations must still be approved by the State committee as being fair and reasonable.

Processors are required to elect no later than October 29, 1973, a pricing basis for raw sugar and for blackstrap molasses, which must be used in making 1973-crop payments. The processors must inform the State office in writing of the bases elected.

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

*Effective date.*—This determination shall become effective October 25, 1973, and is applicable to the 1973 crop of Louisiana sugarcane.

Signed at Washington, D.C., on October 17, 1973.

KENNETH E FRICK,
*Administrator, Agricultural Stabilization and Conservation Service.*

[FR Doc.73-22471 Filed 10-24-73;8:45 am]

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

[Milk Order No. 30; Docket No. AO-361-A9]

## PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

### Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.*—Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chicago Regional marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.*—It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative association specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

### ORDER RELATIVE TO HANDLING

*It is therefore ordered*, That on and after the effective date hereof, the handling of milk in the Chicago Regional marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1030.71, the introductory text preceding paragraph (a), and paragraph (a) are revised as follows:

**§ 1030.71 Computation of uniform price.**

For each month the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content at plants in Zone I pursuant to paragraphs (a) through (g) of this section. If the unreserved cash balance in the producer-settlement fund to be included in the computation is less than 2 cents per hundredweight of producer milk on all reports, the report of any handler who has not made the payments required pursuant to § 1030.84 for the preceding month shall not be included in the computation of the uniform price. The report of such handler shall not be included in the computation for suceeding months until he has made full payment of outstanding monthly obligations. Subject to the aforementioned conditions, the market administator shall compute the uniform price in the following manner:

(a) Combine into one total the values computed pursuant to § 1030.70 for all handlers;

* * * * *

2. Section 1030.80 is revised as follows:

**§ 1030.80 Time and method of payment for milk.**

(a) Each handler shall pay each producer for producer milk received from such producer and for which payment is not made to a cooperative association pursuant to paragraph (b) or (c) of this section as follows:

(1) On or before the 3rd day after the end of each month, to each producer who has not discontinued shipping milk to such handler before the end of the month, for producer milk received during the first 15 days of the month at a rate per hundredweight not less than the lowest class price under the order for milk of 3.5 percent butterfat for the preceding month, less proper deductions authorized in writing by such producer; and

(2) On or before the 18th day after the end of each month, for producer milk received during such month, at a rate per hundredweight of not less than the uniform price adjusted pursuant to §§ 1030.81, 1030.82, and 1030.87, less any payment made pursuant to paragraph (a)(1) of this section, and any proper deduction authorized in writing by such producer and plus or minus adjustments for errors in previous payments made to such producer. If by such date the handler has not received full payment from the market administrator pursuant to § 1030.85 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following receipt of the balance due from the market administrator.

(b) Payments required in paragraph (a) of this section shall be made by a handler to a cooperative association

qualified under § 1030.5, or its duly authorized agent, for producer milk if the cooperative association is authorized to collect such payments for such producers and has presented the handler with a written request for such payments. Payments to the cooperative association pursuant to this paragraph shall be subject to the condition that the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by the handler because of any improper claim on the part of the cooperative association. The amount of payment shall be equal to the sum of the individual payments otherwise payable for such producer milk and shall be paid by the handler as follows:

(1) On or before the 1st day after the end of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 16th day after the end of each month for milk received during such month; and

(c) Each handler shall pay a cooperative association for milk received by the handler from the cooperative association as follows:

(1) In the case of milk received from a pool plant(s) operated by a cooperative association:

(i) For milk received during the first 15 days of the month, the handler shall pay the cooperative association on or before the 1st day after the end of the month during which the milk was received at a rate per hundredweight not less than the lowest class price under the order for milk of 3.5 percent butterfat for the preceding month; and

(ii) For milk received during the month the handler shall pay the cooperative association on or before the 16th day after the end of the month during which the milk was received at a rate per hundredweight not less than the minimum class prices pursuant to § 1030.51 subject to the applicable butterfat differentials and less any payment made pursuant to paragraph (c)(1)(i) of this section; and

(2) In the case of milk received from a cooperative association acting as a handler described under § 1030.13(e):

(i) For milk received during the first 15 days of the month, the handler shall pay a cooperative association on or before the 1st day after the end of the month during which the milk was received at a rate per hundredweight not less than the lowest class price under the order for milk of 3.5 percent butterfat for the preceding month; and

(ii) For milk received during the month, the handler shall pay the cooperative association on or before the 16th day after the end of the month during which the milk was received at a rate per hundredweight of not less than the uniform price computed as described under § 1030.71, adjusted for the applicable location and butterfat differentials and less any payment made pursuant to paragraph (c)(2)(i) of this section.

(d) In making payments for producer milk pursuant to paragraphs (a)(2) or (b)(2) of this section, each handler shall furnish each producer or cooperative association to whom such payment is made a supporting statement in such form that it may be retained by the recipient which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds for each producer (and the average butterfat content for the entire month only);

(3) The minimum rate or rates at which payment to the producer is required pursuant to this order;

(4) The rate that is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount, or the rate per hundredweight, and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

3. Section 1030.86 is revised to read as follows:

**§ 1030.86 Adjustment of accounts.**

(a) *Payments.*—When verification by the market administrator of reports or payments of any handler discloses errors resulting in monies due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payments next following such disclosure.

(b) *Overdue accounts.*—Any unpaid obligation of a handler pursuant to §§ 1030.60, 1030.61, 1030.84, 1030.87, 1030.88, or paragraph (a)(1) of this section, shall be increased three-fourths of one percent on the 7th day after the due date each month.

(1) The amounts payable pursuant to this paragraph shall be computed monthly on each unpaid obligation, which shall include any unpaid interest charges previously computed pursuant to this paragraph;

(2) For the purpose of this paragraph, any unpaid obligation that is determined at a date later than prescribed by the order because of a handler's failure to submit a report to the market administrator shall be considered to have been due when it would have been due if such report had been submitted at the proper time; and

(3) Payment of any interest obligation computed pursuant to this paragraph in amount less than $10 shall be delayed until the accumulated interest obligation of such handler equals or exceeds $10.

4. Section 1030.83 is amended as follows:

**§ 1030.83 Producer-settlement fund.**

The market administrator shall maintain a separate fund known as the "producer-settlement" fund into which he shall deposit all payments received pursuant to paragraph (a) of this section and out of which he shall make all payments required pursuant to paragraph (b) of this section.

(a) Payments made by handlers pursuant to §§ 1030.60, 1030.61, 1030.84 and 1030.86.

(b) Payments due handlers pursuant to §§ 1030.85 and 1030.86: *Provided*, That payments due any handler shall be offset by payments due from such handler pursuant to §§ 1030.60, 1030.61, 1030.84, 1030.86, 1030.87 and 1030.88.

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

*Effective date.*—December 1, 1973.

Signed at Washington, D.C., on October 17, 1973.

CLAYTON YEUTTER,
*Assistant Secretary.*

[FR Doc.73-22583 Filed 10-23-73;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.

## DEPARTMENT OF THE TREASURY

### Comptroller of the Currency

### [ 12 CFR Part 7 ]

### DATA PROCESSING SERVICES

### Proposed Interpretive Rulings Regarding Utilization and Furnishing by National Banks

Notice is hereby given that the Comptroller of the Currency, pursuant to the authority contained in R. S. 324, et seq., as amended; 12 U.S.C. 1, et seq., as amended, and in particular, in paragraph Seven of R. S. 5136; 12 U.S.C. 24, is considering the adoption of a revision of § 7.3500 of Part 7, an interpretive ruling relating to the utilization of data processing equipment and furnishing of data processing services by national banks.

The Comptroller of the Currency stated in a notice published in the FEDERAL REGISTER on August 16, 1972 (37 FR 16556), that he was considering a revision to this ruling. Although the issuance of interpretive rulings by the Comptroller is not the subject of either formal or informal rule-making procedures (see 5 U.S.C. 553(b)(A)), the Comptroller invited the views, comments, and suggestions of the banking and data processing industries as well as other interested persons with respect to whether § 7.3500 should be revised to delineate more clearly the role of national banks, under the National Bank Act, 12 U.S.C. 1, et seq., in the utilization of data processing equipment and the furnishing of data processing services. In the course of inviting comments and suggestions, the Comptroller listed a number of considerations which he then believed should be taken into account in a revision of § 7.3500 but did not limit comments or suggestions to the list of specific considerations mentioned.

In response to the invitation for comment, the Comptroller's Office received extensive documentary submissions expressing the views, comments, and suggestions of the banking and data processing industries and others and on the basis of that review and independent analysis has concluded that § 7.3500 should be modified.

All persons who desire to submit written views, comments or suggestions for consideration by the Comptroller in connection with the proposed revision shall file the same, in triplicate, at the Office of Robert Bloom, Chief Counsel, Office of the Comptroller of the Currency, Room 4464, Main Treasury Building, Washington, D.C. 20220, not later than November 30, 1973. All written submissions made pursuant to this notice must identify their subject matter by reference to "Proposed Revision to I.R. 7.3500." One copy of such written submissions will be available before and for ten days following the closing date for examination by interested persons.

The proposed revision would amend § 7.3500 of Part 7, Chapter I, Title 12 of the Code of Federal Regulations to read as follows:

**§ 7.3500 Utilization of data processing equipment and furnishing of data processing services.**

A national bank may utilize data processing equipment and technology to perform for itself and others all services expressly or incidentally authorized under the statutes applicable to national banks. For example, as part of its banking business and incidental thereto, a national bank may collect, transcribe, process, analyze and store, for itself and others, banking, financial, or related economic data. In addition, incidental to its banking business, a national bank may (a) market excess time on its data processing equipment so long as the only involvement by the bank is furnishing the facility and necessary operating personnel; and (b) market a byproduct (e.g., program, output, etc.) of a permissible data processing activity.

The provision of data processing services by a national bank to others is subject to the prohibitions contained in 12 U.S.C. 1972 concerning tying arrangements. In particular, a national bank may not require any party who is or proposes to be a customer for any service or product of the bank to utilize any data processing service offered by the bank nor may the bank fix or vary the consideration for any extension of credit, lease, or sale of property or provision of a service on the condition or requirement that a customer utilize a data processing service offered by the bank.

Dated: October 16, 1973.

[SEAL] JAMES E. SMITH,
*Comptroller of the Currency.*

[FR Doc.73-22672 Filed 10-24-73;8:45 am]

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

### [ 21 CFR Part 1301 ]

### SCHEDULE II CONTROLLED SUBSTANCES

### Proposed Physical Security Controls for Practitioners

The Drug Enforcement Administration has observed that the current method of safeguarding Schedule II controlled substances, by placing them in a securely locked, substantially constructed cabinet or drawer has not been entirely successful in preventing or curtailing drug thefts from community pharmacies. Recent studies have indicated a change in the pattern of theft from pharmacies. Burglaries and armed robberies have increased and the problem of pilferage and shoplifting has declined, both in relative and absolute terms. The requirement that all Schedule II drugs be held in one location may no longer be the most effective protection against theft.

The Drug Enforcement Administration has undertaken a study of the problems unique to the community pharmacy in safeguarding against theft or diversion of controlled substances. Upon completion of this study, the Administration intends to promulgate new security regulations to deal with these special problems. Until the completion of this study, however, and in light of the increased number of products listed in Schedule II, the Administration proposes to permit pharmacies the option of dispersing some or all Schedule II controlled substances throughout the stock of noncontrolled prescription drugs or of using the current security system for some or all of the Schedule II items. The proposed amendment to § 1301.75 would accomplish this purpose.

Pharmacies are also encouraged to practice other suitable means of discouraging theft and loss. These could include such measures as maintenance of minimal stocks of controlled substances, improvement of overall physical security in the pharmacy (through the addition of adequate alarm systems, improved lighting, tamper-proof locks and closed circuit television surveillance), and secure stocks while maintaining smaller quantities for dispensing in daily operations.

Therefore, under the authority vested in the Attorney General by sections 301 and 501(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821 and 871(b)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations (see 38 FR 18380, July 2, 1973), the Administrator hereby proposes that Part 1301 of Title 21 of the CFR be amended by revising § 1301.75 to read as follows:

**§ 1301.75 Physical security controls for practitioners.**

(a) Controlled substances listed in schedule I shall be stored in a securely

locked, substantially constructed cabinet.

(b) Controlled substances listed in schedules II, III, IV, and V shall be stored in a securely locked, substantially constructed cabinet. However, pharmacies may disperse such substances throughout the stock of noncontrolled substances in such a manner as to obstruct the theft or diversion of the controlled substances.

(c) This section shall also apply to nonpractitioners authorized to conduct research or chemical analysis under another registration.

All interested persons are invited to submit their comments and objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the persons desires to be heard. Comments and objections should be submitted in quintuplicate to the Office of Chief Counsel, Drug Enforcement Administration, Department of Justice, Room 611, 1405 I St., NW., Washington, D.C. 20537, and must be received by November 15, 1973.

Dated October 18, 1973.

JOHN R. BARTELS, JR.,
*Administrator, Drug Enforcement Administration.*

[FR Doc.73-22666 Filed 10-24-73;8:45 am]

## CIVIL AERONAUTICS BOARD

**[ 14 CFR Part 298 ]**

[Docket No. 26021]

### CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

### Definition of Large Aircraft

OCTOBER 19, 1973.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to Part 298 of its Economic Regulations to include within the definition of "large aircraft" all models of the Convair 240, 340 and 440; Martin 202 and 404; F-27 and FH-227; and Hawker Siddeley-748, as well as any other aircraft with a maximum zero fuel weight greater than 35,000 pounds.

The background and principal features of the proposed amendment are described in the attached Explanatory Statement, and the proposed amendment is set forth in the proposed rule. The amendment is proposed under the authority of sections 204(a), 401 and 416(b) of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 754 and 771, as amended (49 U.S.C. 1324, 1371 and 1386))

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before November 23, 1973, will be considered by the Board before taking final action upon the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

In the Part 298 Weight Limitation Investigation, Order 72-7-61, July 18, 1972, the Board liberalized the weight limitation on air taxi aircraft under Part 298 by replacing the previous 12,500-pound takeoff weight standard with a new 30-seat/7500-pound payload capacity restriction.[1] Thereafter, in its Opinion and Order on Reconsideration, (Order 72-9-62), the Board adopted a dual definition of "maximum payload capacity," now embodied in § 298.2.

The first definition, applicable only to aircraft for which no maximum zero fuel weight is prescribed, is as follows:

"Maximum payload capacity"—means the maximum certificated takeoff weight of an aircraft, less the empty weight, less all justifiable aircraft equipment, and less the operating load (consisting of minimum fuel load, oil, flight crew, steward's supplies, etc.). For purposes of this part, the allowance for the weight of the crew, oil, and fuel is as follows: (a) crew—200 pounds per crew member required under FAA regulations, (b) oil—350 pounds, (c) fuel—the minimum weight of fuel required under FAA regulations for a flight between domestic points 200 miles apart: (footnotes omitted).

The second formula, which governs all aircraft having an FAA-prescribed maximum zero fuel weight, provides:

* * * [M]aximum payload capacity means the maximum zero fuel weight, less the empty weight, less all justifiable aircraft equipment, and less the operating load (consisting of minimum flight crew, steward's supplies, etc., but not including disposable fuel or oil).

This dual definition was designed to clarify and implement the Board's intention that the 7,500-pound payload test, in combination with the 30-seat limitation, would impose a capacity rather than an operating standard for air taxi aircraft. In Order 72-9-62, we emphasized that we did not propose to transform the basic character of Part 298 by authorizing the operation of large aircraft, leaving it to the individual operator to limit its actual payload on such aircraft to 7,500 pounds. Similarly, we specified that the new rule was not meant to qualify "such aircraft as the Convair 440, Martin 202 or 404, or F-27, all of which are generally capable of carrying payloads in excess of 7,500 pounds, but whose payloads * * * can be reduced artificially—through the use of unnecessary ballast, for example."

In adopting detailed payload formulas, however, the Board recognized that the record in the Part 298 proceeding was rather limited on this question and afforded all interested persons an opportunity to comment on the appropriate method for computing maximum payload capacity in line with the Board's objectives. The Board promised to carefully evaluate any such comments and, if necessary, to make further changes in its payload formula. In response, only one comment proposing a change was submitted and this suggestion was rejected in Order 72-11-48.[2]

Our experience in the year since the new 30-seat/7,500-pound payload rule has been in effect confirms that the Board's maximum payload definition has, on the whole, served as a sound and workable standard in drawing the line separating air taxi from certificated aircraft in a manner that does not impinge on the basic certificated structure of air transportation contemplated by the Act. Nevertheless, in a number of instances there has been some uncertainty about whether airplanes such as the Convair 240 or F-27, designed to carry payloads well over 7,500 pounds, could qualify under Part 298 if their basic operating weights were artificially increased (and payloads thereby decreased) through the use of unusually heavy seats or other additional fixed or operating equipment. As we have noted, the Board has already indicated its intention not to permit exempted operators—as a class—to use such large piston or turboprop airplanes, which still form a substantial proportion of the certificated carriers' fleets. The remaining confusion on this question stems, in part, from the fact that the Board's views were expressed in its Opinion on Reconsideration rather than in the regulation itself, which is accessible to far more air taxi operators. Also, residual doubts exist as to whether Part 298 sanctions the use of certain airplanes (like the Convair 240 or 340) which clearly fit within the category of large aircraft we did not mean to qualify, but which were not named in the list of "excluded" aircraft cited as examples in our Opinion.

Therefore, to clarify our intentions in adopting the 30-seat/7,500-pound payload test, we propose to specify within Part 298 those "border line" airplanes which do not qualify under the general air taxi exemption regardless of alterations in their basic operating weights.[3] To that end, we propose to amend § 298.2 of the Economic Regulations to include within the definition of "large aircraft" all models of the Convair 240, 340, and 440; Martin 202 and 404; F-27 and FH-227; and Hawker Siddeley 748, as well as any other airplane with a maximum zero fuel weight greater than 35,000 pounds. This 35,000-pound upper limit corresponds to the zero fuel weights of the

[1] The 12,500-pound takeoff weight test continues to govern operations within Alaska or Hawaii.

[2] No changes were proposed in the formula applicable to aircraft with a prescribed maximum zero fuel weight.

[3] Although this is essentially an interpretive amendment designed to clarify our intention in adopting the 30-seat/7,500-pound rule, we have decided to proceed via a notice of proposed rulemaking to afford interested persons an opportunity to comment.

aircraft we are excluding by name,[4] and simply assures that airplanes of comparable or larger size, though not expressly mentioned in the rule, are likewise excluded from the Part 298 exemption. On the other hand, the 35,000-pound zero fuel weight test should in no way impair our primary goal in the Part 298 Investigation of stimulating the manufacture of a new generation of more comfortable and dependable aircraft expressly designed for the needs of third-level traffic. In fact, this test leaves aircraft manufacturers with ample flexibility in developing such new airplanes within the 30-seat/7,500-pound payload limits we established to protect the basic certificated structure of air transportation.[5]

It is proposed to amend Part 298 of the Economic Regulations (14 CFR Part 298) as follows:

Amend the definition of "large aircraft" in § 298.2 to read as follows:

§ 298.2 Definitions.

* * * * *

"Large aircraft" means an aircraft having a maximum passenger capacity of more than 30 seats or a maximum payload capacity of more than 7,500 pounds; except that in connection with operations conducted within the State of Alaska or Hawaii, large aircraft shall mean an aircraft whose maximum certificated takeoff weight is more than 12,500 pounds: Provided, however, That, for the purposes of this part, large aircraft shall include all models of the Convair 240, 340, and 440; Martin 202 and 404; F-27 and FH-227; and Hawker Siddeley 748; and shall also include any other aircraft with a maximum zero fuel weight in excess of 35,000 pounds.

* * * * *

[FR Doc.73-22731 Filed 10-24-73;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

### [ 40 CFR Part 162 ]

### RESIDUAL BACTERIOSTATIC AND/OR SELF-SANITIZING ACTIVITY IN PESTICIDE LABELING

#### Proposed Claims; Extension of Time for Filing Comments

The notice published in the FEDERAL REGISTER of August 23, 1973 (38 FR 22636), proposing the issuance of a Statement of Policy with respect to claims for residual bacteriostatic and/or self-sanitizing activity in labeling of pesticides provided for the filing of comments within 60 days after said date.

Because of the interest generated by the proposal and at the request by interested parties for additional time to prepare comments, the time for filing comments is hereby extended by 30 days. Therefore, all persons who desire to submit written data, views or arguments in connection with this matter should file the same prior to November 23, 1973, with the Director, Registration Division, Office of Pesticides Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

This action is taken pursuant to the authority in sections 3 and 25 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 979, 997).

Dated October 17, 1973.

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

[FR Doc.73-22699 Filed 10-24-73;8:45 am]

### [ 40 CFR Part 169 ]

### BOOKS AND RECORDS OF PESTICIDE PRODUCTION AND DISTRIBUTION

#### Proposed Maintenance and Inspection

Notice is hereby given, pursuant to the authority of sections 8 and 25 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended by the Federal Environmental Pesticide Control Act of 1972 (86 Stat. 987, 997), hereinafter the Act, that it is proposed to issue a new Part 169 of Title 40, Code of Federal Regulations, to read as set forth below. Any person may file comments on this proposal on or before November 26, 1973. Such comments should be filed in duplicate and addressed to Mrs. Betty J. Billings, Hearing Clerk, Environmental Protection Agency, East Tower, Washington, D.C. 20460. All written submissions filed pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours, 8:00-4:30 daily.

Section 8(a) of the Act authorizes the Administrator to prescribe regulations requiring producers "* * * to maintain such records with respect to their operations and the pesticides and devices produced as he determines are necessary for the effective enforcement of (the) Act." The regulations proposed herein set forth the types of books and records which shall be maintained and the periods of time for which they shall be retained.

Section 8(b) of the Act empowers the Administrator to authorize persons "* * * to have access to, and to copy * * * all records showing the delivery, movement, or holding of such pesticides or devices * * *."

The regulations proposed herein set forth the scope of the records required to be maintained by producers, distributors, carriers, and dealers which authorized personnel may inspect or copy. The Agency has taken the position that it may inspect all records that it requires to be maintained under these proposed regulations. In the Agency's view, the authority to perform such inspections derives from section 8(b) and section 12(a)(2)(B), taken together (86 Stat. 987, 990). The Agency believes that the legislative history of the Act supports this view. It has been suggested that the language of section 8(b) and the legislative history limits the Agency's authority to inspect the records which are required to be maintained under the authority of section 8(a) (86 Stat. 987). The Agency explicitly invites comments regarding the scope of its authority to perform such administrative inspections.

RUSSELL E. TRAIN,
*Administrator.*

OCTOBER 18, 1973.

Section 8 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.), as amended by the Federal Environmental Pesticide Control Act of 1972 (7 U.S.C. 136f), authorizes the Administrator of the Environmental Protection Agency to prescribe regulations requiring producers of pesticides to maintain such records with respect to their operations and the pesticides and devices produced as he determines are necessary for the effective enforcement of the Act. No records required under this section, however, shall extend to financial data, sales data other than shipment data, pricing data, personnel data, and research data (other than data relating to registered pesticides or to a pesticide for which an application for registration has been filed).

Section 169.1 of these proposed regulations contains definitions of terms used in the proposed regulations. All terms not otherwise defined have the same meaning as those used in the Act.

Section 169.2 of these proposed regulations sets forth the types of books and records which shall be maintained by producers of pesticides. Any establishment which falls within the purview of section 7 of the Act shall maintain the books and records required under section 8.

Section 169.3 of these proposed regulations specifies the periods of time for which the records required under section 8 shall be retained.

Section 169.4 of these proposed regulations requires producers, distributors, carriers or other wholesale or retail dealers in pesticides or devices to furnish or permit authorized officers or employees of the Environmental Protection Agency to have access to and to copy all records required to be maintained under the Act.

### PART 169—BOOKS AND RECORDS

§ 169.1 Definitions.

Terms used in this part shall have the meanings set forth for such terms in the Federal Insecticide, Fungicide, and Rodenticide Act as amended. In addition, as used in this part, the following terms shall have the meanings set forth below:

(a) *Amount of pesticide.*—the term "amount of pesticide" means quantity, or volume of the formulation, and is to be expressed in pounds for solid or semi-solid products and gallons for liquid products.

[4] In general, their zero fuel weights range from 36,000 pounds upward.

[5] To illustrate this point, the Dassault Falcon 30 and the Aerospatiale Fregate, two modern commuter aircraft that embody the comfort features desirable in new third-level aircraft, have maximum zero fuel weights of about 26,000 pounds and 23,000 pounds, respectively, according to Jane's.

(b) *Batch.*—the term "batch" means the quantity of a pesticide product made in one operation or lot.

(c) *Device.*—the term "device" means any device or class of device as defined by the Act and determined by the Administrator to be subject to the provisions of the Act.

(d) *Composition of the formulation.*—the term "composition of the formulation" means the amounts of each active and inert chemical ingredient, and amounts of carriers, solvents and other material used per batch in the production of a pesticide product. The amounts shall be expressed in weight for dry products and volume for liquids.

(e) *Inability.*—the term "inability" means the incapacity of any person to maintain, furnish or permit access to any records under this Act and regulations, where such incapacity arises out of causes beyond the control and without the fault or negligence of such person. Such causes may include, but are not restricted to, acts of God or of the public enemy, fires, floods, epidemics, quarantine restrictions, strikes and unusually severe weather but in every case the failure must be beyond the control and without the fault or negligence of said person.

(f) *Type of pesticide.*—The term "type of pesticide" means identification of each individual product, as given by its product name, EPA Registration Number (permit number if the pesticide is produced under an Experimental Use Permit) and class (fungicide, insecticide, herbicide, etc.), except where such pesticide is produced for export only, in which case the term shall include the product name and chemical formulation. For planned products, the term means proposed product name and EPA File Symbol, if any.

### § 169.2 Maintenance of records.

All producers of pesticides or devices subject to this Act, including pesticides produced pursuant to an experimental use permit, shall maintain the following records:

(a) Records showing the brand names, types, amounts and composition of the formulation per batch of all pesticides produced: *Provided, however,* That repackers of pesticides need not maintain records of the composition of the formulation per batch of the pesticides which they repack if the material repacked has not been altered in any manner.

(b) Records showing the brand names and quantities of devices produced.

(c) Records showing the following information regarding the receipt of all pesticides and devices:

(1) Brand name of pesticide or device,

(2) Name and address of shipper,

(3) Name of carrier,

(4) Date of receipt, and

(5) Quantities received.

(d) Records showing the following information regarding the shipment of all pesticides and devices:

(1) Brand name of pesticide or device,

(2) Name and address of consignee and, where the pesticide is produced pursuant to an experimental use permit, the names and addresses of all intermediate and ultimate consignees,

(3) Name of carrier,

(4) Date shipped or delivered for shipment, and

(5) Quantities shipped or delivered for shipment.

Such records are required regardless of whether any shipment or receipt of shipment is between plants owned or otherwise controlled by the same person.

(e) Inventory or control records with respect to the brand names and amounts of pesticides or quantities of devices in stock.

(f) Copies of all labels and labeling for all pesticides and devices produced and copies of all domestic advertising of restricted uses of any pesticide registered for restricted use for which the producer is responsible, including any radio and television scripts for all such pesticides and devices.

(g) Copies of all guarantees given pursuant to section 12(b)(1) of the Act.

(h) In the case of pesticides or devices intended solely for export to any foreign country, copies of the specifications or directions of the foreign purchaser.

(i) Records indicating the batch number and batch sizes of all pesticides produced. The batch number shall appear on all production and control records.

(j) Records on the disposal or storage of pesticides and their used packages and containers and the disposal and storage of excess amounts of pesticides including, without limiting the foregoing, the method or methods of disposal, date or dates of disposal, site or sites of disposal, and the amounts, brand names and types of the pesticides and/or containers disposed of, respectively.

(k) Records of any tests conducted on human beings whether performed by the producer himself or authorized and/or paid for by the producer. Such records shall include: the names and addresses of subjects tested, dates of tests, types of tests, written consent of subjects to tests and all information and instructions given to the subjects regarding the nature and purpose of the tests and of any physical and mental health consequences which were reasonably foreseen therefrom, and any potential adverse effects of the tests on the subjects.

(l) Records of any factual information regarding any adverse effects on the environment by any pesticide.

(m) Records containing all research data relating to registered pesticides or to pesticides for which applications for registration have been filed.

(n) Records required to be maintained pursuant to the Act and any regulations promulgated pursuant thereto.

(o) Records, other than personnel data, containing data concerning injuries, illnesses, accident and similar occurrences to employees of the producer resulting from the production of any pesticide.

### § 169.3 Disposition of records.

(a) The following records may be disposed of after five (5) years:

(1) Records showing the brand names, types, amounts and composition of the formulation per batch of all pesticides produced and the brand names and the quantities of devices produced.

(2) Records specified under § 169.2(c)(d) and (e),

(3) Copies of all guarantees given pursuant to section 12(b)(1) of the Act,

(4) Records showing the batch numbers and batch sizes of all pesticides produced,

(5) Copies of specifications or directions of the foreign purchaser, in the case of products produced for export,

(6) Records required to be maintained pursuant to the Act and any regulations promulgated pursuant thereto, and

(7) Copies of labels, labeling, and advertising of restricted uses of pesticides registered for restricted use.

(b) The following records may be disposed of after twenty (20) years:

(1) Records of any tests conducted on human beings.

(2) Records of the disposal or storage of used packages and containers of pesticides and the disposal and storage of excess amounts of pesticides including: the method of disposal, date of disposal, site of disposal, amount disposed of and the brand name and type of pesticide and/or containers disposed of,

(3) Records containing data concerning injuries, illnesses, accidents, and similar occurrences to employees of the producer resulting from the production of any pesticide, and

(4) Records of any factual information regarding any adverse effects on the environment by any pesticide.

(c) The following records shall be maintained indefinitely or as long as the registration is valid, the producer is in business, or as long as the product is being produced: Records containing all research data relating to registered pesticides or to pesticides for which applications for registration have been filed.

### § 169.4 Inspection.

(a) *Producers.*—Any producer of any pesticide or device subject to this Act shall, upon request of any officer or employee of the Agency or of any State or political subdivision, duly designated by the Administrator, furnish or permit such person at all reasonable times, to have access to and to copy all records required to be maintained by this Part.

(b) *Distributors, carriers, dealers, etc.*—(1) *All pesticides and devices.*—Any distributor, carrier, dealer, or any other person who sells or offers for sale, delivers or offers for delivery any pesticide or device subject to this Act, shall, upon request of any officer or employee of the Agency or of any State or political subdivision, duly designated by the Administrator, furnish or permit such person at all reasonable times to have access to and copy all records showing the delivery, or holding of such pesticide or device, including the quantity, the date of shipment and receipt, and the name and address of the consignor and consignee. No record is required to be maintained of the sale of any pesticide registered for

general use to any person who in good faith purchases such pesticide for purposes other than resale.

(2) *Restricted use pesticides.*—In addition to the record required to be maintained and furnished for inspection or copying as set forth in paragraph (b)(1) of this section any distributor, dealer, or any other person who sells or delivers or offers for delivery any pesticide registered for restricted use, shall, upon request of any officer or employee of the Agency or of any State or political subdivision, duly designated by the Administrator, furnish or permit such person at all reasonable times to have access to and copy all records showing the name, address, and identification number on other designation of the certified applicator to whom such pesticide was sold or delivered, so as to show that such pesticide was sold, delivered, or otherwise made available for use only to a certified applicator.

(c) *Inability.*—(1) In the event of the inability of any person to produce records containing the information required to be produced, all other records and information regarding the same shall be provided.

(2) Where no such inability exists and any such person fails to give access to and permit copying of such records as required, such failure shall be deemed a refusal to keep records required or a refusal to allow the inspection of any such records or both.

[FR Doc.73-22700 Filed 10-24-73;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### [ 49 CFR Part 1102 ]

[Ex Parte No. 290; Sub-No. 1]

### PROCEDURES GOVERNING RAIL CARRIER GENERAL INCREASE PROCEEDINGS

#### Proposed Data and Information Requirement

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 10th day of October 1973.

It was stated in the appendix to the order entered December 1, 1972, instituting Ex Parte No. 290, that compliance with Ex Parte No. 280, Special Procedures for Tariff Filings, presently requires a disclosure of "the dollar amount of the increased revenue which the increase is expected to provide."

In view of the fact that the final orders entered by the Commission upon the conclusion of rail general revenue proceedings are permissive in nature, the estimate of increased revenue to be generated by a proposed general increase may not reflect the increased revenue actually generated thereby.

*Accordingly, it is ordered,* That, under the authority of sections 13(1), 15(7), and 17(3) of the Interstate Commerce Act, a proceeding be, and it is hereby, instituted with the objective of promulgating specific rules requiring submission of data and information related to the last permissively approved rail general increase. It is proposed that, upon the filing of a petition for authority to publish a general rate increase, the following data and information shall be provided by individual class I line-haul railroads and summarized for each district and all districts combined for the period, beginning with the effective date of the last general increase to and including the last complete month ending at least 31 days prior to the filing of a petition for a new general rate increase (hereinafter referred to as the study period):

I. *General data.*—The following shall be submitted for line-haul traffic:

1. Total estimated revenues for the study period if the last authorized increase had been fully applied.

2. Total actual revenues, ton miles, and revenue per ton-mile based on rates actually applied during the study period.

3. Total actual revenue, ton miles, and revenue per ton-mile for the corresponding period preceding the study period.

4. Explanation of any significant differences between items 2 and 3, such as changes in traffic levels, average length of haul, traffic mix rate changes, and other relevant factors.

5. Total increase in revenues obtained by application of the last authorized general increase (item 2 less item 3).

II. *Accessorial services data.*—The following shall be submitted for those special and accessorial services such as collection on delivery and wharfage charges listed on page 13 of Tariff of Increased Rates and Charges, X-281-A:

1. Total estimated revenues for the study period if the last authorized increase had been fully applied.

2. Total actual revenues based on charges actually applied during the study period.

3. Total actual revenues for the corresponding period preceding the study period.

4. Total increase in revenues obtained by application of the last authorized general increase (item 2 less item 3).

III. *Availability of underlying data.*—All underlying data used in preparation of the material outlined above shall be made available for inspection upon reasonable request in writing, and shall be furnished by the railroads to the Commission upon request. The underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination.

*It is further ordered,* That no oral hearing be scheduled for the receiving of testimony unless a need therefor should later appear, but that respondents or any other interested parties may participate in this proceeding by submitting for consideration written statements of verified facts, views, and arguments regarding the proposed rules.

*It is further ordered,* That any person intending to participate in this proceeding by submitting initial or reply statements, or otherwise, shall notify this Commission, by filing with the Interstate Commerce Commission, Office of Proceedings, Room 5354, Washington, D.C. 20423, within 45 days of the service date of this order, the original and one copy of a statement of his intention to participate. Inasmuch as the Commission desires wherever possible (a) to conserve time, (b) to avoid unnecessary expense to the public, and (c) the service of pleadings by parties in proceedings of this type only upon those who intend to take an active part in the proceeding, the statement of intention to participate shall include a detailed specification of the extent of such person's interest, including (1) whether such interest extends merely to receiving Commission releases in this proceeding, (2) whether he genuinely wishes to participate by receiving or filing initial and/or reply statements, (3) if he so desires to participate as described in (2), whether he will consolidate or is capable of consolidating his interests with those of other interested parties by filing joint statements in order to limit the number of copies of pleadings that need be served, such consolidation of interests being strongly urged by the Commission, and (4) any other pertinent information which will aid in limiting the service list to be used in this proceeding; that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in this proceeding and upon whom copies of all statements must be filed; and that at the time of service of this service list the Commission will fix the time within which initial statements and replies must be filed.

*And it is further ordered,* That a copy of this notice and order be served on each respondent and on each party to the proceeding in Ex Parte No. 290, that a copy be deposited in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that statutory notice of the institution of this proceeding be given to the general public by delivering a copy thereof to the Director, Office of the Federal Register, for publication therein.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-22714 Filed 10-24-73;8:45 am]

## Hazardous Materials Regulations Board

### [ 49 CFR Parts 171, 173, 174, 175, 177, 178 ]

[Docket No. HM-111; Notice No. 73-7]

### TRANSPORTATION OF HAZARDOUS MATERIALS

#### Miscellaneous Proposals Relating to Radioactive Materials

On October 4, 1968, the Hazardous Materials Regulations Board (the Board) published extensive amendments to the Department's Hazardous Materials Regulations relating to radioactive materials (33 FR 14918). Those amendments were instrumental in bringing the transportation regulations of this country into substantial conformity with the international standards for the transportation

of radioactive materials. The international standards were promulgated by the International Atomic Energy Agency (IAEA) and published in its "Regulations for the Safe Transportation of Radioactive Materials," 1967 edition.

With over three years of experience in the application of those amendments by shippers, carriers, and the Department, the Board now believes there is need for a number of changes, many of which would be minor or editorial in nature. Many of these proposed changes have been suggested by various persons or have been developed by the Board in response to formal and informal comments it has received. Several of the proposed changes have also been recommended by the U.S. Atomic Energy Commission. A number of these proposed changes would incorporate into the regulations various provisions which are now authorized under general type special permits held by many shippers, including several new specification packagings, which have been in use under special permits for several years with satisfactory experience.

The Board also wishes to note that at a future date, it will consider other, more substantive changes. Although the regulations relating to radioactive materials as amended October 4, 1968, conformed substantially at that time to the IAEA standards, the IAEA has been developing comprehensive revisions to its standards. In 1970 and 1971, regulatory review panels of the IAEA met. The membership on these panels comprised all major IAEA member states and international bodies, including the United States. The revisions to IAEA Safety Series No. 6 resulting from those panels have recently been published. The Board emphasizes that the substance of the changes proposed in this notice are not based on the most recent changes to the IAEA standards. However, to maintain United States' standards in as close conformity to international standards as possible, the Board intends to propose future changes as necessary; these proposed changes will be the subject of separate rule making.

Several additions to § 171.7 relating to matter incorporated by reference are proposed. These additions generally relate to certain sections of the new specification packagings proposed to be added in Part 178.

In § 173.23, the reference to radioactive materials packagings previously authorized by the Bureau of Explosives would be deleted since such packagings have not been authorized for shipment since February 28, 1969.

Two of the proposed changes herein (§§ 173.202 and 173.206) would permit the transportation of small quantities of certain metals or alloys (also classed as flammable solids) when such materials are a component part of fissile or large quantity radioactive materials. The current packaging requirements for radioactive materials are substantially superior to those presently required in the regulations for these metals or alloys and the former are the requirements that are proposed. Also, many years of successful experience with shipments authorized on a special permit basis have been acquired for the proposed packaging.

The revision of Note 1 in § 173.69(a) and the addition of a footnote in § 173.226 would clarify that Class A detonating fuzes with radioactive components, and thorium metal also are subject to the provisions for radioactive materials.

In § 173.389, two additional definitions are proposed, i.e., "full load" and "closed transport vehicle." Based on its experience, the Board believes that these definitions are needed to clarify the administrative requirements for control of certain types of radioactive materials shipments.

The proposal in § 173.391(c) would change the requirement from no "detectable" radioactive surface contamination on certain packages of exempt manufactured articles containing natural uranium or depleted uranium to no "significant" contamination as provided for in § 173.397. Another proposed change to § 173.391(c) would add natural thorium and its alloys to the classes of material which could qualify as a certain type of exempt manufactured radioactive material.

Several changes to the provisions of § 173.392 are proposed to clarify the requirements for advance special arrangements and written instructions between the shipper and carrier for the transportation of "full loads" of low specific activity radioactive materials.

In § 173.393, the section heading would be amended to include general shipment as well as general packaging requirements. Section 173.393(j)(3) would also be amended to clarify the method of measuring the radiation level at six feet from a vehicle containing a "full load" of radioactive materials; § 173.393(L) would be amended for clarification and to make reference to the general requirements for packages destined for export; § 173.393(o) would be added to require that packages not be offered for transport until the temperature of the packaging system has reached equilibrium; § 173.393(k) would be added to require that the inner containment vessel which comprises a separate unit of any portion of a packaging must be securely closed by a positive fastening device which is independent of any other part of the packaging. (This provision is intended to make it clear that a piece of masking tape is not sufficient to hold a lead plug in place.) Also in § 173.393(d), a significant change is proposed in conjunction with the authorized Type A packaging changes which are being proposed in §§ 173.394 and 173.395, i.e., the statement that the presently listed specification Type A packages "* * * may be assumed to meet those standards, * * *" would be deleted.

A further change is proposed to require that packages containing liquid radioactive materials meet the conditions of both § 173.393(g)(1) and (2). Such a change has been recommended by the National Transportation Safety Board in its "Special Study of the Transportation of Radioactive Materials by Air." It is felt that the double precaution provided by this approach will significantly improve the safety of such packages.

In §§ 173.394 and 173.395, the most significant proposed change relates to the change to the "performance criteria" concept for Type A packages. The present listing of the various authorized DOT specifications would be deleted. Instead, complete reliance would be placed (except for the DOT Spec. 55) on the use of the DOT-7A, Type A, general packaging specification. Also, one very significant requirement would be added, i.e., that each user of a Spec. 7A package would be required to document and maintain on file for one year after the latest shipment a written record of his determination of compliance with the DOT Spec. 7A performance requirement for the specific package design. The Board's experience indicates that the present method of listing DOT detailed design specifications is somewhat misleading when the general packaging requirements for radioactive materials are considered, i.e., liquid packaging requirements, shielding requirements, inner vessel closure, etc. The Board believes that the present method has resulted in a system which is misleading since it specifies only the "outer" packaging in most cases. It is possible that in some cases a shipper might mistakenly consider only the outer packaging requirements without properly taking into account the additional general requirements such as illustrated above. Concurrently with these changes, DOT Specification 55 is proposed to be deleted from Part 178. However, DOT Spec. 55 packaging would continue to be authorized for use in Part 173 but would be limited to packagings constructed prior to the effective date of the amendments in this docket. The Board intends to phase out this specification as a "limited Type B" packaging (up to 300 curies of special form material) at some later date.

Further additions to §§ 173.394 and 173.395 would prescribe the quantities of radioactive materials authorized in the new specification Type B DOT Spec. 20WC and 21WC packagings (DOT Special Permit Nos. 5684, 5800, 6008, and 5725) and would clarify that any approved Type B packaging may be used for a shipment of a Type A quantity of radioactive material.

Numerous changes also are proposed to the packaging provisions for fissile radioactive materials in § 173.396 and to the design requirements for the two specification packagings for fissile materials, i.e., the DOT Spec. 6L (§ 178.103) and Spec. 6M (§ 178.104). These proposed changes deal with modifications relating to the permitted radioactive material content, quantity, and physical details of construction of each packaging. Based on a recommendation received from the USAEC, DOT Spec. 2R (§ 178.34) is pro-

posed to be extensively revised to provide more definitive requirements for flanged closures. These changes would also affect the design requirements for DOT Spec. 6L and Spec. 6M packagings, each of which utilizes a Spec. 2R inner containment vessel. Another change (§ 173.396 (f)) would provide for the shipment of Fissile Class II packages under Fissile Class III type controls, thus allowing commingling of Fissile Class II and III packages by a specific consignor. This provision is presently authorized under a special permit (SP 5908) issued to many shippers. Another provision, § 173.396(b)(7) would add a useful general package loading authorization for small amounts of fissile radioactive material as limited quantities of Uranium-235, in standard DOT specification steel drums (DOT SP 5021).

Also § 173.396(b)(6) and (c)(5) would prescribe the quantities of fissile uranium hexafluoride ($UF_6$) that could be transported in the new DOT specification packagings 20PF and 21PF (new §§ 178.120 and 178.121). These are inner metal cylinders within certain types of phenolic-foam insulated steel protective overpacks (DOT SP 4909). Shipments of $UF_6$ have been performed routinely and successfully under this special permit for many years. In § 173.396(b)(8), the Board proposes to provide for the shipment of a limited quantity of uranium hexafluoride as a residual "heel" in a cylinder. These shipments, as Fissile Class I, would be permitted in a bare cylinder without overpack.

In § 173.397(a), changes are proposed to clarify the determination of the allowable amount of removable (non-fixed) radioactive surface contamination, in terms of quanified "significant removable contamination." The present provisions in § 173.397 are a modified version of the 1967 IAEA Standards in Marginal C–3.3 and Table IV, Annex I. The Hazardous Materials Regulations specify a method for determination of external removable surface contamination based on the activity on the "wipe" sample. That limit is set at 10 percent of the IAEA values on the surface itself.

Many questions have arisen with respect to the "averaging" of multiple wipe samples. The IAEA standards clearly allow for "averaging" of contamination over any area of 300 $cm^2$ of any part of the surface. The proposed revision of § 173.397(a) would provide that "averaging" is only allowable over any one 300 $cm^2$ area of any part of the surface and it is not allowed to average wipe samples from several 300 $cm^2$ areas. However, an exception is made for somewhat higher levels of contamination on packages consigned for "full load" shipments in § 173.397(b). In § 173.397(c), another change is proposed which would require each vehicle to be monitored after having been used for any "full load" shipment of radioactive material, and not only for a bulk shipment of low specific activity material, as is required by the present provisions of § 173.397(b).

Section 173.398(a) is proposed to be changed to require that each shipper of special form radioactive material document and maintain on file for one year after the latest shipment a certification and supporting safety analysis demonstrating the method of determination that the special form test requirements were met. Also, requirements are proposed which outline the information to be submitted to the Department in petitions for certifications of special form designs when foreign shipments of these materials are intended. These requirements are based on provisions of the IAEA regulations. In this regard it should be noted that in some countries, competent authority certification is required domestically for all special form materials.

In § 173.399, the reference to the labeling requirement for packages previously approved by the Bureau of Explosives would be deleted since it is no longer appropriate. In § 173.401, a requirement to mark the gross weight on packages exceeding 110 pounds would be imposed to achieve consistency with an equivalent international requirement. A further clarifying provision would also be added to require the external marking of any Type A or Type B package, as appropriate, including the letters "USA", if foreign shipments are involved. Section 173.404(a) would be amended to make it clear that the blank spaces on the package labels must be filled in as appropriate. Further, a new § 173.416(d) would be added to provide more precise guidance in completing the label entries; there has been some degree of confusion on this matter during the past few years.

Two significant changes are being proposed to the rail and motor vehicle carrier requirements in Parts 174, 175, and 177. One change would provide for the controlled spacing of groups of packages at 20-foot distances, when more than one group containing 50 transport indices or less is present in any single storage area. This provision is presently contained in the IAEA regulations as well as in the U.S. Coast Guard regulations in 46 CFR Parts 146–149. The other change which would apply to carriers would clearly specify that in preparing their manifests, waybills, etc., for radioactive materials shipments, the carrier must transpose all of the applicable shipping paper information as it has been supplied by the shipper pursuant to § 173.427(a)(5). Under the present carrier regulations in Parts 174, 175, and 177, the carrier is only required to include on his shipping papers the proper shipping name and the classification of the material, with the result that the information being supplied by the shipper in many cases does not accompany the shipment during transportation.

In Part 178, major revisions to existing requirements for DOT Specification 2R, 6L, and 6M are proposed. New specifications DOT 20PF, 21PF, 20WC, and 21WC are also proposed.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 171, 173, 174, 175, 177, and 178 as follows:

## PART 171—GENERAL INFORMATION AND REGULATIONS

In § 171.7, paragraphs (c)(18) through (c)(20), (d)(4)(i), (d)(4)(ii), (d)(5)(iii), (d)(13), (d)(14), and (d)(15) would be added to read as follows:

**§ 171.7 Matter incorporated by reference.**

* * * * *

(c) * * *

(18) AWWA: American Water Works Association, 2 Park Avenue, New York, New York 10016.

(19) AWS: American Welding Society, 345 East 47th Street, New York, New York 10016.

(20) USDC: U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22151.

(d) * * *

(4) * * *

(i) American National Standard B 16.5 is titled, "Steel Pipe Flanges and Fittings," 1968 edition.

(ii) American National Standard N 14.1–1971 is titled, "Packaging of Uranium Hexafluoride for Transport."

(5) * * *

(iii) ASTM D1056 is titled, "Sponge and Expanded Cellular Rubber Products, Spec. and Tests for," 1968 edition.

* * * * *

(13) Americn Water Works Association (AWWA) Standard C207–55 is titled, "AWWA Standard for Steel Pipe Flanges," 1955 edition.

(14) American Welding Society (AWS) AWS Code B–3.0 is titled, "Standard Qualification Procedure."

(i) AWS Code D–1.0 is titled, "Code for Welding in Building Construction."

(15) USDC, CAPE–1662, one of the series of "Civilian Applications Program Engineering Drawings" which is a package of information including drawings and bills of material, describing phenolic-foam insulated, protective overpacks.

(i) USDC, USAEC Material and Equipment Specification No. SP–9, is titled, "Fire Resistant Phenolic Foam."

(ii) USDC, ORO–651 is titled, "Uranium Hexafluoride Handling Procedures and Container Criteria," Revision 3, 1972.

## PART 173—SHIPPERS

In Part 173 Table of Contents, § 173.393 would be amended to read as follows:

Sec.
173.393 General packaging and shipment requirements.

In § 173.23, paragraph (c) would be deleted as follows:

**§ 173.23 Previously authorized packaging.**

* * * * *

(c) [Deleted]

In § 173.69, paragraph (a) Note 1 would be amended to read as follows:

**§ 173.69 Detonating fuzes, Class A, with or without radioactive components, detonating fuze parts containing an explosive, boosters, bursters, or supplementary charges.**

(a) * * *

NOTE 1.—A fuze with any radioactive component is also subject to the applicable provisions of §§ 173.389 through 173.399 for the radioactive material.

* * * * *

In § 173.202, paragraph (b) would be added to read as follows:

**§ 173.202 Sodium and potassium, metallic liquid alloy.**

* * * * *

(b) Packaging of metallic liquid alloys of sodium or potassium in combination with fissile or large quantities of radioactive material, is authorized as provided in § 173.206 (a) (10) and (11).

In § 173.206, paragraph (a)(10) would be amended; paragraph (a)(11) would be added to read as follows:

**§ 173.206 Sodium or potassium, metallic, sodium amide, sodium potassium alloys, sodium aluminum hydride, lithium metal, lithium silicon, lithium ferro silicon, lithium hydride, and lithium aluminum hydride.**

(a) * * *

(10) Tubes of stainless steel, or other metals of equivalent strength and nonreactivity, having sealed, welded end caps, and containing not more than 50 grams of metal. Authorized only for metallic sodium, metallic lithium, metallic potassium, and sodium potassium alloy which may be in combination with fissile or a large quantity of radioactive material. Each tube must be enclosed within a secondary, sealed metallic tube and further enclosed within strong tight outer packaging.

(11) Any packaging as prescribed in §§ 173.394(c), 173.395(c), or 173.396(c). Authorized for not more than 25 pounds of any material listed in paragraph (a) of this section including mixtures thereof, and which may be in combination with fissile or a large quantity of radioactive material.

* * * * *

In § 173.226, a note would be added following the heading to read as follows:

**§ 173.226 Thorium metal, powdered.**

NOTE.—Thorium metal, a low specific activity radioactive material, is also subject to the applicable provisions of §§ 173.389 through 173.399.

* * * * *

In § 173.389, paragraphs (o) and (p) would be added to read as follows:

**§ 173.389 Radioactive materials; definitions.**

* * * * *

(o) "Full load" (also referred to as "sole use" or "exclusive use") means any shipment:

(1) From a single consignor having the exclusive use of a transport vehicle or of an aircraft, or of a hold or compartment of an inland watercraft, or of a hold, compartment, or defined deck area of a seagoing vessel; and

(2) For which all initial, intermediate, and final loading and unloading is carried out by or under the direction of the consignor, consignee, or his designated agent.

(p) "Closed transport vehicle" means a vehicle equipped with a securely attached exterior enclosure, which during normal transport, restricts the access of unauthorized persons to the cargo space containing the radioactive materials. The enclosure may be either temporary or permanent, may be of the "see-through" type, and must limit access from top, sides, and ends.

In § 173.391, the introductory text of paragraph (c), paragraphs (b)(3), (c)(2), and (c)(4) would be amended to read as follows:

**§ 173.391 Small quantities of radioactive materials and radioactive devices.**

* * * * *

(b) * * *

(3) The radiation dose rate at any point on the external surface of the outside of the package may not exceed 0.5 millirem per hour. However, for full-load shipments only, the radiation at the external surface of the package or the item may exceed 0.5 millirem per hour, but must not exceed 2 millirem per hour.

* * * * *

(c) A manufactured article, other than reactor fuel elements, in which the only radioactive material is metallic natural or depleted uranium or natural thorium or alloys thereof, is exempt from specification packaging, marking, and labeling, and is exempt from the provisions of § 173.393, if the following conditions are met:

* * * * *

(2) There must be no significant radioactive surface contamination on the exterior of the package. To determine whether "significant," the standard in § 173.397 must be used.

* * * * *

(4) The outer surface of the uranium or thorium is enclosed in a non-radioactive, sealed, metallic sheath.

(Note remains the same.)

* * * * *

In § 173.392, paragraphs (a) and (b) would be amended; paragraphs (c)(9) and (d)(7) would be added to read as follows:

**§ 173.392 Low specific activity radioactive material.**

(a) Low specific activity (LSA) radioactive materials, when transported on a transport vehicle, other than materials consigned as a full-load, are exempt from the provisions of § 173.393 (a) through (e) and (g). However, they must be packaged in strong tight packages in accordance with § 173.24 and must be marked and labeled as required in §§ 173.401 and 173.402.

(b) LSA radioactive materials which are transported in a transport vehicle (except aircraft) and consigned as a full-load are exempt from specification packaging, marking (§ 173.401), and labeling (§§ 173.402 to 173.404), provided the shipment meets the requirements of paragraph (c) or (d) of this section.

(c) * * *

(9) Specific instructions for maintenance of full-load (sole use) shipment controls must be provided by the shipper to the carrier. Such instructions must be included with the shipping paper information.

(d) * * *

(7) Specific instructions for maintenance of full-load (sole use) shipment controls must be provided by the shipper to carrier. Such instructions must be inincluded with the shipping paper information.

In § 173.393, the heading and the introductory texts of paragraphs (d), (e), (g), and (j) would be amended; paragraphs (g)(1), (j)(3), and (l) would be amended; paragraphs (k) and (o) would be added to read as follows:

**§ 173.393 General packaging and shipment requirements.**

* * * * *

(d) Each radioactive material must be packaged in a packaging which has been designed to maintain shielding efficiency and leak tightness, so that, under conditions normally incident to transportation, there will be no release of radioactive material. If necessary, additional suitable inside packaging must be used. Each package must be capable of meeting the standards in §§ 173.398(b) and 173.24.

* * * * *

(e) The packaging must be designed, constructed, and loaded so that during transport:

* * * * *

(g) Liquid radioactive material must be packaged in or within a leak-resistant and corrosion-resistant inner container. Except as provided in § 173.396(b)(7):

(1) The packaging must be adequate to prevent loss or dispersal of the radioactive contents from the inner container if the package were subjected to the 30-foot drop test prescribed in § 173.398(c)(2)(i); and

* * * * *

(j) Packages for which the radiation dose rate exceeds the limits specified in paragraph (i) of this section, but does not exceed at any time during transportation any of the limits specified in subparagraphs (1) through (4) of this paragraph may be transported in a transport vehicle which has been consigned as a full-load (except aircraft). Specific instructions for maintenance of the full-load (sole use) shipment controls must be provided by the shipper to the carrier. Such instructions must be included with the shipping paper information:

* * * * *

(3) Ten millirem per hour at any point six feet from the vertical planes projected by the outer lateral surface

of the car or vehicle; or if the load is transported in an open transport vehicle, at any point six feet from the vertical planes projected from the outer edges of the vehicle.

(k) An inner containment system which is a separate unit of any packaging must be securely closed by a positive fastening device which is independent of any part of the other packaging.

(l) Packages consigned for export are also subject to the regulations of the foreign governments involved in the shipment. See §§ 173.8, 173.9, and 173.393b. (The regulations of the International Atomic Energy Agency (IAEA) are used by most foreign governments.)

* * * * *

(o) No person may offer for transportation a package of radioactive materials until the temperature of the packaging system has reached equilibrium (see also paragraph (e) of this section) unless, for the specific contents, it has been ascertained that the maximum applicable surface temperature limits cannot be exceeded.

In § 173.394, paragraphs (a), (b)(1), and (b)(2) would be amended; paragraphs (b)(5), (b)(6), and (c)(4) would be added to read as follows:

**§ 173.394 Radioactive material in special form.**

(a) A Type A quantity of special form radioactive material must be packaged as follows:

(1) Specification 7A (§ 178.350 of this subchapter) Type A general packaging. Each shipper of a Spec. 7A packaging must maintain on file for at least one year after the latest shipment, and be prepared to provide the Department, a complete certification and supporting safety analysis demonstrating that the construction methods, packaging design, and materials of construction are in compliance with the specification.

(2) Specification 55 metal encased shielded container. Use of existing container authorized; construction not authorized after (effective date of these amendments).

(3) Any Type B packaging pursuant to paragraph (b) of this section.

(4) Foreign-made packagings which bear the marking "TYPE A."

(b) * * *

(1) Specification 55 metal encased shielded container. Authorized only for domestic shipments of not more than 300 curies per package. Use of existing container authorized; construction not authorized after (effective date of these amendments).

(2) Specification 6M (§ 178.104 of this subchapter) metal packaging.

* * * * *

(5) Specification 20WC (§ 178.194 of this subchapter) wooden-steel protective jacket, with a single snug-fitting inner Type A packaging which has a metal outer wall and conforms to § 178.350 of this subchapter or Specification 55. Only use of existing Spec. 55 container authorized; construction not authorized after (effective date of these amendments).

(6) Specification 21WC (§ 178.195 of this subchapter) wooden-steel protective overpack, with a single inner Spec. 2R (§ 178.34 of this subchapter) or Spec. 55, inner packaging. Only use of existing Spec. 55 container authorized; construction not authorized after (effective date of these amendments). Contents must be loaded within the inner packaging to preclude loose movement during transportation. The inner packaging must be securely positioned and centered within the overpack by solid cushioning materials so that there would be no significant displacement of the inner packaging if the packaging were subjected to the 30-foot drop test described in § 173.398 (c)(1).

(c) * * *

(4) Specification 20WC (§ 178.194 of this subchapter) wooden outer protective jacket, with a single snug-fitting Spec. 55 inner packaging. Only use of existing Spec. 55 container authorized; construction not authorized after (effective date of these amendments). Radioactive thermal decay energy must not exceed 100 watts.

In § 173.395, paragraph (a) would be amended; paragraph (b)(4) would be added to read as follows:

**§ 173.395 Radioactive material in normal form.**

(a) A Type A quantity of normal form radioactive material must be packaged as follows:

(1) Specification 7A (§ 178.350 of this subchapter) Type A general packaging. Each shipper of a Spec. 7A packaging must maintain on file for at least one year after the latest shipment, and be prepared to provide the Department, a complete certification and supporting safety analysis demonstrating that the construction methods, packaging design, and materials of construction are in compliance with the specification.

(2) Specification 55 metal encased shielded container. Use of existing container authorized; construction not authorized after (effective date of these amendments). For liquid contents the provisions of § 173.393 (g)(1) and (g)(2) must also be met.

(3) Any Type B packaging pursuant to paragraph (b) of this section.

(4) Foreign-made packagings which bear the marking "TYPE A."

(b) * * *

(4) Specification 20WC (§ 178.194 of this subchapter) wooden outer protective jacket, when used with a single, snug-fitting inner Spec. 2R (§ 178.34 of this subchapter) or Spec. 55 inner packaging. Only use of existing Spec. 55 container authorized; construction not authorized after (effective date of these amendments). For liquid contents the provisions of § 173.393 (g)(1) and (g)(2) must also be met, with respect to the inner packaging.

* * * * *

In § 173.396, paragraphs (b)(1), (c)(1), and (c)(2)(ii) would be amended; paragraphs (b)(6), (b)(7), (b)(8), (c)(5), (f)(1), (f)(2), and (f)(3) would be added to read as follows:

**§ 173.396 Fissile radioactive material.**

* * * * *

(b) * * *

(1) Specification 6L (§ 178.103 of this subchapter) metal packaging. See paragraph (c)(1) of this section for authorized contents.

* * * * *

(6) Specifications 20PF-1, 20PF-2, or 20PF-3 (§ 178.120 of this subchapter) or Spec. 21PF-1 or 2 (§ 178.121 of this subchapter) phenolic-foam insulated protective overpacks, with snug-fitting inner metal cylinders meeting all of the applicable requirements of §§ 173.24, 173.393, and 173.398(b). Handling procedures and packaging criteria must be in accordance with USAEC Report No. ORO-651 or ANSI Standard N-14.1-1971. Quantities of uranium hexafluoride with an atomic ratio of hydrogen to uranium not to exceed 0.088 are authorized as follows, with each package to be shipped as Fissile Class II, and assigned a minimum transport index as indicated:

| Protective overpack specification No. | Maximum inner cylinder diameter (inches) | Maximum weight of $UF_6$ contents (lbs.) | Maximum $U^{235}$ enrichment (w/o) | Fissile class II transport index |
|---|---|---|---|---|
| 20PF-1 | 1-5 | 55 | 100 | 0.1 |
| 20PF-2 | 8 | 255 | 12.5 | 0.4 |
| 20PF-3 | 12 | 460 | 5.0 | 1.1 |
| 21PF-1 | 30 | 4050 | 5.0 | 5.0 |
| 21PF-2 | 30 | 5020 | 5.0 | 5.0 |

(7) A DOT Specification 6J (§ 178.100 of this subchapter) or 17H (§ 178.118 of this subchapter) 55-gallon steel drum, for transport of not more than 350 grams of uranium-235 in any non-pyrophoric form, enriched to any degree in the U-235 isotope. Each drum must have a minimum 18-gage body and bottom head and 16-gage removable top head, with one or more corrugations in the cover near the periphery. Closure must conform to § 178.103-5(a) of this subchapter. At least four 0.5 inch diameter vent holes must be provided, equally spaced on the sides of the drum near the top, each covered with weatherproof tape, or equivalent device. Appropriate primary inner containment of the contents must be provided, such as plastic or metal jars or cans, plastic wrapping. Each inner container must be capable of venting in the event the package was exposed to a severe fire (§ 173.398(c)(2)(iii)). Additionally, liquid contents must be packaged in accordance with § 173.393 (g)(2). The maximum weight of contents, including internal packing must not exceed 200 pounds, with fissile material content limited as follows:

| Maximum $U^{235}$ per package (grams) | Minimum transport index per package as fissile class II | Maximum packages per transport vehicle as fissile class II |
|---|---|---|
| 350 | 1.8 | 72 |
| 300 | 1.0 | 120 |
| 250 | 0.5 | 256 |
| 200 | 0.3 | 500 |
| 150 | 0.1 | 500 |
| 100 | 0.1 | 500 |
| 50 | [1] | [1] |

[1] Fissile class I.

(8) Any metal cylinder which meets the performance requirements for a Spec. 7A Type A packaging (see §§ 173.395(a)(1) and 178.350) for the transport of residual "heels" of enriched solid uranium hexafluoride without a protective overpack, are authorized as Fissile Class I packages, in accordance with the following:

| Maximum cylinder diameter (inches) | Cylinder volume (cubic feet) | Maximum $U^{235}$ enrichment (weight percent) | Maximum "heel" weight per cylinder | |
|---|---|---|---|---|
| | | | (lbs. $UF_6$) | Kgs. $U^{235}$ |
| 5 | 0.311 | 100.0 | 0.1 | 0.031 |
| 8 | 1.359 | 12.5 | 0.5 | 0.019 |
| 12 | 2.410 | 5.0 | 1.0 | 0.015 |
| 30 | 25.64 | 5.0 | 25.0 | 0.383 |

(c) * * *

(1) Specification 6L (§ 178.103 of this subchapter) metal packaging. Authorized only for uranium-233, uranium-235, plutonium-239 or 241, as metal, oxide, or compounds which will not decompose at temperatures up 300° F. (149° C.) in accordance with the following:

(i) Fissile Class I packages. The following quantity of fissile radioactive material is authorized for Fissile Class I packages; 2.5 kilograms U–235; 1.5 kilograms of plutonium (except plutonium-238, which is not authorized); or 1.0 kilograms of uranium-233. The maximum ratio of hydrogen to fissile material must not exceed three, all sources of hydrogen within the Spec. 2R inner containment vessel being considered.

(ii) Fissile Class II and III packages. The following quantities of fissile radioactive materials are authorized under the Fissile Class II and III conditions listed:

TABLE OF AUTHORIZED CONTENTS [1]

| Uranium-235 [2] | | Plutonium [2] | | Fissile class II transport index | Fissile class III maximum number of packages per transport vehicle |
|---|---|---|---|---|---|
| H/X≤3 | 3<H/X≤20 | H/X≤10 | 10≤H/X≤20 | | |
| 14 | [3] 3.6 | | | 1.3 | 80 |
| | | 2.5 | 2.4 | 1.8 | 55 |

[1] Quantity in kilograms.
[2] All sources of hydrogen within the inner containment vessel must be considered in determining the H/X ratio of inner containment vessel.
[3] Volume not to exceed 3.6 liters.

(2) * * *

(ii) Fissile Class II and III packages. Quantities of fissile radioactive material as shown in the following table are authorized for a Fissile Class II and Fissile Class III package. Where a maximum ratio of hydrogen to fissile material is specified in the table, only the hydrogen interspersed with the fissile material need be considered. For a Fissile Class II package, the minimum transport index to be assigned is shown in the following table. For a Fissile Class III package, the maximum number of similar packages per transport vehicle is shown. Each Fissile Class II shipment is also subject to paragraph (g) of this section. For a uranium-233 shipment, the maximum inside diameter of the inner containment vessel must not exceed 4.75 inches. Where necessary, a tight fitting steel insert must be used to reduce a larger diameter inner containment vessel specified in § 178.104–3(b) of this subchapter to the 4.75 inches limit.

TABLE OF AUTHORIZED CONTENTS [1]

| Uranium-235 [2] | | | Uranium-235 [4] | | | Plutonium [2, 3, 4] | | | Fissile Class II transport index | Fissile Class III, maximum number of packages per transport vehicle |
|---|---|---|---|---|---|---|---|---|---|---|
| Metal or alloy | Compounds | | Metal or alloy | Compounds | | Metal or alloy | Compounds | | | |
| H/X=0 | H/X=0 | H/X=3 | H/X=0 | H/X=0 | H/X=3 | H/X=0 | H/X=0 | H/X=3 | | |
| 3.6 | 4.4 | 2.9 | 7.2 | 7.6 | 5.3 | 3.1 | 4.1 | 3.4 | 0.1 | 1,250 |
| [5] 4.2 | 5.2 | 3.5 | 8.7 | 9.6 | 6.4 | 3.4 | 4.5 | 4.1 | 0.2 | 625 |
| [5] 5.2 | 6.8 | 4.5 | 11.2 | 13.9 | 8.3 | 4.2 | | 4.5 | 0.5 | 250 |
| | | | 13.5 | 16.0 | 10.1 | 4.5 | | | 1.0 | 125 |
| | | | | 26.0 | 16.1 | | | | 5.0 | 25 |
| | | | | 32.0 | 19.5 | | | | 10.0 | 12 |

[1] Quantity in kilograms.
[2] Minimum percentage of plutonium-240 is 5 weight percent.
[3] 4.5 kilogram limitation of plutonium due to 10 watt decay heat limitation.
[4] For a mixture of uranium-235 and plutonium an equal amount of uranium-235 may be substituted for any portion of plutonium authorized.
[5] Maximum inside diameter not to exceed 4.75 inches (see paragraph (c)(2)(ii) of this section).
[6] Granulated or powdered metal with any particle less than 0.25 inch in the smallest dimension is not authorized.

* * * * * * * * *

(5) Specification 20PF–1 through 3 (§ 178.120 of this subchapter) or Specification 21PF–1 or 2 (§ 178.121 of this subchapter) phenolic-foam insulated protective overpacks. (See paragraph (b)(6) of this section for authorized use.)

* * * * *

(f) * * *

(1) Transportation of packages authorized as Fissile Class II is also authorized as Fissile Class III under the conditions prescribed in paragraph (g) of this section. The total of the transport indexes for all packages in the vehicle must not exceed 100.

(2) Shipments of combinations of Fissile Class II and Fissile Class III packages are also authorized provided that:

(i) Each Fissile Class III package has a transport index value assigned to it;

(ii) No single Fissile Class III package has a transport index value exceeding 50;

(iii) The total of the transport indexes of all packages in the shipment does not exceed 100; and

(iv) The shipment is transported as a Fissile Class III shipment pursuant to paragraph (g) of this section.

(3) The provisions of paragraphs (f)(1) and (2) of this section do not apply to shipments transported by water.

§ 173.397 would be amended to read as follows:

**§ 173.397 Contamination control.**

(a) Removable (non-fixed) radioactive contamination is considered significant if the level of contamination, when averaged over any area of 300 square centimeters of any part of the package surface, exceeds either of the following:

| Contaminant | Maximum permissible level | |
|---|---|---|
| | μCi/Cm² | dis/min/Cm² |
| Natural or depleted uranium and natural thorium | | |
| Beta-gamma | $10^{-3}$ | 2200 |
| Alpha | $10^{-4}$ | 220 |
| All other beta-gamma emitting radionuclides | $10^{-4}$ | 220 |
| All other alpha emitting radionuclides | $10^{-4}$ | 22 |

(1) In assessing the surface contamination of a package, a sufficient number of wipe samples must be taken in the most appropriate locations so as to yield a representative assessment of the contamination situation. The average amount of removable (non-fixed) radioactive contamination may be determined by wiping the external surface of the package with an absorbent material, using moderate pressure, and then measuring the activity on the wiping material. If the measured activity per square centimeter does not exceed 10 percent of the levels prescribed above, it may be assumed that those levels have not been exceeded.

(b) When radioactive materials packages are consigned as a full load, as defined in § 173.389(o), removable (non-fixed) radioactive contamination is considered to be significant if the level of contamination exceeds 10 times that as specified in paragraph (a) of this section.

(c) Each transport vehicle used for transporting radioactive materials as a full load, as defined in § 173.389(o), must be surveyed with appropriate radiation detection instruments after each use. A vehicle may not be returned to service until the radiation does rate at any accessible surface is 0.5 millirem per hour or less, and there is no significant removable radioactive surface contamination, as defined in paragraph (a) of this section.

In § 173.398, Notes 1 and 2 would be added following paragraph (a)(4) to read as follows:

§ 173.398 Special tests.

(a) * * *
(4) * * *

NOTE 1.—Each shipper of special form radioactive material shall maintain on file for at least one year after the latest shipment, and be prepared to provide the Department, a complete certification and supporting safety analysis (see Note 2) demonstrating that the special form material meets the requirements of paragraph (a) of this section.

NOTE 2.—Prior to the first shipment of a special form radioactive material outside of the USA, each shipper shall obtain a Certificate of Competent Authority for the specific material. Each petition must be submitted in accordance with § 173.393b (b) and (c); and must additionally include the following information:

(i) A detailed description of the material, or if a capsule, the contents. Particular reference must be made to both physical and chemical states;

(ii) A detailed statement of the design of any capsule to be used, including complete engineering drawings and schedules of material, and methods of construction;

(iii) A statement of the tests which have been done and their results, or evidence based on calculative methods to show that the material is capable of meeting the tests, or other evidence that the special form radioactive material meets the requirements of paragraph (a) (1) thru (4) of this section.

* * * * *

In § 173.399, paragraph (a)(3)(ii) would be amended; paragraph (a)(3)(iii) would be deleted as follows:

§ 173.399 Labeling of packages of radioactive materials.

(a) * * *
(3) * * *

(ii) Each package containing a large quantity of radioactive material as defined in § 173.389(b).

(iii) Deleted.

* * * * *

In § 173.401, paragraph (f) would be added to read as follows:

§ 173.401 Hazardous materials.

* * * * *

(f) Additional markings on packages containing radioactive materials are required as follows:

(1) Each package of radioactive materials in excess of 110 pounds must have its gross weight plainly and durably marked on the outside of the package.

(2) Each package of radioactive materials which conforms to the requirements for Type A or Type B packaging (§§ 173.389 (j) and (k) and 173.398 (b) and (c)) must be plainly and durably marked on the outside of the package in letters at least ½ inch high, with the words "TYPE A" or "TYPE B" as appropriate. A packaging which is not in compliance with these requirements must not be so marked. Each package of hazardous materials destined for export shipment must also be marked "USA" in conjunction with the specification marking, special permit, or other package certificate identification. (See §§ 173.393a and 173.393b.)

In § 173.404, paragraph (a) would be amended to read as follows:

§ 173.404 Labels.

(a) A person who offers for transportation a package containing hazardous material shall conspicuously label it in compliance with the requirements of this Part. The applicable information as required in any blank spaces on the label must be inserted by legible printing, using a durable, waterproof means of marking. Labels should be applied to that part of the package bearing the consignee's name and address.

* * * * *

In § 173.416, paragraph (d) would be added to read as follows:

§ 173.416 Radioactive materials labels.

* * * * *

(d) The following requirements apply to completion of the items of information in the blank spaces of the labels specified in this section:

(1) "Contents"—The name of the radionuclide, as taken from the listing of radionuclides in § 173.390 (symbols are authorized, i.e., Mo-99, Co-60, etc.). For mixtures of radionuclides, the most restrictive radionuclides must be listed as space on the label allows.

(2) "Number of curies"—Units may also be expressed in appropriate curie units, i.e., curies (Ci), millicuries (mCi) or microcuries (uCi) (abbreviations are authorized). For a fissile material, the weight in grams or kilograms of the fissile radioisotope may be inserted.

(3) "Transport index"—(See § 173.389(i).)

## PART 174—CARRIERS BY RAIL FREIGHT

In § 174.584, paragraph (i) would be added to read as follows:

§ 174.584 Waybills, switching orders, or other billing.

* * * * *

(i) For shipments of radioactive materials, the waybill, manifest, or other billing as prepared from the shipper's papers, must additionally contain all the information provided pursuant to § 173.427(a)(5) of this subchapter.

In § 174.586, paragraph (h)(1) would be amended; Note 2 would be added following paragraph (h)(2) Note 1 to read as follows:

§ 174.586 Handling hazardous materials.

* * * * *

(h) * * *

(1) The number of packages of radioactive materials, as provided in §§ 173.393 through 173.396 of this subchapter, in any rail car or storage location, must be limited so that the total transport index number, as defined in § 173.389(i) of this subchapter and determined by adding together the transport index numbers on the labels of the individual packages does not exceed 50. This provision does not apply to sole-use shipments described in § 173.393(j), 173.396(f), or 173.392 of this subchapter.

(2) * * *

NOTE 2.—Where more than one group of packages is present in any storage location, a single group may not have a total transport index greater than 50. Each group of packages must be handled and stowed not closer than 20 feet to any other group.

* * * * *

## PART 175—CARRIERS BY RAIL EXPRESS

In § 175.652a, paragraph (c) would be amended to read as follows:

§ 175.652a Shipping papers.

* * * * *

(c) Waybills or delivery sheets used as waybills, or other billing issued in place thereof, prepared from the shipping papers, and the transfer sheet or interchange record used for transferring such shipments to a connecting carrier, must contain the information required in paragraphs (a) and (b) of this section. Additionally, in the case of radioactive materials, each such waybill, delivery sheet, or other billing and such transfer sheet or interchange record must also contain all the information provided pursuant to § 173.427(a)(5) of this subchapter.

In § 175.655 paragraph (j)(1) would be amended; Note 2 would be added following paragraph (j)(2) Note 1 to read as follows:

§ 175.655 Protection of packages.

* * * * *

(j) * * *

(1) The number of packages of radioactive materials, as provided in §§ 173.393 through 173.396 of this subchapter, in any rail car or storage location, must be limited so that the total transport index number, as defined in § 173.389(i) of this subchapter and determined by adding together the transport index numbers on the labels of the individual packages does not exceed 50. This provision does not apply to sole-use shipments described in § 173.393(j), 173.396(f), or 173.392 of this subchapter.

(2) * * *

NOTE 2.—Where more than one group of packages is present in any storage location, a single group may not have a total transport index greater than 50. Each group of packages must be handled and stowed not closer than 20 feet to any other group.

* * * * *

## PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

In § 177.817, the introductory text of paragraph (a) would be amended to read as follows:

§ 177.817 Shipping papers.

(a) A carrier may not accept for transportation nor transport any hazardous material subject to the regulations in this subchapter unless that material is described on the shipping paper by the shipping name prescribed in

§ 172.5 of this subchapter and by the classification prescribed in § 172.4 of this subchapter. A further description consistent therewith may be included. Abbreviations may not be used. The total quantity by weight, volume, or as otherwise appropriate, must be shown. Additionally, in the case of a radioactive material shipment, each shipping paper must include all the information provided pursuant to § 173.427(a)(5) of this subchapter.

* * * * *

In § 177.834, paragraph (a) would be amended to read as follows:

**§ 177.834 General requirements.**

(a) *Packages secured in a vehicle.*— Any tank, barrel, drum, cylinder, or other packaging, not permanently attached to a motor vehicle, which contains any flammable liquid, compressed gas, corrosive material, poisonous material, or radioactive material must be secured against movement within the vehicle on which it is being transported, under conditions normally incident to transportation.

* * * * *

In § 177.842, paragraphs (a) and (b) would be amended to read as follows:

**§ 177.842 Radioactive material.**

(a) The number of packages of radioactive materials, as provided in §§ 173.393 through 173.396 of this subchapter, in any rail car or storage location, must be limited so that the total transport index number, as defined in § 173.389(i) of this subchapter and determined by adding together the transport index numbers on the labels of the individual packages does not exceed 50. This provision does not apply to sole-use shipments described in § 173.393(j), 173.396(f), or 173.392 of this subchapter.

(b) Packages of radioactive material bearing "radioactive yellow-II" or "radioactive yellow-III" labels must not be placed in a motor vehicle or in any other place closer than the distances shown in the following table to any area which may be continuously occupied by passengers, employees, or shipments of animals, nor closer than the distances shown in the table below to any package containing undeveloped film (if so marked). If more than one of these packages is present, the distance shall be computed from the following table on the basis of the total transport index number (determined by adding together the transport index numbers on the labels of the individual packages) or packages in the vehicle or storeroom. Where more than one group of packages is present in any single storage location, a single group may not have a total transport index greater than 50. Each group of packages must be handled and stowed not closer than 20 feet to any other group.

* * * * *

## PART 178—SHIPPING CONTAINER SPECIFICATIONS

In Part 178 Table of Contents, § 178.250 would be deleted; § 178.34 would be amended; §§ 178.120, 178.121, 178.194, and 178.195 would be added to read as follows:

Sec.

178.34 Specification 2R; inside containment vessel.

178.120 Specification 20PF phenolic-foam insulated, metal overpack.

178.121 Specification 21PF fire and shock resistant, phenolic-foam insulated, metal overpack.

178.194 Specification 20WC wooden protective jacket.

178.195 Specification 21WC wooden-steel protective overpack.

§ 178.34 would be amended to read as follows:

**§ 178.34 Specification 2R; inside containment vessel.**

**§ 178.34–1 General requirements.**

(a) Each vessel must be made of stainless steel, malleable iron, or brass, or other material having equivalent physical strength and fire resistance.

(b) Each vessel must meet all of the applicable requirements of §§ 173.24(c) and (d) of this subchapter. Letters and numerals at least ¼-inch in height are authorized for the marking of a vessel not exceeding 2 inches inside diameter.

**§ 178.34–2 Manufacture.**

The ends of the vessel must be fitted with screw-type closures or flanges (see § 178.34–4), except that one or both ends of the vessel may be permanently closed by a welded or brazed plate. Welded or brazed side seams are authorized.

**§ 178.34–3 Dimensions.**

(a) The inside diameter of the vessel may not exceed 12 inches, exclusive of flanges for handling or fastening devices and must have wall thickness and length in accordance with the following:

| Inside diameter maximum (inches) | Wall thickness minimum (inch) | | Length maximum (inches) |
|---|---|---|---|
| | Threaded closure | Flanged closure | |
| 2 | 3/32 | Not less than that prescribed for schedule 40 pipe. | 16 |
| 6 | 1/4 | | 72 |
| 12 | 3/8 | | 72 |

**§ 178.34–4 Closure devices.**

(a) Each closure device must be as follows:

(1) Screw-type cap or plug; number of threads per inch must not be less than United States standard pipe threads and must have sufficient length of thread to engage at least 5 threads when securely tightened. Pipe threads must be luted with an appropriate non-hardening compound which must be capable of withstanding up to 250° F. (121° C.) without loss of efficiency. Tightening torque must be adequate to maintain leak tightness with the specific luting compound.

(2) An opening may be closed by a securely bolted flange and leak-tight gasket. Each flange must be welded or brazed to the body of the 2R vessel per American National Standards Institute (ANSI) Standard B16.5 or American Water Works Association (AWWA) Standard C207–55, section 10. A torque wrench must be used in securing the flange with a corresponding torque of no more than twice the force necessary to seal the selected gasket. Gasket material must be capable of withstanding up to 250° F. (121° C.) without loss of efficiency. The flange, whether of ferrous or nonferrous metal, must be constructed from the same metal as the vessel and must meet the dimensional and fabrication specifications for welded construction as follows:

(i) Pipe flanges described in Tables 13, 14, 16, 17, 19, 20, 22, 23, 25, and 26 of ANSI B16.5.

(ii) For nominal pipe sizes 6, 8, 10, and 12 inches, AWWA Standard C207–55, Table 1, class B, may be used in place of the tables prescribed by paragraph (a)(2)(i) of this section.

(iii) Sizes under 6 inches, nominal pipe size, the following table with the same configuration as illustrated in AWWA C207–55, Table 1, class B, may be used in place of paragraph (a)(2)(i) of this section.

| Nominal pipe size (inches) | Flange O.D. (inches) | Number of bolts | Bolt circle diameter (inches) | Diameter of bolts (inch) | Flange thickness (inch) |
|---|---|---|---|---|---|
| 2 | 6 | 4 | 4¾ | ⅝ | ⅝ |
| 2½ | 7 | 4 | 5½ | ⅝ | ⅝ |
| 3 | 7½ | 4 | 6 | ⅝ | ⅝ |
| 3½ | 8½ | 8 | 7 | ⅝ | ⅝ |
| 4 | 9 | 8 | 7½ | ⅝ | ¾ |
| 5 | 10 | 8 | 8½ | ¾ | ¾ |

(iv) Cast iron flanges prohibited.

In § 178.103, §§ 178.103–1, and 178.103–3 would be amended; paragraph (a) in §§ 178.103–4, and 178.103–5 would be amended; in § 178.103–2 paragraph (b) would be added to read as follows:

**§ 178.103 Specification 6L; metal packaging.**

**§ 178.103–1 General requirements.**

Each packaging must meet the applicable requirements of § 173.24 of this subchapter.

**§ 178.103–2 Rated capacity.**

* * * * *

(b) The authorized maximum gross weight of the package is 350 pounds for sizes not over 55 gallons, or 480 pounds for sizes over 55 gallons but not over 110 gallons.

**§ 178.103–3 General construction requirements.**

(a) The outer shell must be of straight sided steel, with welded body seams and at least 18-gage body and bottom head

sheets, and 14-gage removable head sheets (unless there are one or more corrugations in the cover near the periphery, in which case 16-gage is authorized). The shell may be either a single sheet of steel or may be fabricated by welding together two appropriate lengths of 55-gallon drums, such as a DOT Spec. 6J or 17H, with rolled or swedged in hoops as prescribed for either of those specifications. The head must be convex (crowned), not extending beyond the level of the chime, with a minimum convexity of 3/8-inch. The inside diameter of the shell must be at least 22.5 inches.

(b) Inner containment vessel must conform to Specification 2R (except that cast iron is not authorized), with a maximum usable inside dimension of 5.25 inches, maximum height of 50 inches (with caps in place) and minimum wall thickness of 0.25 inch.

(c) Inner containment vessel must be fixed within the outer shell by one of the following types of centering devices:

(1) At least 8 steel rod spacers, of at least 0.25 inch diameter (for packages of 55-gallon capacity) or 0.375 inch diameter (for packages with greater than 55-gallon capacity) cold rolled steel, welded to the vessel at each end by minimum 2-inch continuous weld. Each rod must be welded to the vessel at radial positions not exceeding 45 degrees as not to interfere with closure of the inner vessel. Each spacer rod must extend at least 2.25 inches beyond the inner vessel at each end, then radially to the wall of the outer drum (to provide a springlike snug fit) and along the entire length of the wall of the outer drum. For a packaging of more than 55-gallon capacity, each spacer rod must be braced by welding a 0.25 inch by 2-inch steel plate to the spacer rod and the pipe with a continuous weld at each joint, the joints being located approximately halfway along the length of the drum.

(2) * * *

(i) 1 inch by 1 inch by 1/4-inch steel angle iron.

(ii) 1 1/4 inches by 1 1/4 inches by 3/16-inch steel angle iron.

(iii) 1 inch schedule 40 steel pipe.

* * * * *

(3) There must not be less than 2 spacer mechanisms for a packaging of 55-gallon capacity nor less than 3 spacer mechanisms for a packaging greater than 55-gallon capacity. Each spacer mechanism must consist of not less than 6 steel angles, pipe, or rod radial supports of at least 0.42 square inch cross-section. Each radial support must be welded at one end to the containment vessel by a continuous weld or to an inner steel band of at least 1/4-inch by 1 inch by a continuous weld at radial positions not exceeding 60 degrees from the center of the package. The inner band, when used, must be welded to the inner containment vessel by at least 6 equally spaced 2-inch welds on each edge of the band. The opposite end of the radial support must be welded by a continuous weld to an outer steel band of at least 1/4-inch by 1 inch. The outer steel band must be welded to the outer shell by at least 6 equally spaced welds on each edge of the top band, such that the inner vessel is fixed at least 2.25 inches from the top and bottom of the drum. The spacer mechanism must be welded as specified near each end of the containment vessel so as not to interfere with the vessel closure. For a packaging greater than 55-gallon capacity, the additional spacer mechanism must be located at approximately mid-point along the length of the inner vessel.

(d) The void between the inner containment vessel and the outer shell must be completely filled with bagged or tamped vermiculite (expanded mica), with a density of at least 4.5 pounds per cubic foot. Loose, untamped vermiculite is not authorized.

**§ 178.103–4 Welding.**

Welding must be of material having a melting point in excess of 1475° F. (except that for packages constructed prior to (effective date of this amendment), this temperature may be 1000° F.), with a joint efficiency of at least 0.85.

**§ 178.103–5 Closure.**

(a) The outer drum closure must be at least a 12-gage bolted ring with drop forged lugs, one of which is threaded, and having at least a 5/8-inch diameter steel bolt, and a lock nut, or equivalent device.

* * * * *

In § 178.104, paragraphs (a), (b), and (c) in § 178.104–3 would be amended, and paragraph (e) would be added to read as follows:

**§ 178.104 Specification 6M; metal packaging.**

* * * * *

**§ 178.104–3 General construction requirements.**

(a) The outer shell must be of straight-sided steel, with welded body seams, and may be either a single sheet of steel, or for the 110-gallon size may be fabricated by welding together two appropriate lengths of 55-gallon drums, such as a DOT Spec. 6C or 17C, with each length to contain 3 wedged or rolled rolling hoops as prescribed for either of these specifications. A removable head for a packaging of 55 gallons or larger volume must have one or more corrugations in the cover near the periphery. For a packaging exceeding 15 gallons volume, the head must be crowned (convexed), not extending beyond the level of the chime, with a minimum convexity of 3/8-inch.

(1) The maximum authorized gross weight, metal thickness, and minimum end insulation thickness for the marked volume is as follows:

| Marked capacity (gallons not over) | Maximum authorized gross weight (pounds) | Minimum thickness of uncoated sheets and heads (gage) | Minimum thickness of end insulation (inches) |
|---|---|---|---|
| 15 | 160 | 20 | 1.88 |
| 30 | 480 | 18 | 3.75 |
| 55 | 640 | 16 | 3.75 |
| 110 | 640 | 16 | 3.75 |

(2) Each drum must have at least four 0.5-inch diameter vent holes, located on the sides of the drum, near the top, each covered with a weatherproof tape, fusible plug, or equivalent device.

(b) Inner containment vessel must conform to Specification 2R or equivalent, with maximum usable inside diameter of 5.25 inches, minimum usable inside diameter of 4 inches, and minimum height of 6 inches.

(c) Inner containment vessel must be fixed within the outer shell by one of the following types of solid centering media:

(1) Machined discs and rings made of solid industrial cane fiberboard having a density of at least 15 pounds per cubic foot; fitted such that the clearances between the fiberboard, inner vessel, and shell do not exceed 1/4-inch; or

(2) Hardwood or plywood at least 1/2-inch thick, having a density of at least 28 pounds per cubic foot. The sides of the inner vessel must be protected by at least 3.75 inches of insulation media, and the ends with at least the thickness as prescribed in § 178.104–3(a)(1). There must be no gap or direct heat path from the shell to the inner vessel.

* * * * *

(e) For a packaging having an authorized gross weight in excess of 480 pounds, a steel bearing plate, at least 0.25 inch thick, and at least 10 inches in diameter must be provided at both ends and adjacent to the specification 2R inner containment vessel, to provide additional load-bearing surface against the insulation-centering medium.

§ 178.120 would be added to read as follows:

**§ 178.120 Specification 20PF phenolic-foam insulated, metal overpack.**

**§ 178.120–1 General requirements.**

(a) Each overpack must meet all of the applicable requirements of § 178.24 of this subchapter.

(b) The maximum gross weight of the package, including the inner cylinder and its contents, must not exceed the following:

(1) Spec. 20PF–1—300 pounds.
(2) Spec. 20PF–2—700 pounds.
(3) Spec. 20PF–3—1000 pounds.

(c) The general configuration of the overpack must be a right cylinder, consisting of an insulated base section, a steel liner lid, and an insulated top section. The inner liner and outer shell must be at least 16-gage and 18-gage steel, respectively, with the intervening cavity filled with a molded-in-place, fire-resistant, phenolic-foam insulation interspersed with wooden members for bracing and support. Wood pieces must be securely attached to both the liner and shell. No hole is permitted in the liner. Each joint between sections must be stepped a minimum of 2 inches and gaps between mating surfaces must not exceed 0.2 inch. Gaps between foam surface of top section and liner lid must not exceed 0.4 inch, or 2 inches where taper is required for mold stripping. For the Spec. 20PF–1, the top section may consist of a plug of foam insulation and a

steel cover. The liner and shell closures must each be gasketed against moisture penetration. The liner must have a bolted flange closure. Shell closure must conform to § 178.117–8(b).

(d) Drawings in CAPE–1662, which include bills of material are a part of this specification.

**§ 178.120–2 Materials of construction and other requirements.**

(a) Phenolic foam—Insulation must be fire-resistant, phenolic foam which has been fabricated in accordance with USAEC Material and Equipment Specification SP–9, which is a part of this specification. A 5-inch minimum thickness of foam must be provided over the entire liner except:

(1) Where wood spacers replace the foam; or

(2) At protrusions of liner or shell, such as flanges, baffles, etc., where minimum insulation thickness is 3.5 inches; or

(3) Where alternate top section (Spec. 20PF–1) is used. Foam must not interfere with proper seating of screws in inner liner flange assembly. Average density of insulation must be 8 pounds per cubic foot (pcf) minimum for bottom section and 10 pcf minimum for top section, except 6.5 pcf for the Spec. 20PF–1 top section.

(b) Gaskets must be as follows:

(1) Inner liner flange—Neoprene rubber of 30 to 60 type A durometer hardness or other equivalent gasket material which is compatible with the specific contents.

(2) Outer shell—Synthetic rubber conforming to MIL–R–6855, (available from the Naval Publications Forms Center, 5801 Tabor Avenue, Philadelphia, Pennsylvania 19120) Class 2, grade 60.

(3) Support and pressure pads for inner liner top and bottom must be sponge rubber or equivalent.

(c) Alternate top section (Spec. 20PF–1 only). Average insulation density must be 10 pcf minimum. Thickness of plug must be 4.3 inches minimum, except thickness may be reduced to 4 inches to clear bolt heads. A flush mounted top lifting device must be securely fastened to a wood block encapsulated by the foam.

(d) Vent holes (0.2 inch diameter) must be drilled in the outer shell to provide pressure relief during the insulation foaming and in the event of a fire. These holes, which must be drilled in all areas of the shell which mate with the foam insulation, must be spaced in accordance with CAPE–1662.

(e) Welding must be by a fusion welding process in accordance with American Welding Society Codes B–3.0 and D–1.0. Body seams and joints for the liner or shell must be continuous welds.

(f) Waterproofing—Each screw hole in the outer shell must be sealed with appropriate resin-type or equivalent sealing material during installation of the screw. All exposed foam surfaces, including any vent hole, must be sealed with water-proofing material as prescribed in USAEC Spec. SP–9, Rev. 1, or equivalent.

**§ 178.120–3 Tests.**

(a) Leakage test—Each inner liner assembly must be tested for leakage prior to installation. Seam welds of the liner must be covered for a distance of at least 6 inches on either side of the seam with soapsuds, heavy oil, or equivalent material, and interior air pressure applied to at least 15 p.s.i.g. Pressure must be held for at least 30 seconds. Liners failing to pass this test may not be used until repairs are made, and retests successfully passed.

**§ 178.120–4 Required markings.**

(a) Marking must be as prescribed in § 173.24 of this subchapter.

(b) Marking on the outside of each overpack must be as follows:

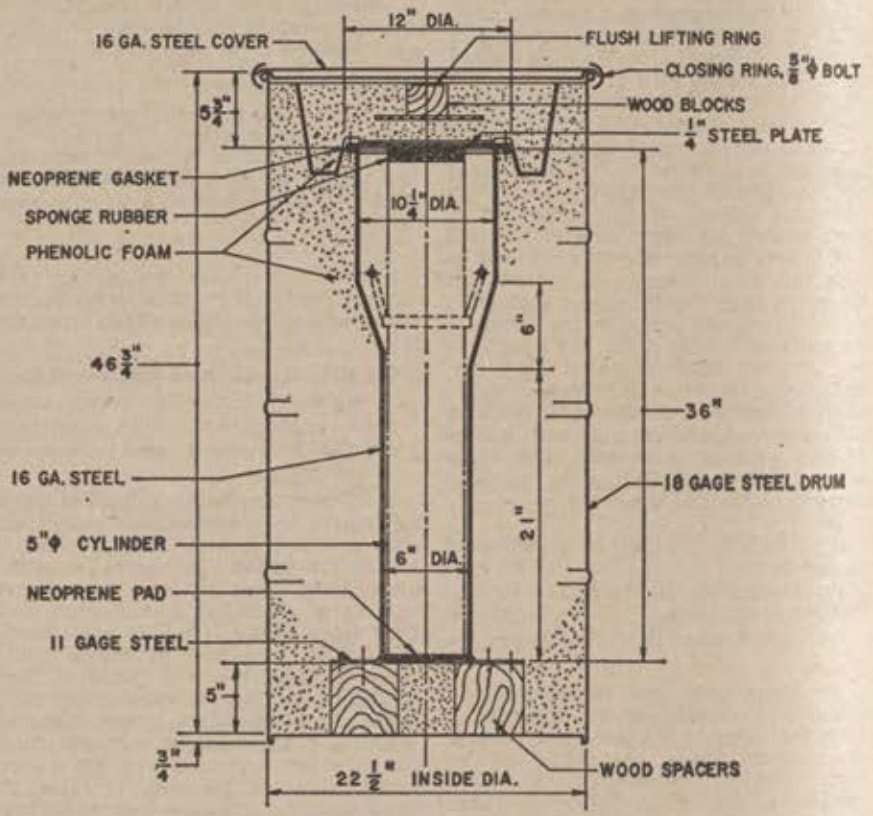
(1) "USA–DOT–20PF–1" or "–2," as appropriate, and if the entire liner is made of stainless steel, additional marking such as "304L–SS" to indicate the type of stainless steel used.

(2) "TARE WT: xxxlbs." where xxx is the tare weight of the assembled overpack without the inner container.

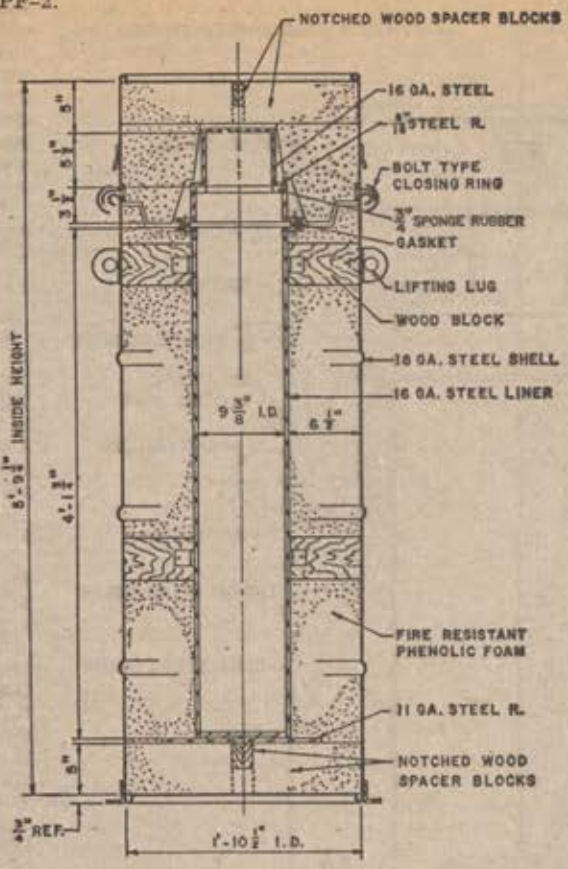
(3) Year of manufacture.

**§ 178.120–5 Typical assembly detail.**

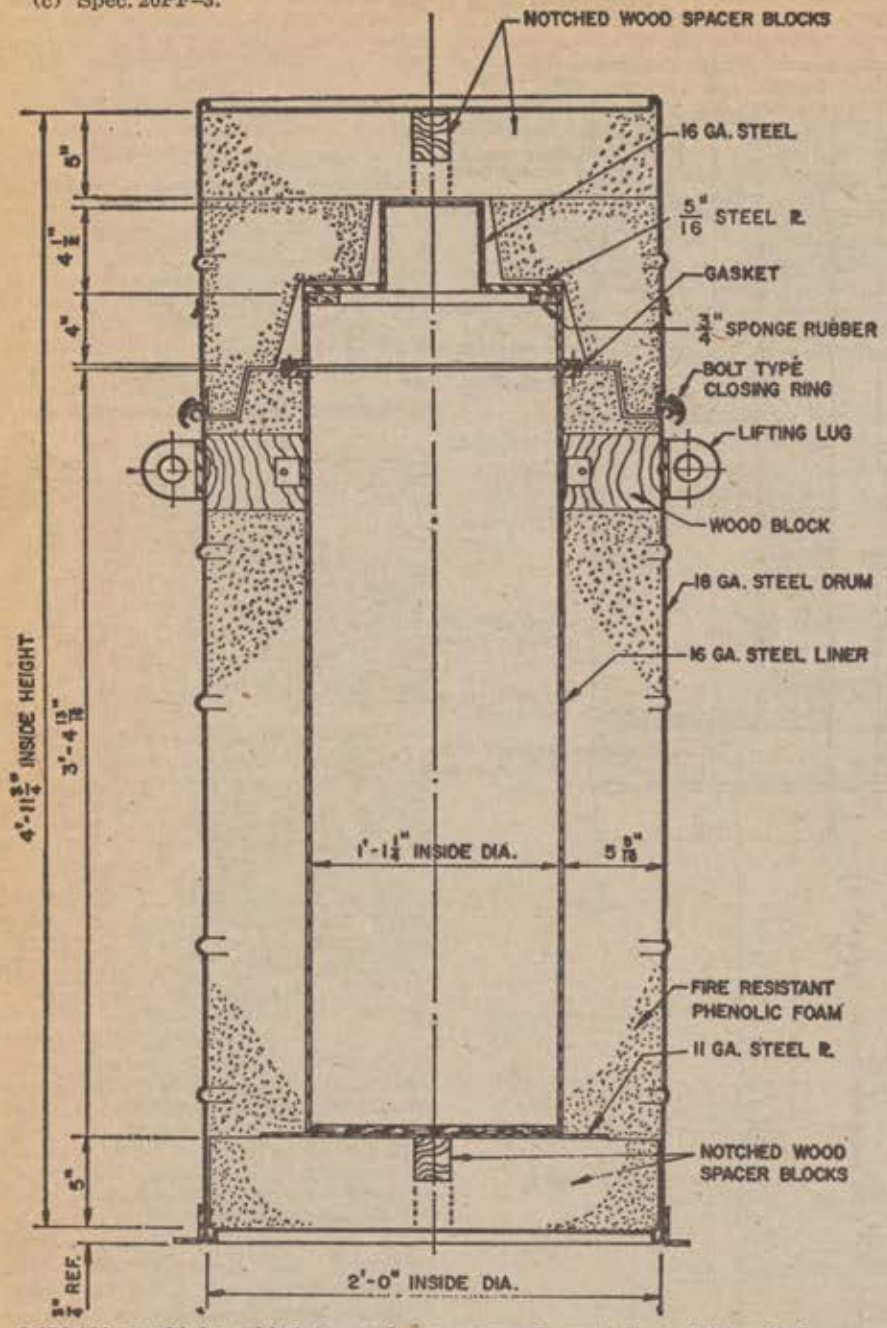
(a) Spec. 20PF–1.



(b) Spec. 20PF-2.


NOTCHED WOOD SPACER BLOCKS
16 GA. STEEL
STEEL R.
BOLT TYPE CLOSING RING
SPONGE RUBBER GASKET
LIFTING LUG
WOOD BLOCK
18 GA. STEEL SHELL
16 GA. STEEL LINER
9 I.D.
6
INSIDE HEIGHT
FIRE RESISTANT PHENOLIC FOAM
11 GA. STEEL R.
NOTCHED WOOD SPACER BLOCKS
REF.
I.D.

(c) Spec. 20PF–3.




§ 178.121 would be added to read as follows:

**§ 178.121 Specification 21PF fire and shock resistant, phenolic-foam insulated, metal overpack.**

**§ 178.121–1 General requirements.**

(a) Each overpack must meet all of the applicable requirements of § 173.24 of this subchapter.

(b) Each overpack is authorized for use in applications where the maximum gross weight of the package, including the inner container and contents does not exceed 8,200 pounds (horizontally-loaded spec. 21PF–1 unit), or 8,600 pounds (end-loaded spec. 21PF–2 unit).

(c) The general configuration of the overpack must be a right cylinder, consisting of a steel inner liner (at least 16-gage) and steel outer shell (at least 14-gage) with the intervening cavity filled with a molded-in-place, fire resistant, phenolic foam insulation and interspersed wooden members for bracing and support. Two specific configurations are authorized: a horizontal loading unit (spec. 21PF–1) consisting of insulated base and top sections jointed in a longitudinal peripheral closure joint; or an end-loading unit (spec. 21PF–2), consisting of an insulated main section, a steel plate liner lid, and an insulated end cap. For either type each joint between sections must be stepped at least 0.75 inch and gaps between mating surfaces may not exceed 0.2 inch. Bolted closures, which must each be gasketed against moisture penetration, must be in accordance with CAPE–1662. Each bolt must be equipped with a locking device to prevent loosening from vibration. Outer steel bracing and support framework must be attached to the shell to facilitate normal handling.

(d) Drawings in CAPE–1662, which include bills of material, are a part of this specification.

**§ 178.121–2 Materials of construction and other requirements.**

(a) Phenolic foam—Insulation must be fire resistant, phenolic foam which has been fabricated in accordance with USAEC material specification SP–9, Rev. 1, which is a part of this specification. A 5.5 inch minimum thickness of foam must be provided over the entire liner, except where:

(1) Wood spacers replace the foam material; or

(2) At protrusions of liner or shell, such as flanges, baffles, etc., where the minimum thickness of foam, wood, or a combination of these is 4 inches.

(3) Solid wood or laminated wood solidly glued may be used to replace the foam between liner and shell (i.e., in ends of overpack). In this case, minimum wood thickness is 4 inches. Average density of insulation must be 6.75 pounds per cubic foot (pcf) minimum, except that 8 pcf is required in the removable end cap of the spec. 21PF–2, which must have a minimum foam thickness of 5 inches.

(b) Gaskets for inner liner, outer shell, or where otherwise specified in CAPE–1662, must be of vinyl foam tape, single coated, or ¼-inch thick expanded rubber, per ASTM D1056, type R or S, grades 41 to 43, with adhesive backing, or equivalent.

(c) Support and pressure pads for the inner liner must be of neoprene, sponge rubber, or equivalent.

(d) Fire retardant (intumescent) paint must be applied to any wood blocking which is located at any joint in the shell.

(e) Vent holes (0.2 inch diameter) must be drilled in the outer shell to provide pressure relief during the insulation foaming and in the event of a fire. These holes, which must be drilled in all areas of the shell which mate with the foam insulation, must be spaced in accordance with CAPE–1662.

(f) Welding must be by a fusion process in accordance with the American Welding Society Code. Body seams and joints for the liner and shell must be continuous welds.

(g) Waterproofing—Each screw hole in the outer shell must be sealed with appropriate resin-type or equivalent sealing material during installation of the screw. All exposed foam surfaces including any vent hole, must be sealed with waterproofing material as prescribed in USAEC Material and Equipment Specification SP–9, or equivalent.

§ 178.121–3 **Required markings.**

(a) Markings must be as prescribed in § 173.24 of this subchapter.

(b) Marking on the outside of each overpack must be as follows:

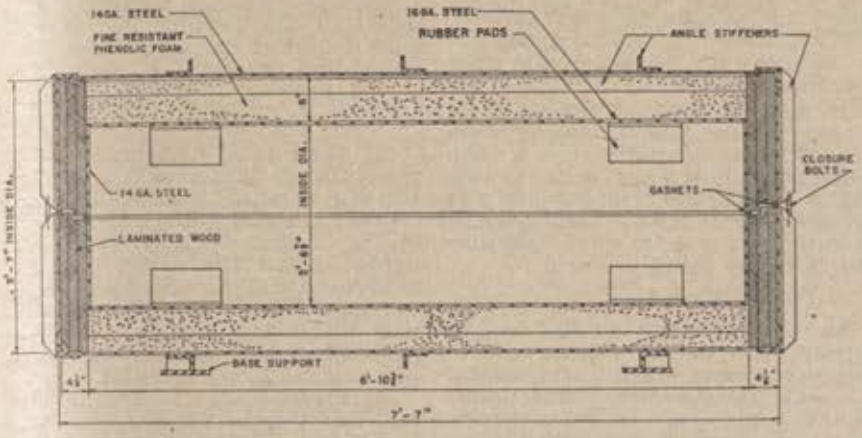
(1) "USA–DOT–21PF–1" or "–2", as appropriate, and, if the inner shell is of stainless steel, additional marking such as "304L–SS" to indicate the type of stainless steel used.

(2) "TARE WT: xxx lbs." where xxx is the tare weight of the assembled overpack without the inner container.

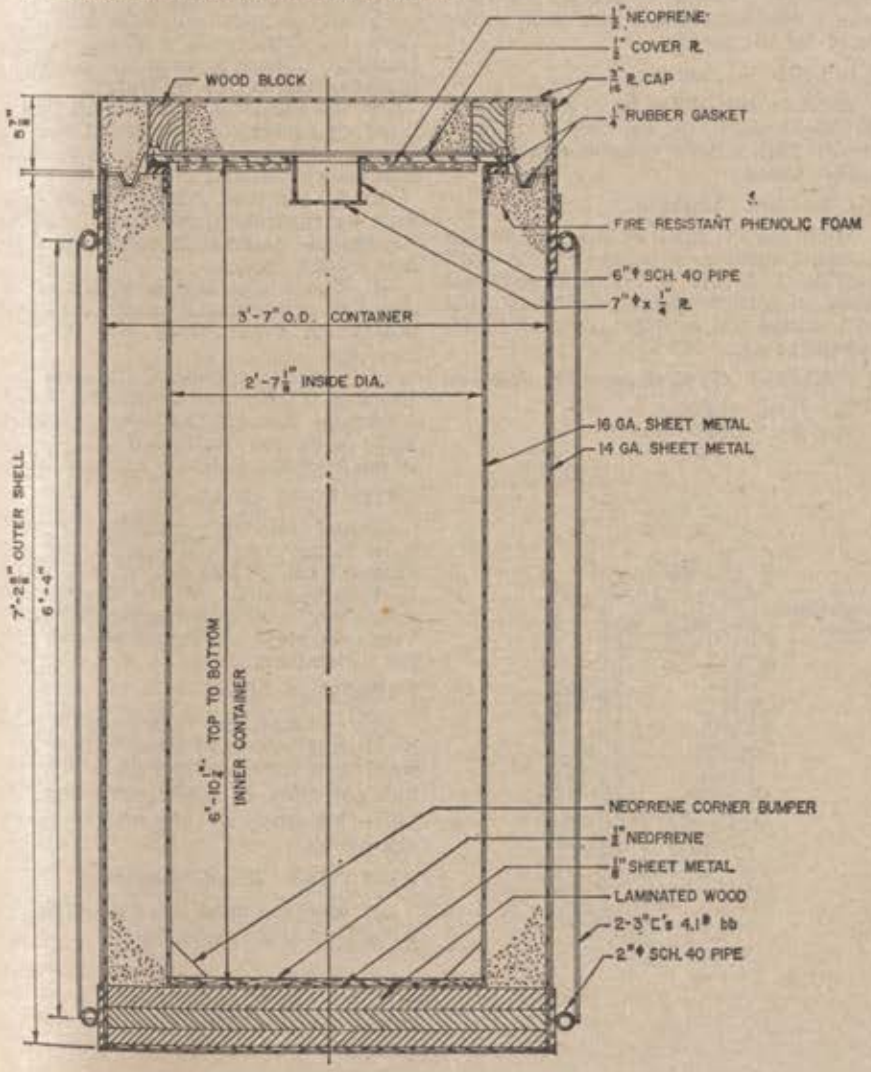
(3) Year of manufacture.

§ 178.121–4 **Typical assembly detail.**

(a) Spec. 21PF–1 (horizontal loading overpack).




(b) Spec. 21PF–2 (end loading overpack).




§ 178.194 would be added to read as follows:

§ 178.194 **Specification 20WC wooden protective jacket.**

§ 178.194–1 **General requirements.**

(a) Each jacket must meet the applicable requirements of § 173.24 of this subchapter.

(b) Maximum gross weight of the jacket plus the contents may not exceed the following:

(1) Spec. 20WC–1: 500 pounds.
(2) Spec. 20WC–2: 500 pounds.
(3) Spec. 20WC–3: 1,000 pounds.
(4) Spec. 20WC–4: 2,000 pounds.
(5) Spec. 20WC–5: 4,000 pounds.
(6) Spec. 20WC–6: 6,000 pounds.

§ 178.194–2 **Materials of construction.**

(a) The general configuration of the wooden protective jacket must be a hollow cylindrical shell constructed of one-piece discs and rings of plywood or solid hardwood reinforced with steel rods.

(1) The spec. 20WC–2 must be additionally completely encased, snugly fit, within an 18-gage steel shell. The steel shell must be provided with at least four 0.25 inch diameter vent holes. Each hole must be covered with durable weatherproof tape, or equivalent device.

(2) The spec. 20WC–6 jacket must be additionally completely encased, snugly-fit, within a 12 gage steel shell. The steel shell must be provided with at least twelve 0.5 inch diameter vent holes, located in 3 rows of 4 holes each, spaced at 90° intervals near the top, middle, and bottom of the drum. Each hole must be covered with durable weatherproof tape, or equivalent device.

(b) Plywood must be exterior-grade, void-free, Douglas fir (or equivalent) not more than 1 inch thick. Solid hardwood is authorized for spec. 20WC–2 only.

(c) Discs and rings must be glued together with a strong, shock-resistant adhesive, such as either of the following:

(1) A resorcinol-formaldehyde adhesive, which has been bonded under both heat and pressure; or

(2) A polyvinyl-acetate emulsion, which has been reinforced with cement-coated nails. The nails must be randomly spaced and must be at least 2.5 times as long as the minimum thickness of the plywood discs or rings.

(d) Full-length steel rods are required for reinforcement and lid closure.

(1) The minimum number of rods and the minimum rod diameter are as shown in the following table:

| Specification | Minimum number of rods | Minimum rod diameter (inches) |
|---|---|---|
| 20WC–1 | 6 | 0.25 |
| 20WC–2 | 6 | 0.25 |
| 20WC–3 | 12 | 0.375 |
| 20WC–4 | 16 | 0.375 |
| 20WC–5 | 16 | 0.50 |
| 20WC–6 | 16 | 0.50 |

(2) For specs. 20WC–1 and 20WC–2, steel rods must be equally spaced around the circumference to the rings and discs, midway between the O.D. and I.D. of

the rings. For specs. 20WC–3 and 20WC–4, bolts may be staggered alternately in two rows, at ±05 inch from the line midway between the O.D. and I.D. of the rings. For specs. 20WC–5 and 20WC–6, bolts may be staggered alternately in two rows at ±1 inch from the line midway between the O.D. and I.D. of the rings.

(3) Rod ends must be threaded and secured with lock nuts and steel washers, or equivalent device, to provide at least a 1 inch diameter bearing surface on each end. Ends of the rods must terminate 0.75 inch below the surface of the plywood for specs. 20WC–1 and 20WC–2. For specs. 20WC–3, 20WC–4, 20WC–5, and 20WC–6, the ends of the rods must terminate 1.5 inches below the surface of the plywood, and that portion of each end disc which extends beyond the rod ends must be further held in place with lag screws at least 4 inches long.

(e) Thickness of wooden shell:

(1) Spec. 20WC–1: At least 4 inches thick.

(2) Spec. 20WC–2: At least 3 inches thick.

(3) Spec. 20WC–3: At least 5 inches thick for the jacket wall, and at least 6 inches thick for the end discs. In addition, at least 3 plywood chines, 2 inches wide and protruding 2 inches beyond the outer surfaces, must be located at each end and midway along the length of the jacket.

(4) Spec. 20WC–4: At least 6 inches thick for the jacket wall, and at least 6 inches thick for the end discs. In addition, at least 3 plywood chines, 2 inches wide and protruding 2 inches beyond the outer surfaces, must be located at each end and midway along the length of the jacket.

(5) Specs. 20WC–5 and 20WC–6: At least 6 inches thick for the jacket wall, and at least 8 inches thick for the end discs. In addition, at least 5 plywood chines, 2 inches wide and protruding 2 inches beyond the outer surfaces, must be located at each end and equally spaced along the length of the jacket.

**§ 178.194–3 Closure.**

(a) Closure for the wooden protective jacket is provided by the steel reinforcing rods. The end cap (lid) must fit tightly to the body of the jacket to prevent a heat path to the inside of the jacket. The lid joint for specs. 20WC–3, 20WC–4, 20WC–5, and 20WC–6, may not be coplanar with the end of the inner containment vessel.

(b) Specs. 20WC–2 and 20WC–6. Locking ring closure, if used, must conform to § 178.104–4. Flanged closure, if used, must have at least 8 steel bolts (at least 0.25 inch diameter for 20WC–2 or 0.50 inch diameter for 20WC–6) and lock nuts (or equivalent device), spaced not more than 5 inches between centers.

**§ 178.194–4 Tests.**

Prior to each use, each jacket must be visually inspected for defects such as improper bonding, cracking, corrosion of steel rods, an improperly fitting closure lid, or other manufacturing defects. Particular attention must be given to any separation of the plywood discs and rings which would provide a heat path to the inside of the jacket.

**§ 178.194–5 Painting.**

Each jacket (other than 20WC–2 and 20WC–6) must be completely painted with a high quality exterior weather resistant paint.

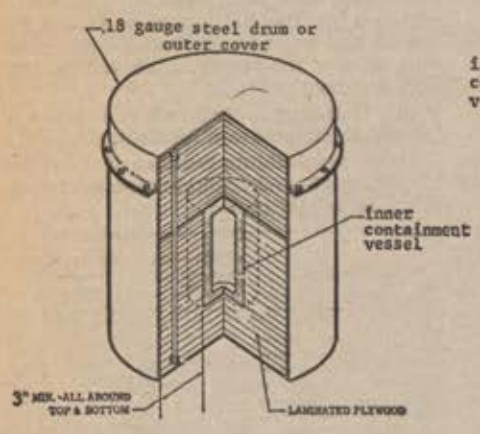
**§ 178.194–6 Marking.**

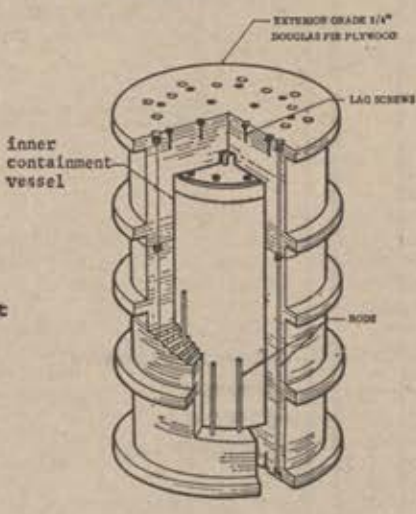
Each jacket must be marked on the external surface as follows: "USA–DOT 20WC–( ) TYPE B." The appropriate numeral must be inserted in the marking to indicate the appropriate spec. 20WC category: e.g., "20WC–2."

**§ 178.194–7 Typical assembly sketches.**

(a) Spec. 20WC–2.

(b) Spec. 20WC–5.




§ 178.195 would be added to read as follows:

**§ 178.195 Specification 21WC wooden-steel protective overpack.**

**§ 178.195–1 General requirements.**

(a) Each jacket must meet all the applicable requirements of § 173.24 of this subchapter.

(b) The maximum authorized gross weight of the overpack, including its inner container and contents may not exceed 3000 pounds.

**§ 178.195–2 Materials of construction and other requirements.**

(a) The general configuration of the protective overpack must be a combination of two nested plywood boxes, each 1 inch thick, nested within a third wooden box of nominal 2-inch thickness solid hardwood. The three nested boxes must be enclosed within a welded solid framework constructed of mild steel strap, nominally ⅜-inch thick by ¾-inch wide. All outer surfaces of each box must be coated with intumescent paint.

(b) Plywood must be exterior-grade, void-free, Douglas fir, or equivalent, at least 1 inch thick. Solid hardwood must be maple, or equivalent.

(c) All box joints and interior surfaces must be glued with a strong, shock-resistant adhesive, such as polyvinyl-acetate emulsion, or equivalent.

(d) All hardwood joints must be mitered, or equivalent, reinforced with No. 10 cement-coated nails spaced on nominal 6-inch centers.

(e) All plywood joints must be butt-type, or equivalent, reinforced with No. 10 cement-coated nails spaced on nominal 6-inch centers.

(f) The angles and strapping of the metal frame must be spaced such that separation distances do not exceed 6 inches.

(g) The lid must be of the same material as the box and fabricated in such a manner that closure forms a mitered joint with the hardwood box and 2 stepped-joints with the plywood boxes.

**§ 178.195–3 Closure.**

Closure for the protective overpack must be provided by at least 4 mild steel hinges formed from minimum 1 inch x 3/16-inch bar stock. Hinge pins must be minimum ¼-inch diameter by 5¼ inches long mild steel rod drilled at both ends for cotter pins.

**§ 178.195–4 Tests.**

Prior to each use, each overpack must be visually inspected for defects such as wood checking or splintering, weld cracking, corrosion of steel parts, improper joint bonding, or improperly fitting closure lid.

**§ 178.195–5 Required marking.**

(a) Marking must be as prescribed in § 173.24 of this subchapter.

(E) Marking on the outside of each overpack must include the following:

(1) "USA-DOT 21WC" and "TYPE B" as appropriate.

§ 178.250 [Deleted]

§ 178.250 would be deleted.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, Washington, D.C. 20590. Communications received before January 15, 1973, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, room 6215 Buzzards Point Building, Second and V Streets, S.W., Washington, D.C. both before and after closing date for comments.

(Secs. 831–835 of Title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430, 1472(h), and 1655 (c)).)

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

W. J. BURNS,
*Director,*
*Office of Hazardous Materials.*

[FR Doc.73-22431 Filed 10-24-73;8:45 am]

# Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF STATE

### Agency for International Development

[Delegation of Authority No. 99]

### ASSISTANT ADMINISTRATORS

### Delegation of Authority Concerning Contracting and Related Functions; Correction

Delegation of Authority No. 99, published in the FEDERAL REGISTER on May 16, 1973, at 38 FR 12834, is corrected by inserting a closing parenthesis after "diplomatic mission" and deleting the parenthesis after "his designee" in paragraph 1.D.

Dated October 4, 1973.

MAURICE J. WILLIAMS,
*Acting Administrator.*

[FR Doc.73-22597 Filed 10-24-73;8:45 am]

### DIRECTOR, ROCAP, GUATEMALA

### Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Director, ROCAP, Guatemala, the authority to sign or approve:

1. U.S. Government contracts and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may be redelegated in writing, in whole, or in part, by said Director at his discretion to the person or persons designated by the Director as Contracting Officer. Such redelegation shall remain in effect until such designated person ceases to hold the office of Contracting Officer for ROCAP, or until the redelegation is revoked by the Director, whichever shall first occur. The authority so redelegated by the Director may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Director may be exercised by duly authorized persons who are performing the functions of the Director in an acting capacity.

This redelegation of authority shall be effective October 1, 1973.

Dated September 28, 1973.

JOHN F. OWENS,
*Director,*
*Office of Contract Management.*

[FR Doc.73-22607 Filed 10-24-73;8:45 am]

### MISSION DIRECTOR, USAID, AFGHANISTAN

### Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Mission Director, USAID, Afghanistan, the authority to sign or approve:

1. U.S. Government contracts and amendments thereto, and A.I.D grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $50,000 or local currency equivalent

2. Contracts with individuals for the services of the individual alone within the monetary limitation of $50,000 or local currency equivalent.

The authority herein delegated may be redelegated in writing, in whole, or in part, by said Mission Director at his discretion to the person or persons designated by the Mission Director as Contracting Officer. Such redelegation shall remain in effect until such designated person ceases to hold the office of Contracting Officer for the Mission, or until the redelegation is revoked by the Mission Director, whichever shall first occur. The authority so redelegated by the Mission Director may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Director may be exercised by duly authorized persons who are performing the functions of the Director in an acting capacity.

This redelegation of authority shall be effective October 1, 1973.

Dated September 28, 1973.

JOHN F. OWENS,
*Director,*
*Office of Contract Management.*

[FR Doc.73-22598 Filed 10-24-73;8:45 am]

### MISSION DIRECTOR, USAID, BRAZIL

### Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Mission Director, USAID, Brazil, the authority to sign or approve:

1. U.S. Government contracts and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may be redelegated in writing, in whole, or in part, by said Mission Director at his discretion to the person or persons designated by the Mission Director as Contracting Officer. Such redelegation shall remain in effect until such designated person ceases to hold the office of Contracting Officer for the Mission, or until the redelegation is revoked by the Mission Director, whichever shall first occur. The authority so redelegated by the Mission Director may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Mission Director may be exercised by

duly authorized persons who are performing the functions of the Mission Director in an acting capacity.

This redelegation of authority shall be effective October 1, 1973.

Dated September 28, 1973.

JOHN F. OWENS,
*Director,*
*Office of Contract Management.*

[FR Doc.73-22599 Filed 10-24-73;8:45 am]

## MISSION DIRECTOR, USAID, DOMINICAN REPUBLIC

### Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Mission Director, USAID, Dominican Republic, the authority to sign or approve:

1. U.S. Government contracts and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may be redelegated in writing, in whole, or in part, by said Mission Director at his discretion to the person or persons designated by the Mission Director as Contracting Officer. Such redelegation shall remain in effect until such designated person ceases to hold the office of Contracting Officer for the Mission, or until the redelegation is revoked by the Mission Director, whichever shall first occur. The authority so redelegated by the Mission Director may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Mission Director may be exercised by duly authorized persons who are performing the functions of the Mission Director in an acting capacity.

This redelegation of authority shall be effective October 1, 1973.

Dated September 28, 1973.

JOHN F. OWENS,
*Director,*
*Office of Contract Management.*

[FR Doc.73-22600 Filed 10-24-73;8:45 am]

## MISSION DIRECTOR, USAID, EL SALVADOR

### Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Mission Director, USAID, El Salvador, the authority to sign or approve:

1. U.S. Government contracts and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may be redelegated in writing in whole, or in part, by said Mission Director at his discretion to the person or persons designated by the Mission Director as Contracting Officer. Such redelegation shall remain in effect until such designated person ceases to hold the office of Contracting Officer for the Mission, or until the redelegation is revoked by the Mission Director, whichever shall first occur. The authority so redelegated by the Mission Director may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Mission Director may be exercised by duly authorized persons who are performing the functions of the Mission Director in an acting capacity.

This redelegation of authority shall be effective October 1, 1973.

Dated September 28, 1973.

JOHN F. OWENS,
*Director,*
*Office of Contract Management.*

[FR Doc.73-22604 Filed 10-24-73;8:45 am]

## MISSION DIRECTOR, USAID, GUATEMALA

### Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Mission Director, USAID, Guatemala, the authority to sign or approve:

1. U.S. Government contracts and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may be redelegated in writing, in whole, or in part, by said Mission Director at his discretion to the person or persons designated by the Mission Director as Contracting Officer. Such redelegation shall remain in effect until such designated person ceases to hold the office of Contracting Officer for the Mission, or until the redelegation is revoked by the Mission Director, whichever shall first occur. The authority so redelegated by the Mission Director may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Mission Director may be exercised by duly authorized persons who are performing the functions of the Mission Director in an acting capacity.

This redelegation of authority shall be effective October 1, 1973.

Dated September 28, 1973.

JOHN F. OWENS,
*Director,*
*Office of Contract Management.*

[FR Doc.73-22605 Filed 10-24-73;8:45 am]

## MISSION DIRECTOR, USAID, INDIA

### Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Mission Director, USAID, India, the authority to sign or approve:

1. U.S. Government contracts and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $25,000, or when funded in local currency, the equivalent of $50,000.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may be redelegated in writing, in whole, or in part, by said Mission Director at his discretion to the person or persons designated by the Mission Director as Contracting Officer. Such redelegation shall remain in effect until such designated person ceases to hold the office of Contracting Officer for the Mission, or until the redelegation is revoked by the Mission Director, whichever shall first occur. The authority so redelegated by the Mission Director may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Mission Director may be exercised by duly authorized persons who are performing the functions of the Mission Director in an acting capacity.

This redelegation of authority shall be effective October 1, 1973.

Dated September 28, 1973.

JOHN F. OWENS,
*Director,*
*Office of Contract Management.*

[FR Doc.73-22602 Filed 10-24-73;8:45 am]

## MISSION DIRECTOR, USAID, NEPAL

### Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Mission Director, USAID, Nepal, the authority to sign or approve:

1. U.S. Government contracts and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $75,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may be redelegated in writing, in whole, or in part, by said Mission Director at his discretion to the person or persons designated by the Mission Director as Contracting Officer. Such redelegation shall remain in effect until such designated person ceases to hold the office of Contracting Officer for the Mission, or until the redelegation is revoked by the Mission Director, whichever shall first occur. The authority so redelegated by the Mission Director may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Mission Director may be exercised by duly authorized persons who are performing the functions of the Mission Director in an acting capacity.

This redelegation of authority shall be effective October 1, 1973.

Dated September 28, 1973.

JOHN F. OWENS,
*Director,*
*Office of Contract Management.*

[FR Doc.73-22603 Filed 10-24-73;8:45 am]

## MISSION DIRECTOR, USAID, PARAGUAY

### Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Mission Director, USAID, Paraguay, the authority to sign or approve:

1. U.S. Government contracts and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may be redelegated in writing, in whole, or in part, by said Mission Director at his discretion to the person or persons designated by the Mission Director as Contracting Officer. Such redelegation shall remain in effect until such designated person ceases to hold the office of Contracting Officer for the Mission, or until the redelegation is revoked by the Mission Director, whichever shall first occur. The authority so redelegated by the Mission Director may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Mission Director may be exercised by duly authorized persons who are performing the functions of the Mission Director in an acting capacity.

This redelegation of authority shall be effective October 1, 1973.

Dated September 28, 1973.

JOHN F. OWENS,
*Director,*
*Office of Contract Management.*

[FR Doc.73-22606 Filed 10-24-73;8:45 am]

## MISSION DIRECTOR, USAID, PHILIPPINES

### Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Mission Director, USAID, Philippines, the authority to sign or approve:

1. U.S. Government contracts and grants (other than grants to foreign governments or agencies thereof), and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance provided that the aggregate amount of each individual contract does not exceed $25,000 or local currency equivalent; except that each individual contract for family planning shall not exceed $50,000, and each individual contract for U.S. excess property (using trust account funds for the rural electrification program) shall not exceed $100,000.

2. Contracts with individuals for the services of the individual alone, and contracts for flood disaster recovery and rehabilitation, without monetary limitation.

The authority herein delegated may be redelegated in writing, in whole, or in part, by said Mission Director at his discretion to the person or persons designated by the Mission Director as Contracting Officer. Such redelegation shall remain in effect until such designated person ceases to hold the office of Contracting Officer for the Mission, or until the redelegation is revoked by the Mission Director, whichever shall first occur. The authority so redelegated by the Mission Director may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Mission Director may be exercised by duly authorized persons who are performing the functions of the Mission Director in an acting capacity.

This redelegation of authority shall be effective October 1, 1973.

Dated September 28, 1973.

JOHN F. OWENS,
*Director,*
*Office of Contract Management.*

[FR Doc.73-22601 Filed 10-24-73;8:45 am]

# DEPARTMENT OF THE TREASURY

## Comptroller of the Currency

## INSURED BANKS

### Joint Call for Report of Condition

CROSS REFERENCE.—For a document regarding joint call for report of condi-

tion of insured banks, see FR Doc. 73-22667, Federal Deposit Insurance Corporation, *supra*.

## Office of the Secretary

## OFFICE OF REVENUE SHARING

### Procedure for Improvement of Entitlement Data

The data used by the Office of Revenue Sharing in calculating revenue sharing allocations for units of local government pursuant to the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92-512, 31 U.S.C. Chapter 24) for the fourth entitlement period (July 1, 1973, through June 30, 1974) have been provided to each recipient government. Consolidated data for all of the units of local government receiving revenue sharing funds will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

These data have been compiled by the Bureau of the Census, and definitions of all data elements are provided in this Notice. If recipient governments believe that there are errors in these data, considering the definitions and effective dates, they should inform the Office of Revenue Sharing in writing of their proposed corrected data and provide evidence and documentation justifying the basis for their view. This may be accomplished by returning the form provided to each recipient government together with full justification to support proposed corrections of data. The form and justification must be received by the Office of Revenue Sharing on or before November 26, 1973. If the Office of Revenue Sharing has not been advised, in writing, of proposed corrections of data on or before November 26, 1973, the date elements published will be determined to be correct and, as such, will constitute a final determination by the Department of the Treasury. All data elements which were the subject of an earlier date review, or which were the result of such review, are not eligible for further review under this procedure since a final determination with respect to them has been made by the Department.

Upon receipt of any written response from recipient governments the Office of Revenue Sharing will, as timely as practicable, work with the Bureau of the Census to substantiate or correct all data questioned and will advise the recipient governments of its findings. Those findings will constitute a final determination of the recipient government's revenue sharing data elements.

In order to assure equitable treatment of each recipient the books will be kept open until all evidence and documentation received on or before November 26, 1973, have been reviewed, and data determined to be erroneous have been corrected.

There is one instance in which the Office of Revenue Sharing has determined that the Census data may not provide for equitable allocations. For cities and towns of under 500 in population, the per capita income is subject to substantial statistical error, and the Office has, therefore, determined that it will use the per capita income of the county area in which such unit of government is located as an estimate of the per capita income of that unit.

[SEAL] GRAHAM W. WATT,
*Director,*
*Office of Revenue Sharing.*

### DETAILED DATA DEFINITIONS FOR INTRASTATE ALLOCATIONS TO LOCAL GOVERNMENTS IN THE FOURTH ENTITLEMENT PERIOD

#### POPULATION

The "population" of a unit of local government for revenue sharing purposes is the resident population as of April 1, 1970, as determined by the Bureau of the Census in the 1970 Census of Population and Housing. Where the 1970 Census of Population count was corrected by the Bureau of the Census subsequent to printing of the official count in early Census publication or as a result of a qualifying boundary change after January 1, 1970, such population count is indicated with an asterisk on data forms issued to each recipient government by the Office of Revenue Sharing in its continuing data improvement program.

The 1970 Census was conducted primarily through self-enumeration. Each person enumerated in the 1970 Census was counted as an inhabitant of his usual place of residence. This means the place where he lives and sleeps most of the time, not necessarily his legal residence or voting residence. Members of the Armed Forces living on military installations were counted as residents of the area in which the installation was located. Members of the Armed Forces not living on a military installation were counted as residents of the area in which they were living. Crews of U.S. Navy vessels were counted as residents of the home port to which the particular vessel was assigned. College students were counted as residents of the area in which they were living while attending college. Inmates of institutions were counted as residents of the area where the institution was located. Persons without a usual place of residence were counted where they were enumerated.

The population data collected and used for all entitlements are as of April 1, 1970.

The population is related to boundaries of geographic areas existing as of December 31, 1972 (includes new incorporations and qualifying annexations, i.e., annexations made by places with a 1970 population of at least 5,000 and for which the annexed areas include population equal to 5 percent or more of the annexing government's population).

#### PER CAPITA INCOME

The "per capita income" is the mean, or "average" income of all persons in a given unit of government, as defined by the 1970 Census. Unlike the population, in which everyone was counted, the average per capita income was measured through a questionnaire which went to only 20 percent of the households on a random sampling basis. Since this method of measurement produces unreliable results for small places, the Office of Revenue Sharing has estimated the per capita income for cities and towns with fewer than 500 persons to be the same as that of the county in which the place is located.

Per capita income was computed from calendar year 1969 money income data which were collected during the 1970 Census. Total money income is the sum of:

Wage or salary income,
Net nonfarm self-employment income,
Net farm self-employment income,
Social Security or railroad retirement income,
Public assistance income,
All other income such as interest, dividends, veteran's payments, pensions, unemployment insurance, alimony, etc.

The total represents the amount of income received before deductions for personal income taxes, Social Security, bond purchases, union dues, medicare deductions, etc.

Receipts from the following sources are not included as income: Money received from the sale of personal property; capital gains; the value of income "in kind" such as food produced and consumed in the home or free living quarters; withdrawal of bank deposits; money borrowed; tax refunds; exchange of money between relatives living in the same household; gifts and lump sum inheritances, insurance payments, and other types of lump sum receipts.

#### ADJUSTED TAXES

The "adjusted taxes" for a unit of local government, as derived from the 1972 Census of Governments conducted by the Bureau of the Census, are the total taxes exacted by the unit of government in Fiscal Year 1972 (that government's 12-month accounting period that ended between July 1, 1971 and June 30, 1972) excluding taxes for schools and other education purposes. Total general purpose taxes include:

1. *Property taxes.*—County, municipal or township taxes levied on the value of real or personal property.

2. *Sales taxes.*—County, municipal or township taxes, either general or specific, on goods and services measured as a percent of sales or receipts, or as an amount per unit sold:

Sales taxes are of two types:
a. General sales or gross receipts tax.
b. Selective sales or gross receipts tax.
Examples of selective sales taxes are:
Gasoline tax.
Liquor tax.
Cigarette and tobacco tax.
Public utilities excise tax.
Amusement taxes.
Hotel and motel room occupancy and meals tax.

3. *License, permits and other taxes.*—County, municipal or township taxes not included in items 1 and 2 above.

Examples of license taxes are:
Alcoholic beverage licenses.
Business privilege licenses.

Motor vehicle and operators licenses.
Hunting and fishing licenses.
Marriage licenses.
Inspection fees charged in connection with the granting of renewal of a license.
Examples of permits are:
Buildings permits.
Permits for a business or nonbusiness privilege.
Examples of other taxes are:
Income, payroll or earnings tax.
Mortgage transfer and recordation tax.
Severance taxes.
Fee retained by a government for collecting taxes for other governments.

General purpose taxes do not include receipts from service charges, special assessments, interest earnings or fines.

A tax which is jointly imposed by a State government and units of local government is apportioned in order to determine local tax effort. An example of a jointly imposed tax would be a five percent sales tax of which four percent was imposed by the State government and one percent was imposed by local governments. In such case the amount of revenue realized by virtue of the one percent locally imposed portion will be credited to local tax effort. It is important to distinguish a "jointly imposed tax" from a wholly State imposed tax where part of the tax revenue is shared with local governments. An example of a shared State tax would be a five percent sales tax wholly imposed by the State, but which provides a 20 percent revenue share to units of local government. A local government's share of a "wholly State imposed tax" is classified as an intergovernmental transfer and not as local tax effort. Thus, in determining local tax effort the point of reference is the government which imposed the tax rather than the government which expended the resulting tax revenue.

Amounts in lieu of taxes received by a government from a utility it operates are treated as internal transfers and are excluded from taxes. Amounts in lieu of taxes received from utilities operated by other governments are reported as intergovernmental transfers.

School taxes are tax revenues of a unit of government which are allocated for school purposes. They include taxes levied for current capital and debt service as well as amounts collected for a governmental unit's school purposes by the county or state acting as collecting agent.

In some jurisdictions tax revenues for purposes of education are not separately identifiable because education is financed by expenditure or transfer of monies from a general fund to a school fund. If so, then the ratio of tax revenues to total revenues in such general fund multiplied by the expenditure or transfer of monies from the general fund (or similarly named fund) is taken to be the amount of tax revenues allocable to expenses for education.

INTERGOVERNMENTAL TRANSFERS OF REVENUE

"Intergovernmental transfers of revenue" are amounts received by a unit of government from other governments in Fiscal Year 1972 (the government's 12-month accounting period that ended between July 1, 1971, and June 30, 1972) for use either for specific functions or for general financial support. This amount is derived from the 1972 Census of Governments conducted by the Bureau of the Census. The figure includes grants, shared taxes, contingent loans and reimbursements for tuition costs, hospital care, construction costs, etc. Intergovernmental transfers of revenue does not include amounts received from sale of property or commodities, or utility services to other governments, or Federal revenue sharing entitlement funds.

[FR Doc.73-22553 Filed 10-24-73;8:45 am]

## DEPARTMENT OF DEFENSE

### Department of the Air Force

### AIR FORCE ACADEMY BOARD

#### Notice of Meeting

OCTOBER 17, 1973.

The Air Force Academy Board of Visitors will meet at the Air Force Academy, Colorado Springs, Colorado, on November 1-4, 1973.

The purpose of this meeting is to fulfill the requirements of 10 U.S.C. 9355(d) for the Board to meet at the Academy at least once annually to inquire into matters of morale, discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic matters, and other matters relating to the Academy which the Board decides to consider.

A portion of the meeting will be open for public attendance on November 2, 1973, from 8:45 a.m. until 11:15 a.m. in the Academy Superintendent's Conference Room, Harmon Hall. Among the topics on the tentative agenda during the open portion of the meeting are: Profile of the Class of 1977; WICHE-NCHEMS Costing Method; Commandant of Cadet Briefing on Cadet Transportation and SERE Training.

The remainder of the meeting will pertain to internal Academy policies, procedures, and personnel matters and will be held in closed session.

If additional information is desired, contact HQ USAF (DPPA), Washington, D.C. 20330, 202-692-4635.

STANLEY L. ROBERTS,
*Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.*

[FR Doc.73-22592 Filed 10-24-73;8:45 am]

### ADVANCED LOGISTICS SYSTEM PROJECT ADVISORY COMMITTEE

#### Notice of Meeting

OCTOBER 15, 1973.

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Advanced Logistics System (ALS) Project Advisory Committee, November 6-7, 1973, beginning at 8:30 a.m., November 6, 1973, in Room 118, Building 266, Area A, Wright-Patterson Air Force Base, Ohio (Air Force Logistics Command).

Because of the proprietary nature of data to be considered by the ALS Project Advisory Committee, this meeting will be closed to the public in accordance with the provisions set forth in section 552(b)(4) of Title 5, United States Code, and section 10(d) of Pub. L. 92-463.

JAMES A. BAILEY,
*Major General, USAF, Deputy Chief of Staff/Comptroller, Air Force Logistics Command.*

[FR Doc.73-22594 Filed 10-24-73;8:45 am]

### Department of the Navy

### NAVAL WEAPONS CENTER ADVISORY BOARD

#### Notice of Meetings

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 (1972)), a notice of closed meetings of the Naval Weapons Center Advisory Board of November 1 and 2, 1973, was published on October 15, 1973, in Volume 38, Number 198, of the FEDERAL REGISTER (38 FR 28577). These closed meetings of the Navy Weapons Center Advisory Board have been postponed to November 15 and 16, 1973, at the Naval Weapons Center, China Lake, California. The agenda consists of matters classified in the interest of national security.

H. B. ROBERTSON, Jr.,
*Rear Admiral, JAGC, U.S. Navy, Acting Judge Advocate General.*

OCTOBER 18, 1973.

[FR Doc.73-22596 Filed 10-24-73;8:45 am]

### BOARD OF ADVISORS TO THE SUPERINTENDENT, NAVAL POSTGRADUATE SCHOOL

#### Notice of Meetings

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 (1972)), notice is hereby given that open meetings of the Board of Advisors to the Superintendent, Naval Postgraduate School, will be held at 8:00 a.m. on November 8 and 9, 1973, at the Naval Postgraduate School, Monterey, California.

The agenda includes a report by the Superintendent, election of a Chairman of the Board, and discussions on the long-range effects of graduate education on a naval career.

H. B. ROBERTSON, Jr.,
*Rear Admiral, JAGC, U.S. Navy Acting Judge Advocate General.*

OCTOBER 17, 1973.

[FR Doc.73-22595 Filed 10-24-73;8:45 am]

### Office of the Secretary

### DEPARTMENT OF DEFENSE WAGE COMMITTEE

#### Notice of Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, effective January 5, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday, November 6, 1973
Tuesday, November 13, 1973
Tuesday, November 20, 1973
Tuesday, November 27, 1973

These meetings will convene at 9:30 a.m. and will be held in Room 1E–801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92–392.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local reports, and recommendations, statistical analyses and proposed pay schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463 and 5 USC 532 (b) and (4), the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D–281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
*Director, Correspondence and Directives OASD (C).*

OCTOBER 19, 1973.

[FR Doc.73–22706 Filed 10–24–73;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### GRAIN STANDARDS

#### Texas Inspection Point

*Statement of Consideration.* On August 21, 1973, there was published in the FEDERAL REGISTER (38 FR 22498) a notice announcing: (1) The Dallas Grain Exchange, Dallas, Texas, had voluntarily requested that effective August 15, 1973, its designation to operate as an official inspection agency under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) be canceled in accordance with the voluntary cancellation provision of § 26.101 of the regulations (7 CFR 26.101) under the Act; (2) the Fort Worth Grain Exchange, Fort Worth, Texas, had requested that effective August 15, 1973, the inspection area in which the Dallas Grain Exchange had been operative be reassigned to the Fort Worth Grain Exchange in accordance with the provisions of § 26.99 of the regulations (7 CFR 26.99) under the Act; (3) the Dallas inspection area was being reassigned on an interim basis to the Fort Worth Grain Exchange pending final determination of the matter; (4) other official inspection agencies had opportunity until September 20, 1973, to make application for the permanent reassignment of the Dallas inspection area in accordance with the provisions of § 26.99 of the regulations (7 CFR 26.99) under the Act; and (5) other interested persons had opportunity until September 20, 1973, to submit written data, views, or arguments with respect to the proposed cancellation, the interim reassignment, and the permanent reassignment.

No comments or applications were received with respect to the August 21, 1973, notice in the FEDERAL REGISTER. Therefore, pursuant to the authority contained in section 7(f) of the U.S. Grain Standards Act, the designation of the Dallas Grain Exchange to operate as an official inspection agency at Dallas, Texas, is canceled without prejudice to the Dallas Grain Exchange, and the inspection area in which the Dallas Grain Exchange was operative is reassigned to the Fort Worth Grain Exchange.

(Sec. 7, 39 Stat. 482, as amended 82 Stat. 764; (7 U.S.C. 79(f)); 37 FR 28464 and 28476.)

Done in Washington, D.C., on October 19, 1973.

E. L. PETERSON,
*Administrator, Agricultural Marketing Service.*

[FR Doc.73–22735 Filed 10–24–73;8:45 am]

### GRAIN STANDARDS

#### Washington Inspection Point

*Statement of Consideration.*—The State of Washington Department of agriculture is designated to operate as an official inspection agency in accordance with the provisions of section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)). The entire State of Washington is assigned to the Washington Department of Agriculture as its designated inspection area (7 CFR 26.1(a)(12) and seven designated inspection points (7 CFR 26.1(b)(13)) are assigned within the State: Kalama, Longview, Pasco, Seattle, Spokane, Tacoma, and Vancouver. A designated inspection point is defined as a city, town, or other location assigned under the regulations to an official inspection agency for the conduct of official inspections, and within which the official inspection agency or one or more of its licensed inspectors is located (7 CFR 26.1(b)(13)).

The Washington Department of Agriculture now plans to locate one or more of its licensed grain inspectors at Colfax, Washington, and has requested that effective January 1, 1974, its assignment be amended in accordance with § 26.99 (b) of the regulations (7 CFR 26.99(b)) to add Colfax, Washington, as a designated inspection point.

Notice is hereby given that the Agricultural Marketing Service has under consideration the proposed request from the Washington Department of Agriculture to amend the assignment of the Washington Department of Agriculture to add Colfax, Washington, as a designated inspection point under the U.S. Grain Standards Act. Opportunity is hereby afforded all interested persons to submit written data, views, or arguments to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, with respect to the needs and circumstances for stationing one or more licensed inspectors at Colfax and for designating Colfax as an inspection point. All written submissions shall be in duplicate and shall be mailed to the Hearing Clerk not later than November 26, 1973. All submission made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the written data, views, or arguments so filed with the Hearing Clerk and to other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C., on October 19, 1973.

E. L. PETERSON,
*Administrator, Agricultural Marketing Service.*

[FR Doc.73–22734 Filed 10–24–73;8:45 am]

## DEPARTMENT OF COMMERCE

### Domestic and International Business Administration

### DHEW, NCI

#### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

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.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3 Angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is manufactured by the Forgflo Corporation (Forgflo) and is presently available from the Adam David Co., Langhorne, Pennsylvania. The Model EMU-4C has a specified resolving capability of five Angstroms. (Resolving capability bears an inverse relationship to its numerical rating in Angstroms units, i.e., the lower the rating, the better the resolving capability).

We find that the additional resolving capability of the article is pertinent to the study of the finer details of virus structure using both thin sectioning and negative staining. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
*Director,*
*Special Import Programs Division.*

[FR Doc.73-22679 Filed 10-24-73;8:45 am]

## JOHNS HOPKINS UNIVERSITY

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00597-01-10100. Applicant: The Johns Hopkins University, Charles and 34th Street, Baltimore, Maryland 21218. Article: Messanlagen Temperature-Jump Transient Spectrophotometer. Manufacturer: Messanlagen Studiengesellschaft mbH., West Germany. Intended use of article: The article is intended to be used to study the time course of the protein unfolding processes, and examine its implication to the conformational aspect of protein molecule.

Fluorescence kinetic measurement will also be carried out in this study. The article will also be used for the instruction of rapid kinetic technique to graduate and medical students in the course entitled "Physical Biochemistry."

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides capabilities for minimum relaxation time (as little as one microsecond) and for fluorescence kinetic measurement. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated September 20, 1973 that the capabilities described above are pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
*Director,*
*Special Import Programs Division.*

[FR Doc.73-22678 Filed 10-24-73;8:45 am]

## UNIVERSITY OF CINCINNATI 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 November 14, 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: 74-00121-33-46040. Applicant: University of Cincinnati, College of Medicine, Eden and Bethesda Avenues, Cincinnati, Ohio 45219. Article: Electron Microscope, Model EM 300 and 1¾ HP Single Pump water chiller with step-up transformer. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The foreign article is an accessory to an existing electron microscope to be used in ultrastructural research on biological material. Specific ultrastructural studies planned involve (1) immune cells in connective tissue diseases, (2) chrondrocytes obtained from rheumatoid arthritis cartilage, (3) the glomerular basement membrane of rats with various immunological diseases, (4) renal blood vessels in systemic sclerosis, (5) liver cells in patients with hepatitis, (6) the effect antimitotic drugs on bone marrow-cells and (7) bacterial cell walls. The article will also be used to teach students, house staff, and young physicians light and electron microscopic interpretation of tissues obtained from biopsy, smears and other tissues obtained from patients. Postdoctoral students performing collaborative procedures will also be taught the use of the electron microscope in medical science research. Application received by Commission of Customs: September 19, 1973.

Docket Number: 74-00122-33-46040. Applicant: University of Cincinnati, College of Medicine, Eden and Bethesda Avenues, Cincinnati, Ohio 45219. Article: Electron Microscope, Model JEM 100B, ASID high resolution scanning device, and 1B1003 used high resolution universal goniometer. Intended Use of Article: The foreign article is intended to be used to examine biological materials, such as, cultured mammalian cells, bacteria viruses, and purified macromolecules (namely proteins and DNA) to define the role of microorganisms in disease-processes at the cellular and subcellular levels. The article is intended to be used very little in training. Application received by Commissioner of Customs: September 19, 1973.

Docket Number: 74-00123-33-46040. Applicant: University of Cincinnati, College of Medicine, Eden and Bethesda Avenues, Cincinnati, Ohio 45219. Article: Electron Microscope, Model EM 201 with plate camera and anti-contamination device. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended Use of Article: The foreign article is intended to be used in studies involving bacterial cells in various stages of division, cultured mammalian cells in states of differentiation and specialization of function, viruses and virus-infected cells, and monitoring the purity of subcellular fractions. The experiments are concerned with furthering knowledge of fundamental biological phenomena such as viral and bacterial ultrastructure, phagocytic activity of RES cells and virus infected cells.

The article will also be used in teaching graduate students and faculty members in the use of the electron microscope. Lecture presentations (about 15 hours) followed by actual work with the electron microscope is intended to prepare students and faculty members for research. Application received by Commissioner of Customs: September 19, 1973.

Docket Number: 74-00124-33-46040. Applicant: University of Nebraska Medical Center, 42nd and Dewey, Omaha, Nebraska 68105. Article: Electron Microscope, Model EM 201 with plate camera, 70 mm. camera, and anti-contamination device. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended Use of Article: The foreign article is intended to be used in studies on human and lower animal cells and tissues in both normal and pathological states. Specific investigation will include (1) the alteration of fine structure of the sertali; cells and leydig cells in animal and human testis after vasectomy; (2) the ultrastructure of connective tissue cells involved in collagen formation during wound healing; (3) ultrastructural manifestations of hormone synthesis in the pituitary gland.

The article will also be used in training graduate students, medical students, and medical residents in the use of electron microscope in the courses, "Fundamentals of Electron Microscopy and Selected Problems in Electron Microscopy." In addition, the article will be used by graduate students in research for the courses "Master's Thesis" and "Doctoral Dissertation." Application received by Commissioner of Customs: September 19, 1973.

Docket Number: 74-00127-33-46040. Applicant: University of California, Davis Campus, Davis, California 95616. ARTICLE: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of insect tissues, plant and animal viruses and mycoplasma (in relation to the insects that transmit them) and viruses and other microorganisms affecting insects. The experiments to be undertaken are as follows:

(a) A morphological study of aphid symbiotes to determine their systematic status and physiological function.

(b) Study of the effect of plant viruses, plant mycoplasma and insect pathogens on insect cells in a monolayer culture.

(c) Observation of certain plant viruses after purification. procedure to determine the validity of the procedures.

(d) Study of insect mitochondria to observe the aging process on these organelles.

(e) Several projects involving the general observation of insect and mite ultrastructure.

The article will also be used for instructional purposes in the following courses:

A. Insect Morphology-Entomology 101.
B. Insect Physiology-Entomology 102.
C. Insect Vectors of Plant Pathogens-Entomology 125.
D. Medical Entomology-Entomology 153.
E. Electron Microscopy in Entomological Research-Entomology 298.

Application received by Commissioner of Customs: September 19, 1973.

Docket Number: 74-00128-33-46040. Applicant: University of Minnesota, School of Dentistry, 519 Owre Hall, Minneapolis, Minnesota 55455. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instrument NVD, The Netherlands. Intended use of article: The foreign article will be used to study the structure and morphogenesis of the small *Bacillus subtilis* bacteriophage ϕ29. The study is designed to define and analyze the steps involved in *in vivo* morphogenesis of this virus.

Specific aims are:

(1) To extend, confirm and eventually complete the mapping of the ϕ29 genome;

(2) To continue studies on the structure of ϕ29 DNA, including fractionation, analysis of transfection and gene transfer by marker rescue, and determination of the nature and extent of terminal repetition; and

(3) To utilize the ϕ29 *ts* and *sus* mutants and specific DNA fragments for analysis of morphogenesis, including details of gene function, gene expression and viral assembly.

Three Ph.D. candidates will also use the article for dissertation research. Application received by Commissioner of Customs: September 20, 1973.

Docket Number: 74-00129-33-46040. Applicant: Harvard University, The Biological Laboratories, 16 Divinity Avenue, Cambridge, Mass. 02138. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The objective to our research is to understand the molecular organization of biological membranes and related structure in terms which will explain their cellular function. A number of simple membrane systems and tissue culture cell membranes will be probed using a combination of electron microscopic and biochemical techniques. In order to analyze both the transverse and the lateral distribution of selected membrane components, a variety of electron microscopic methods must be used, including both standard transmission and selected area diffraction modes. Tissues prepared by negative staining, positive staining and freeze etching will be examined and a novel combination of electron microscopic autoradiography and freeze-etching will be developed. Freeze-fracture and freeze-etching techniques together with immunochemical labelling methods will be used to study the distribution of membrane surface components and to relate the mobility of protein and glycoprotein at membrane surface to the mobility of underlying structures in the lipid bilayer. Cells or their isolated membranes will be subject to a variety of environments, hydrolytic chemicals and other manipulations to identify the factors responsible for controlling membrane mobility or maintaining patterns of asymmetry or in-plane distribution of components during normal and abnormal growth. Application received by Commissioner of Customs: September 20, 1973.

Docket Number: 74-00130-33-46040. Applicant: University of Cincinnati, College of Medicine, Eden and Bethesda Avenues, Cincinnati, Ohio 45219. Article: Electron Microscope, Model EM 10. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The foreign article is intended to be used in several research projects including correlated studies of ultrastructure and function of human blood platelets of normal and diseased individuals, and the structural and functional correlation of reproductive organs. A program of studies of ultrastructural changes in correlation of various neurophysiological studies is also planned.

The article will also be used to teach advanced graduate students and faculty where required, a course in ultrastructural interpretation entitled, "Electron Microscopy in Biology." Application received by Commissioner of Customs: September 20, 1973.

Docket Number: 74-00131-33-46040. Applicant: University of Cincinnati Medical Center, Medical Science Building, Department of Pathology, Cincinnati General Hospital, Cincinnati, Ohio 45229. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The foreign article is intended to be used in the examination of specimen tissues from surgical pathology for the diagnosis of renal and liver diseases and on tumors of uncertain origin, in which, the determination of cell type of origin of carcinomas and the differentiation between different types of central nervous system malignancies will be done. In addition, to the strictly diagnostic service, these and other tissues will be accumulated into groups for the study of progression of different disease states and correlative studies on the relationship of different diseases. The article will also be used to teach graduate students courses entitled, "Research in Pathology and Electron Microscopy Technique." Application received by Commissioner of Customs: September 20, 1973.

Docket Number: 74-00133-33-46040. Applicant: University of Pennsylvania, Department of Anatomy, 116 Anatomy-Chemistry Bldg., 36th & Hamilton Walk, Philadelphia, Pa. 19174. Article: Electron Microscope, Model JEM 200A. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The foreign article is intended to be used to study the detailed structure of muscle cells. The main objective of this work is to understand the normal and pathological structure of muscle and how this is related to muscle disease. Application received by Commissioner of Customs: September 20, 1973.

Docket Number: 74-00132-66-46040. Applicant: Northwestern University, Department of Materials Science, The Technological Institute, Evanston, Illinois 60201. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL,

Ltd., Japan. Intended use of article: The foreign article is intended to be used in the following research projects:

(1) Investigation of dislocation structures in fatigued metals; (2) Investigation of Atomic arrangements in transition metal mono-oxides and (3) Electron microscopic investigation of the structure of enzymes. Application received by Commissioner of Customs: September 20, 1973.

Docket Number: 74-00135-33-90000. George Washington University Medical Center, 901 Twenty-third Street, NW., Washington, D.C. 20037. Article: EMI-Scanner X-ray System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The foreign article will be used in research intended to answer these questions:

(a) Are the quantitative [x-ray] absorptions generated of value in telling the exact type of tumor present?; (b) Can the method be made even more sensitive by injecting into the blood radiographic contrast media to enhance absorption differences of normal and abnormal regions of the brain?; (c) Can the method be adapted to body parts other than the brain?; (d) Can the method be used to determine the efficiency of treatment of brain tumors of those patients undergoing cancer therapy?; and (e) Does it eliminate or complement existing studies?; and (f) Does it change the mode of caring for patients with cerebral symptoms?

The article will also be used to teach medical students and physicians courses in the diagnosis and management of diseases of the brain. The courses are entitled, "Diagnostic Radiology" and "Computers in Radiology." Application received by Commissioner of Customs: September 21, 1973.

Docket Number: 74-00136-99-46040. Applicant: Middle Tennessee State University, Department of Biology, Murfreesboro, Tennessee 37130. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The foreign article is intended to be used in teaching courses entitled, "Cell Physiology, Advanced Bacteriology, Virology and Electron Microscopy and Biology." The article will be used in the "Cell Physiology" course to study the effects of various poisons, such as, insecticides on cellular organelles and to determine the purity of homogenized samples following centrifugation. The article will also be used in the "Advanced Bacteriology" and "Virology" courses to study viruses, in the "Cell Physiology" course to teach the interpretation of electron micrographs and in the course "Electron Microscopy and Biology" to teach electron microscopy. Application received by Commissioner of Customs: September 24, 1973.

Docket Number: 74-00137-90-46070. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439. Article: Scanning Electron Microscope, Model MSM-3T. Manufacturer: Akashi-Seisakusho, Ltd., Japan. Intended use of article: The article will be used to study etched fission tracks (i.e., pits about 10 microns in all dimensions) in the surface of mica and other solid-state track recorders, through quantitative counting of all tracks in an area about 1 sq. cm. with the article interfaced to a computer, to develop a technique for rapid automatic counting of such tracks for use in nuclear-reactor physics experiments. Application received by Commissioner of Customs: September 25, 1973.

Docket Number: 74-00138-33-10550. Applicant: Veterans Administration Hospital, 3350 La Jolla Village Dr., San Diego, California 92161. Article: Thin layer Radiochromatography system, Model EO-111-P-7973. Manufacturer: Panax Equipment Limited, United Kingdom. Intended use of article: The article will be used for the evaluation of radioactive compounds through chromatographic techniques in studies on the metabolism of lipids in biological systems undertaken to understand the nature of disordered lipid metabolism. Application received by Commissioner of Customs: September 25, 1973.

Docket Number: 74-00139-01-77040. Applicant: Rutgers University, Department of Chemistry, University Ave. and Warren St., Newark, N.J. 07102. Article: Mass Spectrometer, Model MS-30. Manufacturer: AEI Scientific Apparatus, United Kingdom. Intended use of article: The article will be used for both high and low resolution mass spectrometry. Natural products will be examined for steroidal and triterpene content. Structural proof will utilize high resolution fragmentation patterns. Many cases will involve severely limited quantities of material and the presence of impurities. A large number of senior undergraduate and graduate students will be using the instrument for research. Application received by Commissioner of Customs: September 25, 1973.

Docket Number: 74-00140-00-46040. Applicant: University of Pennsylvania, Purchasing Department, Philadelphia, Pa. 19174. Article: Electromagnetic Shutter with Exposure Meter. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is an accessory to an existing electron microscope, which will be utilized for completion of various biomedical projects including: (1) Ultrastructural evaluation of human brain, peripheral nerve and muscle biopsies; (2) Electron microscopy of rats with experimental allergic encephalomyelitis and malnutrition; (3) Ultrastructural evaluation of spontaneous and experimental virus diseases of humans and rats, and of humans suspected of having a disease caused by virus infections. Application received by Commissioner of Customs: September 24, 1973.

Docket Number: 74-00142-33-46500. Applicant: University of Hawaii at Hilo, P.O. Box 1357, Hilo, Hawaii 96720. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to section normal and pathological tissues from marine biological organisms. These fragile, highly hydrated, cellular tissues are processed intact and also after subjection to mechanical and biochemical treatment such as extraction procedures, histochemical tests and physical manipulation in a program aimed at ascertaining the types of tumors in marine animals, ascertaining the effect of antitumor agents on them and the extraction of growth promoting and inhibiting substances from marine invertebrate tissues. The article will also be used for demonstrations and conducting research in courses intended to prepare students for medical school, dental school and careers in research. Application received by Commissioner of Customs: September 24, 1973.

Docket Number: 74-00143-33-46040. Applicant: Duke University Medical Center, Department of Anatomy, Box 3011, Durham, North Carolina 27710. Article: Electron Microscope, Model Elmiskop 102. Manufacturer: Siemens AG, West Germany. Intended use of article: The research that is planned using the article involves, among other things studies of isolated protein molecules. It is hoped that crystalline bovine serum albumin can be profitably studied using a special dark field technique and that it will be possible to detect alterations in this molecule brought about by detergents. In addition work is planned on various isolated components of cell membranes and on membrane fractions; and on studies of metallic replicas of membrane fragments. Application received by Commissioner of Customs: September 24, 1973.

Docket Number: 74-00144-01-07500. Applicant: University of Miami, P.O. Box 8184, Coral Gables, Florida 33124. Article: Heat Capacity Calorimeter. Manufacturer: Universite de Sherbrooke, Canada. Intended use of article: The article is to be used for determining apparent and partial molal heat capacities of electrolytes in aqueous and nonaqueous solutions. The electrolytes studied will be alkaline earth metal halides and perchlorates, tetraalkylammonium halides and perchlorates and some rare earth halides. The nonaqueous solvents will be highly polar organic solvents. The objectives are to obtain thermochemical data on electrolytic solutions in order to predict properties of nonaqueous solution and to construct a theoretical model of electrolytic solutions. The techniques employed will be to pass pure solvent and then an electrolytic solution of the solvent through the calorimeter. The article will detect a difference in heat capacity of the two liquids which can then be related to the thermodynamic properties of interest. Application received by Commissioner of Customs: September 25, 1973.

Docket Number: 74-00145-92-46070. Applicant: The Ohio State University, Department of Entomology, 190 North Oval Drive, Columbus, OH 43210. Article: Scanning Electron Microscope, Model MSM-2. Manufacturer: Akashi-Seisakusho, Ltd., Japan. Intended use of article: The article is intended to be used for studies of the changes in the fine structure of exposed surfaces of Acari and

other arthropods of medical importance as they are related to developmental times and environmental variables. The article will also be used to train research scientists in the use of the scope and the pictures of the fine structure of exposed surfaces will be used to teach research scientists about the biological variability of the Acari and the effects of developmental and environmental modifications on this variability. Application received by Commissioner of Customs: September 27, 1973.

Docket Number: 74–00146–56–19000. Applicant: University of Miami, Rosenstiel School of Marine and Atmospheric Science, P.O. Box 8184, Coral Gables, Florida 33124. Article: Density Meter. Manufacturer: Universite de Sherbrooke, Canada. Intended use of article: The article is to be used to study the characteristics of density of all the constituents of seawater. Application received by Commissioner of Customs: September 28, 1973.

Docket Number: 74–00147–56–07520. Applicant: University of Miami, Rosenstiel School of Marine and Atmospheric Science, P.O. Box 8184, Coral Gables, Florida 33124. Article: Heat Constant Flow Microcalorimeter. Manufacturer: Universite de Sherbrooke, Canada. Intended use of article: The article will be used to conduct heat capacity research on water and all its constituent elements. Application received by Commissioner of Customs: September 28, 1973.

Docket Number: 74–00125–33–46040. Applicant: University of Chicago, 5801 Ellis Avenue, Chicago, Illinois 60637. Article: Electron Microscope, Model Corinth 275. Manufacturer: AEI Scientific Apparatus Limited, United Kingdom. Intended use of article: The foreign article is intended to be used in studies on the following: (1) Muscle and nervous tissue from patients with various psychiatric illness and (2) muscle and nervous tissue from animals treated with various drugs and procedures that in one way or another simulate psychosis in humans. Experiments will seek correlation of structural findings with clinical data on the patients and behavioral and biochemical data in animals.

The article will also be used to teach students the techniques of tissue preparations for electron microscopy, use and maintenance of the electron microscope, the production and integration of electron micrographs, and finally, a course entitled, "Histochemistry and Electron Microscopic Effects of Drugs on Muscle and Nerve." Application received by Commissioner of Customs: September 19, 1973.

Docket Number: 74–00126–33–46040. Applicant: Florida State University, Tallahassee, Florida 32306. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The foreign article is intended to be used in the study of synaptic linkages in vertebrates and invertebrates and in the study of degenerative-regenerative patterns in the nervous system of mammals. In addition, the functional study of endocrine organs will be studied. The article will also be used in teaching courses entitled, Histology and Comparative Microscopic Anatomy, Neurophysiology and Advanced Neurology. Application received by Commissioner of Customs: September 19, 1973.

Docket Number: 74–00141–16–78030. Applicant: California Institute of Technology, 1201 East California Blvd., Pasadena, CA 91109. Article: Fourier Spectrophotometer, Model FS–720A–12. Manufacturer: Beckman-RIIC Limited, United Kingdom. Intended use of article: The article will be used in a program in infrared and submillimeter astronomy to provide capabilities essential in the development and evaluation of detector systems for far infra red astronomy located in separate laboratory sites. Application received by Commissioner of Customs: September 14, 1973.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
*Director,*
*Special Import Programs Division.*

[FR Doc.73–22677 Filed 10–24–73;8:45 am]

## National Oceanic and Atmospheric Administration

### FREDERICK J. WOELKERS III AND ROY C. RANDALL

#### Denial of Applications for Economic Hardship Exemption for Taking Marine Mammals

The Director, National Marine Fisheries Service, received 12 applications from individuals in Alaska for exemptions from the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, et seq., 86 Stat. 1027 (1972)) on grounds of undue economic hardship, and one inquiry with regard to such an exemption. The applications involved the taking of comparatively large numbers of seals and sea lions from the same population stocks for the commercial sale of meat, hides, and blubber, and for the commercial utilization of the meat as fish bait.

Notice of receipt of two of these applications, from Frederick J. Woelkers, III, of Seward, Alaska, and Roy C. Randall, of Port Williams, Alaska, was published in the FEDERAL REGISTER on March 6, 1973 (38 FR 6088). Notice of receipt of an additional nine applications was published in the FEDERAL REGISTER on June 20, 1973 (38 FR 16088, 16089).

Notice of the final application was published in the FEDERAL REGISTER on August 1, 1973 (38 FR 20488).

Notice of a public hearing on the applications for Woelkers and Randall appeared in the FEDERAL REGISTER on March 21, 1973 (38 FR 7407) and the hearing was held on April 11, 1973, in Kodiak, Alaska.

Notice was given in the FEDERAL REGISTER on June 20, 1973 (38 FR 16088) "that prior to considering the merits of any of these applications or any similar applications received hereafter, the Service will file an environmental impact statement as required by section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(a)(c)). The Director will pass on the merits of these applications or any like applications only after the environmental impact statement has received appropriate review."

On September 19, 1973, the Director notified each applicant that the environmental impact statement would not be completed in time to permit the proper review by interested parties and still meet the midnight October 20, 1973, economic hardship exemption deadline under section 101(c) of the Marine Mammal Protection Act of 1972. The Director informed each applicant that his application for an economic hardship exemption could not be considered and further notified each applicant that he could apply for a waiver of the moratorium and a permit under section 101(a)(3)(A) of the Act.

The Service will continue working on the environmental impact statement until it is completed.

Dated October 16, 1973.

JOSEPH W. GEHRINGER,
*Acting Director,*
*National Marine Fisheries Service.*

[FR Doc.73–22668 Filed 10–24–73;8:45 am]

### STEPHEN W. FENNO

#### Notice of Withdrawal of Economic Hardship Application

Notice is hereby given that on October —, 1973, Stephen W. Fenno, Vice President, Aqualand, Inc., Bar Harbor, Maine 04609, was granted his request that his application for an economic hardship exemption under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq., 86 Stat. 1027 (1972)) to take seven harbor seals (*Phoca vitulina concolor*) for public display (see 38 FR 19267, July 19, 1973) be withdrawn without prejudice.

Copies of the application for the exemption, the letter from the Applicant requesting that the application be withdrawn and the letter from the Director granting the request, are available for inspection at the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and at the National Marine Fisheries Service's Regional Offices. The Regional Offices are located at the following addresses: Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213–831–9281; Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, telephone 617–281–0640; Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, telephone 813–893–3141; Northwest Region, Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109, telephone 206–442–7575; Alaska Region, P.O.

Box 1668, Juneau, Alaska 99801, telephone 907–586–7221.

Dated October 18, 1973.

JOSEPH W. GEHRINGER,
*Acting Director,*
*National Marine Fisheries Service.*

[FR Doc.73–22669 Filed 10–24–73;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### ADVISORY COMMITTEES

### Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App.)), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act:

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 1. Panel on Review of Bacterial Vaccines and Bacterial Antigens. | November 1–3, 9 a.m., Room 121, Bldg. 29, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD. | Open November 1, 9 a.m. to 11 a.m., closed November 1 after 11 a.m., closed November 2 and 3. Jack Gertzog (BI–5), 5600 Fishers Lane, Rockville, MD 20852, 301–496–1676. |

*Purpose.*—Advises the Commissioner of Food and Drugs on the safety and effectiveness of bacterial vaccines and bacterial antigens and of combinations thereof whose labels are required to state "No U.S. Standard of Potency."

*Agenda.*—Continuing review of bacterial vaccines and bacterial antigens under investigation.

| Committee name | Date, time, place | Type of meeting and contact person |
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| 2. Ophthalmic Drugs Advisory Committee | November 2, 9 a.m., Conference Room M, Parklawn Building, 5600 Fishers Lane, Rockville, MD. | Closed 9 a.m. to 10 a.m., open 10 a.m. to 11 a.m., closed after 11 a.m. William E. Gilbertson, Pharmacy D., Room 10B–06, 5600 Fishers Lane, Rockville, MD 20852, 301–443–3800. |

*Purpose.*—Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in the treatment of diseases and disorders of the eye.

*Agenda.*—Subcommittee report and proposal for steroid anti-infective fixed dosage combination drugs (open); review of various ophthalmic drug products (closed).

| Committee name | Date, time, place | Type of meeting and contact person |
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| 3. Panel on Review of Topical Analgesics. | November 3 and 4, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD. | Open November 3, 9 a.m. to 10 a.m., closed November 3 after 10 a.m., closed November 4. Lee Geismar, Room 10B–05, 5600 Fishers Lane Rockville, MD 20852, 301–443–4960. |

*Purpose.*—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing topical analgesic agents.

*Agenda.*—Continuing review of over-the-counter drug products under investigation.

| Committee name | Date, time, place | Type of meeting and contact person |
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| 4. Respiratory and Anesthetic Drugs Advisory Committee. | November 5, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD. | Open 9 a.m. to 10 a.m., closed after 10 a.m. David L. Scally, M.D., Room 10B–30, 5600 Fishers Lane, Rockville, MD 20852, 301–443–3870. |

*Purpose.*—Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in anesthesiology.

*Agenda.*—The relevance of the current "precaution" concerning usage of halothane in patients with liver dysfunction (open); protocols implementing the committee's recommendations on fentanyl and droperidol; the rationale of the commercially available mixture of fentanyl and droperidol (Innovar); placental transfer studies concerning gallamine; and the clinical significance of metabolism of newer fluorinated inhalational anesthetics in patients with renal transplants (all closed).

| Committee name | Date, time, place | Type of meeting and contact person |
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| 5. Panel on Review of Sedative, Tranquilizer, and Sleep Aid Drugs. | November 5 and 6, 9 a.m., Room 1409, FB No. 8, 200 C St. SW., Washington, D.C. | Open November 5, 9 a.m. to 10 a.m., closed November 5 after 10 a.m., closed November 6. Michael D. Kennedy, Room 10B–05, 5600 Fishers Lane, Rockville, MD 20852, 301–443–4960. |

*Purpose.*—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing sedative, tranquilizer, or sleep aid drugs.

*Agenda.*—Continuing review of over-the-counter drug products under investigation.

| Committee name | Date, time, place | Type of meeting and contact person |
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| 6. Technical Electronic Product Radiation Safety Standards Committee. | November 8 and 9, 9 a.m., Room 400, 12720 Twinbrook Pkwy., Rockville, MD. | Open—Marshall S. Little, Room 327, 12720 Twinbrook Pkwy., Rockville, MD 20852, 301–443–3426. |

*Purpose.*—Provides advice and guidance on technical feasibility, reasonableness, and practicability of performance standards for electronic products to control emission from such products.

*Agenda.*—Review of activities of Bureau of Radiological Health, effect of federal regulations on state standards, proposed amendments to the diagnostic x-ray standard, and petition for amendment to the microwave oven standard.

| Committee name | Date, time, place | Type of meeting and contact person |
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| 7. Panel on Review of Bacterial Vaccines and Toxoids. | November 9 and 10, 9 a.m., Toyon "A" Suite, San Francisco Hilton, San Francisco, CA. | Open November 9, 9 a.m. to 12 noon, closed November 9 after 12 noon, closed November 10. Jack Gertzog (BI–5), 5600 Fishers Lane, Rockville, MD 20852, 301–496–1676. |

*Purpose.*—Advises the Commissioner of Food and Drugs on the safety and effectiveness of bacterial vaccines and toxoids with standards of potency.

*Agenda.*—Continuing review of bacterial vaccines and toxoids under investigation.

| Committee name | Date, time, place | Type of meeting and contact person |
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| 8. Panel on Review of Laxative, Anti-diarrheal, Emetic, and Anti-emetic Drugs. | November 16 and 17, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD. | Open November 16, 9 a.m., to 10 a.m., closed November 16 after 10 a.m., closed November 17. John T. McElroy (BD–100), Room 10B–05, 5600 Fishers Lane, Rockville, MD 20852, 301–443–4960. |

*Purpose.* — Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing laxative, anti-diarrheal, emetic, and antiemetic agents.

*Agenda.*—Continuing review of over-the-counter drug products under investigation.

| Committee name | Date, time, place | Type of meeting and contact person |
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| 9. Panel on Review of Orthopaedic Devices. | November 17, 9 a.m., Diplomat Room, Sheraton Four Ambassadors, Miami, FL. | Open 9 a.m. to 10 a.m., closed after 10 a.m. Leon J. DeMerre, Ph. D., Room 212, 1901 Chapman Ave., Rockville, MD 20852, 301–443–2376. |

*Purpose.*—Reviews and evaluates available data concerning safety, effectiveness, and reliability of orthopaedic devices currently in use.

*Agenda.*—Submission of condensed report on overall activities of the Panel since its inception; comments concerning the Panel's proposal for a workshop on orthopaedic devices, with industry's input; and discussion of performance standards.

| Committee name | Date, time, place | Type of meeting and contact person |
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| 10. Panel on Review of Contraceptives and other Vaginal Drug Products. | November 18 and 19, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD. | Closed November 18, open November 19, 9 a.m., to 10 a.m., closed November 19 after 10 a.m. Armond Welch, Room 10B-05, 5600 Fishers Lane, Rockville, MD. 20852, 301-443-4960. |

*Purpose.*—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing contraceptives and other vaginal drug products.

*Agenda.*—Continuing review of over-the-counter drug products under investigation.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 11. National Advisory Food Committee. | November 19 and 20, 9:30 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD. | Open November 19, closed November 20. Robert A. Littleford, Ph. D., Room 7-67, 5600 Fishers Lane, Rockville, MD 20852, 301-443-4463. |

*Purpose.*—Advises the Commissioner of Food and Drugs on policy matters of national significance as they relate to assuring safety of foods, reviews and makes recommendations on applications for grants-in-aid, and serves as a forum for the exchange of views and recommendations.

*Agenda.*—Review of food fortification proposals of FDA (open); review of research grants (closed).

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 12. Panel on Review of Internal Analgesic Including Antirheumatic Drugs. | November 19 and 20, 9 a.m., Conference Room L, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD. | Open November 19, 9 a.m. to 10 a.m., closed November 19 after 10 a.m., closed November 20. Lee Geismar, Room 10B-05, 5600 Fishers Lane, Rockville, MD 20852, 301-443-4960. |

*Purpose.*—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing internal analgesic including antirheumatic drugs.

*Agenda.*—Continuing review of over-the-counter drug products under investigation.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 13. Panel on Review of Topical Analgesics. | November 26 and 27, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD. | Open November 26, 9 a.m. to 10 a.m., closed November 26 after 10 a.m., closed November 27. Lee Geismar, Room 10B-05, 5600 Fishers Lane, Rockville, MD 20852, 301-443-4960. |

*Purpose.*—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing topical analgesic agents.

*Agenda.*—Continuing review of over-the-counter drug products under investigation.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 14. Panel on Review of Dentifrices and Dental Care Agents. | November 29 and 30, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD. | Open November 28, 9 a.m., to 10 a.m., closed November 28 after 10 a.m., closed November 29. Michael D. Kennedy, Room 10B-05, 5600 Fishers Lane, Rockville, MD 20852, 301-443-4960. |

*Purpose.*—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing dentifrices and dental care agents.

*Agenda.*—Continuing review of over-the-counter drug products under investigation.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 15. Panel on Review of Antimicrobial Agents. | November 29 and 30, December 1, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD. | Open November 29, 9 a.m. to 10 a.m., closed November 29 after 10 a.m., closed November 30 and December 1, Michael D. Kennedy, Room 10B-05, 5600 Fishers Lane, Rockville, MD 20852, 301-443-4960. |

*Purpose.*—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing antimicrobial agents.

*Agenda.*—Continuing review of over-the-counter drug products under investigation.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessary participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided that this type of discussion would remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not

mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which non-confidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated October 18, 1973.

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

[FR Doc.73-22608 Filed 10-24-73;8:45 am]

[DESI 12708; Docket No. FDC-D-598; NDA 12-708]

## ANTIHYPERTENSIVE COMBINATION CONTAINING A VERATRUM ALKALOID

### Extension of Time of Effective Date

In the FEDERAL REGISTER of October 2, 1973 (38 FR 27314) the Commissioner of Food and Drugs published a notice withdrawing approval of that part of NDA 12-708 pertaining to Diutensin-R Tablets containing cryptenamine (as tannate salts), methyclothiazide, and reserpine marketed by Mallinckrodt Chemical Works, Pharmaceutical Products Division, Post Office Box 5439, St. Louis, MO 63160. The withdrawal of approval was to become effective on October 12, 1973. The Food and Drug Administration has received a request from Mallinckrodt that the effective date be extended from October 12, 1973 to November 10, 1973.

The notice of October 2, 1973 indicated that Mallinckrodt elected to reformulate Diutensin-R Tablets deleting the cryptenamine component and leaving only reserpine and methyclothiazide. A supplement was submitted to so provide and final printed labeling was submitted on June 12, 1973.

In their request for an extension Mallinckrodt stated that they have been unable to print stock labeling to be used in the marketing package or to prepare goods for shipment because the notice was published prior to final FDA approval of the supplemental new drug application. Also, they stated that FDA had notified them on October 5, 1973 that the approval letter was being prepared and would be forwarded immediately.

Mallinckrodt stated in their request that they have initiated the necessary work required for production, packaging, and labeling of the reformulated product. They estimated that it will take at least 30 days to orderly produce, obtain labeling for, and package the reformulated product.

The Commissioner finds that there are reasonable grounds for granting the request for extension. Therefore, the effective date has been extended to November 10, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended (21 U.S.C. 355)) and the Administrative Procedure Act (5 U.S.C. 554) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated October 23, 1973.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[FR Doc.73-22744 Filed 10-23-73;10:51 am]

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[Docket No. FDC-D-494; NADA Nos. 10-964V and 12-553V]

## DIETHYLSTILBESTROL

### Order Denying Hearing to Vineland Laboratories, Inc., and Hess & Clark

In the FEDERAL REGISTER of April 27, 1973 (38 FR 10485) the Commissioner of Food and Drugs published an order denying a hearing and withdrawing approval of all new animal drug applications (NADA's) for use of diethylstilbestrol (DES) implants in cattle and sheep. In the FEDERAL REGISTER of May 3, 1973 (38 FR 10926) the Commissioner published an order revoking regulations regarding the use of DES pellets and revoking the former method (specified in former 21 CFR 135g.26) for the determination of DES residues in edible tissues of beef cattle and sheep.

Thereafter, two of the applicants whose NADA's had been withdrawn (Vineland Laboratories, Inc., NADA 10-964V and Hess & Clark, NADA 12-553V) petitioned the United States Court of Appeals for the District of Columbia Circuit to review the Commissioner's orders. *Hess & Clark, Division of Rhodia, Inc.* v. *Food and Drug Administration*, No. 73-1581, and *Vineland Laboratories, Inc.* v. *Weinberger et al.*, No. 72-1589. Petitioners sought a stay of the Commissioner's order and the cases were consolidated. On September 14, 1973, the Court entered an order staying the Commissioner's orders, but further ordered that the stay would not become effective if, within 20 days, petitioners submitted to the Commissioner material showing the existence of data demonstrating the presence of genuine issues of fact requiring a hearing, and if within 20 days from these submissions, the Commissioner commenced a hearing. The Court further stated "[i]t is to be understood by the parties that these conditions presume the existence of challenges or disputes of material facts sufficient to warrant the holding of a hearing."

On October 4, 1973, both Vineland and Hess & Clark submitted to the Commissioner a statement of what they contended were issues of fact requiring a hearing. The Commissioner has carefully considered these submissions as required by the Court's order, and concludes that neither Vineland nor Hess & Clark has presented any evidence showing that there is a genuine issue of material fact warranting a hearing as to whether section 512 of the Act, 21 U.S.C. 360b, requires withdrawal of the approval of the NADA's, as explained in more detail below.

I. *The alleged issues of fact set forth by Vineland.*

A. Vineland asserts that an issue of fact exists as to whether DES residues were detected by the USDA-Worcester Foundation radioactive-tagged implant study upon which the April 27, 1973 Order was based. In support of its allegation, Vineland cites the Commissioner's April 27 Order which says "[f]ree DES could not be positively confirmed in the livers of these cattle * * *" Vineland fur-

ther asserts that the USDA and Worcester Foundation test reports make no claim to have detected free DES, and submits two affidavits from Bernard Kliman, M.D., in support of their assertion that free DES was not detected.

The Commissioner concludes that this is not an issue of fact requiring a hearing. The Commissioner agrees that free DES was not positively identified. It is clear, however, as repeatedly conceded by Vineland (Statement, pp. 4 and 5; Kliman Affidavit of October 3, 1973, p. 2), that DES conjugate was found by the test. The statute requires a showing of safety of DES conjugate residues as well as free DES residues.

Vineland further asserts that a conjugate of DES is not a residue of DES, citing the affidavit of Dr. Kliman executed on June 11, 1973. The affidavit states his opinion that "[a] 'residue' is the remainder of the original substance, and the term 'residue' should not be used to describe new compounds formed from the original substance. The term 'DES residues' should only be used to describe free DES itself."

The Commissioner concludes that the Act requires that, in determining whether a drug is safe, both the "consumption of such drug and of any substance formed in or on food because of the use of such drug" must be considered. 21 U.S.C. 360b (d)(2). This requirement is controlling. It is therefore irrelevant whether the DES conjugate that Vineland concedes was found is denominated a "DES residue" or otherwise.

B. Vineland asserts that the method used in the radioactive tracer study is not "an approved method of examination prescribed or approved by the Secretary by regulations" within the meaning of section 512(d)(1)(H) of the act, the so-called Delaney Clause.

The Commissioner agrees that the test method used has not been "prescribed or approved by regulation". This fact is immaterial to the finding that DES implants are "not shown to be safe" for use under the approved conditions of use, and thus approval for their use must be withdrawn, under section 512(e)(1)(B) of the act. Section 512(e)(1)(B) does not require use of a method prescribed by regulation.

C. Vineland alleges that the Commissioner's April 27 order is erroneous in stating that "no distinction can be made between free DES residues and conjugate DES residues". In support of its assertion that there is a distinction to be drawn between free DES residues and conjugate DES residues, Vineland asserts the following:

(1) The conjugate detected appears to be DES monoglucuronide.

(2) DES monoglucuronide is not a known carcinogen.

(3) DES monoglucuronide is a weak estrogen.

(4) The fact that a substance is an estrogen does not indicate that it is carcinogenic.

Vineland submitted affidavits purporting to support these statements.

Even conceding these statements to be true, the Commissioner concludes that they do not raise an issue of fact requiring a hearing to determine if DES implants have been "shown to be safe," as is required to preclude withdrawal of approval under section 512(e)(1)(B) of the act. Vineland has identified no data or scientific study which establishes the safety of any amount either of free DES residues or of DES conjugate residues. FDA is not required to establish that whatever residues were found are in fact carcinogenic or otherwise unsafe as a prerequisite for invoking section 512(e)(1)(B) of the act. The ultimate issue is whether the use of DES implants is now shown to be safe in light of the admitted fact that DES conjugate residues have been found in edible tissues. DES is a known carcinogen, and hence any conjugate form of DES is certainly suspect in the absence of data to the contrary. Even if DES conjugate were not regarded as a suspect carcinogen it has not been proved safe by "adequate tests by all methods reasonably applicable" as required by section 512(d)(1)(A). Vineland has not submitted, and indeed has not even asserted the existence of, even one scientific study establishing the safety of any amount of any conjugate DES residue. It is therefore clear that no issue of fact exists on this matter.

Thus, whether the residue detected was DES monoglucuronide or some other conjugate form of DES, whether it is or is not a carcinogen, a weak estrogen, or an indicator of carcinogenicity, is immaterial. The record conclusively demonstrates that the DES conjugate which Vineland concedes was found has not been shown to be safe.

D. Vineland asserts that a factual issue remains as to whether DES monoglucuronide in the amounts found has been shown to be safe, and affirmatively asserts that such a residue is safe. In support of this proposition, Vineland asserts as follows:

1. "Human data are available from which it can be computed that DES monoglucuronide in the concentrations involved in the Worcester Foundation or USDA tests is safe". In support of this statement Vineland provides a letter of Dr. Hardin B. Jones and the Kliman affidavit of October 3, 1973.

The Jones letter states that author's opinion that DES residues present "no real hazard" to the American adult public and a remote hazard to children, though he suggests that the doubling of the cancer rate in children since 1945 is "perhaps due to medical use of DES and other substances." Dr. Jones does not cite any scientific study or other scientific evidence to support his position. His conclusion is purely anecdotal and does not satisfy the statutory standard of "adequate tests" established in section 512(d)(1)(A) of the act. The only reference to a scientific paper in his letter is to the study by A. L. Herbst et al., *New England Journal of Medicine* 287:1259 (December, 1972), which reported a significant medical association between the administration of DES to pregnant women and the manifestation of extremely rare adenocarcinomas of the vagina in young women who were exposed to DES while still in the womb. Dr. Jones' opinion that the DES residues would cause only one case of cancer per year per billion children is apparently based on an extrapolation from the dosage of DES associated with the causation of cancer in the Herbst study. Such a speculative extrapolation is not an "adequate test" as required by the statute. (Such an extrapolation is also scientifically unsound, since there is no demonstrated correlation between single high dose ingestion of DES with continuous exposure of low levels of DES, and Dr. Jones provides no scientific basis to support any such extrapolation.) There is no data from scientific studies establishing any minimum safe amount for the ingestion of DES or its conjugates. Indeed, at the lowest levels in which DES has been tested, 6.25 parts per billion, it was found to be carcinogenic when fed to experimental animals. Gass, Coats and Graham: "Carcinogenic Dose—Response Curve to Oral Diethylstilbestrol", *Journal of the National Cancer Institute*, Vol. 33, No. 6, December, 1964, pp. 971–977, at 973.

The affidavit of Dr. Kliman states that the Worcester study "demonstrates the presence of DES conjugates in the livers of cattle receiving implants of DES 120 days earlier." He further states that "the detected conjugate of DES appears to be DES monoglucuronide", that this substance has less estrogenic potency than free DES, and that the risk associated with residues of DES as found by the Worcester Foundation is one case of cancer for the American population in 2,000 years. Dr. Kliman nowhere states, however, that DES monoglucuronide or any other conjugate of DES is not a carcinogen, or is in fact safe for human consumption. Nor does he indicate that any adequate scientific testing of such substances has occurred to support such a position. His unsupported opinion that the detected residue is safe is anecdotal and unsupported by adequate scientific data, and thus fails to meet the statutory standard. The absence of any valid test that purports to show the safety of any amount of any DES conjugate is conclusive, under the statute, that no genuine issue of fact exists on the question of whether such substance has been shown to be safe.

2. Vineland asserts that the standard proposed in the FEDERAL REGISTER of July 19, 1973 (38 FR 19226) allows a lesser burden of proof of safety, *i.e.* that instead of requiring proof of absolute safety, a scaling down of dose-response relationships will arrive at a level of a carcinogen that is "virtually safe".

The Commissioner concludes that this raises no issue of fact as to the safety of the residues found by the Worcester Foundation. If this proposal is made final it would first be necessary for an applicant to conduct the safety studies

specified in that proposal, on both the drug (DES) and its metabolites (DES conjugates). As already noted, this has not yet been done. Indeed, the lowest dose fed to test animals (6.25 parts per billion) has been shown carcinogenic, and thus a no-effect level has not yet been found. Under the proposal, once a dose-response curve is established, it would then be possible to extrapolate down to the level required for the sensitivity of the regulatory analytical method—probably a very few parts per trillion or even lower. The lowest residue of DES and/or its conjugates detected by Worcester was 40 parts per trillion when only one implant was used, or many times the required level under the July 19 proposal. Adoption of the July 19 proposal would then require the development of a valid method capable of detecting residues of DES at these low levels. The former methodology revoked by the order of May 3, 1973, is accurate and reliable at a few parts per billion, not a few parts per trillion, and thus is conclusively inadequate. Neither Vineland nor Hess & Clark has submitted data to establish the validity of a method which is remotely close to the degree of sensitivity required under the July 19 proposal.

3. Vineland asserts that the statements of FDA officials that "no known harm has been demonstrated as a result of DES implants" and "use of DES in animals did not, in our judgment, constitute a health risk to humans" is proof that the residues confirmed by Worcester are safe.

The Commissioner concludes that these statements do no raise any issue of fact. Under the statute it is not the duty of FDA to establish that the residues are unsafe. The statute requires that the FDA stop use of the drug unless the residue is proven to be safe by its proponents. Congress concluded that safety must be proven by "adequate tests" before marketing, and this statutory requirement has not been met. The fact that no known harm has been demonstrated may well be due to the fact that no adequate studies have been performed.

4. Vineland notes that the Commissioner has proposed the use of DES as an emergency postcoital contraceptive (38 FR 26809), published in the FEDERAL REGISTER of September 26, 1973) and asserts that it would require 250,000,000 pounds of liver to equal the DES intake in one postcoital contraceptive tablet.

The Commissioner concludes that the use of DES as a human drug for emergency postcoital contraceptive purposes does not establish the safety, or even relate to the safety, of continued long-term exposure to small amounts of DES in food. The proposal to approve DES for contraceptive use states that because of "the possibility of delayed appearance of carcinomas in females whose mothers have been given DES late in pregnancy, and because teratogenic and other adverse effects on the fetus with the very early administration recommended are not well understood, failure of postcoital treatment with the drug deserves serious consideration of voluntary termination of pregnancy." There is a clear distinction between the need for a particular emergency use of a drug, to carry out a specific medical purpose with the patient's consent, and the addition of that substance to the food supply for the public at large, which cannot determine what meat may contain it. DES as a postcoital contraceptive is used to obviate an abortion, and only with the patient's fully informed consent. There is no comparable human purpose for DES in meat, nor any mechanism to obtain the consumer's informed consent.

E. Vineland asserts that the former assay method prescribed and approved by the Secretary by regulation are adequate and practicable regulatory methods for detecting DES residues. This is based on its assertion that the radioactive test did not detect DES residues.

The Commissioner concludes that this raises no issue of fact since, as previously set forth above and as conceded by Vineland, residues of DES conjugate resulting from the use of DES implants were in fact detected at levels well below the sensitivity of the former methods. Thus it is clear that the former assay methods are unable to detect "any substance formed in or on food" because of the use of such drug, as required by sections 512(b)(7) and 512(d)(2) of the act.

Similarly, Vineland objects to the Commissioner's finding that there should be no change in the existing 120-day preslaughter interval.

The Commissioner concludes that no preslaughter interval can be established under the statute because the proponents of the drug have not submitted "adequate tests" or indeed any tests to establish such an appropriate interval to insure that no residues will result, or "practicable methods" to determine residues of DES and its conjugates, as required by the clear provisions of the law.

F. Vineland asserts that a hearing must be convened to determine if the results of the radioactive tracer study are applicable to Vineland's implants.

The Commissioner agrees that Vineland's implants were not tested by USDA and Worcester. However, Vineland failed to submit any scientific data to support the contention that their implant is different, or should be treated differently, from any other implant specifically designed and represented to release DES for the purpose of promoting growth in cattle and sheep.

By letter of March 29, 1971, the Food and Drug Administration requested data from Vineland to establish the time at which no residues of their implant would be detected in edible tissues of the implanted animal. By letter of September 7, 1971, the firm was also asked for data on the disappearance of the implants from the ears of treated cattle. To date, Vineland has failed to submit the data requested.

The labeling of Vineland's implants, just as Hess & Clark's implants, represents that the drug is effective for 120 days. Vineland has submitted no data to establish that its implants are unique or that they leave no residues utilizing an appropriately sensitive method. The statute requires "adequate tests" to substantiate Vineland's position. In the absence of any scientific data whatever there is no issue of fact on which to hold a hearing on this matter.

G. Vineland asserts that the discarding of beef livers offers a feasible alternative to withdrawal of approval. No evidence or data was submitted to show the feasibility of such an approach or to show that such procedures would, in the words of section 512(d)(2) of the act, be "reasonably certain to be followed in practice."

The Commissioner concludes that, without the existence of data and tests to support such a proposal, the statutorily required standard of "adequate tests" has not been satisfied. In any event, such a proposal is irrelevant to a withdrawal of Vineland's NADA since the discarding of liver is not an approved condition of use of the drug at the present time and could only be added by the filing and approval of a new NADA.

II. *Hess & Clark's Statement of Issues of Fact.*

A. Hess and Clark submits that the radioactive test implants are not sufficiently similar to production DES implants to warrant application of the study results to them.

The Commissioner concludes that this argument is inconsistent with Hess & Clark's own submitted Research Report [Exhibit 2, pp. 2–3, and Ex. 3, p. 3], which admits that the implants used in these USDA and Worcester studies were of the same formulation and dimensions as their own production implants. In any event, Hess & Clark has submitted no scientific data to support its contentions that their implants are unique or leave no residues (see paragraph I (F) above).

Hess & Clark theorizes that impurities and not DES in the test implants might explain the residues detected in these studies, but presents no supporting data to indicate that no such impurities occur in their production implants, which may properly contain up to 3% unspecified impurities, according to their own formulation and the United States Pharmacopeia, XVIII, p. 187. Hess & Clark further suggests that pseudo-DES might be such a substance. A small amount of pseudo-DES was found by Hess & Clark in a laboratory sample of one of the batches used to make up the radioactive implants, but not in the second batch. Hess & Clark examined laboratory samples but did not sample actual implants or material from implanted steers.

The Commissioner concludes that since no scientific data whatever were presented to prove the safety of pseudo-DES, there is no issue of fact presented for a hearing. The USDA and Worcester studies found and confirmed radioactive $^{14}C$ DES conjugate in the livers of steers which had actually been implanted 120 days before slaughter. The residues were found to result from implants formulated from both batches. The 1939 and 1943 British studies Hess & Clark itself cities

[Exhibit 4, Dodds, et al., and Walton and Brownlee] concerning pseudo-DES indicate both that it possesses estrogenic activity and that its production does not require radioactivity. Hess & Clark provides no data on the composition or activity of their production implants to demonstrate that pseudo-DES is not a normal constituent of their production implants, nor has the firm provided or identified any data to establish that pseudo-DES is matabolized by the animal in a manner so different from DES that the animal selectively stores only the pseudo-DES and eliminates all the DES, which presumably is the implication of their statement. Their conclusions in this regard are only speculation, without support from their own data or the scientific literature. The "adequate tests" required by the statute have not been submitted.

B. Hess & Clark asserts that neither the USDA nor Worcester Studies demonstrated the presence of free DES in the livers of the slaughtered animals.

The Commissioner agrees that the tests did not positively confirm free DES as being present, although apparent traces were detected. However, this is irrelevant, and does not raise any issue of fact, since any residue of whatever nature from the use of the drug is required by section 512(d) of the act to be shown to be safe by scientific tests. Hess & Clark has admitted in its letter of submission, at p. 4, that "radioactive conjugated material was determined to be present in the liver of slaughtered animals". There is no issue as to the existence of residues, nor does Hess & Clark's submission contain tests to show, or even assert, the safety of the residues of the conjugated material it admits were found. The statutory standard requiring proof of the safety of the drug and its conjugates has therefore not been met.

C. Hess & Clark claims the Commissioner's analysis of the Worcester Study was in error in stating that apparent traces of free DES were detected in livers of steers 120 days post implantation.

Table X of the Worcester Study Report shows that for both steers with 120-day implants, some $^{14}C$ radioactivity above background was still associated with free DES after passing through 8 successive separations designed to eliminate extraneous radioactive materials. However, the Commissioner concludes that this issue is irrelevant and immaterial to this matter. The Commissioner's action was not based on these apparent traces of free DES but on the finding of actual confirmation of DES conjugates, none of which have been proven safe as required by the statute.

D. Hess & Clark states that there is an issue of fact as to whether the USDA-Worcester tests determined the presence of DES conjugate, as contrasted with a conjugate of some other material. To support this contention Hess & Clark has submitted the identical affidavits of Drs. Leiberman and Clark analyzing the Worcester report. These affidavits attempt to suggest the possibility that the residues found were of the impurities (constituting at most 4 percent of the implant) rather than DES (which constituted at least 96 percent of the implant). On page 8 of both affidavits, Drs. Leiberman and Clark state: "Specifically, I refer to the possibility of the presence in the $^{14}C$ labeled DES implant of pseudo DES . . . , an example of a relative which might not be separated from DES by the procedures used".

The Commissioner concludes, as pointed out above, that the presence of pseudo-DES in one batch of implants is immaterial to the Worcester findings. By Hess & Clark's own analysis, pseudo-DES was not detected in the other batch of implants from which a residue was found. The affiants do not identify any other substance which could have been found other than DES conjugate, nor do they suggest any other procedures which Worcester should have followed to eliminate the possibility that the findings are not DES conjugate but are some other, unknown substance. No tests were submitted to show the safety of this material, as required by the statute. The affidavits suggest that some unidentified substance, admitted by Hess & Clark at p. 4 of their submission to be radioactive conjugated material, may have been found by the Worcester Foundation, but do not contain or identify any scientific evidence to establish that the Worcester finding was anything other than DES conjugate. In the absence of scientific tests to identify and prove the safety of this material, the statute requires that approval of the drug must be withdrawn. The statutory burden is placed upon Hess & Clark to do this work, not upon FDA, and this burden has not been met.

The Commissioner also notes that the Worcester report shows clearly that all necessary tests, by appropriate methods, were conducted to establish that the residue detected was and is DES conjugate. The study utilized 10 successive procedures, including thick layer chromatography, numerous extractions and hydrolyses and as many as three successive recrystallizations to separate impurities from the DES-connected radioactivity finally found, and to identify the material as a DES conjugate. As already noted, Vineland concedes that DES conjugate was found.

Hess & Clark asserts that a *GLC* method can detect unequivocal DES residues from commercial implants (Hess & Clark Submission, p. 7).

The Commissioner concludes that this presents no issue for a hearing. Hess & Clark has never submitted a proposed GLC method to FDA for validation, or for approval under the statute, as the official method for detection of DES residues. It was not included as part of the submission requesting a hearing. In fact, Hess & Clark, in its submission to FDA of the results of its own *GLC* determinations referred to in the April 27, 1973 order (38 FR 10485) pointed out, among other things, the uncertainty of reliance on the GLC method because their own data indicated "a general weakness in the *GLC* method that could lead to reporting false positive results in unknown samples." (Hess & Clark Research Report #WHR 72:114 December 12, 1972, p. 6, signed by W. H. Ray, Director of Chemical Research).

E. The twin affidavits of Drs. Leiberman and Clark state, on p. 4, that "The Worcester report itself states that livers from two animals treated with $^{14}C$-DES implants for 120 days (#536 and #477) contained no significant radioactivity". This statement is erroneous and thus presents no issue of fact. The Worcester study, Table I, clearly shows counts of 216 and 148 $^{14}C$ dpm (disintegrations per minute) respectively for each of these samples above a background of only 29 cpm (counts per minute). According to Hess & Clark's own research report, counts are considered "significant" when the gross count is over two times background. (Ray Research Report, Exhibit 2 to submission, p. 9). Here, the gross count was at least three times background and the count is thus highly significant, using Hess & Clark's own criteria.

F. Hess & Clark points to a concededly-erroneous statement (Statement, p. 6, and Exhibit 8) in the Commissioner's April 27 order that the third GLC study (conducted by Hess & Clark) disclosed DES residues in one of the four steers slaughtered 14 days after implantation.

The April 27 order makes it clear that the Commissioner's decision was in no way predicated upon the 14-day results in that study. The erroneous statement is therefore irrelevant and does not justify a hearing.

III. *Legal Conclusions.*

A. The burden of proving the safety of residues of DES and/or its conjugates is on the applicants, Vineland and Hess & Clark. This burden remains on the applicant even in a withdrawal proceeding. *Weinberger* v. *Hynson, Westcott & Dunning*, —— *U.S.* ——, 93 S. Ct. 2469 (1973); *Agri-Tech* v. *Richardson*, —— F. 2d —— (No. 72-1252, C. A. 8, Aug. 2, 1973); *Ubiotica Corp.* v. *FDA*, 427 F.2d 376 (C.A. 6, 1970); *Upjohn* v. *Finch*, 422 F.2d 944 (C.A. 6, 1970). Cf. *Environmental Defense Fund* v. *Finch*, 428 F.2d 1083, 1092, n. 27 (C.A.D.C. 1970), involving another section of the Act:

> In light of Congress' strong concern about the safety of pesticide residues and the congressional intent to place the burden of persuasion on those proposing to permit a residue to remain, the fact that the present petition seeks revocation of an existing tolerance does not affect the burden of persuasion established by Congress. * * * Once new evidence bearing on the safety of pesticide residues has been adduced or cited sufficient to justify reopening the issue of the validity of existing tolerances, as in the present case, the burden of establishing the safety of any tolerance remains on those who seek to permit a residue. In this connection, we note that the statute itself explicitly requires that the procedures for amending or repealing tolerances should be the same as those for establishing tolerances. 21 U.S.C. § 346a(m).

Section 512(e)(1)(B) of the act requires approval of an NADA to be withdrawn if new information before the

Secretary reveals that use of the drug has not been shown by the applicant to be safe. *Diamond Laboratories, Inc.* v. *Richardson*, 453 F. 2d 303 (C.A. 8, 1972); *Bell* v. *Goddard*, 366 F. 2d 177 (C.A. 7, 1966).

The Supreme Court, in *Hynson*, supra, has stated the controlling legal standard for determining whether an applicant has justified a request for a hearing. The Court upheld the Food and Drug Administration's summary judgment procedures, under which an applicant must come forward with sufficient scientific evidence to justify a hearing. A hearing may be denied "where it is apparent at the threshold that the applicant has not tendered *any* evidence which *on its face* meets the statutory standards * * *" (93 S.Ct. 2478).

The statute explicitly requires the submission of factual data derived from adequate scientific tests to prove the safety of a new animal drug. Neither Vineland nor Hess & Clark have submitted any factual data or scientific test to prove that DES or its conjugates may safely be consumed by the public in meat at low levels. They rely solely upon opinion and hypotheses that have not been subjected to scientific testing. Thus, this matter presents a situation where there is a total lack of the very type of scientific testing that is required by the plain words of the statute.

This is not a situation where some tests have been submitted, and the issue is their interpretation or their adequacy. Even if all the arguments persented by Vineland and Hess & Clark were accepted at face value, the Commissioner is precluded by the statutory requirements from continuing the approval of DES in implants. Under the Supreme Court standard there is therefore no issue on which a hearing is warranted.

B. Section 512(d)(1)(H)(ii) of the act provides that a carcinogenic drug may be approved for use in animals only if:

> (ii) No residue of such drug will be found (by methods of examination prescribed or approved by the Secretary by regulations, which regulations shall not be subject to subsections (c), (d), and (h), in any edible portion of such animals after slaughter * * *).

The subsections (c), (d), and (h) from which an exemption is granted in this clause, provide for an opportunity for a hearing and for court review in a United States Court of Appeals. Thus, Congress concluded that the regulations "prescribed or approved" by the Secretary, establishing the analytical method by which the presence of a carcinogen is to be determined, could properly be adopted and revoked by more expeditious procedures.

The Commissioner proposed on June 21, 1972 (37 FR 12251) to revoke all approvals for DES. On April 27, 1973 (38 FR 10485) the Commissioner withdrew approval of DES for use in implants.

In view of the requirements of section 512(i) of the act, which provides that all regulations relating to an NADA must be revoked after the NADA is withdrawn, the Commissioner's order of May 3, 1973 (38 FR 10926) then revoked the regulation containing the regulatory method (specified in former 21 CFR 135g.26) that had previously been "prescribed and approved" for DES pursuant to section 512(d)(1)(H)(ii). (21 CFR 135g. 26). Since section 512(d)(1)(H)(ii) explicitly exempts revocation of this regulation from the appeal provisions of section 512(h), it is reviewable only under the general judicial review provisions of the Administrative Procedure Act, 5 U.S.C. 701 et seq., in a United States District Court. A United States Court of Appeals therefore is without original jurisdiction to review this matter, although it has original jurisdiction to review the withdrawal of the NADA and may review the revocation of the regulation containing the method upon appeal from a decision on that matter in a United States District Court.

Section 512(d)(1)(H) of the act also clearly precludes approval of an NADA for a carcinogen until the Secretary prescribes or approves, by regulation, a "method of examination" for determination of residues. (Neither Vineland nor Hess & Clark contend that DES is not a carcinogen.) There is presently no such regulation, and the Commissioner (under authority delegated by the Secretary) has determined that the old method is unacceptable and that no acceptable method has yet been presented for approval. Accordingly, reinstatement of the NADA's could not result in the lawful marketing of DES in any form until such time as a new regulation prescribing or approving an appropriate method is promulgated.

IV. *Summary of Findings.*

The Commissioner finds as follows:

A. DES is a carcinogen.

B. Neither Vineland nor Hess & Clark have presented any scientific evidence whatever to establish that the residues found in the USDA test and confirmed by the Worcester Foundation are safe for human consumption. Vineland concedes that the residue was DES conjugate; Hess & Clark disputes that issue but has not met its burden of identifying the residue. The precise identity is irrelevant since, in any event, the statutorily-required proof of safety is totally absent. It is therefore conclusive from the pleadings that the applicants cannot prevail in any hearing.

C. Neither Vineland nor Hess & Clark have presented any scientific evidence whatever to establish that the former regulatory method of examination of DES residues of commercial implants, described in 21 CFR 135g.26 and revoked by the order of May 3, 1973, is adequate in that it is sufficiently sensitive to detect residues of DES at the levels detected by the USDA test. There is not, and has not been since May 3, 1973, a method of examination for DES residues in edible tissues approved by the Secretary by regulation. Neither Vineland nor Hess & Clark has submitted any other valid, sufficiently sensitive method for the detection of DES residues in edible tissues. Therefore, in the absence of any approved method, neither Vineland nor Hess & Clark come within the exemption to section 512(d)(1)(H) of the act, and no NADA for DES may be approved.

V. *Conclusion.*

The Commissioner concludes that the submissions of Vineland and Hess & Clark fail to identify any scientific evidence to demonstrate the existence of any genuine and substantial issue of fact sufficient to warrant a hearing. The requests for a hearing are therefore denied. The Commissioner concludes that new evidence has shown that DES implant drugs are not shown to be safe for use for the conditions of use upon the basis of which the applications were approved. The Commissioner further concludes that since there is presently no method of examination prescribed or approved by regulation for the determination of the existence of residues in any edible portions, section 512(d)(1)(H) of the act applies to petitioners' drugs. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b), and under authority delegated to the Commissioner (21 CFR 2.120), the requests for a hearing are denied and the Commissioner's order of April 27, 1973, withdrawing approval of NADA 10-964V, held by Vineland Laboratories, Inc., and NADA 12-553V, held by Hess & Clark, for diethylstilbestrol implants for use as a growth promotant in cattle and sheep, is hereby confirmed.

Dated October 22, 1973.

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

[FR Doc.73-22745 Filed 10-23-73;10:51 am]

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## National Institutes of Health

### BIOHAZARDS CONTROL AND CONTAINMENT WORKING GROUP

### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Biohazards Control and Containment Working Group, National Cancer Institute, November 9, 1973, 9:00 a.m., Frederick Cancer Research Center, Building 426 Conference Room. This meeting will be open to the public from 9:00 a.m. to 12:00 noon, November 9, 1973, to discuss the progress to date and the objectives of the applied research effort at Frederick Cancer Research Center as it relates to the Biohazard and Environmental Control effort, and closed to the public from 1:00 p.m. to 4:00 p.m., November 9, 1973, to review contract renewal proposals 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.

Dr. Garrett V. Keefer, Executive Secretary, Building 550, Room 125A, Frederick Cancer Research Center, Frederick, Maryland 21701, 301–663–2228 will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.)

Dated October 17, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73–22638 Filed 10–24–73;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, November 16, 1973, at 9:00 a.m., National Institutes of Health, Building 31, Conference Room 5. 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) The development of future program plans for cancer control, including the recommendations from the cancer control planning conference; (2) to advise on the most effective methods and procedures for the implementation of the recommendations from the planning conference. 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 the discussion of and advising on contract renewals in the fields of Education, Treatment, Rehabilitation and Continuing Care, in accordance with 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 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.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.)

Dated October 17, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73–22658 Filed 10–24–73;8:45 am]

## CANCER TREATMENT ADVISORY COMMITTEE

### Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Treatment Advisory Committee, National Cancer Institute, November 5, 1973, 1:30–5:00 p.m. and November 6, 1973, 9:00 a.m. to 3:30 p.m., National Institutes of Health, Building 31, Conference Room 6. The meeting will be open from 1:30 to 5:00 p.m., November 5, 1973, and from 9:00 a.m. to 12:00 noon, November 6, 1973, to discuss various aspects of molecular biology research, and closed to the public from 1:00 p.m. to 3:30 p.m., November 6, 1973, to review the contract between Litton-Bionetics Laboratory and the NCI 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 10A–31, National Institutes of Health, Bethesda, Maryland 20014, 301–496–1911 will furnish summaries of the open meeting and roster of committee members.

Dr. C. Gordon Zubrod, Executive Secretary, Building 31, Room 3 A 52, National Institutes of Health, Bethesda, Maryland 20014, 301–496–4291 will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.)

Dated October 17, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73–22660 Filed 10–24–73;8:45 am]

## COMMITTEE ON CANCER IMMUNOBIOLOGY

### Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Committee on Cancer Immunobiology, Wednesday, November 21, 1973, at 1:00 p.m., National Institutes of Health, Building 10, Conference Room 4B14, Bethesda, Maryland. This meeting will be open to the public from 1:00 p.m. to 1:15 p.m., November 21, 1973, to discuss general business. Attendance by the public will be limited to space available. The meeting will be closed to the public from 1:15 p.m. to adjournment, November 21, 1973, to discuss and review approximately three contract proposals in the field of immunobiology, 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 open/closed meeting and roster of committee members.

Barbara H. Sanford, Ph. D., Executive Secretary, Building 10, Room 4B–17, National Institutes of Health, Bethesda, Maryland 20014, 301–496–3639 will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.)

Dated October 17, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73–22657 Filed 10–24–73;8:45 am]

## CONTRACEPTIVE EVALUATION RESEARCH CONTRACT REVIEW COMMITTEE

### Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Contraceptive Evaluation Research Contract Review Committee of the National Institute of Child Health and Human Development, November 8, 1973, at 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., November 8, for the presentation of an administrative report. The meeting will be closed to the public from 9:30 a.m. to 5:00 p.m. November 8, 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.

Ms. Patricia Newman, Information Officer, NICHD, Landow Building, Room A–804B, National Institutes of Health, 496–5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Dr. Heinz Berendes, Executive Secretary of the Committee, Room A–716, Landow Building, National Institutes of Health, 496–4924.

(Catalog of Federal Domestic Assistance Program No. 13.832, National Institutes of Health.)

Dated October 17, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73–22655 Filed 10–24–73;8:45 am]

## DIGESTIVE DISEASES AND NUTRITION SUBCOMMITTEE

### Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Digestive Diseases and Nutrition Subcommittee of the National Arthritis, Metabolism, and Digestive Diseases Advisory Council, National Institute of Arthritis, Metabolism, and Digestive Diseases, November 14, 1973, 9 a.m. to 5 p.m., National Institutes of Health, Building 31, Room 9A51. This meeting will be closed to the public to review research 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.

Name of 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 20014, 301–496–3583.

(Catalog of Federal Domestic Assistance Program No. 13.309, National Institutes of Health.)

Dated October 17, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73–22649 Filed 10–24–73;8:45 am]

## EXTRAMURAL PROGRAMS SUBCOMMITTEE

### Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Extramural Programs Subcommittee of the Board of Regents, National Library of Medicine, on November 28, 1973, from 2:00 to 5:00 p.m., in Conference Room B of the National Library of Medicine, Bethesda, Maryland. The meeting will be closed to the public for grant review 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.

The Information Officer, who will furnish a meeting summary, a roster of members, and substantive information, is: Mr. Robert B. Mehnert, Chief, Office of Public Information and Publications Management, National Library of Medicine, Room M–122, 8600 Rockville Pike, Bethesda, Maryland 20014, Telephone Number: 301–496–6308.

(Catalog of Federal Domestic Assistance Program Nos. 13.348, 13.349, 13.350, 13.351—National Institutes of Health.)

Dated October 17, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73–22646 Filed 10–24–73;8:45 am]

## NATIONAL ADVISORY ALLERGY AND INFECTIOUS DISEASES COUNCIL

### Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Dieases, November 15–16, 1973, National Institutes of Health, Building 31C, Conference Room 7. This meeting will be open to the public from 9:00 a.m. to 10:30 a.m., November 15, at which time administrative matters will be discussed. The meeting will be closed to the public from 10:30 a.m., November 15, until adjournment on November 16 to review, discuss, and 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 Institute of Allergy and Infectious Diseases, 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. William I. Gay, Executive Secretary of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Westwood Building, Room 703, telephone 496–7291, will furnish substantive information.

(Catalog of Federal Domestic Assistance Program No. 13–301, National Institutes of Health.)

Dated October 17, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73–22648 Filed 10–24–73;8:45 am]

## NATIONAL ADVISORY CHILD HEALTH AND HUMAN DEVELOPMENT COUNCIL

### Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council, National Institute of Child Health and Human Development, November 26–27, 1973, at 9:00 a.m., National Institutes of Health, Building 31, Conference Room 10. This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on November 26 with current status reports from the Acting Director, NICHD, and staff members, a scientific presentation by one of the Council members, and presentations and discussion of specific programs. The meeting will be closed to the public from 9:00 a.m. to 5:00 p.m., November 27, 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.

Ms. Patricia Newman, Information Officer, NICHD, Landow Building, Room A–804B, National Institutes of Health, 496–5133; will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Mrs. Marjorie Neff, Executive Secretary of the Council, Room C–603, Landow Building, National Institutes of Health, 496–1756.

(Catalog of Federal Domestic Assistance Program No. 13.317, National Institutes of Health.)

Dated October 17, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73–22643 Filed 10–24–73;8:45 am]

## NATIONAL ADVISORY DENTAL RESEARCH COUNCIL

### Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Dental Research Council, National Institute of Dental Research, November 15–16, 1973, National Institutes of Health, Building 31–C, Conference Room 8. This meeting will be open to the public from 9:30 a.m. to 12:30 p.m. on November 15 for general discussion and program presentations. The meeting will be closed to the public from 1:30 p.m. to adjournment on November 15 and from 8:00 a.m. to adjournment on November 16, to review grants 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. The Executive Secretary from whom substantive information may be obtained is Dr. Clair L. Gardner, Associate Director for Extramural Programs, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 503, Bethesda, Maryland 20014.

(Catalog of Federal Domestic Assistance Program No. 13.325, National Institutes of Health.)

Dated October 17, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73–22652 Filed 10–24–73;8:45 am]

## NATIONAL ADVISORY ENVIRONMENTAL HEALTH SCIENCES COUNCIL

### Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Environmental Health Sciences Council, November 15–16, 1973, at 9 a.m., National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina, Building 1 Conference Room. This meeting will be open to the public from 9 a.m., November 15, 1973, to report on legislative and interagency activities, and NIEHS program budgeting plans; and to discuss NIEHS program priorities and intramural and extramural activities, and closed to the public from 3:30 p.m., November 15, 1973, 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.

Mrs. Leota B. Staff, Westwood Building, Room 404, Bethesda, Maryland 20014, 301–496–7483, who is the NIEHS Committee Management Officer, will furnish summaries of the open meetings and rosters of committee members. Dr. Otto A. Bessey, Associate Director for Extramural Programs, NIEHS, Westwood Building, Room 404, Bethesda, Maryland 20014, 301–496–7483, who is the Executive Secretary, will furnish any substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13–328, National Institutes of Health.)

Dated October 17, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73–22644 Filed 10–24–73;8:45 am]

## NATIONAL ADVISORY EYE COUNCIL

### Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Na-

tional Advisory Eye Council, National Eye Institute, on November 20, 1973, and a meeting of the Research Subcommittee of the National Advisory Eye Council on the preceding evening, November 19, 1973, at the National Institutes of Health, Building 31, Conference Room 7. The meeting of the National Advisory Eye Council on November 20, 1973, will be open to the public from 9 a.m. to 12 Noon, for discussion on items of general interest by the Director, National Eye Institute, status of budget report, review of intramural activities of the Laboratory of Vision Research, the Clinical Branch, and the Office of Biometry and Epidemiology. There will also be an extramural report on the choroidal and retinal disease program. This meeting on November 20, will be closed to the public from 1 p.m. for the review of grant applications 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.

The Research Subcommittee of the National Advisory Eye Council will meet at 7 p.m., November 19, 1973, and will be closed to the public for discussion and review of special research grant applications in the field of vision research. This closed meeting is therefore exempt from mandatory disclosure under section 552(b)4 of Title 5 U.S. Code, and of section 10(d) of Pub. L. 92-463.

Mr. Julian Morris, Information Officer, NEI, Building 31, Room 6A-27, National Institutes of Health, 496-5248, will furnish summaries of the meeting on November 20, 1973, and rosters of Council members. Substantive program information may also be obtained from Dr. George T. Brooks, Associate Director for Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A-04, National Institutes of Health, 496-4903.

(Catalog of Federal Domestic Assistance Program No. 13.331, National Institutes of Health.)

Dated October 17, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73-22642 Filed 10-24-73;8:45 am]

## NATIONAL ADVISORY GENERAL MEDICAL SCIENCES COUNCIL

### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory General Medical Sciences Council, National Institute of General Medical Sciences, November 29, 1973, 9 a.m., National Institutes of Health, Building 31C, Conference Room 6. This meeting will be open to the public from 9 a.m. to 12 noon, for opening remarks, general discussion, and the Pharmacology-Toxicology Program Review; and closed to the public from 1-5 p.m., to review grants 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 4A-46, Bethesda, Maryland 20014, Telephone: 301-496-5676, will furnish a summary of the meeting and a roster of council members.

Substantive program information may be obtained from Dr. DeWitt Stetten, Jr., Executive Secretary, Building 31, Room 4A-52, Telephone: 301-496-5231.

(Catalog of Federal Domestic Assistance Program No. 13.335, General Medical Sciences-Research Grants.)

Dated October 17, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73-22663 Filed 10-24-73;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 meeting of the National Advisory Neurological Diseases and Stroke Council, November 12, 13, and 14, 1973, at 9:00 a.m., in Conference Room 7, Building 31-C, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public on November 12, 1973, from 9:00 a.m. until 1:30 p.m. and on November 13, 1973, from 3:00 p.m. until the conclusion of the meeting, to discuss program planning and program accomplishments and closed to the public from 1:30 p.m. on November 12, 1973, until 3:00 p.m. on November 13, 1973, to review, discuss and evaluate and/or rank research grant applications in accordance with the provisions set forth in section 552(b)4 of Title V, U.S. Code and section 10(d) of Pub. L. 92-463. 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.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health.)

Dated October 17, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73-22645 Filed 10-24-73;8:45 am]

## NATIONAL ADVISORY RESEARCH RESOURCES COUNCIL

### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the National Advisory Research Resources Council, Division of Research Resources, November 15, 1973, National Institutes of Health, Building 31, Conference Room 9, at 9:00 a.m. This meeting will be open to the public from 9:00 a.m. to 1:30 p.m. to discuss Council business; hear reports of Director and Assistant Director, DRR; presentation of biomedical research resource needs of a large, state university without a medical school; program review of the Minority Schools Biomedical Support Program; and, a status report on evaluation study by the General Clinical Research Centers Program. The meeting will be closed to the public from 1:30 p.m. to adjournment to review grant applications in accordance with provisions set forth in section 552(b)4 of Title 5 U.S. Code for grants and 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

The Information Officer who will furnish summaries of the meeting and rosters of Council members is Mr. James Augustine, Division of Research Resources, Building 31, Room 5B39, Bethesda, MD 20014, 496-5545.

The Executive Secretary from whom substantive information may be obtained is Dr. James F. O'Donnell, Assistant Director, Division of Research Resources, Building 31, Room 5B05, Bethesda, MD 20014, 496-1817.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, 13.367, 13.368, 13.333, 13.375, National Institutes of Health.)

Dated: October 17, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73-22653 Filed 10-24-73;8:45 am]

## NATIONAL ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES ADVISORY COUNCIL

### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Arthritis, Metabolism, and Digestive Diseases Advisory Council, November 15-17, 1973, 9 a.m. to 5 p.m., National Institutes of Health, Building 31, Conference Room 4. This meeting will be open to the public from 9 a.m. to 12:30 p.m. on November 15 to discuss administrative reports and closed to the public from 1:30 p.m. to 5 p.m. on November 15, 9 a.m. to 5 p.m. on November 16 and 17, 1973, to review research 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.

Name of 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 20014, (301) 496-3583.

(Catalog of Federal Domestic Assistance Program No. 13.309, National Institutes of Health)

Dated October 17, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73-22650 Filed 10-24-73;8:45 am]

## NATIONAL CANCER ADVISORY BOARD

### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Cancer Advisory Board, National Cancer Institute, November 26, 1:00 p.m. to 5:00 p.m., and 9:00 a.m. to 5:00 p.m., November 27-28, National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public from 1:00 p.m. to 5:00 p.m., November 26, and from 9:00 a.m. to 3:00 p.m., November 27, to discuss the Cancer Control Program; status of pancreatic cancer program efforts and proposed resolutions on smoking.

The meeting will be closed to the public from 3:00 p.m. to 5:00 p.m., November 27, and all day on November 28 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; in addition, to review the preliminary findings of the Ad Hoc Advisory Committee for the Review of the Special Virus Cancer Program, in accordance with section 552(b)(4) and section 552(b)(6) 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. Richard A. Tjalma, Assistant Director for Board and Panel Affairs, NCI, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301-496-5854) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.312; 13.314; 13.391-392, National Institutes of Health.)

Dated October 16, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73-22664 Filed 10-24-73;8:45 am]

## NATIONAL CANCER ADVISORY BOARD SUBCOMMITTEE ON CENTERS

### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Cancer Advisory Board Subcommittee on Centers, National Cancer Institute, November 25, 1973 at 7:30 p.m., Holiday Inn, Montgomery Room, Bethesda, Maryland. This meeting will be closed to the public from 7:30 p.m. to 10:30 p.m. for the discussion and review of approximately 20 comprehensive and specialized center grants 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. John W. Yarbro, Executive Secretary, Westwood Building, Room 832, Division of Cancer Research Resources and Centers, NCI, National Institutes of Health, Bethesda, Maryland 20014 (301-496-7427) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.312, National Institutes of Health.)

Dated October 17, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73-22639 Filed 10-24-73;8:45 am]

## NATIONAL CANCER INSTITUTE; SEGMENT ADVISORY GROUPS

### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the following National Cancer Institute Segment Advisory Groups: Bioassay Operations, Biological Models, Biology and Immunology, Carcinogen Metabolism and Toxicology, Chemistry and Molecular Carcinogenesis, Colon Cancer, Information and Resources, and Lung Cancer. The Segment Advisory Group meetings will be held November 26, 1973, 10:30 a.m. to 5:00 p.m. and November 27, 1973, 8:30 a.m. to 5:00 p.m. primarily to review ongoing contracts. The Segment Advisory Group meetings will be open to the public for brief general comments from 4:30 p.m. to 5:00 p.m. November 26, 1973 and closed the remainder of the time for contract review 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. These are Advisory Groups to the Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute, National Institutes of Health. The meetings will be held in the El Tropicano Motel, San Antonio, Texas, in conjunction with the Second Annual Carcinogenesis Collaborative Conference. 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, Bioassay Operations Segment, and Carcinogen Metabolism and Toxicology Segment; Dr. Richard A. Pledger, Executive Secretary, Biological Models Segment; Dr. Virginia C. Dunkel, Executive Secretary, Biology and Immunology Segment; Dr. Ann E. Kaplan, Executive Secretary, Chemistry and Molecular Carcinogenesis Segment, and Colon Cancer Segment; Dr. Marcia D. Litwack, Executive Secretary, Information and Resources Segment, and Dr. Carl E. Smith, Executive Secretary, Lung Cancer Segment, Landow Building, Room A-306, National Institutes of Health, Bethesda, Maryland 20014 (301-496-5471) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.)

Dated October 17, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73-22656 Filed 10-24-73;8:45 am]

## NATIONAL HEART AND LUNG ADVISORY COUNCIL

### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Heart and Lung Advisory Council, November 15, 16, and 17, 1973, at 9:00 a.m., and the Research Subcommittee of the Council, November 14, at 8:00 p.m., National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public from 9:00 a.m. to 6:00 p.m., November 15, for discussion of program policies and issues, as well as the Council's annual report, and closed to the public from 8:00 p.m. to 11:00 p.m., November 14, from 9:00 a.m. to 6:00 p.m., November 16, and from 9:00 a.m. until adjournment, November 17, for the review of 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. Hugh Jackson, Information Officer, NHLI, Landow Building, Room C-918, telephone (301) 496-4236, will furnish summaries of the minutes and rosters of the National Heart and Lung Advisory Council members and Dr. Jerome G. Green, Director of the Division of Extramural Affairs, NHLI, Westwood Building, Room 5A18, telephone (301) 496-7416, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.346, Heart and Lung Research—Research Grants; No. 13.374, Heart and Lung Research—Specialized Research Centers (SCOR); and 13.382, Heart and Lung Research—Pulmonary Academic Awards.)

Dated October 17, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73-22651 Filed 10-24-73;8:45 am]

## NATIONAL HEART AND LUNG INSTITUTE, BOARD OF SCIENTIFIC COUNSELORS

### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Na-

tional Heart and Lung Institute Board of Scientific Counselors, November 2 and 3, 1973 at 9:00 a.m., National Institutes of Health, Building 10, Room 7N214. This meeting will be open to the public from 9:00 a.m. to 5:00 p.m., November 2, 1973, and from 9:00 a.m. to 11:00 a.m, November 3, 1973, to discuss the work of the Laboratory of Technical Development and the Laboratory of Biochemical Genetics, in particular, and other activities within the Division of Intramural Research, National Heart and Lung Institute, and closed to the public from 11:00 a.m. to 12:00 noon, November 3, 1973, for the critique and evaluation of the scientific work presented by the Laboratory of Technical Development and the Laboratory of Biochemical Genetics, National Heart and Lung Institute, in accordance with the provisions set forth in section 552(b) 6 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 Board members. Substantive information may be obtained from Dr. Donald S. Frederickson, NHLI, NIH Building 10, Room 7N214, phone 496-2116.

Dated October 17, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73-22662 Filed 10-24-73;8:45 am]

## NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT, BOARD OF SCIENTIFIC COUNSELORS

### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Child Health and Human Development, November 26-27, 1973. This meeting will be open to the public from 9:00 a.m. to 10:15 a.m., November 26, for remarks by the Scientific Director, NICHD, and closed to the public from 10:30 a.m. to 5:00 p.m., November 26 and 9:00 a.m. to 5:00 p.m., November 27 for the critique and evaluation of the Laboratory of Biomedical Sciences in accordance with the provisions set forth in section 552(b) 6 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

Ms. Patricia Newman, Information Officer, NICHD, Landow Building, Room A804B, National Institutes of Health, 496-5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Dr. Charles U. Lowe, Scientific Director, NICHD, Building 31, Room 2A-50, National Institutes of Health, 496-5035.

Dated October 17, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73-22661 Filed 10-24-73;8:45 am]

## NATIONAL LIBRARY OF MEDICINE; BOARD OF REGENTS

### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Library of Medicine's Board of Regents on November 29-30, 1973, in the Board Room of the National Library of Medicine, Bethesda, Maryland. The meeting will be open to the public all day on November 29 for administrative reports and program and operation discussions. On November 30 the meeting will be open from 9:00 a.m. to 10:45 a.m. It will be closed to the public from 10:45 a.m. to noon for grant review 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.

The Information Officer, who will furnish summaries of both the open and closed meeting portions, a roster of Board members, and substantive information, is: Mr. Robert B. Mehnert, Chief, Office of Public Information and Publications Management, National Library of Medicine, Room M-122, 8600 Rockville Pike, Bethesda, Maryland 20014, Telephone Number: 301-496-6308.

(Catalog of Federal Domestic Assistance Program Nos. 13.348, 13.349, 13.350, 13.351—National Institutes of Health)

Dated October 17, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73-22647 Filed 10-24-73;8:45 am]

## SOLID TUMOR VIRUS WORKING GROUP

### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Solid Tumor Virus Working Group, National Cancer Institute, November 20, 1973, 10:00 a.m., National Institutes of Health, Building 37, Conference Room 1B04. This meeting will be open to the public from 10:00 a.m. to 10:30 a.m., November 20, for the Chairman's opening remarks, and closed to the public from 10:30 a.m. to 5:00 p.m., 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.

Ms. Harriet Streicher, Executive Secretary, Building 37, Room 2D24, National Institutes of Health, Bethesda, Maryland 20014 (301-496-3301) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.)

Dated October 17, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73-22654 Filed 10-24-73;8:45 am]

## SUBCOMMITTEE ON CARCINOGENESIS AND PREVENTION

### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Subcommittee on Carcinogenesis and Prevention of the National Cancer Advisory Board, National Cancer Institute, November 26, 1973, 9:00 a.m., National Institutes of Health, Building 31, C Wing, Conference Room 8. This meeting will be open to the public from 9:00 a.m. to 9:30 a.m., November 26, 1973, to discuss any new policy considerations involving the National Cancer Program, and closed to the public from 9:30 a.m. to 12 noon, November 26, 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. 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. John T. Kalberer, Jr., Executive Secretary, Building 31, Room 10A06A, National Institutes of Health, Bethesda, Maryland 20014 (301-496-6614) will provide substantive program information.

(Catalog of Federal Domestic Assistant Program No. 13.312, National Institutes of Health.)

Dated October 17, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73-22640 Filed 10-24-73;8:45 am]

## SUBCOMMITTEE ON DIAGNOSIS AND TREATMENT

### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Subcommittee on Diagnosis and Treatment of the National Cancer Advisory Board, National Cancer Institute, November 26, 1973, 9:00 a.m., National Institutes of Health, Building 31, C Wing, Conference Room 9. This meeting will be open to the public from 9:00 a.m. to 9:30 a.m., November 26, 1973, to discuss any new policy considerations involving the National Cancer Program, and closed to the public from 9:30 a.m. to 12 noon, November 26, 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. 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. John T. Kalberer, Jr., Executive Secretary, Building 31, Room 10A06A, National Institutes of Health, Bethesda, Maryland 20014 (301–496–6614) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.312, National Institutes of Health.)

Dated October 17, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73–22641 Filed 10–24–73;8:45 am]

## TUMOR VIRUS DETECTION WORKING GROUP

### Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Tumor Virus Detection Working Group, National Cancer Institute, November 28, 1973, at 9:00 a.m., National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 9:00 a.m. to 9:30 a.m., November 28, 1973, to discuss future plans of the Tumor Virus Detection Working Group, and closed to the public from 9:30 a.m. to 5:00 p.m., November 28, 1973, to review approximately five contracts in the fields of viral oncology and tumor virus detection, 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.

Dr. Bernard Talbot, Vice-Chairman, Building 37, Room 1B26, National Institutes of Health, Bethesda, Maryland 20014 (301–496–6135) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.)

Dated October 17, 1973.

JOHN F. SHERMAN,
*Deputy Director,*
*National Institutes of Health.*

[FR Doc.73–22659 Filed 10–24–73;8:45 am]

# ATOMIC ENERGY COMMISSION

## REGULATORY GUIDES

### Notice of Issuance and Availability

The Atomic Energy Commission has issued a guide in its Regulatory Guide series. The Regulatory Guide series has been developed to describe and to make available to the public methods acceptable to the AEC Regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain information needed by the staff in its review of applications for permits and licenses.

The new guide is in Division 5, "Materials and Plant Protection." Regulatory Guide 5.11, "Nondestructive Assay of Special Nuclear Materials Contained in Scrap and Waste," provides a framework for the implementation of nondestructive assay for the measurement of this inventory component in SNM processing facilities.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated.

Other Division 5 Regulatory Guides currently being developed include the following:

Standard Methods for Chemical, Nuclear and Radiochemical Analysis of Pu metal and Nitrate.
Guide for Mass and Scales Calibration.
Sampling Guide.
NDA of the Fissile Content of Low-Enriched Uranium Fuel Rods.
Calibration Techniques for Calorimetry of Pu-Bearing Solids.
NDA of Mixed Oxide and High-Enriched Uranium Fabricated Rods and Plates.
Pressure Sensitive Seals.
Selection and Use of Seals.
Limit of Error Concepts and Principles of Calculation in Nuclear Materials Control.
Internal Transfers of Nuclear Material.
Material Control in Scrap Recovery.
Receiving and Shipping.
Evaluation of MUF and LEMUF.
Nuclear Material—Guide to Conduct of Physical Inventories.
Selection of Material Balance Areas.
Physical Barrier Construction for Protected Areas and Material Access Areas.
Nuclear Material Holdup in Process Equipment (wet processes).
Nuclear Material Holdup in Process Equipment (dry processes).
Organization for Materials and Plant Protection.
Locks—General Guide.
Guards and Watchmen: Training and Equipping.
Tamper Indicating Devices.
Safe Secure Trailer (Interim Guide).
Truck Identification Markings.
Communication with Transport Vehicles.
Coordination of Response Plan with Law Enforcement Authority.

(5 U.S.C. 552(a))

Dated at Bethesda, Maryland, this 17th day of October, 1973.

For The U.S. Atomic Energy Commission.

LESTER ROGERS,
*Director of Regulatory Standards.*

[FR Doc.73–22632 Filed 10–24–73;8:45 am]

[Docket Nos. 50–361 and 50–362]

## SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

### Notice of Availability of Initial Decision of the Atomic Safety and Licensing Board and Issuance of Construction Permits

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations, Appendix D, sections A.9 and A.11, to 10 CFR Part 50, notice is hereby given that an Initial Decision dated October 15, 1973, by the Atomic Safety and Licensing Board in the above captioned proceeding authorizing issuance of construction permits to the Southern California Edison Co. and the San Diego Gas and Electric Co. for construction of the San Onofre Nuclear Generating Station, Units 2 and 3, located in San Diego County, California, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the San Clemente Public Library, 233 Granada Street, San Clemente, California 92672.

The Initial Decision is also being made available at the San Diego County Comprehensive Planning Organization, County Administration Center, 1600 Pacific Highway, San Diego, California 92101 and at the Office of Intergovernmental Management, 1400 10th Street, Room 108, Sacramento, California 95814.

Based upon the record developed in the public hearing in the above captioned matter, the Initial Decision modified in certain respects the contents of the Final Environmental Statement related to the proposed San Onofre Nuclear Generating Station, prepared by the Commission's Directorate of Licensing. Pursuant to the provisions of 10 CFR Part 50, Appendix D, section A.11, the Final Environmental Statement is deemed modified to the extent that the findings and conclusions relating to environmental matters contained in the Initial Decision are different from those contained in the Final Environmental Statement dated March 1973. As required by Section A.11 of Appendix D, a copy of the Initial Decision, which modifies the Final Environmental Statement, has been transmitted to the Council on Environmental Quality and made available to the public as noted herein.

Pursuant to the above mentioned Initial Decision, the Atomic Energy Commission (the Commission) has issued Construction Permits Nos. CPPR–97 and CPPR–98 to the Southern California Edison Co. and the San Diego Gas and Electric Co. for construction of two pressurized water nuclear reactors to be known as the San Onofre Nuclear Generating Station, Units 2 and 3, each to be designed for a rated power of 3390 mega-

watts thermal with a net electrical output of approximately 1,140 megawatts.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the construction permits. The application for the construction permits complies with the standards and requirements of the Act and the Commission's rules and regulations.

The construction permits are effective as of their date of issuance. The earliest date for the completion of Unit 2 is January 1, 1978, and the latest date for completion is January 1, 1979. The earliest date for the completion of Unit 3 is January 1, 1979, and the latest date for completion is January 1, 1980. Each permit shall expire on the latest date for completion of the facility.

In addition to the Initial Decision, copies of (1) Construction Permits Nos. CPPR-97 and CPPR-98, (2) the report of the Advisory Committee on Reactor Safeguards dated July 21, 1972; (3) the Directorate of Licensing's Safety Evaluation dated October 20, 1972; (4) the Preliminary Safety Analysis Report and amendments thereto; (5) the applicants' Environmental Report dated July 28, 1970 and supplements thereto; (6) the Draft Environmental Statement dated November 1972; and (7) the Final Environmental Statement dated March 1973, are also available for public inspection at the above-designated locations in Washington, D.C. and San Clemente, California. Single copies of the Initial Decision by the Atomic Safety and Licensing Board, the construction permits, the Final Environmental Statement, and the Safety Evaluation Report may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 18th day of October 1973.

For the Atomic Energy Commission

KARL R. GOLLER,
*Chief, Pressurized Water Reactors Branch No. 3, Directorate of Licensing.*

[FR Doc.73-22633 Filed 10-24-73;8:45 am]

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[Docket Nos. 50-259; 50-260, and 50-296]

## TENNESSEE VALLEY AUTHORITY

### Notice of Reconstitution of Board

In the matter of Tennessee Valley Authority, (Browns Ferry 1, 2, and 3).

The Chairman previously designated in this proceeding is unavailable for the conduct of this hearing. The previously designated Alternate Chairman is unavailable because of schedule conflicts.

Accordingly, Max D. Paglin, Esq., is appointed Chairman of this Board. His address is Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545. Reconstitution of the Board in this manner is in accordance with § 2.721 of the rules of practice, as amended.

Dated at Washington, D.C., this 18th day of October 1973.

NATHANIEL H. GOODRICH,
*Chairman, Atomic Safety and Licensing Board Panel.*

[FR Doc.73-22634 Filed 10-24-73;8:45 am]

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[License No. 20-15134-02E]

## SMITH AND WESSON

### Notice of Issuance of Byproduct Material License

Please take notice that the Atomic Energy Commission has, pursuant to § 32.22 of 10 CFR Part 32, issued License No. 20-15134-02E to Smith and Wesson, 2100 Roosevelt Avenue, Springfield, Massachusetts 01101, which authorizes the distribution of gunsight illuminators contained in gunsights mounted on Smith and Wesson hand guns to persons exempt from the requirements for a license pursuant to § 30.19 of 10 CFR Part 30.

1. The devices are designed to illuminate gunsights mounted on Smith and Wesson hand guns permitting greater sighting accuracy in low ambient light.

2. The byproduct material incorporated in the device is tritium in Betalights manufactured by Self-Powered Lighting, Limited (Model XPM 62/G/250). The nominal activity contained in the Betalight is 30 millicuries but the maximum activity is 33.3 millicuries. There are three Betalights and thus a maximum of 100 millicuries per gun.

3. Each gun equipped with a gunsight illuminator will be labeled to identify the manufacturer (Smith and Wesson) and the byproduct material ($^3H$) contained in the device.

A copy of the license and a safety evaluation containing additional information, prepared by the Directorate of Licensing, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Maryland, October 18, 1973.

For the Atomic Energy Commission.

JAMES C. MALARO,
*Chief, Materials Branch, Directorate of Licensing Regulation.*

[FR Doc.73-22683 Filed 10-24-73;8:45 am]

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[Docket Nos. 50-361; 50-362]

## SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS & ELECTRIC CO.

### Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for these proceedings:

Alan S. Rosenthal, Chairman
Dr. John H. Buck, Member
Michael C. Farrar, Member

Dated October 19, 1973.

MARGARET E. DU FLO,
*Secretary to the Appeal Board.*

[FR Doc.73-22682 Filed 10-24-73;8:45 am]

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[Dockets No. 50-271 and 50-293]

## VERMONT YANKEE NUCLEAR POWER CORPORATION AND PILGRIM NUCLEAR POWER STATION

### Memorandum and Order

On October 15, 1973, certain groups filed a petition seeking immediate shutdown of the Vermont Yankee and Pilgrim nuclear reactors on the ground that there are defects in the fuel channel walls. Materials on file in the Commission's Public Document Room show that the regulatory staff was aware of the problem, was reviewing it, and was taking action prior to receipt of the petition. These records show that the Vermont Yankee reactor is not now operating and will not resume operations until completion of further studies. (See Note to Files, October 16, 1973, from Assistant Deputy Director for Technical Review.) With respect to the Pilgrim reactor, the regulatory staff's preliminary review of the problem culminated in instructions to the utility whereby operations were limited to 50 percent of power (see letter of October 16, 1973, from regulatory staff to Boston Edison).

The petition amounts to a request for an order by the Director of Regulation under 10 CFR 2.202. Accordingly, the Director of Regulation shall determine whether further action, including any shutdown, is appropriate as an emergency matter. His determination, together with supporting reasons, shall be announced on or before October 26, 1973, and shall be published in the FEDERAL REGISTER as soon as possible thereafter. By that same notice he shall provide for the submission of views by the licensees and any interested persons by November 11, 1973. After receipt of such views, he shall make a determination, together with supporting reasons, as to whether further actions or proceedings are warranted.

It is so ordered.

Dated at Washington, D.C., this 23d day of October 1973.

By the Commission.

PAUL C. BENDER,
*Secretary of the Commission.*

[FR Doc.73-22811 Filed 10-24-73;8:45 am]

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[Docket Nos. 50-329A, 50-330A]

## CONSUMERS POWER CO.

### Prehearing Conference

OCTOBER 23, 1973.

Take notice, that a prehearing conference will be held in this matter on October 29, 1973, at 10:00 a.m., local

time, in Suite 500, Postal Rate Commission, 2000 L Street NW., Washington, D.C.

At this prehearing conference the parties are to exchange those exhibits and prepared testimony intended to be offered into evidence. These exhibits should be numbered prior to the exchange. The parties are also directed to confer prior to the prehearing conference for the purpose of reaching a stipulation as to receipt of the exhibits into evidence, and as to any area of disagreement regarding such exhibits.

The Board will set a tentative date for commencement of the evidentiary hearing at said prehearing conference. In addition, the Board will discuss other matters that will facilitate the evidentiary hearing.

It is so ordered.

Issued at Washington, D.C., this 23d day of October 1973.

ATOMIC SAFETY AND LICENSING BOARD.

HUGH K. CLARK, *Member.*

J. V. LEEDS, Jr., *Member.*

JEROME GARFINKEL, *Chairman.*

[FR Doc.73-22883 Filed 10-24-73;11:24 am]

## CIVIL AERONAUTICS BOARD

[Docket 25895]

### BAHAMASAIR HOLDINGS LTD. AND OUT ISLAND AIRWAYS, LTD.

#### Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 7, 1973, at 10:00 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Hyman Goldberg.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before October 26, 1973.

Dated at Washington, D.C., October 18, 1973.

[SEAL] RALPH L. WISER, *Chief Administrative Law Judge.*

[FR Doc.73-22728 Filed 10-24-73;8:45 am]

[Docket 25661]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

#### North Atlantic Fares

The member carriers of the International Air Transport Association (IATA) have reached agreement on fares to be applicable on the North Atlantic from January 1, 1974, which essentially provides for maintenance of the present fare structure with varying increases in the several categories of fares.

In view of the limited period of time available prior to termination of presently effective tariffs for North Atlantic service, the Board believes it in the interest of all concerned to establish a procedural schedule which will insure prompt disposition of the agreement. Accordingly, we are directing the U.S.-flag carrier members of IATA to file their respective supporting justifications, on the date hereinafter ordered. Comments in response to the carriers' filings will be expected not later than ten days thereafter.

*Accordingly, It is ordered,* That:

1. The U.S. carrier members of IATA are directed to file their evidence and justification in support of the IATA agreement establishing air fares over the North Atlantic for effect January 1, 1974 no later than November 1, 1973.

2. Comments in spport of or in opposition to the agreement shall be submitted no later than November 15, 1973.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.73-22730 Filed 10-24-73;8:45 am]

[Docket 25929]

### NORTHWEST AIRLINES, INC.

#### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 13, 1973, at 10:00 a.m. (local time) in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Henry Whitehouse.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before November 6, 1973, and the other parties on or before November 9, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., October 18, 1973.

RALPH L. WISER, *Chief Administrative Law Judge.*

[FR Doc.73-22729 Filed 10-24-73;8:45 am]

## COMMISSION ON CIVIL RIGHTS

### NEW HAMPSHIRE STATE ADVISORY COMMITTEE

#### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Hampshire State Advisory Committee will convene at 7:30 p.m. on October 25, 1973, at the New Hampshire Highway Motel, Concord, New Hampshire 03301.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss the advisability of holding a State Advisory Committee fact-finding meeting on corrections institutions in New Hampshire as part of the Commission's National Prison Study.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., October 17, 1973.

ISAIAH T. CRESWELL, Jr., *Advisory Committee Management Office.*

[FR Doc.73-22670 Filed 10-24-73;8:45 am]

### OHIO STATE ADVISORY COMMITTEE

#### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Ohio State Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. on October 27, 1973, in Room 228-A, 90 West Broad Street, Columbus, Ohio 43215.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission in Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting shall be (1) to prepare outline and assign Committee responsibilities for the preparation of a SAC report based on a recent SAC factfinding meeting on conditions in Ohio prisons as they relate to the civil rights of inmates, and (2) to hear a report on a recent SAC meeting with Ohio State officials concerning proposed followup activities to the Ohio State Advisory Committee's prison study.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., October 18, 1973.

ISAIAH T. CRESWELL, Jr., *Advisory Committee Management Office.*

[FR Doc.73-22671 Filed 10-24-73;8:45 am]

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENT

### CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN COLOMBIA

#### Entry or Withdrawal From Warehouse for Consumption

OCTOBER 19, 1973.

On June 27, 1973, there was published in the FEDERAL REGISTER (38 FR 16931) a letter dated June 13, 1973 from the Chairman, Committee for the Imple-

mentation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manfactured in Colombia and exported to the United States during the twelve-month period beginning July 1, 1973.

Pursuant to paragraph 13 of the Bilateral Cotton Textile Agreement of June 25, 1971 between the Governments of the United States and Colombia, the Government of Colombia has requested that the individual limits of 1,914,422 square yards and 382,885 square yards, established, respectively, for Categories 5 and 6, be combined into a single level of 2,297,307 square yards for the two categories for the agreement year which began on July 1, 1973. The United States Government has acceded to the request.

Accordingly, there is published below a letter of October 19, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, implementing this action.

ALAN POLANSKY,
*Acting Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.*

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
*Department of the Treasury,*
*Washington, D.C. 20229.*

OCTOBER 19, 1973.

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directive issued to you on June 13, 1973 by the Chairman of the Committee for the Implementation of Textile Agreements.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the Bilateral Cotton Textile Agreement of June 25, 1971 between the Governments of the United States and Colombia, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective July 1, 1973 and for the twelve-month period extending through June 30, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 5 and 6 produced or manufactured in Colombia, in excess of a combined level of restraint for the two categories of 2,297,307 square yards.[1] This level is in lieu of the separate levels of restraint established for Categories 5 and 6 in the directive of June 13, 1973.

The actions taken with respect to the Government of Colombia and with respect to imports of cotton textiles and cotton textile products from Colombia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
*Acting Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.*

[FR Doc.73-22800 Filed 10-24-73;8:45 am]

[1] This level has not been adjusted to reflect any entries made on or after July 1, 1973.

## COST OF LIVING COUNCIL

### HEALTH INDUSTRY WAGE AND SALARY COMMITTEE

#### Notice of Postponement of Meetings

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the previously announced meetings of the Health Industry Wage and Salary Committee that were to be held on October 25 and 26, 1973, will be held instead on October 30 and 31, 1973. The meetings will be open to the public on a first-come, first-served basis. The meeting on October 30 will begin at 7:00 p.m., room 8202, 2025 M Street, NW., Washington, D.C. The meeting on October 31 will begin at 10:00 a.m., room 8009, 2025 M Street, NW., Washington, D.C.

Issued in Washington, D.C., on October 24, 1973.

HENRY H. PERRITT, Jr.,
*Executive Secretary,*
*Cost of Living Council.*

[FR Doc.73-22886 Filed 10-24-73;11:04 am]

## COMMISSION ON REVISION OF THE FEDERAL COURT APPELLATE SYSTEM

#### Notice of Meeting

Notice is hereby given that the Commission on Revision of the Federal Court Appellate System will meet Wednesday, October 31, 1973, at 9:00 a.m. in Room S-146 of the Capitol.

The purpose of the meeting is to further discuss the realignment of the judicial circuits. Emphasis will be placed on the Fifth and Ninth Circuits. In this connection the Commission will consider a draft report and its wide circulation throughout the country prior to final submission.

The Commission will also discuss research plans relevant to the internal procedures and structure of the Federal Courts of Appeal system.

The meeting is open to all interested persons.

A. LEO LEVIN,
*Executive Director.*

OCTOBER 24, 1973.

[FR Doc.73-22903 Filed 10-24-73;1:00 pm]

## ENVIRONMENTAL PROTECTION AGENCY

### AIR POLLUTION CHEMISTRY AND PHYSICS ADVISORY COMMITTEE

#### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Air Pollution Chemistry and Physics Advisory Committee will be held at 9:00 a.m., November 8, 1973, in Murphy Hall Auditorium and November 9, 1973, in Room 110-Main Engineering, University of Minnesota, Minneapolis, Minnesota.

This is the regular fall meeting of this Committee. The agenda will include fine particle physics, measurement, and air quality standards; the University of Minnesota Particle Technology Laboratory; and chemical characterization of aerosol pollutants.

The meeting will be open to the public. Any member of the public wishing to participate or present a paper should contact Dr. Alfred H. Ellison, Deputy Director, Chemistry and Physics Laboratory, Environmental Protection Agency, Research Triangle Park, North Carolina, 919-549-8411, extension 2191.

A. C. TRAKOWSKI,
*Acting Assistant Administrator for Research and Development.*

OCTOBER 19, 1973.

[FR Doc.73-22702 Filed 10-24-73;8:45 am]

### METEOROLOGY ADVISORY COMMITTEE

#### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Meteorology Advisory Committee will be held at 9:00 a.m. on November 1, 1973, in the Regional Air Pollution Study (RAPS) Office Environmental Protection Agency, 11636 Administration Drive, Westport Industrial Park, Maryland Heights, Missouri, 63032.

The purpose of this meeting will be (1) to review the Regional Air Pollution (RAPS) study plan; (2) to consult the Committee on proposed research projects in the RAPS study; and (3) to discuss the meteorological research implications of impending Federal regulations on nondegradation of ambient air quality.

The meeting will be open to the public. Any member of the public wishing to attend should contact Mr. Charles Hosler, Chief, Program Office, Meteorology Laboratory, National Environmental Research Center, Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

The telephone number is area code 919-549-8411, extension 4543.

A. C. TRAKOWSKI,
*Acting Assistant Administrator for Research and Development.*

OCTOBER 19, 1973.

[FR Doc.73-22701 Filed 10-24-73;8:45 am]

### PROCESSES, PROCEDURES, AND METHODS TO CONTROL POLLUTION FROM MINING ACTIVITIES

#### Notice of Availability of Report

The Environmental Protection Agency report "Processes, Procedures, and Methods To Control Pollution From Mining Activities", has been completed in accordance with section 304(e)(2)(B) of Pub. L. 92-500. A limited number of copies are available from the Office of Public Inquiries, Environmental Protec-

tion Agency in Washington, D.C. Copies will be available in approximately six weeks from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

ROBERT L. SANSOM,
*Assistant Administrator for Air and Water Programs.*

OCTOBER 18, 1973.

[FR Doc.73-22704 Filed 10-24-73;8:45 am]

## M-44 SAFETY PREDATOR CONTROL CO.

### Notice of Application To Register a Pesticide Containing Sodium Cyanide

The Law Firm of Turpin, Smith, Dyer, Harman, and Osborn of Midland, Texas, representing the M-44 Safety Predator Control Company, has applied under the Federal Insecticide, Fungicide, and Rodenticide Act of 1947, as amended by the Federal Environmental Pesticide Control Act (Pub. L. 92-516), for registration of a rodenticide (M-44 Capsules, File No. 32463-R) for use in controlling coyotes.

Any Federal agency or other interested party may comment in writing with respect to this request. This notice does not indicate a decision by this Agency on the application. Please address comments to the Director, Registration Division, Office of Pesticide Programs, EPA, Washington, D.C. 20460, and refer to M-44 Capsules.

CHARLES L. ELKINS,
*Acting Assistant Administrator for Hazardous Materials Control.*

OCTOBER 18, 1973.

[FR Doc.73-22705 Filed 10-24-73;8:45 am]

## METHODS FOR IDENTIFYING AND EVALUATING THE NATURE AND EXTENT OF NONPOINT SOURCES OF POLLUTANTS

### Notice of Availability of Report

The Environmental Protection Agency report, "Methods for Identifying and Evaluating the Nature and Extent of Nonpoint Sources of Pollutants" has been prepared in accordance with requirements of section 304(e)(1)(A,B,C), Pub. L. 92-500. A limited number of copies are available from the Office of Public Inquiries, Environmental Protection Agency in Washington, D.C. Copies will be available in approximately six weeks from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

ROBERT L. SANSOM,
*Assistant Administrator for Air and Water Programs.*

OCTOBER 18, 1973.

[FR Doc.73-22703 Filed 10-24-73;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[Report 670]

### COMMON CARRIER SERVICES INFORMATION[1]

### Domestic Public Radio Services Applications Accepted for Filing[2]

OCTOBER 15, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
*Secretary.*

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20397-C2-AL-74, Beasley and Carlson, Inc. Consent to Assignment of License from Beasley and Carlson, Inc., assignor to Savannah Radio Mobile-Telephone, Inc., assignee. Station: KIY588, Savannah, Georgia.

20398-C2-P-74, General Telephone Company of Wisconsin (New). C.P. for a new auxiliary test station (Air-Ground) to operate on 459.750 MHz to be located at 202 Callon Street, Wausau, Wisconsin.

20400-C2-AL-74, Montana Communications. Consent to Assignment of License from Montana Communications, assignor to Reba R. Donham d.b.a. Radiopage, assignee. Station: KRS658, Missoula, Montana.

20401-C2-P-74, Edwards Plate Mobile Communications (New). C.P. for a new 2-way station to operate on 152.06 MHz to be located 1,800 feet north of U.S. 290, 4.25 miles east of Ozona, Texas.

20402-C2-P-(2)-74, Live Oak Communications (New). C.P. for a new 2-way station to operate on 152.09 and 152.21 MHz to be located 0.75 mile west of George West, Texas.

20403-C2-P-74, Tel-Page Corporation (KRH-643). C.P. to add antenna location to operate on 152.15 MHz and to be designated as Loc. No. 2: 821 Brighton Avenue, East, Jamesville, New York.

20404-C2-AL-(2)-74, Radio Telephone of Maine. Consent to Assignment of License from Com-Nav, Inc., d.b.a. Radio Telephone of Maine, assignor to Arthur R. Tilley d.b.a. Radio Telephone of Maine, assignee. Stations: KQZ780 & KRS712, East Holden, Maine.

20405-C2-P-74, Imperial Communications Corporation (KLF644). C.P. to add transmitter to operate on 152.24 MHz at Loc. No. 1: Mount Soledad, San Diego, California.

20406-C2-AL-74, Ormonds, Inc. Consent to Assignment of License from Ormonds, Inc., assignor to Telephone Answering Service of Fayetteville, Inc., assignee. Station: KIE363, Fayetteville, North Carolina.

20408-C2-P-74, Diamond State Telephone Company (KGH865). C.P. for additional facilities to operate on 152.60 MHz and change antenna system operating on 152.78 MHz located at 9 Depot Street, Georgetown, Delaware.

20409-C2-P-(4)-74, Mountain States Telephone and Telegraph Company (KOA792). C.P. to replace base transmitters operating on 152.57, 152.63 and 152.69 MHz and replace test transmitter operating on 157.83, 157.89 and 157.95 MHz located 4 miles southwest of Vernal, Utah.

9569-C2-MP-73, Mobile Radio Telephone Service, Inc. (KAA276). C.P. to change antenna location and system and to add a control point for facilities operating on 454.025, 454.350, and 454.225 MHz located at Lookout Mountain, Golden, Colorado.

Renewal of Developmental Licenses expiring 10-31-73. TERM: 10-31-73 to 10-31-74

| *Licensee* | *Call Sign* |
|---|---|
| Bell Telephone Company of Pa. | KGI268 |
| Chesapeake & Potomac Telephone Co. of Md. | KGI270 |
| Same as above | KGI271 |
| Same | KGI272 |
| Same | KGI273 |
| Diamond State Telephone Co. | KGI269 |
| New Jersey Bell Telephone Co. | KEK270 |
| Same as above | KEK271 |
| Same | KEK272 |

*Major amendments*

3511-C2-P-73 (New), Contact of Washington, Inc. Change antenna location to 3206 Wisconsin Avenue NW., Washington, D.C. All other particulars to remain the same as reported on PN No. 623 dated November 20, 1972.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (pt. 21 of the rules).

6302-C2-P-73 (KIY750), Nashville Mobilphone, Inc., Nashville, Tennessee. Amend to add the frequencies 454.025, 454.075, 454.275, and 454.300 MHz at Loc. No. 2. All other particulars remain as reported on PN No. 638 dated March 5, 1973.

*Correction*

20348-C2-P-(2)-74, Midland Telephone Company. Correct call sign to read (KOE515) instead of (KOE55). All other particulars to remain as reported on PN No. 669 dated October 9, 1973.

*Informative*

4187-C2-P-(2)-72 (NEW), Mueller Electronics, Inc. Substitute Radiofone Corporation of New Jersey as applicant in place of Mueller Electronics, Inc. All other particulars remain the same as reported on PN #579 dated January 17, 1972.

RURAL RADIO SERVICE

60075-C6-P-74, Mountain States Telephone and Telegraph Company (New). C.P. for a new rural subscriber station to operate on 157.89 MHz to be located 45.5 miles Southwest of Rock Springs, Wyoming.

Renewal of Licenses Expiring November 1, 1973. TERM: 11-1-73 to 11-1-78.

| *Licensee* | *Call Sign* |
|---|---|
| Bell Telephone Co. of Nevada | KOB97 |
| Same as above | KOB98 |
| Same | KOR58 |
| Same | KOR59 |
| Same | KOV66 |
| Same | KPH65 |
| Same | KPH66 |
| Same | KPH67 |
| Same | KPL31 |
| Same | KPV74 |
| Same | KPV75 |
| Bair Communications Inc | KPP51 |
| Bek Telephone Mutual Aid Corp. | KAX40 |
| Central Telephone Company | KPR57 |
| Same as above | KPR58 |
| Same | KPT35 |
| Same | KPT36 |
| Same | KYJ34 |
| Same | KYJ35 |
| Same | WAN72 |
| Cimarron Telephone Company, Inc. | KLU63 |
| Same as above | KLU64 |
| Continental Telephone Company of Kansas. | KZA89 |
| Farmers Mutual Telephone Co. | KBI50 |
| General Telephone Co. of the Southwest. | WSN42 |
| Gopher State Telephone Co | KAM26 |
| Same as above | KAN20 |
| Same | KBC89 |
| Same | KBH69 |
| Same | KBH70 |
| Same | KBI95 |
| Same | KBI96 |
| Same | KTF63 |
| Hawaiian Telephone Co | KUQ95 |
| Same as above | KUQ96 |
| Same | KUR86 |
| Same | KUR91 |
| Same | KUR92 |
| Same | KUR95 |
| Same | KUV89 |
| Same | KXR52 |
| Same | KXR53 |
| Same | KYR89 |
| Same | KYR90 |
| Same | KZI58 |
| Same | WHT94 |
| Intermountain Mobilfone Inc | WAY58 |
| Lincoln County Tel. System, Inc. | KPY66 |
| Same as above | KPY67 |
| Jim Mayfield | KKB34 |
| Jim Mayfield | KOA81 |
| Same | KZA24 |
| Same | KZA26 |
| Same | KZA27 |
| Same | KZA28 |
| Same | KZA29 |
| Same | KZA30 |
| Same | WHT63 |
| Same | WIV49 |
| Same | WSN40 |
| Mountain States Tel. & Tel. Co. | KAN87 |
| Same as above | KAN88 |
| Same | KAQ84 |
| Same | KAY68 |
| Same | KLP90 |
| Same | KLP91 |
| Same | KLP92 |
| Same | KLV21 |
| Same | KLV22 |
| Same | KOB20 |
| Same | KOB21 |
| Same | KOB79 |
| Same | KOB80 |
| Same | KOE84 |
| Same | KOQ76 |
| Same | KOQ77 |
| Same | KOV48 |
| Same | KOV50 |
| Same | KOV51 |
| Same | KPC84 |
| Same | KPC85 |
| Same | KPC86 |
| Same | KPG75 |
| Same | KPH69 |
| Same | KPI66 |
| Same | KPK24 |
| Same | KPL20 |
| Same | KPL21 |
| Same | KPN91 |
| Same | KPQ20 |
| Same | KPQ39 |
| Same | KPQ40 |
| Same | KPQ50 |
| Same | KPQ51 |
| Same | KPQ52 |
| Same | KPR53 |
| Same | KPR54 |
| Same | KPT89 |
| Same | KPV68 |
| Same | KPV99 |
| Same | KPX44 |
| Same | KPX64 |
| Same | KPX65 |
| Same | KPX66 |
| Same | KPX68 |
| Same | KPY24 |
| Same | KPY37 |
| Same | KPY39 |
| Same | KPY60 |
| Same | KPY76 |
| Same | KPY92 |
| Same | KPZ94 |
| Same | KSV88 |
| Same | KSV89 |
| Same | KSV91 |
| Same | KTP95 |
| Same | KVH45 |
| Same | KVI20 |
| Same | KVU98 |
| Same | KXR67 |
| Same | KXR73 |
| Same | KYC75 |
| Same | KZA96 |
| Same | KZS33 |
| Same | KZS34 |
| Same | KZS36 |
| Same | KZS37 |
| Same | KZS83 |
| Same | WAN48 |
| Same | WAN70 |
| Same | WAN73 |
| Same | WAX88 |
| Same | WAY48 |
| Same | WAY49 |
| Same | WCZ25 |
| Same | WDD96 |
| Mountain States Tel. & Tel Co. | WGF22 |
| Same | WGI75 |
| Same | WIV31 |
| Same | WIV89 |
| Same | WJK83 |
| Same | WJL31 |
| Same | WJL32 |
| Same | WJL39 |
| Same | WOG22 |
| Same | WOG52 |
| Same | WSN37 |
| Muskogee Two-Way Dispatching. | KLU51 |
| Riggs Radio Dispatch | KNL93 |
| Services Unlimited, Inc | KIA52 |
| Sierra Communications | KYC20 |
| Same as above | WJM95 |
| South Ga. Comm., Inc | KJK60 |
| Same as above | KYO27 |
| Same | WDE55 |
| Same | WDE56 |
| Same | WDE57 |
| Same | WCZ26 |
| St. Jos. Tel. & Tel. Co | KJJ77 |
| Tel. Answering Exchange | KGN24 |

*Correction*

983-C6-P/L-73, The Chesapeake and Potomac Telephone Company of Virginia (New). Correct PN #664 dated September 4, 1973, to read "Amend to correct frequency 152.53 MHz to frequency 152.54 MHz. All other particulars to remain as reported on PN #611 dated August 28, 1972."

POINT-TO-POINT MICROWAVE RADIO SERVICE

1122-C1-P-74, The Ohio Bell Telephone Company (KQO38): 401 Cleveland Ave., Canton, Ohio. Lat. 40°48'04" N., Long. 81°22'35" W. C.P. to change alarm system and change freq. from 11,565 MHz to 6204.7V MHz toward Paris, Ohio, on azimuth 84°43'.

1123-C1-P-74, Same (KQO27): 11601 Georgetown Street, Paris, Ohio. Lat. 40°48'55" N., Long. 81°10'59" W. C.P. to change alarm system and change freq. from 11,115 MHz to 5952.6V MHz toward Canton, Ohio, on azimuth 264°33' and change freq. from 10,915 MHz to 5937.8V MHz toward Edinburg, Ohio, on azimuth 06°00'.

1124-C1-P-74, Same (KQO24): Alliance Road, 0.9 Mile SE of Edinburg, Ohio. Lat. 41°05'13" N., Long. 81°08'43" W. C.P. to change alarm system and change freq. from 11,365 MHz to 6189.8V MHz toward Paris, Ohio, on azimuth 186°02'; change freq. from 11,565 MHz to 6204.7H MHz toward Youngstown, Ohio, on azimuth 87°02'.

1125-C1-P-74, Same (KQN96): 7 North Osborn Ave., Youngstown, Ohio. Lat. 41°06'12" N., Long. 80°42'21" W. C.P. to change alarm system and change freq. from 11,115 MHz to 5952.6H MHz toward Edinburg, Ohio, on azimuth 267°19'.

1126-C1-P-74, Same (KQL27): 750 Huron Road, Cleveland, Ohio. Lat. 41°29'53" N., Long. 81°41'12" W. C.P. to change antenna system, alarm system, replace transmitter and change freq. from 11,1115 MHzto 6071.2H MHz toward Chardon, Ohio, on azimuth 76°18'; add freq. 1077.5V 11,015V MHz toward Station WVIZ, Cleveland, Ohio, on azimuth 190°51'.

1127-C1-P-74, Same (KQN53): State Rt. #6, Approx. 1 Mile West of Chardon, Ohio. Lat-41°34'50" N., Long. 81°13'50" W. C.P. to change alarm system and change freq. from 11,565 MHz to 6323.3H MHz toward Cleveland, Ohio, on azimuth 256°36'; change freq. from 11,365 MHz to 6367.7H MHz toward Shalersville, Ohio, on azimuth 177°39'.

1128-C1-P-74, Same (KQM37): Shalersville, 2.2 Miles SSE of Mantua, Ohio. Lat. 41°14'50" N., Long. 81°12'45" W. C.P. to

change alarm system and change freq. from 10,915 MHz to 6115.7H MHz toward Chardon, Ohio, on azimuth 357°40"; change freq. from 11,115 MHz to 6071.2V MHz toward Warren, Ohio, on azimuth 96°40".

1129–C1–P–74, Same (KQM38): 3526 Ridge Road, Warren, Ohio. Lat. 41°12'30" N., Long. 80°46'55" W. C.P. to change alarm system and change freq. from 11,565 MHz to 6323.3V MHz toward Shalersville, Ohio, on azimuth 276°58".

1130–C1–P–74, American Telephone and Telegraph Company (KGP77): 2.2 Miles SSW of Spring, Texas. Lat. 30°02'54" N., Long. 95°25'54" W. C.P. to add freq. 3970H MHz toward Dayton, Tex., on azimuth 92°21".

1131–C1–P–74, American Telephone and Telegraph Company (KLV72): 5.9 Miles WSW of Dayton, Texas. Lat. 30°01'55" N., Long. 94°59'37" W. C.P. to add freq. 4170H MHz toward Spring, Tex., on azimuth 272°34".

1132–C1–P–74, Pacific Northwest Bell Telephone Company (KPT39): Main Street, Bly, Oregon. Lat. 42°23'54" N., Long. 121°-02'36" W. C.P. to change antenna location on freqs. 6219.5V, 6338.1V MHz toward Grizzly Peak, Oreg., via Passive Reflector.

1133–C1–P–74, Same (KOM53): West 501 Second Avenue, Spokane, Washington. Lat. 47°39'16" N., Long. 117°25'09" W. C.P. to add freqs. 1097.5H, 1113.5H MHz toward Brown's Mountain, Wash., on azimuth 126°53".

1134–C1–P–74, Same (WJM83): Kamiak Butte, 5.5 Miles SW of Palouse, Washington. Lat. 46°51'37" N., Long. 117°10'49" W. C.P. to add freq. 6177.5H MHz toward Brown's Mountain, Wash., on azimuth 353°48"; freqs. 1148.5V, 1164.5V MHz toward Paradise Ridge, Wash., on azimuth 141°53'.

1135–C1–P–74, Same (KOM52): Brown's Mountain, 7.5 Miles SE of Spokane, Washington. Lat. 47°35'34" N., Long. 117°17'52" W. C.P. to change antenna system and add freq. 6004.5H MHz toward Kamiak Butte, Wash., on azimuth 173°43"; freqs. 1150.5H, 1166.5H MHz toward Spokane, Wash., on azimuth 306°58".

1136–C1–P–74, American Telephone and Telegraph Company (KSQ43): 2.7 Miles WSW of Casselton, North Dakota. Lat. 46°52'42" N., Long. 97°15'29" W. C.P. to add freq. 3990V MHz toward Valley City, N. Dak., on azimuth 277°43"; change in geographical coordinates & transmission path data.

1137–C1–P–74, Same (KAQ86): 3.2 Miles ENE of Valley City, North Dakota. Lat. 46°56'18" N., Long. 97°55'32" W. C.P. to add freq. 3950V MHz toward Casselton, N. Dak, on azimuth 97°13"; freq. 3950H MHz toward Urbana, N. Dak., on azimuth 252°18"; change in geographical coordinates & transmission path data.

1138–C1–P–74, Same (KAQ87): 7.0 Miles South of Urbana, North Dakota. Lat. 46°-50'21" N., Long. 98°22'27" W. C.P. to add freq. 3990H MHz toward Valley City, N. Dak., on azimuth 71°58"; freq. 3990H MHz toward Jamestown, N. Dak., on azimuth 297°55"; change in geographical coordinates & transmission path data.

1139–C1–P–74, Same (KAQ68): 20.0 Miles NW of Jamestown, North Dakota. Lat. 47°04'55" N., Long. 99°03'01" W. C.P. to add freq. 3950H MHz toward Urbana, N. Dak., on azimuth 117°26"; freq. 3950H MHz toward Tappen, N. Dak., on azimuth 253°51"; change in geographical coordinates & transmission path data.

1140–C1–P–74, American Telephone and Telegraph Company (KAQ89): 6.0 Miles North of Tappen, North Dakota. Lat. 46°58'06" N., Long. 99°36'58" W. C.P. to add freq. 3990H MHz toward Jamestown, N. Dak., on azimuth 73°26"; freq. 3990H MHz toward Driscoll, N. Dak., on azimuth 244°33"; change in geographical coordinates & transmission path data.

1141–C1–P–74, Same (KAQ90): 4.0 Miles SSW of Driscoll, North Dakota. Lat. 46°47'15" N., Long. 100°09'55" W. C.P. to add freq. 3950H MHz toward Tappen, N. Dak., on azimuth 64°09"; freq. 3950H MHz toward Bismarck Jct., N. Dak., on azimuth 275°-29"; change in geographical coordinates & transmission path data.

1142–C1–P–74, Same (KAQ91): 1.25 Miles NNE of Bismarck, North Dakota. Lat. 46°49'32" N., Long. 100°46'00" W. C.P. to add freq. 3990H MHz toward Driscoll, N. Dak., on azimuth 95°03"; freq. 3910V MHz toward New Salem, N. Dak., on azimuth 265°22"; change in geographical coordinates & transmission path data.

1143–C1–P–74, Same (KAR53): 4.0 Miles South of New Salem, North Dakota. Lat. 46°47'17" N., Long. 101°24'28" W. C.P. to add freq. 3870V MHz toward Bismarck Jct., N. Dak., on azimuth 84°54"; freq. 3870V MHz toward Antelope, N. Dak., on azimuth 264°03"; change in geographical coordinates & transmission path data.

1144–C1–P–74, Same (KAR54): 9.5 Miles SSE of Antelope, North Dakota. Lat. 46°-44'09" N., Long. 102°06'27" W. C.P. to add freq. 3910V MHz toward New Salem, N. Dak., on azimuth 83°33"; freq. 3910V MHz toward Dickinson, N. Dak., on azimuth 292°03"; change in transmission data.

1145–C1–P–74, Same (KAR55): 6.0 Miles East of Dickinson, North Dakota. Lat. 46°59'22" N., Long. 102°39'56" W. C.P. to add freq. 3870V MHz toward Antelope, N. Dak., on azimuth 111°30'.

1154–C1–MP–74, Western States Telephone Company (WBO47): Alto Vista, New Mexico. Mod. of C.P. to change polarization from V to H on freqs. 3930 4010 MHz toward White Oaks, New Mexico.

1154–C1–P–74, American Television Relay, Inc. (KPZ82): Pinal Peak, 8.5 Miles SSW of Globe, Arizona. Lat. 33°16'56" N., Long. 110°49'13.5" W. C.P. to change point of communication from Mt. Bigelow (KPP93) to Mt. Bigelow (WGI55), Arizona on azimuth 174°01' for freq. 5982.3V MHz.

1155–C1–P–74, Same (WGI55) Mt. Bigelow, 18.0 Miles NE of Tucson, Arizona. Lat. 32°24'56" N., Long. 110°42'48.5" W. C.P. to (a) combine the facilities of stations KPP93 (Mt. Bigelow) and WGI55 (Mt. Bigelow), survivor WGI55 and (b) to change freq. from 6019.3 MHz to 6330.7V MHz toward Tucson (KGUN–TV), Arizona on azimuth 232°14'. (Note: Special Temporary Authority (STA) is requested by ATR.)

1157–C1–P–74, The Pacific Telephone and Telegraph Company (KMO89): 516 Third Street, Santa Rosa, California. Lat. 38°26'21" N., Long. 122°42'48" W. C.P. to add antennas and add freqs. 3770H 3850H MHz toward Cazadero, Calif., on azimuth 290°54'.

1158–C1–P–74, Same (KMW68): 5 Miles NW of Cazadero (Sonoma) California. Lat. 38°34'27" N., Long. 123°09'59" W. C.P. to add antennas and add freqs. 3710V 4110V MHz toward new point of communication at Pt. Reyes, Calif., on azimuth 160°50'; freqs. 3730H 3810H MHz toward Santa Rosa, Calif., on azimuth 110°38'.

1159–C1–P–74, American Telephone and Telegraph Company (KZA40): 1.8 Miles West of Rosenberg, Texas. Lat. 29°33'15" N., Long. 95°50'51" W. C.P. to add freqs. 4110H 6226.9H MHz toward Arcola, Tex., on azimuth 95°06'; change in geographical coordinates & transmission path data.

1160–C1–P–74, Same (KZA41): 2.1 Miles NW of Arcola, Texas, Lat. 29°31'31" N., Long. 95°29'02" W. C.P. to add freqs. 4150H 5974.8V MHz toward Rosenberg, Tex., on azimuth 275°17'; 4150V MHz toward Houston, Tex., on azimuth 24°49'; 5974.8H MHz toward Houston 3, Tex., on azimuth 10°06'; change in transmission path data.

1161–C1–P–74, Same (KKN23): 1407 Jefferson St., Houston, Texas. Lat. 29°44'55" N., Long. 95°21'56" W. C.P. to add freq. 4110V MHz toward Arcola, Tex., on azimuth 204°52'.

1162–C1–P–74, Same (WPX92): West Main Street & Weslayan Ave., Houston, Texas. Lat. 29°44'09" N., Long. 95°26'27" W. C.P. to add freq. 6236.9V MHz toward Arcola, Tex., on azimuth 190°07'.

1163–C1–P–74, Southwestern Bell Telephone Company (KSW26): 405 North Broadway Avenue, Oklahoma City, Oklahoma. Lat. 35°28'16" N., Long. 97°30'53" W. C.P. to add freq. 11425H MHz toward Yukon, Okla., on azimuth 299°45'.

1164–C1–P–74, Same (WKR86): 4.3 Miles NNE of Yukon, Oklahoma. Lat. 35°33'54" N., Long. 97°42'58" W. C.P. to change antenna system and add freq. 10995V MHz toward Oklahoma City, Okla., on azimuth 119°38'; freq. 6004.5V MHz toward new point of communication at Hinton, Okla., on azimuth 253°11".

1165–C1–P–74, Same (New): 7.4 Miles ESE of Hinton, Oklahoma. Lat. 35°26'06" N., Long. 98°14'14" W. C.P. for a new station on freq. 6256.5H MHz toward Yukon, Okla., on azimuth 72°53"; freq. 6256.5V MHz toward Weatherford, Okla., on azimuth 280°17".

1166–C1–P–74, Same (New): 2.3 Miles SW of Weatherford, Oklahoma. Lat. 35°30'29" N., Long. 98°44'12" W. C.P. for a new station on freq. 6004.5H MHz toward Hinton, Okla., on azimuth 100°0"; freq. 6004.5V MHz toward Clinton, Okla., on azimuth 271°29'.

1167–C1–P–74, Southwestern Bell Telephone Company (New): 820 Avant Avenue, Clinton, Oklahoma. Lat. 35°30'46" N., Long. 98°58'11" W. C.P. for a new station on freq. 6256.5H MHz toward Weatherford, Okla., on azimuth 91°21'.

1168–C1–P–74, Penn Service Microwave Company (KGO20): Bears Head Mountain, 1 Mile North of Delano, Pennsylvania. Lat. 40°51'00" N., Long. 76°04'48" W. C.P. to replace transmitter on freq. 6200.0V MHz toward Bovers Knob, Pa. on azimuth 254°30'.

1169–C1–P/L–74, The Midland Telephone Company c/o Continental Telephone Company of California (New): In any temporary fixed location within the territory of the grantee. C.P. and License for a new station on freqs. 2110–2130, 5925–6425, 10700–11700, 3700–4200, and 2160–2180 MHz.

1170–C1–P–74, CPI Microwave, Inc. (WPE35): Dallas, Texas. Lat. 32°56'40" N., Long. 96°48'07 W. C.P. to add freq. 11265V MHz toward Mesquite, Tex., on azimuth 92°37'.

1171–C1–P–74, Same (New): Mesquite, Texas. Lat. 32°46'27" N., Long. 96°38'45" W. C.P. for a new station on freq. 6123.1V MHz toward Kaufman, Tex. on azimuth 111°04'. (INFORMATIVE: CPI Microwave is proposing to provide ABC Network Service to the Licensee of KLTV Inter-City Relay System at Kaufman, Texas.)

*Major Amendments*

374–C1–P–74, Michigan Bell Telephone Company (KQG59): Flint, Michigan. Amendment of September 12, 1973, changes freq. 3990 MHz to 3970H MHz toward Atlas, Mich.

*Correction*

599–C1–P–74, MCI Telecommunications Corporation (Formerly MCI Indiana–Ohio, Inc.) 0.1 Miles NE of Hilliard, Ohio. Frequency 11175V MHz toward Columbus, Ohio, was inadvertently omitted from Public Notice #664, dated 9–4–73.

[FR Doc.73–22567 Filed 10–24–73;8:45 am]

## FEDERAL DEPOSIT INSURANCE CORPORATION

### INSURED BANKS

#### Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817(a)(3)), each insured bank is required to make a Report of Condition as of the close of business October 17, 1973, to the appropriate agency designated herein, within ten days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form, Call No. 487 [1], and shall send the same to the Comptroller of the Currency and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 209 [1], and shall send the same to the Federal Reserve Bank of the District wherein the bank is located and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition and one copy thereof on FDIC Form 64—Call No. 105 [1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for Preparation of Consolidated Reports of Condition by National Banking Association," dated November 1972 [1]. The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the Preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated January 1973 [1]. The original Report of Condition and the copy thereof required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 by Insured State Banks Not Members of the Federal Reserve System," dated December 1970, and any amendments thereto [1].

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition and one copy thereof on FDIC Form 64 (Savings) [1], prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income on Form 73 (Savings) by Insured Mutual Savings Bank," dated December 1971, and any amendments thereto [1], and shall send the same to the Federal Deposit Insurance Corporation.

FRANK WILLE,
*Chairman, Federal Deposit Insurance Corporation.*

JAMES E. SMITH,
*Comptroller of the Currency.*

GEORGE W. MITCHELL,
*Vice Chairman, Board of Governors of the Federal Reserve System.*

[FR Doc.73-22667 Filed 10-24-73;8:45 am]

[1] Filed as part of original document.

## FEDERAL MARITIME COMMISSION

[Docket No. 73-66]

### AUSTASIA CONTAINER EXPRESS, AND AUSTASIA INTERMODAL LINE, LTD.

#### Order of Investigation

Austasia Container Express (ACE), a division of Austasia Intermodal Line, Ltd., of Hamilton, Bermuda, advertises in United States trade publications offering transportation of freight from the United States Midwest to Australia. Its tariff, which was submitted to the Commission on an informal basis, provides rules, regulations and charges for the movement of various commodities from Detroit, Michigan, to the ports of Sydney and Melbourne, Australia, in the following manner:

> The customary route of transport for the operator is Canadian transcontinental railroad from Windsor, Ontario to Vancouver, British Columbia, and thence by ocean transport to the Australian ports of Sydney or Melbourne with a container relay from the origin vessel to the arriving vessel occurring in Kobe, Japan. Australia Freight Tariff No. 1 Naming Rules and Regulations Governing the Transportation of Sea Freight from Detroit, Michigan, U.S.A. to Points in Australia, at 13, RR 19, paragraph 2.

The tariff does not specify the mode of transportation from Detroit, Michigan, to Windsor, Ontario.

ACE, operating under its own name, issues its own ocean bill of lading, accepts through responsibility, solicits and arranges for the carriage of goods from the port of Detroit via Canadian ports to the ports of consignment in Australia.

From the information available, it cannot be determined whether ACE owns and/or operates the vessels used for the water movement or contracts with an underlying ocean carrier therefor.

Section 1 of the Shipping Act, 1916 (Act), defines a "common carrier by water in the foreign commerce of the United States" as:

> * * * a common carrier * * * engaged in the transportation by water of * * * property between the United States * * * and a foreign country, whether in the import or export trade * * *.

Section 18(b)(1) of the Act requires every such common carrier by water to file with the Commission a tariff containing, *inter alia*, "* * * all rates and charges * * * for the transportation to and from United States ports and foreign ports * * *."

Included in the term, "common carrier by water" is a "non-vessel operating common carrier" (NVOCC), Bernhard Ulmann Co. Inc. v. Porto Rican Express Co., 3 F.M.B. 771, 776 (1952), which the Commission's General Order 4 [46 CFR 510.21(d)(b)] defines as:

> * * * a person who holds himself out by the establishment and maintenance of tariffs, by advertisement, solicitation, or otherwise, to provide transportation for hire by water in * * * (the export commerce from the United States * * * to foreign countries) * * * assumes responsibility or has liability imposed by law for safe transportation of shipments; and arranges in his own name with underlying carriers for the performance of such transportation whether or not owning or controlling the means by which such transportation is effected.

The Commission's General Order 13, Amendment 4 (46 CFR 536.16) requires such NVOCC's to file tariffs of all through routes which they have established, showing, inter alia, the port-to-port portions of such through routes.

Since there is reason to believe that ACE is in violation of the Act by offering and/or performing the transportation service described herein without filing a tariff with the Commission pursuant to the requirements of section 18(b)(1) and General Order 13, Amendment 4,

*Now, therefore, it is ordered*, That pursuant to section 22 of the Shipping Act, 1916, an investigation is hereby ordered to determine whether Austasia Container Express, a division of Austasia Intermodal Line, Ltd., is a common carrier by water in the foreign commerce of the United States as defined in section 1 of the Shipping Act, 1916, and the Commission's General Order 4;

*It is further ordered*, That, if Austasia Container Express is found to be such common carrier by water, a determination be made as to why it should not be found in violation of section 18(b)(1) of the Shipping Act, 1916, and General Order 13, Amendment 4, for operating without a tariff on file with the Commission;

*It is further ordered*, That Austasia Container Express, a division of Austasia Intermodal Line, Ltd., be made respondent in this proceeding;

*It is further ordered*, That this matter be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined and announced by the Presiding Administrative Law Judge;

*It is further ordered*, That notice of this Order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondent;

*It is further ordered*, That any person, other than respondent, and the Commission's Bureau of Hearing Counsel,

who desires to become a party to this proceeding and participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, with copies to all parties;

*And, it is further ordered*, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.73-22681 Filed 10-24-73;8:45 am]

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[Docket No. 73-67]

## U.S. GULF/JAPAN COTTON POOL AGREEMENT-POOL PAYMENTS

### Order To Show Cause

Agreement No. 8682, initially approved by the Commission October 11, 1961, established the U.S. Gulf/Japan Cotton Pool (the Pool). Four Japanese and three U.S. flag carriers are currently members.[1] The lines agreed to divide the carriers of raw cotton between the two flags on an equal basis, and allocated shares to each line within the flag groupings. Those carriers exceeding their allocated shares, computed annually from manifests furnished to the Pool chairman, pay the Pool the overcarriage freight revenues (less a handling charge), and the Pool makes compensating disbursements to undercarriers.

Most of the raw cotton moved in the U.S. Gulf/Japan trade is financed by the Export-Import Bank (EIB), an agency of the United States. Under the terms of Public Resolution 17,[2] 100 percent of government-financed cargo is to be moved in U.S. flag ships. It has been the practice of the Maritime Administration (MARAD) of the U.S. Department of Commerce to waive this requirement and allow shipment of up to half of such cargo in ships flying the flag of the recipient nation, if that nation requests the waiver and does not discriminate against U.S. shipping. For the past two seasons, MARAD has refused to grant P.R. 17 waivers in the U.S. Gulf/Japan raw cotton trade.

The denial of P.R. 17 waivers has placed the U.S. flag members of the U.S. Gulf/Japan Cotton Pool in an anomalous position. Shippers of EIB-financed cotton must, with limited exceptions, utilize U.S. flag carriers, while the lines must account to their fellow Pool members for the resulting overcarriages.

The result was avoided in the August 1, 1971 to July 31, 1972 season by Agreement No. 8682-7,[3] suspending the payment requirement for that season. The Pool has not sought a similar amendment for the 1972-1973 season, and it appears that at least one U.S. flag line will be subject to overcarriage penalties in the range of $500,000.

It would appear that the carrying out of the Pool agreement, in the context of P.R. 17 and MARAD's non-waiver, effectively nullifies some aspects of national maritime policy, and that it would be contrary to the public interest for this Commission to allow that to occur.

*Therefore, it is ordered*, That pursuant to sections 15 and 22 of the Shipping Act, 1916, that respondent Pool show cause why Agreement No. 8682 should not be modified so as to suspend the payment provisions of Article 10 with repsect to the August 1, 1972-July 31, 1973 cotton season.

*It is further ordered*, That there appearing to be no material issues of fact in dispute, that this proceeding shall be limited to the submission of affidavits and memoranda of law and replies thereto. Should any party feel that an evidentiary hearing is required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed on or before November 16, 1973. Affidavits of fact and memoranda of law shall be filed by respondents and served upon all parties no later than the close of business November 16, 1973. Reply affidavits and memoranda of law shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, no later than close of business November 30, 1973. An original and 15 copies of affidavits of fact, memoranda of law, and replies are required to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of any papers filed with the Secretary should also be served upon all parties thereto. Time and date of oral argument, if requested and/or deemed necessary by the Commission, will be announced at a later date;

*It is further ordered*, That the U.S. Gulf/Japan Cotton Pool and its member lines as listed in Appendix A attached hereto be made respondents in this proceeding;

*It is further ordered*, That notice of this order be published in the FEDERAL REGISTER and a copy thereof be served upon respondents;

*It is further ordered*, That any person other than those named as respondents herein who desires to become a party to this proceeding and participate therein, shall file a petition to intervene in accordance with Rule 5(1) of the Commission's Rules of Practice and Procedure, 46 CFR 502.72;

*And it is further ordered*, That all future notices issued by or on behalf of the Commission shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

APPENDIX A

U.S. Gulf/Japan Cotton Pool
Gerald J. Flynn, Chairman
11 Broadway
New York, New York 10004

Kawasaki Kisen Kaisha, Ltd.
"K" Line—Kerr Corporation General Agents
29 Broadway
New York, New York 10006

Lykes Bros. Steamship Co., Inc.
17 Battery Place
New York, New York 10004

Mitsui O.S.K. Lines, Ltd.
One World Trade Center
Suite 2211
New York, New York 10048

Nippon Yusen Kaisha
One World Trade Center
Suite 5031
New York, New York 10048

States Marine Lines
States Marine-Isthmian Agency, Inc. General Agents
80 Broad Street
New York, New York 10004

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[1] See the following Table:

| | Percentage participation | | Minimum sailings |
|---|---|---|---|
| Japanese Companies: | | | |
| Nippon Yusen Kaisha | 32.5 | 50% | 29 |
| Kawasaki Kisen Kaisha, Ltd | 19.0 | | 28 |
| Mitsui O.S.K. Lines, Ltd. | 31.0 | | 17 |
| Yamashita - Shinnihon Steamship Co. Ltd | 17.5 | | 16 |
| | | | 90 |
| American Companies: | | | |
| States Marine Lines | 40.0 | 50% | 36 |
| Lykes Bros. Steamship Co., Inc. | 40.0 | | 36 |
| Waterman Steamship Corporation | 20.0 | | 18 |
| | 100% | | 90 |

[2] "15 U.S.C. 616a. *Shipment of exports financed by Government in United States vessels*

"It is the sense of Congress that in any loans made by the Reconstruction Finance Corporation or any other instrumentality of the Government to foster the exporting of agricultural or other products, provision shall be made that such products shall be carried exclusively in vessels of the United States, unless, as to any or all of such products, the United States Maritime Commission, after investigation, shall certify to the Reconstruction Finance Corporation or any other instrumentality of the Government that vessels of the United States are not available in sufficient numbers, or in sufficient tonnage capacity, or on necessary sailing schedule, or at reasonable rates."

[3] Approved by the Commission July 26, 1972.

Waterman Steamship Corporation
120 Wall Street
New York, New York 10005

Yamashita-Shinnihon Steamship Co., Ltd.
c/o Taxas Transport & Terminal Co., Inc.
21 West Street
New York, New York 10006

[FR Doc.73-22680 Filed 10-24-73;8:45 am]

## FEDERAL POWER COMMISSION

[Project No. 2212]

### AMERICAN CAN CO. AND WEYERHAEUSER CO.

#### Application for Transfer of Major License

OCTOBER 16, 1973.

Public notice is hereby given that application was filed August 9, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by American Can Company (Licensee), Greenwich, Connecticut, and Weyerhaeuser Company (Transferee) (Correspondence to: Richard P. Tinkham, Esq., 630 Fourth Street, Wausau, Wisconsin 54401) for transfer of major license of the Rothschild Project No. 2212, located on the Wisconsin River, a navigable waterway of the United States, and its tributary, the Rib River in the region of Wausau, Schofield, and Rothschild, in Marathon County, Wisconsin.

The sale of the Rothschild Project property was completed on or about August 29, 1973, to the Weyerhaeuser Company.

The Rothschild Project consists of: (1) A dam about 830 feet long composed of a timber crib sluiceway section, a concrete overflow section, a concrete sluiceway section, and a concrete powerhouse section; (2) concrete retaining walls at each end of the dam; (3) an earth embankment on the right abutment; (4) a fish ladder; (5) a reservoir with normal water surface at elevation 1,158.88 feet (U.S.C. & G.S. datum) and covering approximately 1,774 acres; (6) hydroelectric installation of 3,640 kilowatts (approximately 4,850 horsepower) in seven units; (7) a transmission line about ½ mile long from the powerhouse to Licensee's pulp and paper mills; and (8) appurtenant facilities.

Any person desiring to be heard or to make protest with reference to said application should on or before November 26, 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.73-22691 Filed 10-24-73;8:45 am]

[Docket No. CI74-199]

### BARBER OIL EXPLORATION, INC.

#### Notice of Application

OCTOBER 17, 1973.

Take notice that on October 1, 1973, Barber Oil Exploration, Inc. (Applicant), 3000 One Shell Plaza, Houston, Texas 77002, filed in Docket No. CI74-199 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 Florida Gas Transmission Co. (Florida) from the North Montegut Field, Terrebonne 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 under the optional gas pricing procedure to sell natural gas to Florida from the subject acreage at an initial rate of 45.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment, pursuant to the terms of a 20-year contract dated September 21, 1973. Said contract provides for fixed escalations of 1.0 cent per Mcf each year after the date of initial delivery and 100 percent reimbursement to the seller for any additional taxes other than those being levied on the date of the contract. Applicant estimates monthly deliveries to be 75,000 Mcf per month.

Applicant states that the sale will be beneficial to both Florida and the public, since Florida has been forced to purchase gas on an emergency basis under Commission authorization pursuant to § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 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.73-22684 Filed 10-24-73;8:45 am]

[Docket No. CP73-322]

### CROWN ZELLERBACH CORP.

#### Notice of Petition To Amend

OCTOBER 17, 1973.

Take notice that on October 5, 1973, Crown Zellerbach Corp. (Petitioner), One Bush Street, San Francisco, California 94119, filed in Docket No. CP73-322 a petition to amend[1] the order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said docket by authorizing pursuant to section 7(b) of the Natural Gas Act the abandonment and pursuant to section 7(c) of the Natural Gas Act the construction of pipeline facilities in order to relocate an 850-foot section of pipeline which is needed to continue the operation of Petitioner's facilities to transport natural gas from various points in Mississippi to Petitioner's pulp mill in Bogalusa, Louisiana, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By Commission order of October 1, 1973, Petitioner was authorized to continue the operation of its 92.3-mile pipeline system theretofore operated without Commission authorization. Petitioner states that due to requirements of the Mississippi State Highway Department (State), unknown to Petitioner at the time of its certificate application, it must relocate an 850-foot section of its pipeline located in Marion County, Mississippi, to permit the State to construct a weigh station on State Route No. 35.

[1] Petitioner filed the instant pleading as a supplement to its certificate application in Docket No. CP73-322; however, on October 1, 1973, the Commission issued a certificate in said docket. Therefore, the Commission is construing Petitioner's pleading as a petition to amend in accordance with Section 1.11(a) of the Commission's Rules of Practice and Procedure (18 CFR 1.11(a)).

Petitioner states that the relocation will involve a move of the pipeline to a point approximately 65 feet to the east of the existing pipeline on the property of the Illinois Central Gulf Railroad which has granted an easement to Petitioner. Petitioner estimates that the cost of the construction will be $8,644.14, which will be borne by the State.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 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 petition to amend should on or before October 31, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.73-22685 Filed 10-24-73;8:45 am]

[Docket No. CI73-940]

## D. L. HANNIFIN, ET AL.

### Extension of Time and Postponement of Hearing

OCTOBER 16, 1973.

On October 5, 1973, D. L. Hannifin, et al. requested an extension of the procedural dates fixed by order issued September 13, 1973, and amended by notice issued September 21, 1973. By letter filed October 11, 1973, counsel for Michael P. Grace II and Corinne Grace opposed the request.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of Testimony, October 25, 1973.

Hearing, November 1, 1973 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.73-22694 Filed 10-24-73;8:45 am]

[Docket No. CP74-76]

## INDUSTRIAL GAS CORP.

### Notice of Application

OCTOBER 16, 1973.

Take notice that on September 21, 1973, Industrial Gas Corporation (Applicant), P.O. Box 1473, Charleston, West Virginia 25325, filed in Docket No. CP74-76 an application pursuant to section 7 (c) of the Natural Gas Act and § 157.7 (b) of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing July 1, 1973, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof and during the same period pursuant to § 157.7(c) of the regulations for the transportation of gas previously authorized, 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 for gas purchase facilities is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in areas generally co-extensive with said system.

The application states the total cost of all facilities constructed pursuant to § 157.7(b) is anticipated to be approximately $103,000 with one individual project estimated at $60,000. Applicant states its total gas plant is less than $5,000,000 and, therefore, requests a waiver to allow construction at costs in excess of the limitations imposed by § 157.7(b)(1).

Applicant further requests authorization to construct new gas-transportation facilities for the transportation of previously authorized volumes of natural gas, including replacement of one section of 8-inch transmission pipeline with 10-inch pipeline. Applicant states such construction will not result in a change in authorized service. Applicant further states the total cost of the proposed transmission facilities is estimated to be $47,000 in excess of the $100,000 limitation imposed by § 157.7(c)(3)(i). Applicant requests waiver of this limitation stating that approximately $60,000 of these costs are related to the replacement of the transmission line.

Applicant states the proposed facilities will be financed from cash on hand and from cash generated from normal internal sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 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.73-22695 Filed 10-24-73;8:45 am]

[Docket No. RP74-11]

## KANSAS-NEBRASKA NATURAL GAS CO.

### Order Accepting Revised Tariff Sheets, Providing for Hearing Procedures and Granting Interventions

OCTOBER 16, 1973.

Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), on August 31, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1: Original Sheet No. 24D; First Revised Sheets Nos. 8, 8B, 15B, 23, 24, 24B and 24C; Second Revised Sheets Nos. 15, 24A and PGA-1; Third Revised Sheets Nos. 6, 7 and 14; and, Fourth Revised Sheets Nos. 5, 9, 12 and 16. The proposed effective date of the changes is October 16, 1973.

The proposed changes would increase revenues from jurisdictional sales and service by $2,179,700 annually based upon the test year ended April 30, 1973, as adjusted. Kansas-Nebraska states that it proposes to change the definition of Billing Demand in paragraph 3b on sheet No. 5, Rate Schedule CD-1 so that deliveries under this rate schedule will be limited to 80 percent of the contract demand during the months of April, May, September and October and 60 percent of the contract demand during the months of June, July and August. In addition, as part of its General Terms and Conditions, Kansas-Nebraska proposes to restrict the reselling of gas for boiler fuel or generation of electricity for new or additional use to any presently served customers or to any new customer. Further, Kansas-Nebraska states that it proposes to increase its depreciation rate for its transmission system properties to a rate of 4 percent. The proposed rate of return, according to Kansas-Nebraska, will enable it to earn a return of 13 percent on equity.

Public notice of this filing was issued on September 17, 1973, which required that protests or petitions to intervene be filed by September 24, 1973. Petitions to intervene were timely filed by Producers Gas Equities, Inc., Central Kansas Power Company, Inc., Central Telephone and Utilities Corporation, Northwestern Public Service Company, Natural Gas Distributing Company, and Natural Gas Distributing Company of Nebraska. Peti-

tions to intervene were untimely filed by Iowa Electric Light and Power Company, Peoples Natural Gas Division of Northern Natural Gas Company, and Nebraska Natoural Gas Company. Since good cause exists the untimely filings will be permitted.

Review of the rate filing and the pleadings indicate that issues are raised which may require development in an evidentiary hearing. The proposed increased 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 provide for hearing herein and shall suspend the proposed changes for the full five month statutory period.

We note that Kansas-Nebraska has not utilized the unmodified Seaboard method of classifying costs. Since our adoption of the unmodified Seaboard approvals in Opinion No. 600–A we have stated that unmodified Seaboard is the minimum acceptable to this Commission[1]. Accordingly, to the extent Kansas-Nebraska's rates claimed in this docket do not recover fully allocated Seaboard costs, as may be determined herein, Kansas-Nebraska may be required to absorb the impact of any undercollections under these rates as may occur.

*The Commission finds:*

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Kansas-Nebraska's Gas Tariff, Second Revised Volume No. 1 as proposed to be amended by this filing and that the tendered revised tariff sheets be accepted for filing and suspended as hereinafter provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(3) Although the petitions to intervene filed by Iowa Electric Light and Power Company, Peoples Natural Gas Division of Northern Natural Gas Company and Nebraska Natural Gas Company were not timely filed, good cause exists for permitting the late filings.

(4) Participation in this proceeding of the above-named petitioners to intervene may be in the public interest.

*The Commission orders.*

(A) Pursuant to authority of the Natural Gas Act, particularly section 4 and 5 thereof, the Commission's Rules and Regulations (18 CFR Chapter 1), a prehearing conference shall be held pursuant to § 1.18 of the Commission's rules of practice and procedure on January 29, 1974, 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. A hearing for purposes of cross-examination concerning the lawfulness and reasonableness of the rates and charges in company's FPC Gas Tariff, as proposed to be amended herein shall be held commencing on March 12, 1974.

(B) At the prehearing conference on January 29, 1974, Kansas-Nebraska's prepared testimony (Statement P) together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding.

(C) On or before January 22, 1974, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before February 5, 1974. Any rebuttal evidence by Kansas-Nebraska shall be served on or before February 26, 1974.

(D) Pending hearing on a final decision in this proceeding, Kansas-Nebraska's proposed revised tariff sheets, tendered on August 31, 1973, are hereby accepted for filing, suspended for 5 months and the use thereof deferred until March 16, 1974, and until such further time as they are made effective in the manner provided in the Natural Gas Act.

(E) 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 proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(F) The above named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene, and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them, may be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) Pursuant to § 2.59(c) of the Commission's rules of practice and procedure, Kansas-Nebraska shall promptly serve copies of its filing upon all of the above mentioned intervenors, unless such service has already been effected pursuant to Part 154 of the regulations under the Natural Gas Act.

(H) 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.73-22692 Filed 10-24-73;8:45 am]

[1] See Colorado Interstate Gas Company, Docket No. RP72-113 order issued July 5, 1973; Natural Gas Pipeline Company of America, Docket No. RP72-132, order issued July 18, 1973.

## NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT

### Meeting

Agenda of meeting to be held at the Federal Power Commission Offices, 825 North Capitol Street NE., Washington, D.C., 8:30 a.m., November 2, 1973, Room 5200.

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and Purposes of Meeting.
   A. Approval of minutes of September 12, 13, and 14 meeting.
   B. Review and discussion of key electric power issues (grabbers).
   C. Other business.
   D. Dates of future meetings.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.73-22688 Filed 10-24-73;8:45 am]

## NATIONAL POWER SURVEY TASK FORCE ON ENVIRONMENTAL ASPECTS OF THE TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY

### Meeting

Agenda for meeting to be held at the Federal Power Commission Offices, 825 North Capitol Street NE., Washington, D.C., 9:30 a.m., November 19, 1973, Room 6200:

1. Meeting called to order by FPC Staff Representative.
2. Objectives and purposes of meeting.
   A. Review of section of task force report dealing with economic policy initiatives to conserve energy.
   B. Rewording of certain task force recommendations.
   C. Discussion of new task force recommendations.
   D. New business.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.73-22689 Filed 10-24-73;8:45 am]

[Docket No. CP73-219]

## NATURAL GAS PIPELINE CO. OF AMERICA

### Notice of Amendment to Application

OCTOBER 16, 1973.

Take notice that on September 26, 1973, Natural Gas Pipeline Company of

America (Applicant) 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP73–219 an amendment to its application pending in said docket requesting pursuant to section 7(c) of the Natural Gas Act a certificate of public convenience and necessity authorizing the construction of certain facilities and the transportation and delivery of up to 200,000 Mcf of natural gas per day for the account of Trunkline Gas Company (Trunkline), herein amended to encompass arrangements entered into by Applicant subsequent to the filing of its original application, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a transportation agreement with United, dated September 12, 1973, and entered into subsequent to the filing of the original application in this docket, Applicant has agreed to transport up to 200,000 Mcf of natural gas per day (Reserved Daily Capacity) in the State of Louisiana which gas United will cause Stingray Pipeline Company (Stingray) to deliver to Applicant's existing Holly Beach delivery point.

Applicant further states that redelivery of thermal equivalent volumes of gas by Applicant to United will be made primarily at a proposed redelivery point to be constructed near Erath, Louisiana. Alternative delivery points are provided for at an existing facility at the outlet of the Mobil Oil Company's (Mobil) Cameron Meadows plant and a proposed facility designated as the Deep Lake redelivery point both sites located at interconnections of said parties existing pipelines in Cameron Parish, Louisiana.

Applicant states the term of the transportation agreement is 20 years from the date of the first delivery and redelivery. Applicant proposes to charge United for said transportation service a monthly demand charge equal to the product of the Mcf of Reserved Daily Capacity, times 98 miles, times 0.67 cent per Mcf mile for deliveries made to the Erath delivery point. In addition a commodity charge of 0.109 cent per Mcf [1] or 0.72 cent per Mcf [2] will be made for any quantities redelivered by Mobil or Applicant.

Applicant proposes to construct, own, and operate redelivery facilities consisting of tap and measuring facilities at Erath and Deep Lake redelivery points. The estimated costs of the proposed redelivery facilities are stated to be $166,500 and $71,000 at Erath and Deep Lake, respectively, the latter cost to be reimbursed by United. Applicant states said costs will be financed from funds on hand and that no additional facilities are required at the Holly Beach or Cameron delivery points.

[1] Gas redelivered to United by Mobil for the account of Natural at Cameron Meadows.
[2] Gas redelivered to United by Natural at Deep Lake.

Applicant further states that pursuant to a transportation service agreement with Trunkline, as amended September 12, 1973, Applicant has agreed to receive, transport, and redeliver up to 300,000 Mcf of gas per day (175,000 Mcf per day during the first year of service) in lieu of the 200,000 Mcf per day (135,000 Mcf per day during the first year of service), provided for in the original application in the instant docket. Applicant states that no new facilities other than those proposed in its original application will be required.

Stingray has pending in Docket No. CP73–27 a request for authorization to construct offshore facilities under the transportation agreement dated September 12, 1973. Concurrently with instant amendment United has filed a related application in Docket No. CP74–89.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before November 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.73–22693 Filed 10–24–73;8:45 am]

[Docket No. RP74–12]

## NORTHERN NATURAL GAS CO.

### Order Accepting Proposed Revised Tariff Sheet and Providing for Hearing

OCTOBER 16, 1973.

On August 31, 1973, Northern Natural Gas Company (Northern) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 4 [1] which would increase jurisdictional revenues by $56,654 annually based upon sales volumes for the twelve months ended April 30, 1973, as adjusted, to become effective on October 16, 1973. The changes affect only sales made in Texas, Oklahoma and New Mexico on Peoples Natural Gas Division (Peoples Division), a distribution system operated independently of Northern's main pipeline system. Northern states that the proposed increase in rates is to recover increased purchased gas costs from Colorado Interstate Gas Company (CIG) as well as increased operation and maintenance costs.

[1] First Revised Sheet No. 3a.

On March 27, 1973, the Commission issued an order in Docket No. RP73–48 which permitted Peoples Division to incorporate a PGA clause into its tariff but rejected the purchased gas rate increases thereunder because the rate filing indicated that Northern had experienced no purchased gas rate increases after the proposed effective date of the PGA clause. However, we also noted that our rejection of the rate increase was:

> * * * without prejudice to Northern's right to make a complete rate increase filing under section 4(e) of the Natural Gas Act and § 154.63 of the Commission's Regulations thereunder to recover claimed increased costs.

Northern states that the present filing is in compliance with this provision.

The filing was noticed on September 19, 1973, but no comments have been received. Our review of Northern's filing indicates that it raises certain issues which may require development in an evidentiary proceeding. The proposed increases in rates and charges have not been shown to be unjust and unreasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

*The Commission finds.*

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Northern's FPC Gas Tariff, as proposed to be amended in this docket, and that the tendered tariff sheet be suspended and the use thereof deferred as hereinafter provided.

*The Commission orders.*

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof and the Regulations under the Natural Gas Act (18 CFR Chapter I), a prehearing conference shall be held pursuant to § 1.18 of the Commission's rules of practice and procedure on January 29, 1974, 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. A hearing for the purposes of cross-examination concerning the lawfulness and reasonableness of the rates charges, classifications, and services contained in Northern's FPC Gas Tariff, as proposed to be amended herein, shall be held commencing on March 5, 1974, at 10:00 a.m., e.s.t.

(B) On or before November 27, 1973, Northern shall serve its prepared testimony and exhibits. On or before January 17, 1974, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before February 1, 1974. Any rebuttal evidence by Northern shall be served on or before February 18, 1974.

(C) 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 this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(D) Pending hearing and a decision thereon Northern's proposed revised tariff sheet, noted in Footnote 1, is accepted for filing, suspended and the use thereof deferred for one day until October 17, 1973, and until such further time as it is made effective in the manner provided in the Natural Gas Act.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-22690 Filed 10-24-73;8:45 am]

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[Dockets Nos. CI74-196 and CI74-197]

## POST OAK GAS CO.

### Notice of Applications

OCTOBER 16, 1973.

Take notice that on September 21, 1973, Post Oak Gas Co. (Applicant), 4054 Herring Street, Corpus Christi, Texas 78418, filed in Dockets Nos. CI74-196 and CI74-197 applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing the sales for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. from the Weesatche Field, Goliad, County, Texas, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant proposes in each docket to sell up to 2,000 Mcf of gas per day for one year within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). In Docket No. CI74-196, Applicant proposes to sell gas at 50.0 cents per Mcf at 14.65 p.s.i.a. and in Docket No. CI74-197 Applicant proposes to sell gas at 45.0 cents per Mcf at 14.65 p.s.i.a. Estimated monthly sales in each docket are 5,000 Mcf of gas.

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 October 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. 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 matters finds that a grant of the certificates is 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.73-22686 Filed 10-24-73;8:45 am]

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[Docket No. E-8414]

## POWER AUTHORITY OF THE STATE OF NEW YORK

### Notice of Application for Presidential Permit

OCTOBER 16, 1973.

Take notice that on September 21, 1973, the Power Authority of the State of New York (Applicant) filed with the Federal Power Commission, pursuant to Executive Order No. 10485 of September 3, 1953, an application for authorization to construct, operate, maintain and connect certain electric transmission facilities at a point on the United States-Canadian boundary near the Town of Fort Covington, Franklin County, New York. Applicant is an agency of the State of New York and is authorized to construct and operate such facilities.

The facilities proposed to be constructed at the United States-Canadian border will consist of a single circuit steel lattice-type tower with supporting structures, land and appurtenant facilities. At the international border these facilities will connect with a 765 kv. circuit suspended from a similar tower on the Canadian side of the border. The connection will be at a point on the border between the State of New York and the Province of Quebec about two miles east of the Town of Fort Covington, New York.

Applicant has applied to the Public Service Commission of the State of New York for a Certificate of Environmental Compatibility and Public Need for the 765 kv. single circuit transmission line facilities to be constructed in the United States for the purpose of transmitting energy to and from the proposed connection at the international border.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 7, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the 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.73-22696 Filed 10-24-73;8:45 am]

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[Docket No. CI74-185]

## TEXACO INC.

### Notice of Application

OCTOBER 16, 1973.

Take notice that on September 18, 1973, Texaco, Inc. (Applicant), P.O. Box 60252, New Orleans, Louisiana 70160, filed in Docket No. CI74-185 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 Corporation from the West Mermentau Field, Jefferson 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 gas for three years at 35.0 cents per Mcf 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). Applicant requests authorization to sell approximately 300 Mcf of gas per day and estimates monthly sales at 14,400 Mcf.

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 October 29, 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 regulations.

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.73-22687 Filed 10-24-73;8:45 am]

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[Docket Nos. RP74-19, RP69-2, RP70-25, RP71-27, RP71-28, RP72-144]

## FLORIDA GAS TRANSMISSION CO.

### Order Accepting for Filing and Suspending Proposed Rate Increase, Consolidating Proceeding and Providing for Hearing

OCTOBER 12, 1973.

Florida Gas Transmission Company (Florida Gas) tendered for filing on September 14, 1973, changes in its FPC Gas Tariff, Original Volume No. 2.[1] By this filing, Florida Gas Proposes to increase its transportation rates as follows:

| Rate schedules | Presently effective | Proposed |
|---|---|---|
| T-1 | 18.63¢/MM B.t.u. | 21.77¢/MM B.t.u. |
| T-2 | 23.90¢/MM B.t.u. | 28.96¢/MM B.t.u. |
| T-3 | 20.36¢/MM B.t.u. | 23.64¢/MM B.t.u. |

Based upon transportation deliveries for the twelve month period ending May 31, 1973, adjusted, the proposed increase would amount to about $4,629,660 annually. The proposed effective date is October 15, 1973.

Florida Gas states that the transportation rate level currently effective was established by a rate filing made on March 16, 1970, at Docket No. RP70-25. Florida Gas states that major cost changes have since occurred, including changes in the cost of capital, with the result that the presently effective transportation rates are inadequate to meet the test period of service allocable to such services and provide a fair rate of return.

A review of the filing of September 14, 1973, indicates that the data submitted in support of the proposed increase raises issues concerning, but not necessarily restricted to, rate of return, capital structure, rate base, reasonableness of adjustments to reflect additional facilities, operating and maintenance expenses, adjustments to other income tax deductions, cost allocation, and rate design.

The filing of September 14, 1973, was noticed on September 21, 1973, with letters of protest and petitions to intervene due on or before October 2, 1973.

Our review of the filing indicates that it raises certain issues which may require development in an evidentiary hearing. The proposed increases in rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. We shall therefore order a suspension of the rates proposed herein for the full statutory period.

Florida Gas filed proposed rate increases in Docket Nos. RP69-2, RP70-25, and RP72-144. In each docket, the Commission suspended the increases for the full statutory 5 month period and deferred the setting of service and hearing dates pending the determination of issues in Docket Nos. RP66-4 and RP68-1.[2] In Docket No. RP71-27 Florida Gas filed a rate increase to reflect the effect of rate normalization of liberalized tax depreciation. In Docket No. RP71-28, Florida Gas filed a petition requesting permission to adopt the normalized method accounting for liberalized tax depreciation. In both Docket Nos. RP71-27 and RP71-28 the Commission deferred setting service on hearing dates.

The Commission ruled upon the issues in Docket Nos. RP66-4 and RP68-1 in Opinion No. 611 issued February 16, 1972, and Opinion No. 611-A issued January 19, 1973. Sun Oil Company, on February 27, 1973, appealed the Commission's Opinions to the District of Columbia Circuit. (Circuit Case No. 73-1203.)

This Commission believes it is now appropriate to commence proceedings in the pending dockets and concludes that their ultimate disposition would best be accomplished in a consolidated proceeding. The Commission shall therefore consolidate Docket Nos. RP74-19, RP69-2, RP70-25, RP71-27, RP71-28, and RP72-144 and order of the service of evidence and trial of the issues raised therein in accordance with the schedule hereinafter prescribed.

*The Commission finds.*

(1) The proposed increased rates and charges in Docket No. RP74-19 have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Florida Gas' FPC Gas Tariff, as proposed in these dockets and that the tendered tariff sheets in Docket No. RP74-19 be accepted for filing and suspended as hereinafter provided.

(3) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(4) Good cause exists for consolidation of Docket Nos. RP74-19, RP69-2, RP70-25, RP71-27, RP71-28, and RP72-144.

*The Commission orders.*

(A) Pursuant to the authority of the Natural Gas Act, particularly section 4 and 5 thereof, the Commission rules and regulations (18 CFR, Chapter I), a prehearing conference shall be held pursuant to § 1.18 of the Commission's rules of practice and procedure on January 29, 1974, at 10:00 a.m., est, in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. A hearing for the purposes of cross-examination concerning the lawfulness and reasonableness of the rates and charges contained in Florida Gas' subject rate filing and the proceedings consolidated herein shall be held commencing on February 12, 1974.

(B) On or before January 14, 1974, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before January 21, 1974. Any rebuttal evidence by Florida Gas shall be served on or before February 4, 1974.

(C) Pending hearing and a decision thereon, Florida Gas' tariff sheets listed in footnote 1 above are accepted for filing, suspended for five months and the use thereof deferred until March 15, 1974, and until such further time as it is made effective in the manner provided in the Natural Gas Act.

(D) Docket Nos. RP74-19, RP69-2, RP70-25, RP71-27, RP71-28, and RP72-144 are hereby consolidated for purposes of hearing and decision.

(E) At the prehearing conference on January 29, 1974, the prepared testimony (Statement P) of Florida Gas, together with its entire rate filings at Docket No. RP74-19, et al., shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding.

(F) 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 this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[1] Ninth Revised Sheet No. 27 and Ninth Revised Sheet No. 63 and Seventh Revised Sheet No. 128 of Original Volume No. 2.

[2] See Appendix A for list of interventions that have been granted in each docket and Appendix B for synopsis of each docket.

APPENDIX A

INTERVENORS

*Docket No. RP69-2*

1. United States of America by the Administrator of General Services.
2. Central Florida Gas Corporation.
3. Sun Oil Company.
4. Peoples Gas System, Inc.
5. Mobile Oil Corporation.
6. Gainesville Gas Company.
7. Florida Power Corporation.
8. Florida Public Utilities Company.
9. Florida Power and Light Company.

*Docket No. RP70-25*

1. Administrator of General Services.
2. City of Fort Pierce, Florida.
3. Florida Power Corporation.
4. Florida Power & Light Company.
5. Florida Public Utilities Company.
6. Gainesville Gas Company.
7. Peoples Gas System, Inc.
8. Southern Gas Company.
9. Sun Oil Company.
10. The Municipal Distributors Group consisting of the City of Clearwater, City of Fort Pierce, Lake Apopka Gas District, Lake City, City of Leesburg, Okaloosa County Gas District and City of Starke, Florida.
11. Central Florida Gas Corporation.
12. Gulf Natural Gas Corporation.
13. City Gas Company of Florida.

*Docket No. RP71-27*

1. Sun Oil Company.
2. Florida Power Corporation.
3. Municipal Distributors Group.
4. Southern Gas Company.
5. Gainesville Gas Company.

*Docket No. RP71-28*

1. Sun Oil Company.
2. Florida Power Corporation.

*Docket No. RP72-144*

1. Florida Power Corporation.
2. City of Gainesville.
3. Gulf Natural Gas Corporation.
4. Gainesville Gas Corporation.
5. Southern Gas Company.
6. Florida Power and Light Company.
7. Central Florida Gas Corporation.
8. Maule Industries.
9. City Gas Company of Florida.
10. City of St. Cloud, Florida.
11. International Minerals and Chemicals Corporation.

APPENDIX B

DOCKET SUMMARY

| Docket No. | Amount of increase (annual) | Date (after suspension) | Order issued |
|---|---|---|---|
| RP69-2[1] | $3,350,000 | Feb. 16, 1969 | Sept. 13, 1968 |
| RP70-25[2] | 6,000,000 | Oct. 1, 1970 | Apr. 29, 1970 |
| | | | June 10, 1970 |
| | | | Oct. 21, 1970 |
| RP71-27 | 1,600,000 | Jan. 1, 1971 | Nov. 24, 1970 |
| | | | Jan. 6, 1971 |
| RP71-28 | | | Nov. 24, 1970 |
| | | | Jan. 6, 1971 |
| RP72-144 | | Aug. 2, 1972 | July 31, 1972 |
| | | | Aug. 14, 1972 |
| | | | Aug. 24, 1972 |

[1] By agreement of the parties, a hearing on the rate of return issue in Docket No. RP69-2 was held and completed on September 30, 1968. The Administrative Law Judge's initial decision on that issue was issued on January 6, 1969, followed by Commission Opinion No. 561 issued July 16, 1969.

[2] On September 25, 1970, Florida Gas filed a motion to place into effect on October 1, 1970, revised tariff sheets which it proposed to substitute for the tariff sheets originally filed in this docket. The substitute tariff sheets would reduce the proposed increased rates by $322,216 annually. Order issued, October 21, 1970, permitted the substitute rates to take effect.

[FR Doc.73-22617 Filed 10-24-73;8:45 am]

## FEDERAL RESERVE SYSTEM

### AUSTIN BANCSHARES CORP.

#### Acquisition of Bank

Austin Bancshares Corporation, Austin, Texas, 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 100 percent of the voting shares (less directors' qualifying shares of Oak Hill National Bank, Oak Hill, Texas. 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 Dallas. 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 November 9, 1973.

Board of Governors of the Federal Reserve System, October 18, 1973.

[SEAL] THEODORE E. ALLISON,
*Assistant Secretary of the Board.*

[FR Doc.73-22616 Filed 10-24-73;8:45 am]

### BANCOHIO CORP.

#### Acquisition of Bank

BancOhio Corporation, Columbus, Ohio, 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 100 percent of the voting shares (less directors' qualifying shares) of the Ohio State Bank of Medina, Medina, Ohio. 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 Cleveland. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than November 6, 1973.

Board of Governors of the Federal Reserve System, October 18, 1973.

[SEAL] THEODORE E. ALLISON,
*Assistant Secretary of the Board.*

[FR Doc.73-22617 Filed 10-24-73;8:45 am]

### BOATMEN'S BANCSHARES, INC.

#### Acquisition of Bank

Boatmen's Bancshares, 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 80 percent or more of the voting shares of Bank of Pevely, Pevely, 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 Reserve Bank to be received not later than October 31, 1973.

Board of Governors of the Federal Reserve System, October 17, 1973.

[SEAL] THEODORE E. ALLISON,
*Assistant Secretary of the Board.*

[FR Doc.73-22618 Filed 10-24-73;8:45 am]

### CENTRAL BANCOMPANY

#### Order Approving Acquisition of The Guaranty Trust Company of Missouri and Harrison L. Winter and Associates

Central Bancompany, Jefferson City, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire not less than 90 percent of the voting shares of The Guaranty Trust Company of Missouri (Company), and all of the assets and business of Harrison L. Winter and Associates (Partnership), both of Clayton, Missouri. Company engages in the activities of a trust company and performs fiduciary services, but is not authorized to engage in any commercial banking business; Partnership engages in fiduciary services in conjunction with Company. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(4)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 26152). The time for filing comments and views has expired and none has been timely received.

Applicant, the ninth largest banking organization in Missouri, controls three subsidiary banks with aggregate deposits approximating $259 million,[1] representing 1.9 percent of total commercial bank deposits in the State. Applicant presently has no nonbank subsidiaries.

Company is a State-chartered trust company which engages only in providing fiduciary services and is not authorized to engage in any commercial banking business. Partnership engages in providing fiduciary services in conjunction with Company. Their combined trust assets totaled $24 million as of December 31, 1972, and, based on operating revenue from trust services, Partnership and Company together rank sixth among 36 trust organizations operating in the St. Louis area. Although organized as two separate companies, Company and Partnership have operated, for all practical purposes, as a single trust operation with the same management and personnel. Upon approval and consummation of the proposal, Applicant intends that Company and Partnership will be merged and thereafter operate as a single entity and a direct subsidiary of Applicant, primarily providing trust serv-

[1] All banking data are as of December 31, 1972.

ices for customers of Applicant's subsidiary bank in Clayton, Missouri.

Company and Partnership's market area is the St. Louis banking market (approximated by central St. Louis County and the surrounding metropolitan area). Applicant has one banking subsidiary engaging in trust activities, The Central Trust Bank, Jefferson City, Missouri; but this subsidiary is located 135 miles from St. Louis and derives no business from the market area of Company and Partnership. Applicant's subsidiary in the St. Louis market area, The First National Bank of Clayton, does not presently have trust powers. Of the 36 other trust organizations in the St. Louis market area, the combined share of trust revenue of Company and Partnership is less than 2 percent of the market total. De novo entry by Applicant into trust activities in the St. Louis market is not regarded as a likely alternative due primarily to the large number of established sizeable competitors already operating in the market, and the time and expertise required to develop a successful trust operation. Accordingly, consummation of the proposal would not appear to have an adverse effect on existing or future competition in the market. The Board concludes that competitive considerations are consistent with approval of the application.

It is anticipated that Company and Partnership's affiliation with Applicant should enable the proposed subsidiary to become a stronger competitive force in the St. Louis fiduciary market. Applicant intends to operate Company and Partnership as the trust arm of their St. Louis banking subsidiary and plans to enlarge the scope of trust services presently offered by Company and Partnership in this area. There is no evidence in the record indicating that consummation of the proposed acquisition would result in undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] effective October 17, 1973.

[SEAL] CHESTER B. FELDBERG,
*Secretary of the Board.*

[FR Doc.73-22619 Filed 10-24-73;8:45 am]

[3] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

## CHASE MANHATTAN CORP.

### Proposed Acquisition of Berkeley Credit Corp.

The Chase Manhattan Corporation, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Berkeley Credit Corporation, New York, New York. Notice of the application was published on: (1) May 10, 1973, in the New York Times, (2) on May 11, 1973, in the Boston Globe, and (3) on May 23, 1973, in the Atlanta Journal.

Applicant states that the proposed subsidiary would engage in the activities of making or acquiring for its own account, or for the account of others, loans and other extensions of credit, secured or unsecured, such as would be made by a commercial finance company. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 10, 1973.

Board of Governors of the Federal Reserve System, October 16, 1973.

[SEAL] THEODORE E. ALLISON,
*Assistant Secretary of the Board.*

[FR Doc.73-22628 Filed 10-24-73;8:45 am]

## COMMUNITY BANCORPORATION

### Formation of Bank Holding Co.

Community Bancorporation, Columbus, Ohio, 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 83.55 percent of the voting shares of The First National Bank in Mount Gilead, Mount Gilead, Ohio. 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 Cleveland. 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 November 10, 1973.

Board of Governors of the Federal Reserve System, October 16, 1973.

[SEAL] THEODORE E. ALLISON,
*Assistant Secretary of the Board.*

[FR Doc.73-22627 Filed 10-24-73;8:45 am]

## ELLIS BANKING CORP.

### Acquisition of Bank

Ellis Banking Corporation, Bradenton, Florida, 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 51 percent or more of the voting shares of Parkway National Bank of Tallahassee, Tallahassee, Florida. The factors that are considered in acting on the application are set forth in setcion 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 Atlanta. 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 November 6, 1973.

Board of Governors of the Federal Reserve System, October 18, 1973.

[SEAL] THEODORE E. ALLISON,
*Assistant Secretary of the Board.*

[FR Doc.73-22624 Filed 10-24-73;8:45 am]

## FIRST ALABAMA BANCSHARES, INC.

### Order Approving Acquisition of Bank

First Alabama Bancshares, Inc., Birmingham, Alabama, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to The Selma National Bank, Selma, Alabama (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set

forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest banking organization in Alabama, controls eight banks with aggregate deposits of $741.6 million, which represent 10.9 percent of total deposits in commercial banks in the State.[1] The acquisition of Bank (deposits of $30.5 million) would not significantly increase Applicant's share of total commercial bank deposits in Alabama and would not alter its rank among banking organizations in the State.

Bank, the second largest of six banks in the Selma banking market (approximated by Dallas County, Alabama), controls 25.3 percent of total deposits in commercial banks in such market. The largest and third largest market representatives control, respectively, 33.9 percent and 25.2 percent of total market deposits. Applicant's subsidiary closest to Bank is the First National Bank of Montgomery, located about 45 miles east of Bank; and no meaningful competition exists between Bank and any of Applicant's present banking subsidiaries. Although Applicant's mortgage company subsidiary does originate some mortgage loans within the Selma market, it has neither offices nor employees located in such market. Consummation of the proposal would not eliminate any significant competition between Bank and Applicant's mortgage company because of the limited market shares of each and the presence of numerous other sources of real estate lending. It appears unlikely that any future competition would develop between Bank and any of Applicant's banking subsidiaries because of the distances involved and Alabama's restrictive branching laws; nor does Applicant's entry de novo into the Selma market appear to be a likely prospect, since Dallas County's population has declined in recent years. Furthermore, based on Bank's relative size and market share, it does not appear that consummation of the proposed transaction would enable Applicant to dominate the Selma market. On the basis of the record, the Board considers that consummation of the proposed acquisition would not adversely affect competition in any relevant area.

The financial and managerial resources as well as the future prospects of Applicant, its present subsidiary banks, and Bank are generally satisfactory and consistent with approval. There is no evidence that the major banking needs of the Selma market are going unserved. However, access to Applicant's greater resources will assist Bank in satisfying the high seasonal loan demands of the local agricultural industry. Applicant will also assist Bank in providing trust services. Considerations relating to the convenience and needs of the community are consistent with approval. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective October 17, 1973.

[SEAL] CHESTER B. FELDBERG,
*Secretary of the Board.*

[FR Doc.73-22620 Filed 10-24-73;8:45 am]

## FIRST BANCORP OF N.H., INC.

### Acquisition of Bank

First Bancorp of N.H., Inc., Exeter, New Hampshire, 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 at least 80 percent of the voting sharess (less directors' qualifying shares) of the successor by merger to the Concord National Bank, Concord, New Hampshire. 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 Boston. 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 November 12, 1973.

Board of Governors of the Federal Reserve System, October 18, 1973.

[SEAL] THEODORE E. ALLISON,
*Assistant Secretary of the Board.*

[FR Doc.73-22621 Filed 10-24-73;8:45 am]

## FIRST BANCORP OF N.H., INC.

### Acquisition of Bank

First Bancorp of N.H., Inc., Exeter, New Hampshire 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 80 percent or more of the voting shares of Laconia Peoples National Bank and Trust Company, Laconia, New Hampshire. 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 Boston. 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 November 6, 1973.

Board of Governors of the Federal Reserve System, October 18, 1973.

[SEAL] THEODORE E. ALLISON,
*Assistant Secretary of the Board.*

[FR Doc.73-22622 Filed 10-24-73;8:45 am]

## FIRST BANCSHARES OF FLORIDA, INC.

### Acquisition of Bank

First Bancshares of Florida, Inc., Boca Raton, Florida, 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 First State Bank of Arcadia, Arcadia, Florida. 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 Atlanta. 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 November 12, 1973.

Board of Governors of the Federal Reserve System, October 18, 1973.

[SEAL] THEODORE E. ALLISON,
*Assistant Secretary of the Board.*

[FR Doc.73-22626 Filed 10-24-73;8:45 am]

## FIRST NATIONAL CINCINNATI CORP.

### Formation of Bank Holding Co.

First National Cincinnati Corporation, Cincinnati, Ohio, 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 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of Cincinnati, Cincinnati, Ohio. 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 Cleveland. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than November 9, 1973.

Board of Governors of the Federal Reserve System, October 18, 1973.

[SEAL] THEODORE E. ALLISON,
*Assistant Secretary of the Board.*

[FR Doc.73-22623 Filed 10-24-73;8:45 am]

[1] Banking data are as of December 31, 1972, adjusted to reflect holding company acquisitions and formations approved through September 24, 1973.

[2] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

### STATE STREET BOSTON FINANCIAL CORPORATION

#### Acquisition of Bank

State Street Boston Financial Corporation, Boston, Massachusetts, 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 100 percent or more of the voting shares of Chatham Trust Company, Chatham, Massachusetts. 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 Boston. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than November 9, 1973.

Board of Governors of the Federal Reserve System, October 18, 1973.

[SEAL] THEODORE E. ALLISON,
*Assistant Secretary of the Board.*

[FR Doc.73-22625 Filed 10-24-73;8:45 am]

### INSURED BANKS

#### Joint Call for Report of Condition

CROSS REFERENCE.—For a document regarding joint call for report of condition of insured banks, see FR Doc. 73-22667, Federal Deposit Insurance Corporation, *infra*.

## GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-194]

### SECRETARY OF DEFENSE

#### Delegation of Authority

1. *Purpose.*—This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the Federal Government in a water service regulatory proceeding.

2. *Effective date.*—This regulation is effective immediately.

3. *Delegation.*—a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Illinois Commerce Commission in a regulatory proceeding involving the East St. Louis and Interurban Water Company (Docket No. 58487).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated October 16, 1973.

DWIGHT A. INK,
*Acting Administrator of General Services.*

[FR Doc.73-22709 Filed 10-24-73;8:45 am]

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-81]

### NASA LIFE SCIENCES COMMITTEE

#### Meeting

The NASA Life Sciences Committee will meet on November 19-20, 1973, at the Headquarters of the National Aeronautics and Space Administration, Washington, D.C. 20546. The meeting will be held in Room 425 of Federal Office Building 10B, 600 Independence Avenue SW., Washington, DC 20546. Members of the public will be admitted to the open portion of the meeting beginning at 10:30 a.m., November 19, on the agenda below on a first come first served basis up to the seating capacity of the room which is about 70 persons.

The NASA Life Sciences Committee serves in an advisory capacity only. In this capacity it is concerned with man in relation to space travel and habitation, with exobiology, with other life forms, and including: Physiology, behavior, clinical aerospace medicine, microbiology, radiobiology, biochemistry, nutrition and food technology, biology of gravity and rhythms, and biotechnology. The current Chairman is Dr. Shields Warren.

The following list sets forth the approved agenda and schedule for the November 19-20, 1973, meeting of the Life Sciences Committee. For further information, please contact Dr. Stanley C. White: Area Code 202-755-2350.

NOVEMBER 19, 1973

| *Time* | *Topic* |
|---|---|
| 0900-1030 | Executive Session (Purpose: A discussion of the Fiscal and Scientific Program Planning for NASA Life Sciences for FY 75 will be conducted to solicit comments from the committee. Under OMB instructions, FY 1975 budget information may not be disclosed publicly until the budget is submitted to Congress.) |
| 1030-1230 | Skylab Medical Results (Purpose: A summary of the data obtained to date from the analysis of the results of medical experiments and operations that were conducted during the 28 day mission of Skylab will be presented as background data for the committee.) |
| 1330-1500 | Continuation of Report of Skylab Medical Results |
| 1500-1630 | Report of Life Sciences Subcommittees<br>a. Report on Evaluation of Plans for Heat Sterilization of the Viking Vehicle<br>b. Report on Evaluation of Plans for Sterilizing the Biological Experiments of Viking<br>c. Report on Progress on Development and Testing of the Viking Biological Experiment Package<br>d. Report from LSC members who attended the SPAC Applications Committee meeting for the LSC<br>(Purpose: Subcommittees have completed technical assessments of elements of the work underway or planned for the Viking program and Applications Committee activities. Their reports will be presented to the full committee for discussion and approval as preparation for making appropriate Life Sciences Committee recommendations to NASA.) |
| 1630-1715 | Status Report on the International Exchange of Life Sciences Data (Purpose: This report will summarize the further activities in cooperative programs with the Soviets that have occurred since the last Life Sciences Committee meeting.) |

NOVEMBER 20, 1973

| *Time* | *Topic* |
|---|---|
| 0900-1000 | Life Sciences Research Payloads Development<br>a. Report of studies to identify payload capabilities needed<br>b. Report of studies for Life Sciences "spacelab" module<br>c. Report on development of Biomedical Experiments Scientific Satellite (BESS)<br>(Purpose: Planning for the development of the Life Sciences research payloads for flight on the Space Shuttle has reached an initial major step of maturity. A report of the status of this work will be made to the LSC for the purpose of obtaining their comments and recommendations for incorporation into further development activities.) |
| 1000-1100 | Review of the Post-Viking Plans for Life Detection on Other Celestial Bodies (Purpose: The Life Sciences Committee has been requested to review this NASA developed plan. The plan will be discussed as the initial step in instituting this review.) |
| 1100-1145 | NASA Life Scientist Program for 1973-1974 (Purpose: A major realignment of the NASA Life Scientist Program is underway. Approaches under consideration will be presented, discussed and committee comments solicited.) |

| Time | Topic |
|---|---|
| 1245–1445 -- | Ecological Analysis Study (Purpose: NASA research and flight activities have potential for impact on local ecological systems at the NASA facilities. NASA is seeking LSC advice concerning what studies should be conducted to insure that this potential impact is defined. This presentation will outline the task, and request the assistance of the Life Sciences Committee in meeting this problem. |
| 1445–1530 -- | Summary of Results of the Meeting and Assignment of Further Work. |

Dated October 16, 1973.

DAVID WILLIAMSON, Jr.,
*Associate Administrator, National Aeronautics and Space Administration.*

[FR Doc.73-22630 Filed 10-24-73;8:45 am]

[Notice 73-80]

## NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL, COMMITTEE ON AERONAUTICAL PROPULSION

### Meeting

The NASA Research and Technology Advisory Council, Committee on Aeronautical Propulsion will meet on October 31, and November 1 and 2, 1973, at the NASA Ames Research Center, Moffett Field, California. The meeting is open to the public and will be held in the Conference Room of the Administration Building. The seating capacity of the Conference Room is about 25 persons including Committee members and other participants. All visitors must report to the Ames Research Center receptionist in the Administration Building.

The NASA Research and Technology Advisory Council, Committee on Aeronautical Propulsion was established to advise NASA's senior management in the areas of aeronautical propulsion research and technology. The Committee studies issues, pinpoints critical problems, determines gaps in needed technology, points out desirable goals and objectives, summarizes the state-of-the-art, assesses on-going work, and make recommendations to help NASA plan and carry out an aeronautical propulsion program of greatest benefit to the Nation. There are 14 members on the Aeronautical Propulsion Committee. The current Chairman is Mr. Hillard E. Barrett.

The following list sets forth the approved agenda and schedule for the meeting. For further information please contact Mr. Harry W. Johnson, Area Code 202–755–3003.

OCTOBER 31, 1973

| Time | Topic |
|---|---|
| 8:30 a.m.... | Opening Remarks by Center Director—(Purpose: To acquaint the Committee with the research activities conducted by the Ames Research Center). |
| 8:45 a.m.... | Executive Secretary Report—(Purpose: To brief the Committee on recent organizational changes in NASA—Office of Aeronautics and Space Technology (OAST) and Research and Technology Advisory Council (RTAC) Committee structure, introduction of new members, review of agenda, review of FY 1974 budget allocation and plans, and report of NASA action on past Committee recommendations). |
| 9:15 a.m.... | Center Highlight Reports—(Purpose: To present a brief report on major accomplishments in aeronautical propulsion and related research programs). |
| 10:30 a.m.... | Advanced Technology Transport Study—(Purpose: To report the results from recent studies to determine the impact of advanced technology on aircraft maintenance, reliability and costs). |
| 11:30 a.m.... | Status of Advanced Supersonic Technology (AST) Program—(Purpose: To report on the results of AST aircraft and engine studies and to brief members on recent restructuring of the AST program). |
| 12:30 p.m.... | Lunch |
| 1:30 p.m..... | Report on Energy Conservation—(Purpose: To determine the impact of limited petroleum-based fuels on future aircraft fuel needs, to identify technology requirements and examine solutions to the problems). |

NOVEMBER 1, 1973

| Time | Topic |
|---|---|
| 8:30 a.m.... | Pollution Reduction Report—(Purpose: To review the status and progress of the major elements of the NASA pollution reduction program). |
| 11:15 a.m.... | New Experimental Programs—(Purpose: To brief the members on new aeronautical experimental programs being considered by NASA, but not previously described at previous meetings, including Advanced Multistage Compressor, Materials in Advanced Turbine Engines, and Composite Acoustic Nacelles). |
| 12:30 p.m.... | Lunch. |
| 1:30 p.m..... | New Experimental Programs—continued. |
| 2:00 p.m..... | Propulsion Research and Technology Objectives—(Purpose: To describe the research and technology objectives established for the aeronautical propulsion disciplines). |
| 4:45 p.m..... | Quiet Powered Lift Technology Program—(Purpose: To describe the on-going and planned NASA powered lift technology programs). |

NOVEMBER 2, 1973

| Time | Topic |
|---|---|
| 8:30 a.m..... | Committee Discussions and Recommendations — (Purpose: To discuss major elements presented during the meeting and to recommend courses of action to NASA). |
| 9:30 a.m..... | Tour of Major Facilities—(Purpose: To familiarize the Committee with major aerodynamic and propulsion test facilities utilized or planned to be used in aeronautical propulsion research programs). |
| 12:30 p.m.... | Adjourn. |

Dated October 17, 1973.

DAVID WILLIAMSON, Jr.
*Acting Associate Administrator, National Aeronautics and Space Administration.*

[FR Doc.73-22629 Filed 10-24-73;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[811-1262]

### INCOME TAX FREE REVENUE FUND SERIES 1

### Notice of Proposal To Terminate Registration

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that Income Tax Free Revenue Fund, Series 1 (the Fund), c/o Marquette de Bary Co. (Sponsor), 30 Broad Street, New York, New York 10004, registered under the Act as a unit investment trust, has ceased to be an investment company.

On May 15, 1964, the Fund registered under the Act by filing a Form N–8A Notification of Registration. On September 17, 1964, the Fund amended its Form N–8A, filed a Form N–8B–2 Registration Statement, and filed a Form S–6 Registration Statement under the Securities Act of 1933 (1933 Act).

The Fund has no assets, and no units of the Fund have ever been issued. On August 16, 1972, the Fund's registration statement under the 1933 Act was ordered withdrawn upon the request of the Fund. The Fund has abandoned any intention of making a public offering.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the effectiveness of such order, which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 12, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may re-

quest that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) on the Fund at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.73-22614 Filed 10-24-73;8:45 am]

[70-5215]

## OHIO EDISON CO.

### Notice of Filing of Post-Effective Amendment to Application Regarding Proposed Acquisition of Utility Assets

Notice is hereby given that Ohio Edison Company (Ohio Edison), 47 North Main Street, Akron, Ohio 44308, a registered holding company and an electric utility company, has filed with this Commission a post-effective amendment to the amended application, heretofore filed by Ohio Edison in this proceeding pursuant to sections 9(a)(1) and 10 of the Public Utility Holding Company Act of 1935 (Act). All interested persons are referred to the application, as heretofore amended and as it is now further amended, summarized below, for a complete statement of the proposed transactions.

By order dated September 22, 1972 (Holding Company Act Release No. 17703), the Commission authorized the acquisition by Ohio Edison of certain utility properties from the City of Norwalk, Ohio. As part of the consideration for such acquisition, Ohio Edison assumed the defense of certain actions, described below, and agreed to be responsible for any judgments entered therein.

In actions entitled "Richard Enzor d.b.a. Westwood Mobile Estates v. City of Norwalk" and "John N. Ockenga v. City of Norwalk", the plaintiffs are the owners of mobile home parks located in the City of Norwalk and of the electrical distribution facilities within such parks and are contesting the propriety and legality of the rates charged for servicing such facilities. Ohio Edison entered into agreements with each of such plaintiffs, dated June 4, 1973, providing for the settlement and dismissal of the complaints in consideration of the purchase by Ohio Edison of the electric distribution facilities involved and the refund by Ohio Edison of certain charges for electric service.

The amount to be paid to Enzor for the property to be acquired from him is $12,705, and the amount to be paid to Ockenga for the property to be acquired from him is $11,458. Properties so to be acquired will be recorded on the books of Ohio Edison on the basis of their estimated original costs.

In addition to the above stated payments, the Company has also agreed to make certain payments to the respective plaintiff's representing the estimated differences between the amounts that they have paid for electric service and the respective amounts which they would have paid if the city had not made any change in its applicable rates. These amounts are estimated presently to amount, in the case of Enzor, to $8,003.41 through July 16, 1973 and, in the case of Ockenga, to $5,508.14 through July 17, 1973. These amounts will increase prior to the consummation of the respective property purchases as additional electric service is provided.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 12, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended by the post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended by the post-effective amendment, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.73-22612 Filed 10-24-73;8:45 am]

[File No. 500-1]

## SUITOMAT CORP.

### Notice of Suspension of Trading

OCTOBER 16, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Suitomat Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2:15 p.m. e.d.t. on October 16, 1973 through October 25, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.73-22613 Filed 10-24-73;8:45 am]

# SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 1005; Amdt. 3]

## PENNSYLVANIA

### Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Pennsylvania as a major disaster area following severe storms and flooding beginning on or about June 17, 1973, and amended for the severe storms and flooding occurring August 2 and 3, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional county: Montgomery, and adjacent affected areas. (See 38 FR 20510, 38 FR 21541 and 38 FR 26983)

Applications may be filed at the:

Small Business Administration, Regional Office, 1 Decker Square, East Lobby, Suite 400, Bala Cynwyd, Pennsylvania 19004.

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Pub. L. 93-24.

Applications for disaster loans under this announcement must be filed not later than October 23, 1973.

Dated August 29, 1973.

THOMAS S. KLEPPE,
*Administrator.*

[FR Doc.73-22590 Filed 10-24-73;8:45 am]

[Declaration of Disaster Loan Area 1016]

## UTAH

### Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August 1973, because of the effects of a certain disaster, damage resulted to business and residential property located in the State of Utah;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Park City, Summit County, Utah, suffered damage or destruction resulting from a fire of undetermined origin on August 27, 1973. Applications will be processed under the provision of Pub. L. 93-24.

OFFICE

Small Business Administration, District Office, 125 South State Street, Salt Lake City, Utah 84111.

2. Applications for disaster loan under the authority of this declaration will not be accepted subsequent to December 10, 1973.

Dated October 9, 1973.

THOMAS S. KLEPPE,
*Administrator.*

[FR Doc.73-22591 Filed 10-24-73;8:45 am]

## TARIFF COMMISSION

[AA1921-133]

### METAL PUNCHING MACHINES, SINGLE-END TYPE, MANUALLY OPERATED, FROM JAPAN

#### Notice of Investigation and Hearing

Having received advice from the Treasury Department on October 10, 1973, that metal punching machines, single-end type, manually operated, from Japan are being, or are likely to be, sold at less than fair value, the United States Tariff Commission on October 18, 1973, instituted investigation No. AA1921-133 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160 (a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

*Hearing.*—A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C. 20436, beginning at 10 a.m., Est, on Monday, November 19, 1973. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its office in Washington, D.C., not later than noon, Wednesday, November 14, 1973.

By order of the Commission.

Issued October 18, 1973.

[SEAL] KENNETH R. MASON,
*Secretary.*

[FR Doc.73-22635 Filed 10-24-73;8:45 am]

[AA1921-134/135]

### PRIMARY LEAD METAL FROM AUSTRALIA AND CANADA

#### Notice of Investigations and Hearing

Having received advice from the Treasury Department on October 10, and 11, 1973, respectively, that primary lead metal from Australia and Canada is being, or is likely to be, sold at less than fair value, the United States Tariff Commission on October 18, 1973, instituted investigations Nos. AA1921-134/135 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160 (a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

*Hearing.*—A public hearing in connection with the investigations will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E. Streets NW, Washington, D.C. beginning at 10 a.m., Est, on Tuesday, November 27, 1973. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its office in Washington, D.C., not later than noon, Thursday, November 22, 1973.

By order of the Commission.

Issued October 18, 1973.

[SEAL] KENNETH R. MASON,
*Secretary.*

[FR Doc.73-22636 Filed 10-24-73;8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice 369]

### ASSIGNMENT OF HEARINGS

OCTOBER 19, 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 the date of this publication.

MC 59856 Sub 49, Salt Creek Freightways; and MC 59856 Sub 51, now assigned November 26, 1973, at Helena, Mont., is postponed to January 14, 1974, at Helena, Mont., in a hearing room to be later designated.

FF-C-52, Darrell J. Sekin & Company, Inc. and Regional International Services, Inc.—Investigation of Operations, now assigned October 25, 1973, at Dallas, Tex., is postponed indefinitely.

MC 32166 Sub 8, Bronaugh Motor Express, Inc., now being assigned hearing November 26, 1973 (1 week), at Lexington, Ky., in a hearing room to be later designated.

MC 112304 Sub 65, Ace Doran Hauling & Rigging Co., now being assigned hearing December 3, 1973 (1 week), at Columbus, Ohio, in a hearing room to be later designated.

MC-66121 Sub 28, Indian Bow Truck Lines, Ltd., now assigned October 29, 1973, at New York, N.Y., is canceled and the application is dismissed.

MC-27042 (Sub-No. 120), Hagen, Inc., now being assigned hearing December 3, 1973, at San Francisco, Calif., in a hearing room to be later designated.

MC 59135 Deviation 5, Red Star Express Lines of Auburn, Inc., now being assigned hearing December 10, 1973 (1 week), at Syracuse, N.Y., in a hearing room to be later designated.

MC-C-8115, Liquid Transporters, Inc. and Robbins Truck Line, Inc.—Investigation of Operations and Revocation of Certificates—now being assigned hearing January 15, 1974 (1 day), at Louisville, Ky., in a hearing room to be later designated.

MC 116915 Sub 1, Eck Miller Transportation Corp., now being assigned hearing January 16, 1974 (3 days), at Louisville, Ky., in a hearing room to be later designated.

MC 13893 Sub 14, J. W. Ward Transfer, Inc., now being assigned hearing January 21, 1974 (1 week), at Louisville, Ky., in a hearing room to be later designated.

No. 35786, Feed Grains to New England, now assigned November 27, 1973, at Boston, Massachusetts, will be held in Room 1210, Saltonstall Bldg., 100 Cambridge Street.

Ex Parte No. 252 Sub 1, Incentive Per Diem Charges—1968, continued to October 24, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 119619 Sub 43, Distributors Service Co., now being assigned January 14, 1974 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 138780, Kankakee Automobile Leasing Co., now being assigned January 16, 1974 (3 days), at Chicago, Ill., in a hearing room to be later designated.

MC119619 Sub 43, Distributors Service Co., now being assigned January 21, 1974 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC-C-8132, Leonard Bros. Trucking Co., Inc.—Investigation and Revocation of Certificates—now assigned December 3, 1973, hearing will be held in Suite 121, Florida Public Service Commission, Kroger Executive Center Albany Building, 8400 N.W. 56th Street, Miami, Fla.

MC-C-8040, AG Carriers, Inc.—Investigation of Operations and Practices—now assigned December 5, 1973, hearing will be held in Suite 121, Florida Public Service Commission, Kroger Executive Center Albany Bldg., 8400 N.W. 56th Street, Miami, Fla.

MC-C-7777, Allied Van Lines, Inc.—Investigation and Revocation of Certificates—is continued to November 1, 1973 (1 day), at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 51146 Sub 309, Schneider Transport, Inc., now being assigned hearing December 3, 1973 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 107162 Sub 34, Noble Graham Transport, Inc., now being assigned hearing December 5, 1973 (3 days), at Chicago, Ill., in a hearing room to be later designated.

MC-F-11798, H & W Motor Express Company—Purchase—John Scachitti, and MC 69224 Sub 40, H & W Motor Express Company, now being assigned hearing December 10, 1973 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC-F-11890, Howard Sober, Inc.—Purchase (Portion)—Insured Transporters, Inc., now assigned October 23, 1973, at Washington, D.C., is postponed to November 29, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 105881 Sub 47, M. R. & R. Trucking Co., now being assigned hearing January 14, 1974 (1 week), at Atlanta, Ga., in a hearing room to be later designated.

MC 75320 Sub 162, Campbell Sixty-Six Express, Inc., now being assigned hearing January 21, 1974 (2 weeks), at Jackson, Miss., in a hearing room to be later designated.

MC 56679 Sub 66, Brown Transport Corp; MC 136155 Sub 2, Gay Trucking Co., Inc.; MC 136230, Interstate Warehousing Corporation; and MC 136285 Sub 3, Southern Intermodal Logistics, Inc., now assigned December 3, 1973, at Jacksonville, Fla., will be held at Jacksonville Hilton Hotel, 565 South Main Street instead of Room 765, 400 W. Bay Street.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.73-22725 Filed 10-24-73;8:45 am]

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[Ex Parte No. 241; Exemption No. 52]

## EXEMPTION UNDER PROVISIONS OF MANDATORY CAR SERVICE RULES

It appearing, that there is an emergency movement of military supplies from Bynum, Alabama, to Leland, North Carolina; that the originating carrier has insufficient system cars of suitable dimensions immediately available for loading with this traffic; that sufficient cars of other ownerships having suitable dimensions are available on the lines of the originating carrier and on its connections; and that compliance with Car Service Rules 1 and 2 would prevent the timely assembly and use of such cars.

*It is ordered*, That pursuant to the authority vested in me by Car Service Rule 19, the Car Service Division of the Association of American Railroads is authorized to direct the movement to the Southern Railway Company, the railroads designated by the Car Service Division are authorized to move to, and the Southern Railway Company is authorized to accept, assemble, and load not to exceed sixty-seven (67) empty cars with military supplies from Bynum, Alabama, to Leland, North Carolina, regardless of the provisions of Car Service Rules 1(b), 2(c), 2(d), or 2(e).

Effective October 16, 1973.

Expires October 26, 1973.

Issued at Washington, D.C., October 16, 1973.

INTERSTATE COMMERCE COMMISSION.
LEWIS R. TEEPLE,
*Agent.*

[FR Doc.73-22718 Filed 10-24-73;8:45 am]

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## FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 19, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before November 9, 1973.

FSA No. 42762—*Ethylene Glycol to Vee, Ohio.* Filed by Southwestern Freight Bureau, Agent (No. B-445), for interested rail carriers. Rates on ethylene glycol, in tank-car loads, from specified points in Louisiana and Texas, to Vee, Ohio.

Grounds for relief—Market competition.

Tariff—Supplement 28 to Southwestern Freight Bureau, Agent, tariff 12-H, I.C.C. No. 5043. Rates are published to become effective on November 19, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.73-22716 Filed 10-24-73;8:45 am]

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[Rev. S.O. 994; I.C.C. Order 111]

## LEMOILLE COUNTY RAILROAD, INC.

### Rerouting or Diversion of Traffic

In the opinion of Lewis R. Teeple, Agent, the Lamoille County Railroad, Inc. is unable to transport traffic over its line because of track damage.

*It is ordered*, That:

(a) *Rerouting traffic.* The Lamoille County Railroad, Inc., being unable to transport traffic over its line because of track damage, the connections of the Lamoille County Railroad, Inc. are hereby authorized to reroute or divert such traffic via any available route. Traffic necessarily diverted from junctions applicable via the Lamoille County Railroad, Inc. shall be rerouted so as to preserve the participation and revenues of other carriers provided in the original routing.

(b) *Non-application to embargoed traffic.* The provisions of this order shall not apply to traffic subject to an outstanding embargo ordered by the Interstate Commerce Commission.

(c) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(d) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(e) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(f) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Effective date.* This order shall become effective at 12:01 a.m., October 15, 1973.

(h) *Expiration date.* This order shall expire at 11:59 p.m., August 31, 1974, unless otherwise modified, changed, or suspended.

*It is further ordered*, That this order 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., October 15, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
*Agent.*

[FR Doc.73-22720 Filed 10-24-73;8:45 am]

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[Ex Parte No. MC-43]

## MAISLIN TRANSPORT CORP. ET AL.

### Lease and Interchange of Vehicles by Motor Carriers

*Order.* At a session of the Interstate Commerce Commission, Motor Carrier Leasing Board, held at its office in Washington, D.C. on the 9th day of October 1973.

It appearing, that a petition has been filed by Maislin Transport Ltd (MC-108006), Maislin Transport Corp. (MC-60580), Maislin Bros. Transport (U.S.) Ltd. (MC-30532) and H. P. Welch Co. (MC-68917), under common control, for waiver of paragraphs (a)(3) and (c) of § 1057.4 and paragraph (d) of § 1057.5 of the Lease and Interchange of Vehicles Regulations (49 CFR Part 1057) concerning equipment leased and interchanged between petitioners;

It further appearing, that petitioners have a complete, jointly administered safety program under a single department and apply the same standards of inspection and maintenance to equipment in accordance with the motor carrier safety regulations of the U.S. Department of Transportation;

It further appearing, that the U.S. Department of Transportation reports that the safety records of petitioners are in substantial compliance with the regulations governing motor carrier safety and hazardous materials and offers no objection to granting the petition;

*It is ordered*, That waiver of the requirements of paragraph (a)(3) and (c) of § 1057.4 as set forth in the first paragraph of this order be, and it is hereby granted, provided that the equipment is inspected on the day it is to be leased and found to meet the requirements of the motor carrier safety regulations of the U.S. Department of Transportation and that the petitioners remain in satisfactory compliance with those regulations and under common control;

*It is further ordered*, That the petition except to the extent granted above, be, and it is hereby denied because no further relief has been found to be justified.

By the Commission, Motor Carrier Leasing Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-22715 Filed 10-24-73;8:45 am]

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[No. 35908]

## OKLAHOMA INTRASTATE FREIGHT RATES AND CHARGES, 1973

*Order.* At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 16th day of October 1973.

By joint petition filed October 9, 1973, under the provisions of sections 13 and 15a(2) of the Interstate Commerce Act, petitioners, common carriers by railroad operating in the State of Oklahoma,[1] seek increases in their intrastate rates from and to points in Oklahoma corresponding to the permanent increases in interstate rates which were authorized in Ex Parte No. 281, "Increased Freight Rates and Charges, 1972," 341 I.C.C. 288 (decided September 27, 1972); the 3 percent interim increase authorized by order of August 2, 1973, in pending Ex Parte No. 295, "Increased Freight Rates and Charges, 1973, Nationwide"; and in the event the Oklahoma Corporation Commission fails to act on the petition filed by petitioners for intrastate increases to offset retirement tax increases within the statutory 60-day period to expire October 28, 1973, pursuant to the requirements of the Railroad Retirement Tax Act of 1973, the interim increase of 1.9 percent effective October 1, 1973 and 2.6 percent to become effective January 1, 1973, authorized in Ex Parte No. 299, "Increased Freight Rates and Charges to Offset Retirement Tax Increases—1973" (served September 13, 1973, not printed);

It appearing, that the said Oklahoma Corporation Commission denied petitioners' application for increases in their intrastate rates corresponding to the Ex Parte No. 281 interstate increases by Order No. 99695 dated September 6, 1973; that by tariff supplement filed to become effective October 28, 1973, petitioners sought approval by the Oklahoma Commission of an intrastate increase corresponding to the interim interstate increase authorized in Ex Parte No. 295, upon which filing no action has been taken; and that by petition filed August 29, 1973, petitioners also sought approval of intrastate rate increases corresponding to the interim increases authorized by Ex Parte No. 299 to offset retirement tax increases, upon which no action has been taken;

It further appearing, that, according, to petitioners, the revenue need shown by the carriers in Ex Parte Nos. 281 and 295 exists nationwide in connection with both interstate and intrastate traffic; that interstate and intrastate traffic are generally commingled and handled in the same trains moving from, to, and between points in Oklahoma; that the cost of intrastate operations within Oklahoma is as great as the cost of interstate operations therein; and that transportation conditions surrounding Oklahoma intrastate movements are no more favorable than those surrounding the movement of interstate traffic;

It further appearing, that petitioners allege that the rates and charges on intrastate traffic in Oklahoma fail to produce sufficient revenue for operation and maintenance of an adequate transportation service at the lowest cost consistent with furnishing such service under honest, economical and efficient management; and fail to yield a fair return on the value of petitioners' property, resulting in substantial revenue losses;

It further appearing, that petitioners allege that since the sought increases have already been found reasonable for application on interstate traffic, they are necessary also for application on intrastate traffic to eliminate existing undue and unreasonable advantage and prejudice as between persons and localities in intrastate commerce and those in interstate commerce and to remove the unjust and unreasonably low level of the intrastate rates in consideration of the services performed; and that so long as the intrastate traffic fails to bear the sought increases, such failure causes undue, unreasonable, or unjust discrimination against or undue burden on interstate or foreign commerce;

And it further appearing, that for the reason heretofore given, the request to increase the intrastate rates to the Ex Parte No. 299 level of interstate rates is premature, and accordingly, there have been brought in issue by the said petition matters sufficient to require an investigation into the lawfulness of intrastate rates and charges made or imposed by the State of Oklahoma solely to the extent that they do not reflect the permanent increases authorized in Ex Parte No. 281 and the interim increase authorized in Ex Parte No. 295;

Wherefore, and good cause appearing therefor:

*It is ordered*, That the petition be, and it is hereby, partially granted, and that an investigation be, and it is hereby, instituted under sections 13 and 15a of the Interstate Commerce Act solely to determine whether the said rates and charges of carriers by railroad or any of them, operating in the State of Oklahoma cause or will cause, by reason of the failure of such rates and charges to include the permanent increases authorized in Ex Parte No. 281 and the interim increase authorized in Ex Parte No. 295, any undue or unreasonable advantage, preference or prejudice as between persons or locations in intrastate commerce, on the one hand, and those in interstate or foreign commerce, on the other, or any unjust discrimination against or undue burden on interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, discrimination, or undue burden, if any, that may be found to exist; and the said petition be, and it is hereby denied in all other respects.

*It is further ordered*, That all carriers by railroad operating within the State of Oklahoma subject to the jurisdiction of this Commission be, and they are hereby, made respondents in this proceeding.

*It is further ordered*, That all persons who wish actively to participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, in writing on or before November 12, 1973. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. The Commission desires participation only of those who intend to take an active part in the proceeding.

[1] The Arkansas Western Railway Company; The Atchison, Topeka and Santa Fe Railway Company; Beaver, Meade and Englewood Railroad Company; Chicago, Rock Island and Pacific Railroad Company; Fort Smith and Van Buren Railway Company; Hollis & Eastern Railroad Company; The Kansas City Southern Railway Company; Missouri-Kansas-Texas Railroad Company; Missouri Pacific Railroad Company; St. Louis-San Francisco Railway Company; Sand Springs Railway Company; Texas, Oklahoma & Eastern Railroad Company; The Texas and Pacific Railway Company; and Tulsa-Sapulpa Union Railway Company.

*It is further ordered*, That as soon as practicable after the date for indicating a desire to participate in the proceeding has passed, the Commission will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made.

*It is further ordered*, That a copy of this order be served upon each of the said petitioners; that the State of Oklahoma be notified of the proceeding by sending copies of this order and of said petition by certified mail to the Governor of Oklahoma and to the Oklahoma Corporation Commission, Oklahoma City, Okla.; and that further notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication therein.

*And it is further ordered*, That this proceeding be assigned for hearing as may hereafter be designated.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.73-22719 Filed 10-24-73;8:45 am]

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[Rev. S.O. 994; I.C.C. Order 79-A]

## ST. JOHNSBURY & LAMOILLE COUNTY RAILROAD

### Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 79 (St. Johnsbury & Lamoille County Railroad) and good cause appearing therefor:

*It is ordered*, That:

I.C.C. Order No. 79, be, and it is hereby, vacated and set aside.

*It is further ordered*, That this order 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., October 15, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
*Agent.*

[FR Doc.73-22717 Filed 10-24-73;8:45 am]

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[Notice 24]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 19, 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 Commission'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 the use 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 on or before November 26, 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-109736 (Deviation No. 8), CAPITOL BUS COMPANY, 1061 S. Cameron Street, Harrisburg, Pa. 17104, filed October 9, 1973. Carrier's representative: S. Berne Smith, P.O. Box 1166, Harrisburg, Pa. 17108. 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 follow: (1) from Harrisburg, Pa., over Interstate Highway 83 to junction Interstate Highway 283, thence over Interstate Highway 283 to junction Pennsylvania Highway 283, thence over Pennsylvania Highway 283 to junction Pennsylvania Highway 230, with the following access routes: (a) from Highspire, Pa., over unnumbered highway (Eisenhower Boulevard) to junction Interstate Highway 283, and (b) from Middletown, Pa., over unnumbered highway to junction Pennsylvania Highway 283 north of Middletown, and (2) from junction Pennsylvania Highway 283 and Pennsylvania Highway 72 over Pennsylvania Highway 72 to Lancaster, Pa., 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 Harrisburg, Pa., over U.S. Highway 230 to junction U.S. Highway 222, thence over U.S. Highway 222 to Lancaster, Pa., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.73-22722 Filed 10-24-73;8:45 am]

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[Notice 33]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 19, 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 Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use 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 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before November 26, 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 PROPERTY

No. MC-2202 (Deviation No. 121), ROADWAY EXPRESS, INC., P.O. Box 471, Akron, Ohio 44309, filed October 15, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Round Rock, Tex., over U.S. Highway 79 to Greenwood, La., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Round Rock, Tex., over U.S. Highway 81 to Hillsboro, Tex., thence over U.S. Highway 77 to Dallas, Tex., thence over U.S. Highway 80 to Greenwood, La., and return over the same route.

No. MC-29910 (Deviation No. 28), ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 S. 11th Street, Fort Smith, Arkansas 72901, filed October 12, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From St. Louis, Mo., over U.S. Highway 67 to Little Rock, Ark., thence over Interstate Highway 30 to junction U.S. Highway 59 near Texarkana, Ark., thence over U.S. Highway 59 to junction Texas Highway 43 near Marshall, Tex., thence over Texas Highway 43 to junction U.S. Highway 79 near Henderson, Tex., thence over U.S. Highway 79 to junction Interstate Highway 35 near Round Rock, Tex., thence over Interstate Highway 35 to San Antonio, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From St. Louis, Mo., over U.S. Highway 66 to Vinita, Okla., thence over U.S. Highway

69 to junction U.S. Highway 75, thence over U.S. Highway 75 to Dallas, Tex., and (2) From Dallas, Tex., over Texas Highway 342 to junction U.S. Highway 77, thence over U.S. Highway 77 to Waco, Tex., thence over U.S. Highway 81 to San Antonio, Tex., and return over the same routes. The service authorized is restricted to traffic moving between San Antonio, Waco, Austin, Houston, and Forth Worth, Tex., on the one hand, and, on the other, St. Louis, Mo., and specified points in Indiana, Illinois, and Ohio.

No. MC-59583 (Deviation No. 46), THE MASON AND DIXON LINES, INC., P.O. Box 969, Kingsport, Tennessee 37662, filed October 11, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Shamokin Dam, Pa., over U.S. Highway 15 to Springwater, N.Y., thence over New York Highway 15A to Rochester, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From Bristol, Tenn., over U.S. Highway 11 to Harrisburg, Pa., thence over U.S. Highway 22 to junction New Jersey Highway 28, thence over New Jersey Highway 28 to junction New Jersey Highway 439, thence over New Jersey Highway 439 to New York, N.Y., serving all intermediate points and the off-route points of Gate City, Glasgow, Shenandoah, and Front Royal, Va., High Bridge, N.J., and points in Hudson, Essex, Bergen, Passaic, Union, and Middlesex Counties, N.J., and points in the New York, N.Y., Commercial Zone, (2) from Harrisburg, Pa., over Pennsylvania Highway 147 to Clarks Ferry, Pa., thence a cross the Susquehanna River to Juniata Bridge, thence over U.S. Highway 11 to Scranton, Pa., thence over U.S. Highway 611 to Philadelphia, Pa., serving all intermediate points, (3) from Binghamton, N.Y., over U.S. Highway 11 via Clarks Summit and West Pittston, Pa., to Kingston, Pa., thence over Pennsylvania Highway 115 to Wilkes-Barre, Pa., serving the intermediate and off-route points of Hop Bottom, Nicholson, Clarks Summit, Scranton, Pittston, Kingston, Tunkannack, Plymouth, Old Forge, Luzerne, Manticoke, and Dunmore, Pa., and those in Dickinson and Fenton Townships, Broome County, N.Y., and (4) from Buffalo, N.Y., over New York Highway 33 to Rochester, N.Y., thence over New York Highway 96 to junction New York Highway 332, thence over New York Highway 332 to Canandaigua, N.Y., thence over U.S. Highway 20 to Geneva, N.Y., thence over New York Highway 96A to Ovid, N.Y., thence over New York Highway 96 to Owego, N.Y., thence over New York Highway 17 to Binghamton, N.Y., serving the intermediate and off-route points of Elmira, and Oswego, Batavia, Rochester, Canandaigua, Geneva, Ithaca, Niagara Falls, Tonawanda, North Tonawanda, and North Collins, N.Y., those in Dickinson and Fenton Townships, Broome County, N.Y., and all intermediate points between Ithaca and Binghamton, N.Y., and return over the same routes.

No. MC-75320 (Deviation No. 42), CAMPBELL "66" EXPRESS, INC., P.O. Box 807, Springfield, Missouri 65801, filed October 5, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over Interstate Highway 35 to junction U.S. Highway 36, thence over U.S. Highway 36 to Springfield, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Springfield, Ill., over U.S. Highway 66 to St. Louis, Mo. (or its commercial zone), thence over U.S. Highway 40 to junction Missouri Highway 13, thence over Missouri Highway 13 to Warrensburg, Mo., thence over U.S. Highway 50 to Kansas City, Mo., and return over the same route.

No. MC-75320 (Deviation No. 43), CAMPBELL "66" EXPRESS, INC., P.O. Box 807, Springfield, Missouri 65801, filed October 9, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Jefferson City, Mo., over U.S. Highway 54 to junction U.S. Highway 36, thence over U.S. Highway 36 to Springfield, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Springfield, Ill., over U.S. Highway 66 to St. Louis, Mo. (or its commercial zone), thence over U.S. Highway 50 to Jefferson City, Mo., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.73-22723 Filed 10-24-73;8:45 am]

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[Notice 83]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 19, 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 113545 (Sub-No. 7) (REPUBLICATION), of petition filed March 1, 1973, published in the FEDERAL REGISTER issue of March 21, 1973, and republished this issue. Applicant: CORMETT FORWARDING CO., INC., 19th Street and Park Avenue, P.O. Box 3057, Weehawken Branch, Union City, N.J. 07087. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. An Order of the Commission, Review Board Number 2, dated September 25, 1973, and served October 12, 1973, finds that modification of Permit No. MC-113545 (Sub-No. 7), issued January 15, 1968, is required (1) to authorize petitioner to provide service under a continuing contract or contracts with New England Nuclear Corporation, of North Billerica, Mass., and (2) to delete the figure and word "10 pounds" from where they appear in said permit and in lieu thereof substitute the figure and word "40 pounds"; such that service is authorized for operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *radiopharmaceuticals, and medical isotopes*, from Newark Airport in Newark, N.J., and La Guardia and Kennedy Airports in New York, N.Y., to points in Bergen, Passaic, Sussex, Warrent, Morris, Essex, Hudson, Union, Middlesex, Somerset, Hunterdon, Mercer, Monmouth, and Ocean Counties, N.J., New York, N.Y., and points in Nassau, Suffolk, Westchester, Rockland, Orange, Ulster, Sullivan, Putnam, and Dutchess Counties, N.Y., and Fairfield County, Conn., restricted to the transportation of traffic having an immediately prior movement by air and restricted against the transportation of packages or articles weighing in the aggregate more than 40 pounds from one consignor to one consignee on any one day, under a continuing contract or contracts with Abbott Laboratories, of North Chicago, Ill., and New England Nuclear Corporation, of North Billerica, Mass.; this permit should have no further force and effect after January 15, 1978; that the operations conducted under the modified permit 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 with-

held for a period of 30 days from the date of this publication of the authority actually granted, 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 138656 (REPUBLICATION), filed April 12, 1973, published in the FEDERAL REGISTER issue of June 21, 1973, and republished this issue. Applicant: WTB TRUCKING, 3775 North Thirty-Sixth Avenue, Phoenix, Ariz. 85019. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. An Order of the Commission, Operating Rights Board, dated September 25, 1973, and served October 3, 1973, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *insulating materials*, (1) between points in Arizona and Nevada; and (2) from points in California to points in Arizona and Nevada, under a continuing contract or contracts with Williams Insulation Co., Inc., of Phoenix, Ariz., and its subsidiaries, 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 on or before November 26, 1973 of the authority actually granted, 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 107654 (Notice of filing of petition for modification of permit), filed October 1, 1973. Petitioner: GLENN E. TRIPP, doing business as SPECIAL SERVICE, 760 Lindenwood Lane, Medina, Ohio 44256. Petitioner's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Petitioner presently holds a motor *contract carrier* permit in No. MC 107654 issued May 20, 1947, authorizing as pertinent, transportation, by motor vehicle, over irregular routes, of *Matches*, from Wadsworth, Ohio, to Buffalo, Dunkirk, Niagara Falls, and Jamestown, N.Y., and Erie, Oil City, Sharon, and Warren, Pa., with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with Ohio Match Company. By the instant petition, petitioner seeks to extend the above described authority to include the transportation of *Matches*, from Wadsworth, Ohio, to points in Pennsylvania, Maryland, New Jersey, New York, and Connecticut, limited to a transportation service to be performed under a continuing contract or contracts with Ohio Match Company. 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 on or before November 26, 1973 in the FEDERAL REGISTER.

No. MC 126162 (notice of filing of petition for removal of restrictions), filed October 4, 1973. Petitioner: HUFFORD & SONS, INC., Box 335, Goshen, Ind. 46526. Petitioner's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Petitioner presently holds a motor *contract carrier* permit in No. MC 126162 issued June 14, 1971, authorizing transportation, over irregular routes, of *Fertilizer and fertilizer materials*, dry, in bags, and in bulk (except in dump vehicles), (a) from Indianapolis, Ind., to points in that part of Illinois south of U.S. Highway 40, Kentucky, in the Lower Peninsula of Michigan, and points in Ohio (except Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne Counties); and (b) from Streator, Ill., to points in Indiana, and *Shipments on return for reprocessing*, from the respective above-described destination points to their respective origin points. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Smith-Douglas Company, Incorporated. By the instant petition, petitioner seeks removal of the restriction, (except in dump vehicles) and also the term, "in bags, and in bulk". The commodity would read: "Dry fertilizer and dry fertilizer mateirals." 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 on or before November 26, 1973 in the FEDERAL REGISTER.

No. MC 129863 (Sub-No. 5) (notice of filing of petition for modification of permit), filed September 24, 1973. Petitioner: FREDERICK L. BULTMAN, INC., 11144 West Silver Spring Drive, Milwaukee, Wis. 53225. Petitioner's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Petitioner presently holds a motor *contract carrier* permit in No. MC 129863 (Sub-No. 5) issued June 29, 1970, authorizing transportation, over irregular routes, of *Carpets, carpet cushions, unfinished carpet and industrial textile products, and materials* used in the manufacture of carpets and carpet cushions, between Milwaukee, Wis., on the one hand, and, on the other, the plantsites and warehouse facilities of the Ozite Corporation at Libertyville, Ill., under a continuing contract or contracts with Ozite Corporation. By the instant petition, petitioner seeks to modify its permit by substituting "Lake County, Ill.," in lieu of Libertyville, Ill., as a destination point in 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 on or before November 26, 1973 in the FEDERAL REGISTER.

No. MC 134454 (Sub-No. 1) (notice of filing of petition for modification of permit), filed September 7, 1973. Petitioner: PRICE DELIVERY SERVICE, INC., 367 West 2d Street, Dayton, Ohio 45401. Petitioner's representative: Paul F. Beery, 88 East Broad Street, Suite 1660, Columbus, Ohio 43215. Petitioner presently holds a *contract carrier* certificate in (No. MC–134454 Sub-No. 1) issued May 7, 1971, authorizing transportation, by motor vehicle, over irregular routes, of *Concrete products* (except commodities in bulk), *pipe fittings, and materials, and supplies* incidental to the manufacture of concrete products (except commodities in bulk), between the plantsites of Price Brothers Company in Montgomery, Wyandot, Franklin, Muskingum, Lorain, Stark, and Portage Counties, Ohio, on the one hand, and, on the other St. Louis, Mo., and points in Indiana, Kentucky, Pennsylvania, New York, West Virginia, and Michigan. By the instant petition, petitioner seeks to add a territorial description to the above authority: Between points on and east of a line beginning at the international boundary line between the United States and the Republic of Mexico; thence north on Interstate Highway 25 (near El Paso), to the intersection of Interstate Highway 25 and Interstate Highway 80; thence east along Interstate Highway 80 to the intersection of Interstate Highway 80 and Interstate Highway 29; thence north on Interstate Highway 29 to the international boundary line between the United States and Canada, restricted to the transportation of shipments having an immediately prior or subsequent movement by water or rail, and limited to a transportation service to be performed under a continuing contract or contracts with Price Brothers Company of Dayton, Ohio. 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 on or before November 26, 1973 in the FEDERAL REGISTER.

APPLICATION(S) 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 99565 (Sub-No. 11), filed September 5, 1973. Applicant: FORE WAY EXPRESS, INC., 204 South Bellis Street, Wausau, Wis. 54401. Applicant's representative: Francis W. McInerny, 1000 Sixteenth Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, description of the transportation service authorized to be conducted solely within the State of Wisconsin in the area as described below: 41 between Milwaukee and 45 north of Oshkosh, 175

between Oshkosh and Fond du Lac, 45 between No. Jct. with 145 and Antigo, 145 between No. Jct. with 45 and Milwaukee, 76 between Appleton and southern Jct. with 45 and between No. Jct. with 45 and Bear Creek, 16 between the city of Milwaukee and the west boundary of Milwaukee County, 74 between Menomonee Falls and 164 164, between 74 and Waukesha, 18 between Milwaukee and Waukesha, 156 between Shawano County W and Clintonville, 47 between Shawano and 45, 29 between Green Bay and Wausau, 52 between Wausau and 45, 22 between Clintonville and Shawano, 55 between Fond du Lac and Kaukauna, 151 between Manitowoc and 55, 10 between Appleton and Manitowoc, 148 between 151 and Manitowoc County JJ, 32 between Howards Grove and Reedsville, 114 between Brillion and Menasha, 23 between Plymouth and Sheboygan Falls, 28 between Sheboygan Falls and Sheboygan, 96 between 47 and Eaukauna, 47 between Meenah and 96, 42 between Sheboygan and Howards Grove, 149 between Kiel and Calumet County H. Washington County Y between 175 and 145, Waupaca County F and G between Marion and Big Falls, Shawano County Z between Aniwa and Matoon, Town Roads between Elmhurst and junction with 45, Shawano County M between its junction with 45 and Shawano, Shawano County U between its junction with 29 and Gresham, Langlade County S and Langlade, Shawano, and Waupaca County D between Phlox and Clintonville, Shawno County W between Pittsfield and its junction with 156, Town road between its junction with 29 and Leopolis, Town road between its junction with 29 and Shawano County G, Langlade County D between its northern junction with 47 and its junction with Langlade County S near Phlox, Shawano County G between its junctions with 45 and 47, Shawano County A between Bowler and its junction with Shawano County G, and between its junctions with Shawano County U and 47, Unnamed county and town road between 10 and Dundas, Manitowoc County JJ between 148 and Collins, Calumet County H between St. Anna and New Holstein, Waupaca County Truck C between Clintonville and Big Falls, 144 between 45 and Neenah, and 150 between 45 and Menasha. Service is authorized between the above terminal points and intermediate points subject to the following restrictions: (1) No local single-line service between Milwaukee, Oskosh, and intermediate points; (2) no local single-line service between Schofield and Wausau on highway 29, between Green Bay and Shawano or intermediate points on highway 29, or between Green Bay and Clintonville or intermediate points on highways 29, 156, and Shawano County W; (3) no local single-line service between Wausau and Schofield, on the one hand, and Milwaukee, Oshkosh and intermediate points, on the other hand; (4) no local single-line service between Antigo, on the one hand, and, on the other hand, Oshkosh and points intermediate to Oshkosh and Milwaukee; (5) no local single-line service between Marion and points intermediate to Marion and Oshkosh, on the one hand, and, on the other hand, points south of Oshkosh except Fond du Lac, West Bend, and Milwaukee; (6) no local single-line service between Green Bay, on the one hand, and, on the other hand, Bear Creek, Bear Creek Corners, Sugar Bush, New London, and Hortonville; (7) no local single-line service between Green Bay, and points intermediate to Green Bay and Shawano on highway 29 and points intermediate to Green Bay and Clintonville on highways 29, 156, and Shawano County W, on the one hand, and Milwaukee and points intermediate to Milwaukee and Greenville on highways 45, 145, and 76, on the other hand; (8) no local intrastate service between the junction of highways 114 and 57 and Kohler, or any point intermediate to said junction and Kohler; (9) no local intrastate service between Sheboygan, on the one hand, and, on the other hand, the following points: (a) Chilton and (b) Any point intermediate to Chilton and Sheboygan except points on highway 57 south of Kiel and north of Plymouth; (10) no local intrastate service between: (a) Forest Junction; (b) Reedsville; (c) Points on highway 10 intermediate to Forest Junction and Reedsville; (d) Hilbert; and (e) Points on highway 114 intermediate to Brillion and Hilbert, on the one hand, and, on the other hand, any points on said route on highways 57, 23, or 28 south of the junction of highways 114 and 57 and west of Sheboygan; (11) service authorized to Dundee is to be rendered only between railroad depots, with no pickup and delivery service for consignors or consignees, the movement to be made wholly upon railroad bill of lading; (12) no service may be performed at points on 42 or 32 at points intermediate to Sheboygan and Kiel or intermediate to Kiel and 151; (13) local single-line service to or from Waukesha is limited to transportation of internal combustion engines, accessory parts for said engines, and crates used for such transportation originating at or destined to Clintonville; and (14) no intrastate service will be performed at points located on the following routes: 41 intermediate to Milwaukee and Fond du Lac, 22 intermediate to Clintonville and Shawano, 151 intermediate to 55 and Chilton, 42 and 32 intermediate to Sheboygan and Kiel, 32 intermediate to Kiel and 151, 74 between Menomonee Falls and 164, 164 intermediate to Waukesha and 74, 18 intermediate to Waukesha and Milwaukee Washington County Y between 41 and 145, 52 intermediate to Wausau and 45 Waupaca County C intermediate to Clintonville and Big Falls, 114 intermediate to junction 45 and Neenah, and 150 intermediate to junction 45 and Menasha.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. Applicant seeks by this application to convert its Certificate of Registration in MC 99565 (Sub-No. 4) into a Certificate of Public Convenience and Necessity. This is a matter directly related to the Section 5 purchase proceeding in No. MC-F-11984, published in the FEDERAL REGISTER issue of September 19, 1973. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112713 (Sub-No. 155), filed September 18, 1973. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: Allan Zuckerman, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (A) REGULAR ROUTE: Between Athlone and Chico, Calif.: From Athlone over California Highway 99 to Chico, and return over the same route, serving all intermediate points, and the off-route points in Butte, Contra Costa, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter, Yolo, and Yuba Counties, Calif.; and (B) IRREGULAR ROUTES: between points in the San Francisco Territory hereinafter described, on the one hand, and, on the other, points in the counties described above: The San Francisco Territory includes all the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of pralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose

and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to the point of beginning.

NOTE.—Applicant states that the requested authority can be tacked at points in the Oakland, California, Commercial Zone, and the above-named points in California to provide a through service from and to points in Illinois, Kansas, Oklahoma, Texas, Missouri, Indiana, Kentucky, Michigan, Ohio, Nebraska, Georgia, Arizona, New Mexico, Minnesota, South Carolina, Colorado, California, Tennessee, Wyoming, South Dakota, Utah, Pennsylvania, Maryland, Virginia, Alabama, Delaware, New Jersey, New York, and Massachusetts. This is a matter directly related to the Section 5 purchase proceeding in MC-F 11992, published in the FEDERAL REGISTER issue of September 26, 1973. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

## 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

No. MC-F-12002. CALHOUN LEMON, P.O. Box 385, Barnwell, SC 29812, ARDEN A. LEMON, 2019 Elgin St., Charleston, SC 29403, X. O. BUNCH, JR., P.O. Box 10207, Charleston, SC 29411, and CHARLES G. PEACE, P.O. Box 638, Holly Hill, SC 29059, to continue in control of CEMENT TRANSPORT, INC., P.O. Box 10207, Charleston, SC 29411, upon issuance of authority in No. MC-138646. The section 5 application will be handled as a matter directly related to and subordinate to the application in No. MC-138646. Parties in control of CEMENT TRANSPORT, INC., presently control CALHOUN LEMON, X. O. BUNCH, JR., ARDEN A. LEMON, AND CHARLES G. PEACE. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12014. Authority sought for control and merger by B.T.L., INC., doing business as BURNS TRUCK LINE, 631 Santa Fe, Kansas City, Mo. 64101, of the operating rights and property of CRETE-WILBER FREIGHT, INC., Highway 33 West, Crete, NE 68333, and for acquisition by WILLIAM J. BURNS, also of Kansas City, Mo. 64101, of control of such rights and property through the transaction. Applicants' attorneys: Marion F. Jones and Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Operating rights sought to be controlled and merged: General commodities, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Wilber, Nebr., and Omaha, Nebr., serving the intermediate points of Crete and Lincoln, Nebr., and serving the off-route points of Clatonia, De Witt, Roca, Martell, Sprague, Hallam, Denton, and Kramer, Nebr., and Council Bluffs, Iowa. B.T.L., INC., doing business as BURNS TRUCK LINE, is authorized to operate as a *common carrier*, in Missouri and Nebraska. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12015. Authority sought for control and merger by ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo. 80216, of the operating rights and property of SOUTHERN EXPRESS COMPANY, 3333 South Cicero Avenue, Cicero, Ill. 60650, and for acquisition by FRONTIER, INC., ICX INDUSTRIES, INC., also of Denver, Colo. 80216, and CERRO MOTOR EXPRESS CORPORATION, and CERRO CORPORATION, both of 300 Park Avenue, New York, N.Y. 10022, of control of such rights and property through the transaction. Applicant's attorneys: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603, Morris Cobb, P.O. Box 9050, Amarillo, Tex. 79150, and William P. O'Keefe, Jr., 122 South Michigan Avenue, Chicago, Ill. 60603. Operating rights sought to be controlled and merged: General commodities, with exceptions, as a *common carrier* over regular routes, between Hammond, Ind., and the junction of U.S. Highway 6 and Indiana Highway 152, serving no intermediate points, between Chicago, Ill., and Youngstown, Ohio, serving various intermediate and off-route points, between points in Ohio, serving no intermediate points; over one alternate route for operating convenience only; *iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except those requiring special equipment, serving Portage, Ind., as an off-route point in connection with carrier's regular route operations between Chicago and points in Illinois and Ohio; *iron and steel articles*, over irregular routes, from the plantsite of Jones & Laughlin Steel Corporation, located in Putnam County, Ill., to points in Indiana and Ohio; *materials, equipment, and supplies* used in the manufacture and processing of iron and steel articles, from points in Indiana and Ohio, to the plantsite of Jones & Laughlin Steel Corporation, located in Putnam County, Ill., with restriction. ILLINOIS-CALIFORNIA EXPRESS, INC., is authorized to operate as a *common carrier* in Illinois, California, Wyoming, Colorado, Arizona, New Mexico, Iowa, Kansas, Nebraska, Missouri, Texas, and Utah. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12016. Authority sought for purchase by NEW ENGLAND MOTOR FREIGHT, INC., 520 Main Street, Wallington, N.J. 07057, of the operating rights of GLENN J. SCHMIDT, Box 81, Callicoon Center, N.Y. 12724, and for acquisition by MORRIS FRIEDMAN, DAVID GOLDMAN, AND JACOB GOLDMAN, also of Wallington, N.J. 07057, of control of such rights through the purchase. Applicants' attorney: Morton E. Kiel, Suite 6193, 5 World Trade Center, N.Y. 10048. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Mileses, and New York, N.Y., between Callicoon, N.Y., and Damascus, Pa., serving all intermediate points; *eggs and agricultural commodities*, between Sellyville, and Beach Lake, Pa., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, New Jersey, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

### PROPOSED NOTICE OF FILING

Notice is hereby given of the filing by Weyerhaeuser Company of an application to acquire control of the Curtis, Milburn, and Eastern Railroad Company through ownership of the stock of the said corporation, in Finance Docket No. 27499.

1. Applicant is Weyerhaeuser Company, Tacoma, Washington 98401.

Applicant's attorneys are:

Robert M. Dowdy
Weyerhaeuser Company
Tacoma, Washington 98401
and
Charles J. McCarthy
Belnap, McCarthy, Spencer, Sweeney & Harkaway
1750 Pennsylvania Avenue NW.
Washington, D.C. 20006

2. The proposed transaction is the acquisition of control of the Curtis, Milburn, and Eastern Railroad Company, a newly organized corporation chartered under the laws of the State of Washington for the purpose of engaging in transportation as a common carrier by railroad in interstate commerce, through acquisition of the shares of such corporation.

3. (a) The Curtis, Milburn, and Eastern Railroad has applied to the Interstate Commerce Commission for a certificate of convenience and necessity authorizing the acquisition and operation of a line of railroad extending approximately 10 miles from Curtis, Washington to a point of connection with the Chicago, Milwaukee, St. Paul & Pacific Railroad at Chehalis, Washington.

(b) Weyerhaeuser Company, a certified common carrier subject to Part III of the Interstate Commerce Act, serves ports in Washington, California, Oregon, Rhode Island, New York, New Jersey, and Maryland. It also controls, through stock ownership, the Columbia & Cowlitz Railway Company, which operates in Washington; the DeQueen and Eastern Railroad Company, which operates in Arkansas and Texas; the Texas, Oklahoma, and Eastern Railroad Company, which operates in Oklahoma; and the Mississippi and Skuna Valley Railroad Company, which operates in Mississippi.

In the opinion of the applicant, the acquisition of control of the Curtis, Milburn, and Eastern Railroad Company by Weyerhaeuser will have no effect on the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

NOTICE

Finance Docket No. 27504 filed October 10, 1973.

Applicants: Texas Gas Transmission Corporation, P.O. Box 1160, Owensboro, Kentucky 42301; American Commercial Lines, Inc., P.O. Box 13244, Houston, Texas 77019; American Commercial Barge Line Company, P.O. Box 610, Jeffersonville, Indiana 47130. Applicant's representative: Paul M. Donovan, 743 Investment Building, Washington, D.C. 20005. Applicants seek authority to merge the properties and franchises of Coyle Lines Incorporated, and American Commercial Barge Line Company, both common carirers by water subject to Part III of the Interstate Commerce Act. American Commercial Barge Line Company presently conducts operations under the Act on the Mississippi River System including the Mississippi, Illinois, Ohio, Arkansas, Cumberland, Tennessee, Missouri Rivers, and various of their tributaries. Coyle Lines Incorporated, presently conducts operations under the Act on the Gulf Intracoastal Waterway and its tributary waterways. No change in operations is contemplated as a result of the proposed transaction. No application for temporary authority under Section 311(b) has been filed in connection with this transaction. In the opinion of the applicant the granting of this application will have no effect upon the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-22724 Filed 10-24-73;8:45 am]

[Notice 377]

## 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 November 14, 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–74596. By supplemental order of October 16, 1973, the Motor Carrier Board approved the transfer to Cohey Trucking Company, a corporation, Baltimore, Md., of that portion of the operating rights in Certificate No. MC–73587 issued January 2, 1968, to Elliott Brothers Trucking Company, Inc., Easton, Md., authorizing the transportation of *general commodities*, except classes A and B explosives other than small arms ammunition, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Maryland (except Baltimore) on U.S. Highway 1 (between the Maryland-Pennsylvania State line and Baltimore), on the one hand, and, on the other, points in that part of Pennsylvania bounded by a line beginning at Philadelphia and extending along U.S. Highway 611 to Easton, thence along a line extending from Easton through Albany to Pine Grove, thence along a line extending from Pine Grove through Linglestown to Harrisburg, thence along U.S. Highway 230 to Lancaster, thence along U.S. Highway 30 to point of beginning, also those in that part of Pennsylvania on and south of U.S. Highway 1 between Philadelphia and Morrisville, including points on the indicated portions of the highways specified. John R. Sims, Jr., Suite 600, 1707 H Street NW., Washington, D.C. 20006, attorney for applicants.

No. MC–FC–74670. By order entered October 17, 1973, the Motor Carrier Board approved the transfer to Hillyer Trucking, Inc., Burlington, Iowa, of the operating rights set forth in Permit No. MC–126391, issued August 25, 1965, to Aimon Hillyer, Burlington, Iowa, authorizing the transportation of malt beverages, from Omaha, Nebr., and St. Paul, Minn., to Burlington, Iowa, limited to a transportation service to be performed under a continuing contract, or contracts, with Harry S. Flodin Company, Inc., of Burlington, Iowa. Thomas J. Dailey, First National Bldg., P.O. Box 517, Burlington, Iowa 52601.

No. MC–FC–74741. By order of October 17, 1973, the Motor Carrier Board approved the transfer to Andy's Rapid Transportation, Inc., 42 Estes Lane, Fall River, Mass., of Certificate of Registration No. MC–97518 (Sub-No. 2), issued to Charles Andrade, Doing Business As Andy's Rapid Transportation, Fall River, Mass., evidencing the right of the holder to engage in interstate or foreign commerce, between points in Massachusetts, transporting general commodities.

No. MC–FC–74751. By order of October 16, 1973, the Motor Carrier Board approved the transfer to Lake Geneva Warehouse and Transfer Company, Inc., Lake Geneva, Wis., of the operating rights in Certificate No. MC–117402 issued September 5, 1972 to Arthur George Forbeck and Jennifer K. Forbeck, a partnership, doing business as Whitewater Transfer Company, Lake Geneva, Wis., authorizing the transportation of various commodities between a described area in Wisconsin, on the one hand, and, on the other, a described area in Illinois. Allan C. Zuckerman, 39 South La Salle Street, Chicago, Ill., 60603, attorney for applicants.

No. MC–FC–74752. By order of October 16, 1973, the Motor Carrier Board

approved the transfer to Lake Geneva Warehouse and Transfer Company, Inc., Lake Geneva, Wis., of the operating rights in Certificate No. MC-79498 issued September 5, 1972 to Anthony George Forbeck, doing business as Lake Geneva Warehouse & Transfer Company, Lake Geneva, Wis., authorizing the transportation of household goods between Lake Geneva, Wis. and points in Wisconsin within 25 miles thereof, on the one hand, and, on the other, points in Illinois. Allan C. Zuckerman, 39 South La Salle Street, Chicago, Ill., 60603, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.73-22726 Filed 10-24-73;8:45 am]

[Notice 378]

## MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 19, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC-FC-35455. Prior FEDERAL REGISTER publication of October 1, 1973, page 27249, stated LESSEE as R. C. MOTOR VAN LINES, INC. This is incorrect. The correct name of LESSEE is R. C. VAN LINES, INC. Correct Notice is R. C. VAN LINES, INC. — LESSEE — TRANSWORLD MOVERS, INC.—LESSOR—.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.73-22727 Filed 10-24-73;8:45 am]

## NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 19, 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 § 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.

Tennessee Docket No. MC-4479 (Sub-No. 13), filed September 20, 1973. Applicant: KNOXVILLE-MARYVILLE MOTOR EXPRESS, INC., P.O. Box 4006, 2335 Texas Avenue NE., Knoxville, Tenn. 37921. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General property*, except used household goods, liquid commodities in bulk, fly ash, dry cement, and dry fertilizer in bulk, and dry acids and dry chemicals in bulk over the following route and to be tacked to and used with all applicant's other authority: Between Loudon, Tenn., and Sweetwater, Tenn., over U.S. Highway 11 serving all intermediate points.

NOTE.—The above commodity description is substantially the same as Applicant's Certificate No. 1451-K (ICC MC 97904 Sub-No. 8) to which the proposed extension would immediately be joined. It is also compatible with other authority of Applicant.

*HEARING:* December 11, 1973, at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn., at 9:30 a.m. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 2627 et al. (Amendment), filed September 20, 1973. Applicant: CENTRAL FREIGHT LINES, INC., 303 South 12th Street, Waco, Tex. 76701. Applicant's representative: Phillip Robinson, P.O. Box 2207, Austin, Tex. 78767. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities;* (1) Between Corsicana, Tex., and Houston, Tex., as follows: From Corsicana, Tex., over Interstate Highway 45 and U.S. Highway 75 to Houston, Tex., and return over the same route, serving the termini and all intermediate points and, as off-route points: (a) The plantsite of the Big Brown Electric Generating Plant near Fairfield, Tex., via Farm Roads 488, 1124, 2570 and all other access roads; and (b) The following plantsites near Conroe, Tex., over the highways and roads specified from and to Conroe and all other access roads to and from such plantsites, to-wit: Borden Metal Products Co., via U.S. Highway 75 (south); Cities Service Co., via Texas Highway 105 (east) and Farm Road 1485 (south); Conroe Creosoting Co., via Texas Highway 105 (east); Helena Chemical Co., Southwest Division of Helena Chemical Co. at Youens, Tex., via Texas Highway 105 (east) and Jefferson Chemical Road (south); Jefferson Chemical Company at Youens, Tex., via Texas Highway 105 (east) and Jefferson Chemical Road (south); Midland Gasoline Corp. via Texas Highway 105 (east) and Farm Road 3083 (south); Norvell Wilder Co. via Texas Highway 105 (east) and Farm Road 3083 (south); and Owens Handle Co., Inc., via U.S. Highway 75 (north); (2) Between Canton, Tex., and Huntsville, Tex., as follows: From Canton, Tex., over Texas Highway 19 to Huntsville, Tex., and return over the same route, serving the termini, Athens, Tex., and all other intermediate points and, as an off-route point, the plantsite of the Aluminum Company of America near Palestine, Tex., via U.S. Highway 79 (east) and all other access roads; (3) Between Palestine, Tex., and Kilgore, Tex., as follows: From Palestine, Tex., over U.S. Highway 79 to Jacksonville, Tex., thence over Texas Highway 135 to Kilgore, Tex., and return over the same route, serving the termini and all intermediate points; (4) Between Tyler, Tex., and Troup, Tex., as follows: From Tyler, Tex., over Texas Highway 110 to Troup, Tex., and return over the same route, serving the termini and all intermediate points; (5) Between Longview, Tex., and junction of U.S. Highway 271 and Interstate Highway 20, as follows: From Longview, Tex., over U.S. Highway 80 to Gladewater, Tex., thence over U.S. Highway 271 to its junction with Interstate Highway 20, and return over the same route, serving the termini and all intermediate points; (6) Between Sulphur Springs, Tex., and Winnsboro, Tex., as follows: From Sulphur Springs, Tex., over Texas Highway 11 to Winnsboro, Tex., and return over the same route, serving the termini and no intermediate points; (7) Between Quitman, Tex., and Winnsboro, Tex., as follows: From Quitman, Tex., over Texas Highway 37 to Winnsboro, Tex., and return over the same route, serving the termini and all intermediate points; (8) Between Newton, Tex., and the site of the mill of the Kirby Lumber Company near Bon Weir, Tex., as follows: From Newton, Tex., over U.S. Highway 190 to the site of the mill of Kirby Lumber Company near Bon Weir, Tex., and return over the same route, serving the termini and all intermediate points; (9) Between Bleakwood, Tex., and the site of the mill of Kirby Lumber Company near Bon Weir, Tex., as follows: From Bleakwood, Tex., over Farm Road 363 to its junction with U.S. Highway 190, thence over U.S. Highway 190 to the site of the mill of Kirby Lumber Company near Bon Weir, Tex., and return over the same route, serving the termini and all intermediate points; (10) Between junction U.S. Highway 87 and Recreational Road 255 and the plantsite of Gulf States Paper Co. near Toledo Bend Dam, Tex., as follows: From junction U.S. Highway 87 and Recreational Road 255 over Recreational Road 255 to the plantsite of Gulf States Paper Co. near Toledo Bend Dam, Tex., and return over the same route, serving the termini and all intermediate points; and (11) Between the following points over the described alternate routes, serving the described termini and serving no intermediate points: (a) From Dallas, Tex., over U.S. Highway 175 to Athens, Tex., and return over the same route; (b) From Corsicana, Tex., over Texas Highway 31 to Athens, Tex., and return over the same route; (c) From Athens, Tex., over Texas Highway 31 to Tyler, Tex., and return over the same route; (d) From Athens, Tex., over U.S. Highway 175 to Jacksonville, Tex., and return over the same route; (e) From Corsicana, Tex., over U.S. Highway 287

to Palestine, Tex., and return over the same route; (f) From junction of Texas Highway 6 and Texas Highway 164 over Texas Highway 164 to Buffalo, and return over the same route; (g) From Buffalo, Tex., over U.S. Highway 79 to Palestine, Tex., and return over the same route; (h) From Palestine, Tex., over U.S. Highway 84 to Rusk, Tex., and return over the same route; (i) From Rusk, Tex., over U.S. Highway 84 to Mount Enterprise, Tex., and return over the same route; (j) From Mount Enterprise, Tex., over U.S. Highway 84 to Tenaha, Tex., and return over the same route; (k) Between junction U.S. Highway 77 and Texas Highway 7 over Texas Highway 7 to Marlin, Tex., and return over the same route; (l) From Marlin, Tex., over Texas Highway 7 to Centerville, Tex., and return over the same route; (m) From Centerville, Tex., over Texas Highway 7 to Crockett, Tex., and return over the same route; (n) From Crockett, Tex., over Texas Highway 7 to junction of Texas Highway 103, thence over Texas Highway 103 to Lufkin, Tex., and return over the same route; (o) From Bryan, Tex., over U.S. Highway 190 (Texas Highway 21) to Madisonville, Tex., and return over the same route; (p) From Madisonville, Tex., over Texas Highway 21 to Crockett, Tex., and return over the same route; (q) From Crockett, Tex., over U.S. Highway 287 to Corrigan, Tex., and return over the same route; (r) From Corrigan, Tex., over U.S. Highway 287 to Woodville, Tex., and return over the same route; (s) From Woodville, Tex., over U.S. Highway 190 to Jasper, Tex., and return over the same route; (t) From College Station, Tex., over Texas Highway 30 to Huntsville, Tex., and return over the same route; (u) From Huntsville, Tex., over U.S. Highway 190 to Livingston, Tex., and return over the same route; (v) From Navasota, Tex., over Texas Highway 105 to Conroe, Tex., and return over the same route; (w) From Conroe, Tex., over Texas Highway 105 to Cleveland, Tex., and return over the same route; and (x) From Cleveland, Tex., over Texas Highway 321 to Dayton, Tex., and return over the same route.

NOTE.—Applicant proposes to tack and coordinate the proposed additional services with all services authorized in intrastate commerce under Certificates 2627, 2054, 4337 and 4336 and with all services now authorized in interstate and foreign commerce under authorities granted in Docket No. MC-30867 and all subs thereunder. Applicant seeks no duplicate authority. Both intrastate and interstate authority sought.

*HEARING:* Date, time, and place not shown. Requests for procedural information should be addressed to the Texas Railroad Commission, Drawer 12967, Capitol Station, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.73-22721 Filed 10-24-73;8:45 am]

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