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PART I

(Part II begins on page 17801)

HIGHLIGHTS OF THIS ISSUE

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

(Continued inside)

FEDERAL REGISTER

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Contents

(Continued on next page)

List of CFR Parts Affected

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

3 CFR

PROCLAMATION:
4148 17699

EXECUTIVE ORDER:
11682 17701

7 CFR

945 17723
989 17723
1006 17724
1012 17732
1013 17739
1030 17747
1050 17748

PROPOSED RULES:
52 (2 documents) 17750, 17761
729 17762
948 17761
1108 17762

10 CFR

50 17704

11 CFR

4 17802

15 CFR

370 17705
371 17705
372 17705
373 17705
375 17705
376 17706
379 17706
386 17706

16 CFR

PROPOSED RULES:
303 17765

20 CFR

405 17705
410 17705

21 CFR

121 17709
141 17710
141a 17710
141b 17710
148i 17711
148j 17710

24 CFR

1914 17703
1915 17704

26 CFR

301 17748

PROPOSED RULES:
3 17762

41 CFR

5A–6 17711
29–12 17711

PROPOSED RULES:
14R–9 17763
60–2 17765

46 CFR

PROPOSED RULES:
31 17763
71 17763
91 17763
176 17763
189 17763
391 17763

49 CFR

1064 (2 documents) 17712
1204 17713

PROPOSED RULES:
571 17763
1064 (2 documents) 17766

50 CFR

32 (12 documents) 17714, 17716–17719

PROPOSED RULES:
259 17763

Presidential Documents

Title 3—The President

PROCLAMATION 4148

Farmfest, U.S.A., 1972

By the President of the United States of America

A Proclamation

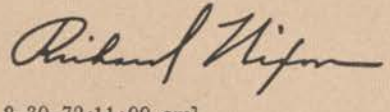
Farmfest, U.S.A., an exposition to be held near Vernon Center, Blue Earth County, Minnesota, from September 11 through September 17, 1972, will depict the story of agricultural progress and will feature numerous displays and demonstrations focusing on how our farmers help to feed America and the world.

As part of the weeklong festival, the United States will host the Nineteenth Annual World Ploughing Contest. Homage will be paid to the humble plough, the oldest known tillage tool and worldwide symbol of agriculture, through ploughing matches which represent an agricultural tradition of more than two centuries. They will help to dramatize the advances in farming from days of hard manual labor and animal power to our vast technological capacities.

Farmfest, U.S.A. and the 1972 World Ploughing Contest will provide an appropriate opportunity to salute worldwide agriculture and will promote foreign and domestic trade and commerce in farm commodities.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in consonance with Senate Joint Resolution 182, do hereby invite the States of the Union and foreign nations to participate in Farmfest, U.S.A., to be held in Blue Earth County, Minnesota, from September 11, 1972, through September 17, 1972.

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

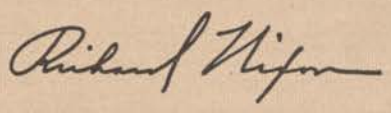


[FR Doc.72–15003 Filed 8–30–72;11:00 am]

EXECUTIVE ORDER 11682

Inspection by the Department of the Treasury of Tax Returns Made Under the Internal Revenue Code of 1954 for Economic Stabilization Purposes

By virtue of the authority vested in me by section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), as amended, it is hereby ordered that returns described in section 6103(a)(2) of the Internal Revenue Code of 1954 shall be open to inspection by the Department of the Treasury as may be needed in the administration of the provisions of the Economic Stabilization Act of 1970 (Public Law 91–379, 84 Stat. 799), as amended by the Economic Stabilization Act Amendments of 1971 (Public Law 92–210, 85 Stat. 743). Such inspection shall be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in a Treasury Decision, relating to inspection of returns made under the Internal Revenue Code of 1954 by the Department of the Treasury for the purposes of economic stabilization, approved by me this date.



THE WHITE HOUSE,
August 29, 1972

[FR Doc.72–14988 Filed 8–29–72;4:43 pm]

Rules and Regulations

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies: (1) The effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). The entry reads as follows:

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Arkansas	Miller	Texarkana				Sept. 1, 1972. Emergency.
California	Marin	Tiburon				Do.
Kansas	Johnson	Leawood				Do.
Missouri	Pulaski	Waynesville				Do.
New Jersey	Morris	Washington Township.				Do.
Do	Bergen	Wood-Ridge Borough.				Do.
New York	Suffolk	Brookhaven	I 36 103 0705 12 through I 36 103 0705 34	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, NY 10038, and 324 State St., Albany, NY 12210.	Office of the Town Clerk, Town Hall, South Ocean Ave., Patchogue, N.Y. 11772.	Jan. 15, 1971. Emergency. Sept. 1, 1972. Regular.
North Carolina	Forsyth	Unincorporated areas.	I 37 067 0000 01 through I 37 067 0000 29	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, Post Office Box 27687, Raleigh, NC 27611. North Carolina Insurance Department, Post Office Box 26387, Raleigh, NC 27611.	City-County Planning Board, City Hall, Winston-Salem, N.C. 27101.	Mar. 24, 1971. Emergency. Sept. 1, 1972. Regular.
Do	do	Winston-Salem	I 37 067 5120 01 through I 37 067 5120 18	do	do	Mar. 24, 1971. Emergency. Sept. 1, 1972. Regular.
Pennsylvania	Cumberland	Carlisle	I 42 041 1100 01 I 42 041 1100 02	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Carlisle Municipal Bldg., 53 West Second St., Carlisle, PA 17013.	May 14, 1971. Emergency. Sept. 1, 1972. Regular.
Do	Northampton	Bethlehem				Sept. 1, 1972. Emergency.
Do	Lycoming	Montgomery Borough.				Do.
Do	Bucks	Morrisville Borough.				Do.
Do	Elk	Ridgway Borough.				Do.
Rhode Island	Kent	West Warwick				Do.
Tennessee	Sevier	Pigeon Forge	I 47 155 1948 01 through I 47 155 1948 03	Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	City Hall, Pigeon Forge, Tenn. 37862.	Nov. 12, 1971. Emergency. Sept. 1, 1972. Regular.
Vermont	Washington	Montpelier				Sept. 1, 1972. Emergency.
Do	do	Warren				Do.
Virginia	Dickenson	Waynesboro				June 19, 1970. Emergency. July 2, 1971, Regular. Dec. 31, 1971. Suspended. Aug. 23, 1972. Reinstated.
Wisconsin	Vernon	Unincorporated areas.				Sept. 1, 1972. Emergency.
Wyoming	Sweetwater	Rock Springs				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: August 24, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-14775 Filed 8-30-72;8:46 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Arkansas	Miller	Texarkana				Sept. 1, 1972.
California	Marin	Tiburon				Do.
Kansas	Johnson	Leawood				Do.
Missouri	Pulaski	Waynesville				Do.
New Jersey	Morris	Washington Township.				Do.
Do	Bergen	Wood-Ridge Borough.				Do.
New York	Suffolk	Brookhaven	H 36 103 0705 12 through H 36 103 0705 34	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, NY 10038, and 324 State St., Albany, NY 12210.	Office of the Town Clerk, Town Hall, South Ocean Ave., Patchogue, N.Y. 11772.	Jan. 15, 1971.
North Carolina	Forsyth	Unincorporated areas.	H 37 067 0000 01 through H 37 067 0000 29	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, Post Office Box 27687, Raleigh, NC 27611. North Carolina Insurance Department, Post Office Box 26387, Raleigh, NC 27611.	City-County Planning Board, City Hall, Winston-Salem, N.C. 27101.	Mar. 24, 1971.
Do	do	Winston-Salem	H 37 067 5120 01 through H 37 067 5120 18	do	do	Do.
Pennsylvania	Cumberland	Carlisle	H 42 041 1100 01 H 42 041 1100 02	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Carlisle Municipal Bldg., 53 West Second St., Carlisle, PA 17013.	May 14, 1971.
Do	Northampton	Bethlehem				Sept. 1, 1972.
Do	Lycoming	Montgomery Borough.				Do.
Do	Bucks	Morrisville Borough.				Do.
Do	Elk	Ridgway Borough				Do.
Rhode Island	Kent	West Warwick				Do.
Tennessee	Sevier	Pigeon Forge	H 47 155 1948 01 through H 47 155 1948 03	Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	City Hall, Pigeon Forge, Tenn. 37862.	Nov. 12, 1971.
Vermont	Washington	Montpelier				Sept. 1, 1972.
Do	do	Warren				Do.
Wisconsin	Vernon	Unincorporated areas.				Do.
Wyoming	Sweetwater	Rock Springs				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: August 24, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-14776 Filed 8-30-72;8:46 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Restructuring of Facility License Application Review and Hearing Processes; Correction

On July 28, 1972, F.R. Doc. 72-11730 was published in the FEDERAL REGISTER (37 F.R. 15127) amending the Atomic Energy Commission's regulations in 10 CFR Parts 2, 9, and 50 to restructure the Commission's facility license application review and hearing processes and make other changes. The prefatory language in paragraph 54 of the notice of rule making (p. 15143) is F.R. Doc. 72-11730 is corrected to read as follows.

54. In Appendix D of 10 CFR Part 50, the first and seventh sentences of paragraph A.6., the second sentence of paragraph A.7., paragraph A.10., paragraph A.11., the heading of section C and paragraph C.3. are amended to read as follows:

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 25th day of August 1972.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.72-14810 Filed 8-30-72;8:49 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev., Export Regs., Amdt. 47]

MISCELLANEOUS AMENDMENTS

Parts 370, 371, 372, 373, 374, 375, 376, 379, and 386 are amended to read as set forth above:

(E.O. 1167, sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: August 31, 1972.

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

Country Group X, comprising Hong Kong and Macao, has been deleted and transferred to Country Group V. As a result, the less-stringent Country Group V export controls are now applicable to Hong Kong and Macao. Accordingly, the Export Regulations are amended as set forth below.

PART 370—EXPORT LICENSING GENERAL POLICY AND RELATED INFORMATION

1. In § 370.2(a), subparagraph (6) is amended to read as follows:

§ 370.2 Definitions of terms.

(a) * * *

(6) *Country groups.* For export controls purposes, foreign countries are separated into seven country groups designated by the symbols Q, S, T, V, W, Y, and Z. Canada is not included in any country group and is referred to by name. (See Supplement No. 1 to Part 370 for a list of countries in each country group.)

* * * * *

2. In § 370.6(a), subparagraph (1) is amended to read as follows:

§ 370.6 Shipments entering foreign trade zones.

* * * * *

(a) * * *

(1) *Country Group W, Y, or Z.* Shipments to Country Group W, Y, or Z (see Supplement No. 1 to Part 370 for list of countries in each country group) require a validated license if a shipment of similar commodities or technical data of U.S. origin could not be made from the customs territory of the United States to such a destination under the provisions of a general license.

* * * * *

§ 370.9 [Amended]

3. In § 370.9, the first sentence thereof is amended by striking the phrase "Country Group Q, S, T, V, W, or X" and substituting therefor the phrase "Country Group Q, S, T, V, or W."

4. In § 370.10(f)(3), subdivision (i) is amended to read as follows:

§ 370.10 Exports controlled by U.S. Government agencies other than Office of Export Control.

* * * * *

(f) * * *

(3) * * *

(i) Watercraft described in subparagraph (2) of this paragraph, when exported to destinations other than those in Country Group W, Y, or Z, require export authorization from the U.S. Maritime Administration only.

* * * * *

5. In § 370.11(b), subparagraph (2) and (3) are amended to read as follows:

§ 370.11 Information to exporters.

* * * * *

(b) * * *

(2) Approximately 98 percent of applications for licenses to export to Country Groups T and V are acted upon within 2 weeks of receipt in the Office of Export Control. Applications for licenses to export to any other country group generally require more intensive scrutiny, but approximately 75 percent of these applications are acted upon within 4 weeks of receipt.

(3) Unless emergency circumstances necessitate immediate notification, applicants should not request information until the following time periods expire:

(i) *For a destination in Country Group T or V.* Three weeks from date application, amendment, or reexport request was mailed.

(ii) *For a destination in any other country group.* Five weeks from date application, amendment, or reexport request was mailed.

NOTE: An additional week has been added to the time period shown in § 370.11(b)(2) above to allow for postal transport time to and from the Office of Export Control. Earlier submissions may only serve to disrupt normal processing operations and cause unnecessary delay in acting upon the case.

6. In Supplement No. 1 to Part 370, the first sentence thereof is amended to read as set forth below and the last country group heading designated "Country Group X" is deleted.

Country groups. For export control purposes foreign countries are separated into seven country groups designated by the symbols "Q", "S", "T", "V", "W", "Y", and "Z". Listed below are the countries included in each country group. Canada is not included in any country group and will be referred to by name throughout the Export Control Regulations.

PART 371—GENERAL LICENSES

7. In § 371.4(a), subparagraph (2) is amended to read as follows:

§ 371.4 General License GIT; intransit shipments.

(a) * * *

(2) Only those exports of foreign origin which, if of U.S. origin, could be made to Country Group S, W, Y, or Z (excluding Cuba), respectively, under the provisions of a general license, may be exported to those destinations under General License GIT.

* * * * *

8. Section 371.5(a) is amended to read as follows:

§ 371.5 General License GLV; shipments of limited value.

(a) *Scope.* A general license designated GLV is established, authorizing subject to the provisions of this § 371.5, the export in a single shipment of any commodity on the Commodity Control List as follows:

(1) To a destination in Country Group T, V, or Q: *Provided,* That the net value of the commodity included in a single entry on the Commodity Control List (§ 399.1 of this chapter) does not exceed the GLV dollar-value limit specified for each respective country group in the column headed "GLV $ Value Limits for Shipments to Country Groups T, V, Q.;"[1]

(2) From the U.S. Virgin Islands to the British Virgin Islands, provided that the net value of the shipment does not exceed $500 or the amount specified as the GLV dollar-value limit for Country Group T, whichever is greater.

* * * * *

§§ 371.15, 371.18 and 371.22 [Amended]

9. Sections 371.15(c)(2), 371.18(b)(1) and 371.22(b)(2) are amended by striking Country Group X.

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

§§ 372.2 and 372.8 [Amended]

10. Sections 372.2(b)(6) and 372.8(b)(1) are amended by striking Country Group X.

PART 373—SPECIAL LICENSING PROCEDURES

§§ 373.3, 373.5 and 373.7 [Amended]

11. Sections 373.3(a)(1), 373.5(a), 373.7(d)(1), 373.7(d)(2), 373.7(d)(3), 373.7(h)(1)(i) and (ii), are amended by striking Country Group X.

PART 374—REEXPORTS

§ 374.3 [Amended]

12. Section 374.3(d)(1)(i)(a) is amended by striking Country Group X.

PART 375—DOCUMENTATION REQUIREMENTS

§ 375.2 [Amended]

13. Section 375.2(a) is amended by striking Country Group X.

[1] Where a dash (—) appears in the column, the commodity may not be shipped to that country group under General License GLV. Another general license, however, may be applicable.

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

§ 376.9 [Amended]

14. Section 376.9(b)(3)(i) is amended by striking Country Group X.

PART 379—TECHNICAL DATA

§ 379.6 [Amended]

15. Section 379.6(b) is amended by striking Country Group X.

PART 386—EXPORT CLEARANCE

§§ 386.1, 386.3, and 386.6 [Amended]

16. Sections 386.1(c)(2)(i), 386.3(k)(1) and 386.3(r)(1), are amended by striking Country Group X.

17. Sections 386.6(d)(2)(i)(b) and 386.6(d)(3) are amended by striking Macao and Hong Kong.

[FR Doc.72-14855 Filed 8-30-72;8:50 am]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965——)

Supplementary Medical Insurance Benefits; Coverage Period Under State Buy-In Agreement

On March 17, 1972, there was published in the FEDERAL REGISTER (37 F.R. 5636) a notice of proposed rule making with proposed amendments to Subpart B of Regulations No. 5 specifying that an individual's "buy-in" coverage under section 1843 of the Act (and concomitant State liability for payment of his premiums) will end with the month in which the State determines that he is no longer eligible for inclusion in the State's coverage group, provided that the State notifies the Social Security Administration in prescribed form of his ineligibility within a reasonable time. Such notice will be considered to have been sent within a reasonable time if received by the Administration by the 25th day of the second month after the month in which the State's determination is made. If the notice is not received within such time, the individual's buy-in coverage will end with the second month before the month in which the Administration receives such notice. A notice received after the 25th day of a month will be considered received in the following month.

Interested parties were given 30 days within which to submit data, views, or arguments pertaining to the proposed amendments. All comments submitted with respect to the proposed amendments have been given due consideration.

Some comments expressed satisfaction with the proposed changes; others expressed mild objections because of difficulties arising from inability of the State's Medicaid agency to obtain prompt notice of ineligibility from the State's welfare agency. A comment from one State recommended that the Social Security Administration make available to the State on a regular basis certain health insurance data which could be used by the State in updating and maintaining its buy-in coverage eligibility rolls and that electronic data processing systems modifications be developed which would accommodate the handling of termination actions where the Social Security Administration had not yet confirmed buy-in enrollment. Steps are being taken to resolve the issues raised in a mutually acceptable way. The remaining comments essentially related to the point that States should not have to pay premiums for delays caused primarily by the Social Security Administration's fault or error. The Administration has expressed agreement with this view and implementing instructions will be issued.

Accordingly, the proposed amendments as set forth below are hereby adopted.

Effective date. These amendments shall be effective upon publication in the FEDERAL REGISTER (8-31-72), and will be applicable for State notices of ineligibility received by the Social Security Administration in or after the third month following the month of publication.

(Secs. 1102, 1815, and 1871, 49 Stat. 647, as amended, 79 Stat. 296, 322, 331, as amended; 42 U.S.C. 1302, 1395 et seq.)

Dated: August 8, 1972.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: August 25, 1972.

W. R. HASTINGS,
Acting Secretary of Health, Education, and Welfare.

Regulations No. 5 of the Social Security Administration (20 CFR Part 405) are further amended as follows:

Paragraph (c) of § 405.223 is revised to read as follows:

§ 405.223 Individual enrollments; State enrollments; manner and time of termination of enrollment and coverage period.

Subject to the provision that an individual's coverage period attributable to a State agreement may be terminated only as provided in paragraph (c) of this section and is not subject to termination by the indivdual, an enrollment and the coverage period may be terminated only as described in this section:

* * * * *

(c) *Enrollees pursuant to State agreements.* In the case of an individual enrolled pursuant to a Federal-State agreement (see § 405.217), the coverage period attributable to the agreement terminates (subject to the provisions of paragraph (d) of this section) on:

(1) The last day of the month in which the State determines that the individual is no longer eligible for inclusion in the coverage group: *Provided,* That the State sends notice to the Administration of such ineligibility within a reasonable time. Such notice shall be given in such form and in accordance with such instructions, as are prescribed by the Administration. The notice is considered to have been sent within a reasonable time if the Administration receives such notice by the 25th day of the second month after the calendar month in which the State's determination is made. If, however, the Administration first receives such notice of ineligibility after such reasonable period of time, the individual's coverage attributable to the buy-in agreement will, instead, end on the last day of the second month before the month in which the Administration receives such notice, and for such purposes, notice received in a calendar month but after the 25th day of that month shall be deemed to have been received in the next following month.

(2) If earlier than subparagraph (1) of this paragraph whichever of the following first occurs:

(i) The last day of the month preceding the first month in which the individual became entitled to monthly benefits under title II of the Act (see Subpart D of Part 404 of this chapter) or to an annuity or pension under the Railroad Retirement Act of 1937 without regard to the retroactivity of such entitlement unless the State agreement provides for the inclusion of such individuals entitled to such benefits in the coverage group; or

(ii) The last day of the month in which the State agreement is terminated; or

(iii) The last day of the month in which the individual dies.

* * * * *

[FR Doc.72-14861 Filed 8-30-72;8:55 am]

[Regs. 10, further amended]

PART 410—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, TITLE IV—BLACK LUNG BENEFITS (1969——)

Subpart F—Determinations of Disability, Other Determinations, Administrative Review, Finality of Decisions, and Representation of Parties

REPRESENTATION OF PARTIES

The amendments to Regulations No. 10 of the Social Security Administration set forth below implement a recent statutory amendment which authorizes the Department to set maximum fees for attorneys who represent claimants for black lung benefits in proceedings before the Social Security Administration, and to certify the payment of such fees out of accrued benefit payments.

Section 206 of the Social Security Act, 42 U.S.C. 406, authorizes the Secretary

of Health, Education, and Welfare to prescribe rules and regulations governing the representation of claimants by attorneys and others, and the fees which may be charged for services performed in connection with any claim before the Department under title II of the Social Security Act. Where a claimant who was represented by an attorney becomes entitled to past due benefits, section 206 requires the Secretary to pay this fee to the attorney out of a part of such benefits.

The regulations pertaining to the practice of attorneys and other representatives in title II claims are included in 20 CFR 404.971–404.990. In particular, the provisions with respect to attorneys' fees appear at 20 CFR 404.974–404.978.

Section 1(c)(5) of the Black Lung Benefits Act of 1972, Public Law 92–303, amended Part B of title IV of the Federal Coal Mine Health and Safety Act of 1969, Public Law 91–173, by adding to section 413(b) thereof an amendment which makes the provisions of section 206 of the Social Security Act applicable to Part B black lung benefits "as if benefits under this part [i.e., Part B] were benefits under title II of such Act."

Accordingly, the amendments set forth below restate the existing social security practice and fee procedures as they relate to attorneys, within the context of Regulations No. 10 of the Social Security Administration, 20 CFR Part 410, "Black Lung Benefits." This is consistent with the already published provisions of the latter on representation, which similarly already restate in this context most of the other existing social security representation procedures.

Section 4(d) of the Black Lung Benefits Act of 1972 requires final regulations for the implementation of the amendments to title IV to be promulgated and published at the earliest practicable date, but in no event later than the end of the fourth month following May 1972, the month of enactment.

Section 6 of the Black Lung Benefits Act of 1972 adds a section 431 to title IV which requires the readjudication under the provisions of the amended act of all pending claims for black lung benefits, as well as all claims which had been disallowed under the terms of the prior act. Thus, in addition to the now pending workload of about 10,000 initially unadjudicated claims, and in addition to the numerous new claims to be generated by the amendments, the Social Security Administration must readjudicate about 180,000 claims previously disallowed after initial adjudication (and not subsequently allowed).

So that the congressional intention of applying the existing social security attorney fee procedures may be effectuated with respect to as many of these initially unadjudicated and previously disallowed claims as possible; so that the process of adjudicating and readjudicating these claims subject to those procedures may begin without delay; since the regulations set forth below constitute rules of agency procedure and practice which are interpretative of section 206 of the Social Security Act as incorporated by section 413(b) of the Federal Coal Mine Health and Safety Act of 1969, as amended; and since such amendments are identical in substance to the social security regulations which have been in effect for some time with respect to claims under titles II and XVIII of the Social Security Act; such regulations should be made effective as promptly as possible. Since the bulk of the claims to be adjudicated, and all of the claims to be readjudicated, have already been filed and since it may be assumed that a very substantial percentage of those who intend to be represented by an attorney have already entered into contracts, any other course would render the proposed amendments, and the statutory provisions and congressional purpose which they implement, largely inapplicable. Accordingly, it is found upon good cause that publication with notice of proposed rule making, as well as the designation of an effective date not less than 30 days after publication, are impractical, unnecessary, and contrary to the public interest.

However, for the purpose of future amendment, consideration will be given to any comments pertaining to those amendments which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, Fourth Street and Independence Avenue SW., Washington, D.C. 20201.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 3193, 330 Independence Avenue SW., Washington, DC 20201.

(Secs. 411(b), 413(b), 426(a), 431, 83 Stat. 793, as amended; 30 U.S.C. 921(b), 923(b), 936(a), 941; secs. 1(c)(5), 4(d), 6, 86 Stat. 152, sec. 206, 53 Stat. 1372, as amended; 42 U.S.C. 406)

Effective date. The amendments set forth below shall become effective upon publication in the FEDERAL REGISTER (8–31–72) with respect to all claims for benefits processed thereafter, and shall apply to all legal services rendered in connection with those claims for which a fee has not been fully paid before this effective date, notwithstanding the fact that fee contracts for such services may have been entered into, or services rendered, before this effective date.

Dated: August 8, 1972.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: August 25, 1972.

W. R. HASTINGS,
Acting Secretary of Health, Education, and Welfare.

Part 410 of Chapter III, Title 20, is amended as follows:

1. In § 410.615, paragraphs (f) and (g) are reserved and a new paragraph (h) is added to read as follows:

§ 410.615 Administrative actions that are not initial determinations.

Administrative actions which shall not be considered initial determinations, but which may receive administrative review include, but are not limited to, the following:

* * * * *

(h) The authorization approving or regulating the amount of the fee that may be charged or received by a representative for services before the Administration (see § 410.686b).

2. In § 410.685, paragraph (a) is revised to read as follows:

§ 410.685 Qualifications of representative.

(a) *Attorney.* Any attorney in good standing who (1) is admitted to practice before a court of a State, territory, district or insular possession or before the Supreme Court of the United States or an inferior Federal court, (2) has not been disqualified or suspended from acting as a representative in proceedings before the Social Security Administration, and (3) is not, pursuant to any provision of law, otherwise prohibited from acting as a representative, may be appointed as a representative in accordance with § 410.684.

* * * * *

3. New §§ 410.686a, 410.686b, 410.686c, 410.686d, and 410.686e are added to read as follows:

§ 410.686a Proceedings before a State or Federal court.

(a) *Representatation of claimant in court proceeding.* Any service rendered by any representative in any proceeding before any State or Federal court shall not be considered services in any proceeding before the Social Security Administration for purposes of §§ 410.686 and 410.686b. However, if the representative has also rendered services in connection with the claim in any proceeding before the Administration, as defined in § 410.686e, he must specify what, if any, amount of the fee he desires to charge is for services performed before the Administration, and if he charges any fee for such services, he must file the petition and furnish all of the information required by § 410.686c(a).

(b) *Attorney fee allowed by a Federal court.* In any case where a Federal court in any proceeding under Part B of title IV of the Act renders a judgment favorable to a claimant who was represented before the court by an attorney, and the court, pursuant to section 206(b) of the Social Security Act, allows to the attorney as part of its judgment a fee not in excess of 25 percent of the total of past-due benefits to which the claimant is entitled by reason of the judgment, the Administration may certify the amount of such fee for payment to such attorney out of, but not in addition to, the amount of the past-due benefits payable (see § 410.686d(a)). No

other fee may be certified for direct payment to such attorney for such representation.

(c) *Past-due benefits defined.* The term "past-due benefits" as used in paragraph (b) of this section means the total accumulated amount of benefits payable under Part B of title IV of the Act by reason of the court's judgment through the month prior to the month of the judgment favorable to the claimant who was represented by the attorney.

§ 410.686b Fee for services performed for an individual before the Social Security Administration.

(a) *General.* A fee for services performed for an individual before the Social Security Administration in any proceeding under Part B of title IV of the Act may be charged and received only as provided in paragraph (b) of this section.

(b) *Charging and receiving fee.* An individual who desires to charge or receive a fee for services rendered for an individual in any proceeding under part B of title IV of the Act before the Administration (see § 410.686e), and who is qualified under § 410.685, must file a written petition therefor in accordance with § 410.686c(a). The amount of the fee he may charge or receive, if any, shall be determined on the basis of the factors described in § 410.686c(b) by an authorized official of the appropriate component of the Administration, where the services were concluded by an initial, reconsidered, or revised determination, or by the Bureau of Hearings and Appeals where there is a decision or action by a hearing examiner or the Appeals Council of the Social Security Administration, as the case may be. Every such fee which is charged or received must be approved as provided in this section and no fee shall be charged or received which is in excess of the amount so approved. This rule shall be applicable whether the fee is charged to or received from a party to the proceeding or someone else. Pursuant to section 206(a) of the Social Security Act, in the case of a representative qualified as an attorney under § 410.685(a), the Administration may certify the amount of such fee, subject to the limitations in § 410.686d(b), for payment out of, but not in addition to, the amount of past-due benefits payable.

(c) *Past-due benefits defined.* The term "past-due benefits" as used in paragraph (b) of this section means the total accumulated amount of benefits payable under part B of title IV of the Act by reason of the favorable determination through the month prior to the month such determination is effectuated.

(d) *Notice of fee determination.* Written notice of a fee determination made in accordance with paragraph (b) of this section shall be mailed to the representative and the claimant at their last known addresses. Such notice shall inform the parties of the amount of the fee authorized, the basis of the determination, the fact that the Administration assumes no responsibility for payment except that pursuant to section 206(a) of the Social Security Act the Administration may certify payment to an attorney, and that each party may request an administrative review of the determination within 30 days of the date of the notice.

(e) *Administrative review of fee determination.* Administrative review of a fee determination will be granted only if a request is filed by either the representative or the claimant within 30 days of the date of the notice of the fee determination. The request for administrative review shall be in writing and filed at an office of the Administration and a copy sent to the other party. Upon the filing of such request for review of a fee determination, an authorized official of the Administration who did not participate in the fee determination in question will review the determination.

§ 410.686c Petition for approval of fee.

(a) *Filing of petition.* In accordance with § 410.686b, to obtain approval of a fee for services performed before the Social Security Administration in any proceeding under the Act, a representative, upon completion of the proceedings in which he rendered services, must file at an office of the Social Security Administration a written petition which shall contain the following information:

(1) The dates his services began and ended;

(2) An itemization of services rendered by him in a proceeding under the Act, with the amount of time spent in hours, or parts thereof, on each type of service;

(3) The amount of the fee he desires to charge for services performed;

(4) The amount of fee requested or charged for services rendered in the same manner before any State or Federal court;

(5) The amount and itemization of expenses incurred for which reimbursement has been made or is expected;

(6) The special qualifications which enabled him to render valuable services to the claimant (this requirement does not apply where the representative is an attorney); and

(7) A statement showing that a copy of the petition was sent to the person represented.

(b) *Factors considered in evaluating a petition for fee.* In evaluating a request for approval of a fee, the purpose of the coal miner's benefits program—to provide a measure of economic security for the beneficiaries thereof—will be considered, together with the following factors:

(1) The services performed (including type of service);

(2) The complexity of the case;

(3) The level of skill and competence required in rendition of the services;

(4) The amount of time spent on the case;

(5) The results achieved. (While consideration is always to be given to the amount of benefits, if any, which are payable in a case, the amount of fee will not be based on the amount of such benefits alone but on a consideration of all of the factors listed in this section. The benefits payable in a given claim are governed by specific statutory provisions and by the occurrence of termination, deduction, or nonpayment events specified in the law, factors which are unrelated to efforts of the representative. In addition, the amount of accrued benefits payable in a given claim is affected by the length of time that has elapsed since the claimant became entitled to benefits.);

(6) The level of administrative review to which the claim was carried within the Social Security Administration and the level of such review at which the representative entered the proceedings; and

(7) The amount of the fee requested for services rendered, excluding the amount of any expenses incurred, but including any amount previously authorized or requested.

§ 410.686d Payment of fees.

(a) *Fees allowed by a Federal court.* Subject to the limitations in § 410.686a(b), the Administration shall certify for payment direct to attorneys, out of past-due benefits as defined in § 410.686a(c), the amount of fee allowed by a Federal court in a proceeding under part B of title IV of the Act.

(b) *Fees authorized by the Administration*—(1) *Attorneys.* In any case where the Administration makes a determination favorable to a claimant who was represented by an attorney as defined in § 410.685(a) in a proceeding before the Administration and as a result of such determination past-due benefits, as defined in § 410.686b(c), are payable, the Administration shall certify for direct payment to the attorney, out of such benefits, whichever of the following is the smaller:

(i) Twenty-five percent of the total of such past-due benefits,

(ii) The amount of attorney's fee set by the Administration, or

(iii) The amount agreed upon between the attorney and the claimant.

(2) *Persons other than attorneys.* The Administration assumes no responsibility for the payment of any fee which a representative as defined in § 410.685(b) (person other than an attorney) has been authorized to charge in accordance with the provisions of § 410.686b and will not deduct such fee from benefits payable under the Act to any beneficiary.

§ 410.686e Services rendered for an individual in a proceeding before the Administration under Part B of title IV of the Act.

Services rendered for an individual in a proceeding before the Administration under Part B of title IV of the Act consist of services performed for an individual in connection with any claim before the Secretary of Health, Education, and Welfare under Part B of title IV of the Act, including any services in connection with any asserted right calling for an initial or reconsidered determination by the Administration, and a decision or action by a hearing examiner or

by the Appeals Council of the Bureau of Hearings and Appeals of the Administration, whether such determination, decision, or action is rendered before or after remand of a claim by a court. Such services include, but are not limited to, services in connection with a claim for benefits; a request for modification of the amount of benefits; the reinstatement of benefits; proof of support; and proof of employment as a coal miner.

4. Section 410.687 is revised to read as follows:

§ 410.687 Rules governing the representation and advising of claimants and parties.

No attorney or other representative shall:

(a) With intent to defraud, in any matter willfully and knowingly deceive, mislead, or threaten by word, circular, letter, or advertisement, either oral or written, any claimant or prospective claimant or beneficiary with respect to benefits or any other initial or continued right under the Act; or

(b) Knowingly charge or collect, or make any agreement to charge or collect, directly or indirectly, any fee in connection with any claim except under the circumstances prescribed in § 410.686b, or knowingly charge, demand, receive, or collect for services rendered before a Federal court in connection with a claim under Part B of title IV of the Act, any amount in excess of that allowed by a court as described in § 410.686a(b).

(c) Knowingly make or participate in the making or presentation of any false statement, representation, or claim as to any material fact affecting the right of any person to benefits under Part B of title IV of the Act, or as to the amount of any benefits; or

(d) Divulge, except as may be authorized by regulations now or hereafter prescribed by the Secretary, any information furnished or disclosed to him by the Administration relating to the claim or prospective claim of another person (see § 410.120).

5. New § 410.687a is added to read as follows:

§ 410.687a Effective date.

The provisions of §§ 410.686a, 410.686b, 410.686c, 410.686d, and 410.686e, shall be effective upon publication in the FEDERAL REGISTER (8–31–72), with respect to all claims processed thereafter, and shall apply to all legal services rendered in connection with those claims for which a fee has not been fully paid before this effective date, notwithstanding the fact that fee contracts for such services may have been entered into, or services rendered, before this effective date.

6. Section 410.688 is revised to read as follows:

§ 410.688 Disqualification or suspension of an individual from acting as a representative in proceedings before the Administration.

Whenver it appears that an individual has violated any of the rules in § 410.687, or has been convicted of a violation under section 206 of the Social Security Act, or has otherwise refused to comply with the Secretary's rules and regulations governing representation of claimants before the Administration, the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance of the Administration may institute proceedings as herein provided to suspend or disqualify such individual from acting as a representative in proceedings before the Administration.

§ 410.689 [Amended]

7. In the last sentence of § 410.689 the reference "§ 410.692(f)" is revised to read "§ 410.692(g)."

8. In § 410.692, paragraphs (e) through (m) are redesignated (f) through (n) respectively and a new paragraph (e) is added to read as follows:

§ 410.692 Hearing on charges.

* * * * *

(e) *Subpenas.* Any party to the hearing may request the hearing officer or a member of the Appeals Council to issue subpenas for the attendance and testimony of witnesses and for the production of books, records, correspondence, papers, or other documents which are relevant and material to any matter in issue at the hearing. The hearing officer may on his own motion issue subpenas for the same purposes when he deems such action reasonably necessary for the full presentation of the facts. Any party who desires the issuance of a subpena shall, not less than 5 days prior to the time fixed for the hearing, file with the hearing officer a written request therefor, designating the witnesses or documents to be produced, and describing the address or location thereof with sufficient particularity to permit such witnesses or documents to be found. The request for a subpena shall state the pertinent facts which the party expects to establish by such witness or document and whether such facts could be established by other evidence without the use of a subpena. Subpenas, as provided for above, shall be issued in the name of the Secretary of Health, Education, and Welfare, and the Social Security Administration shall pay the cost of the issuance and the fees and mileage of any witness so subpenaed, as provided in section 205(d) of the Social Security Act.

* * * * *

§ 410.697 [Amended]

9. In the first sentence of § 410.697, the reference "§ 410.692(i)" is revised to read "§ 410.692(j)."

[FR Doc.72–14862 Filed 8–30–72;8:55 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 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

TYLOSIN

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (41–275V) filed by Elanco Products Co., Post Office Box 1750, Indianapolis, Ind. 46206, proposing an additional safe and effective use of tylosin in combination with sulfamethazine in the feed of swine. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in § 121.217(d) by revising item 6 in the "Indications for use" column in the table, as follows:

§ 121.217 Tylosin.

* * * * *

(d) * * *

TYLOSIN IN ANIMAL FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
6. Tylosin...	100	Sulfamethazine	100	For swine; as tylosin phosphate; withdraw 5 days before slaughter.	Maintaining weight gains and feed efficiency in the presence of atrophic rhinitis; lowering the incidence and severity of *Bordetella bronchiseptica* rhinitis; prevention of swine dysentery (vibrionic); control of swine pneumonias caused by bacterial pathogens (*P. multocida* and/or *C. pyogenes*); for reducing the incidence of cervical lymphadenitis (jowl abscesses) caused by Group E Streptococci. Only the sulfamethazine portion of this combination is active in controlling jowl abscesses.
* * *	* * *	* * *	* * *	* * *	* * *

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (8–31–72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: August 21, 1972.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.72–14690 Filed 8–30–72;8:45 am]

SUBCHAPTER C—DRUGS

BUFFER USED IN POTENCY ASSAY OF NOVOBIOCIN AND IN STORAGE TIME OF STANDARD STOCK SOLUTION

In the FEDERAL REGISTER of April 18, 1972 (37 F.R. 7630) the Commissioner of Food and Drugs proposed that Parts 141, 141a, 141b, and 148j of the antibiotic drug regulations be amended to provide changes in the buffer used in the potency assay of novobiocin and in the storage time of the standard stock solution. Interested persons were invited to submit their comments in response to the notice of proposed rule making within 60 days. No comments were received. Accordingly, the Commissioner of Food and Drugs concludes that the antibiotic drug regulations should be amended as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Parts 141, 141a, 141b, and 148j are amended as follows:

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOITC-CONTAINING DRUGS

1. The table in § 141.110(b) is amended by revising the entry for novobiocin to read as follows:

§ 141.110 Microbiological agar diffusion assay.

* * * * *

(b) * * *

Antibiotic	Working standard stock solution					Standard response line concentrations	
	Drying conditions (method number as listed in § 141.501)	Initial solvent	Diluent (solution number as listed in § 141.102(a))	Final concentration units or milligrams per milliliter	Storage time under refrigeration	Diluent	Final concentrations, units or micrograms of activity per milliliter
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *
Novobiocin	5	10,000 µg. per ml. in absolute ethyl alcohol.	3	1 mg	5 days	6	0.320, 0.400, 0.500, 0.625, 0.781 µg.
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

2. Section 141a.21 is amended by revising paragraphs (a)(2) and (c)(1) to read as follows:

§ 141a.21 Capsules penicillin and novobiocin.

(a) * * *

(2) *Novobiocin content.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar containing sufficient 0.1 *M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. To an aliquot add sufficient penicillinase to inactivate the penicillin, further dilute with 10 percent potassium phosphate buffer, pH 6.0 (solution 6) to give a reference concentration of 0.5 microgram of novobiocin per milliliter (estimated) and allow to stand for one-half hour at 37° C. Its content of novobiocin is satisfactory if it contains not less than 85 percent of the number of milligrams per capsule that it is represented to contain.

* * * * *

(c) *Novobiocin used in making the capsules*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1 *M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 0.5 microgram of novobiocin per milliliter (estimated).

* * * * *

3. Section 141a.100 is amended by revising paragraphs (b)(1)(iii) and (iv) to read as follows:

§ 141a.100 Potassium phenethicillin.

* * * * *

(b) * * *

(1) * * *

(iii) *Standard curve.* Using the stock solution, further dilute with pH 7.8 to 8.0 buffer to get final concentrations of 0.064, 0.08, 0.1, 0.125, and 0.156 unit per milliliter, and proceed as described in § 141.110 (c) and (d) of this chapter.

(iv) *Assay.* Dissolve a weighing of the sample in sufficient pH 7.8 to 8.0 buffer to give a convenient stock solution. Further dilute with buffer to give an estimated concentration equivalent to 0.1 unit per milliliter of the L-α-phenoxyethyl, penicillin potassium standard and then proceed as described in § 141.110(c) of this chapter.

* * * * *

§ 141a.108 [Amended]

4. Section 141a.108 *Procaine penicillin-novobiocin-polymyxin-dihydrostreptomycin in oil* is amended in the second sentence of paragraph (a)(2) by changing the words "1 percent potassium phosphate buffer, pH 6.0," to read "10 percent potassium phosphate buffer, pH 6.0 (solution 6),".

§ 141a.109 [Amended]

5. Section 141a.109 *Procaine penicillin G-novobiocin-neomycin-dihydrostreptomycin in oil* is amended in the third sentence of paragraph (a)(2)(i) by changing the words "1 percent potassium phosphate buffer, pH 6.0," to read "10 percent potassium phosphate buffer, pH 6.0 (solution 6),".

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

§ 141b.112 [Amended]

6. Section 141b.112 *Streptomycin-polymyxin-bacitracin tablets* is amended in the first sentence of paragraph (b)(1)(iv) by revising the reference "§ 141a.21(c)(1)(vii)" to read "§ 141.110 (b), (c), and (d)."

PART 148j—NOVOBIOCIN

§ 148j.1 [Amended]

7. Section 148j.1 *Nonsterile sodium novobiocin* is amended in the second sentence of paragraph (b)(1) by changing the words "1 percent potassium phosphate buffer, pH 6.0 (solution 1)," to read "10 percent potassium phosphate buffer, pH 6.0 (solution 6),".

§ 148j.1a [Amended]

8. Section 148j.1a *Sterile sodium novobiocin* is amended in the second sentence of paragraph (b)(1) by changing the words "1 percent potassium phosphate buffer, pH 6.0 (solution 1)," to read "10 percent potassium phosphate buffer, pH 6.0 (solution 6),".

§ 148j.2 [Amended]

9. Section 148j.2 *Calcium novobiocin* is amended in the second sentence of paragraph (b)(1) by changing the words "1 percent potassium phosphate buffer, pH 6.0 (solution 1)," to read "10 percent potassium phosphate buffer, pH 6.0 (solution 6),".

§ 148j.3 [Amended]

10. Section 148j.3 *Sodium novobiocin tablets* is amended in the second sentence of paragraph (b)(1) by changing

the words "1 percent potassium phosphate buffer, pH 6.0 (solution 1)," to read "10 percent potassium phosphate buffer, pH 6.0 (solution 6),".

§ 148j.5 [Amended]

11. Section 148j.5 *Calcium novobiocin oral suspension* is amended in the third sentence of paragraph (b) (1) by changing the words "1 percent potassium phosphate buffer, pH 6.0 (solution 1)," to read "10 percent potassium phosphate buffer, pH 6.0 (solution 6),".

§ 148j.6 [Amended]

12. Section 148j.6 *Sodium novobiocin for injection* is amended in the fourth sentence of paragraph (b) (1) by changing the words "1 percent potassium phosphate buffer, pH 6.0 (solution 1)," to read "10 percent potassium phosphate buffer, pH 6.0 (solution 6),".

§ 148j.7 [Amended]

13. Section 148j.7 *Sodium novobiocin capsules* is amended in the third sentence of paragraph (b) (1) by changing the words "1 percent potassium phosphate buffer, pH 6.0 (solution 1)," to read "10 percent potassium phosphate buffer, pH 6.0 (solution 6),".

Effective date. This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: August 23, 1972.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.72-14689 Filed 8-30-72;8:45 am]

PART 148i—NEOMYCIN SULFATE

Combination Drug Containing Neomycin Sulfate and Amphotericin B for Oral Use; Confirmation of Order of Revocation

An order was published in the FEDERAL REGISTER of June 17, 1972 (37 F.R. 12067), amending the antibiotic drug regulations to repeal provisions for certification of neomycin sulfate-amphotericin B tablets. The order amended Part 148i by revoking § 148i.45 and all antibiotic certificates issued thereunder.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the above-identified order. Accordingly, the amendments promulgated thereby became effective July 27, 1972.

Firms affected by the order will be allowed 30 days after publication hereof in the FEDERAL REGISTER to recall outstanding stocks of the affected drugs. Certification of new stocks has been discontinued.

Dated: August 21, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-14815 Filed 8-30-72;8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-6—FOREIGN PURCHASES

Subpart 5A-6.1—Buy American Act—Supply and Service Contracts

APPROPRIATION ACT RESTRICTIONS—HAND AND MEASURING TOOLS

1. Section 5A-6.100(a) is amended as follows:

§ 5A-6.100 Scope of subpart.

(a) This subpart prescribes procedures for soliciting and evaluating offers involving hand or measuring tools not produced in the United States or its possessions. This subpart is based on section 505 of the "Treasury, Postal Service, and General Government Appropriation Act, 1973."

* * * * *

2. Section 5A-6.104 is amended as follows:

§ 5A-6.104 Evaluating bids for hand and measuring tools.

(a) *Appropriation Act restrictions.* Section 505 of Public Law 92-351 provides as follows:

Sec. 505. * * *

* * * * * *

(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 the date shown below.

Dated: August 18, 1972.

L. E. SPANGLER,
Acting Commissioner, Federal Supply Service.

[FR Doc.72-14860 Filed 8-30-72;8:55 am]

Chapter 29—Department of Labor

PART 29-12—LABOR

Coverage of Persons Receiving Occupation or Job Training Under Department of Labor Contracts Who Are Not Employees of Contractor

On pages 11189 and 11190 of the FEDERAL REGISTER of June 3, 1972, there was published a notice of proposed rule making to extend the protection of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651, et seq.) to persons who are receiving occupation or job training under contracts with the Department of Labor, but who are not employees of the contractor. Interested persons were given 30 days in which to submit written comments, suggestions, or objections, regarding the proposed regulations.

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

Effective date. This part shall apply to all contracts and to amendments or modifications to existing contracts which are in the nature of new procurement, the invitations for bids for which are issued, or negotiations for which are commenced 30 days or more after the publication of this document in the FEDERAL REGISTER.

Signed at Washington, D.C., this 25th day of August 1972.

J. D. HODGSON,
Secretary of Labor.

Subpart 29-12.50—Occupational Safety and Health

Sec.

AUTHORITY: The provisions of this Subpart 29-12.50 issued under 80 Stat. 379, 5 U.S.C. 301; sec. 207, 76 Stat. 29, 42 U.S.C. 2587; sec. 602, 78 Stat. 528, 42 U.S.C. 2942; and sec. 204(a), 81 Stat. 888, 42 U.S.C. 639.

Subpart 29-12.50—Occupational Safety and Health

§ 29-12.5000 Scope of subpart.

This subpart extends the standards policies of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) to persons who are receiving occupation or job training under Department of Labor contracts but who are not employees of the contractor.

§ 29-12.5001 Basic protection.

The Occupational Safety and Health Act of 1970 provides the following basic protection for employees:

(a) It requires the employer to furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees.

(b) It requires the employer to comply with occupational safety and health standards promulgated under the Act, which are published in Part 1910 of Title 29, Code of Federal Regulations.

§ 29-12.5002 Applicability.

The Department of Labor shall require its contractors providing occupational and job preparation training to persons who are not employees to protect such persons as though they were employees with respect to the provisions of Federal or State occupational safety and health standards, as applicable.

§ 29–12.5003 Contract clause.

The following clause shall be included in all contracts with the Department of Labor which provide for occupational or job preparation training (including basic education, counseling, personal, and cultural development, recreational activities, and work-experience training) when the trainees are not employees of the contractor: Occupational Safety and Health Act.

(a) In the performance of this contract, the contractor agrees to provide all trainees, who are not employees, with safety and health protection which shall be at least as effective as that which would be required under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) if the trainees were employees of the contractor thereunder.

(b) All records pertaining to injuries and illnesses of trainees who are not employees shall be maintained in accordance with the provisions of Part 1904 of Title 29 of the Code of Federal Regulations.

(c) Contractor agrees to include the substance of this clause in all subcontracts which provide for the training of persons who are not employees of the subcontractor.

(d) Failure of the contractor to comply with the provisions of this clause shall be grounds for the termination of this contract or the invocation of the "Debarred, Suspended, and Ineligible Bidders" procedures of the Federal Procurement Regulations and the Department of Labor Procurement Regulations.

§ 29–12.5004 Notice of award.

Contracting Officers of the Department of Labor shall submit a notice of award of a contract containing the clause in § 29–12.5003 to the Occupational Safety and Health Administration (OSHA) Regional Administrator within the region where the contract is to be performed at the following addresses:

REGION I

Regional Administrator, OSHA, U.S. Department of Labor, John F. Kennedy Federal Building, Government Center, Room E–308, Boston, Mass. 02203.

REGION II

Regional Administrator, OSHA, U.S. Department of Labor, 341 Ninth Avenue, Room 920, New York, NY 10001.

REGION III

Regional Administrator, OSHA, U.S. Department of Labor, Penn Square Building, Room 410, Juniper and Filbert Streets, Philadelphia, Pa. 19107.

REGION IV

Regional Administrator, OSHA, U.S. Department of Labor, 1375 Peachtree Street NE., Suite 587, Atlanta, GA 30309.

REGION V

Regional Administrator, OSHA, U.S. Department of Labor, 300 South Wacker Drive, Room 1201, Chicago, IL 60604.

REGION VI

Regional Administrator, OSHA, U.S. Department of Labor, Suite 600, Texaco Building, 1512 Commerce Street, Dallas, TX 75201.

REGION VII

Regional Administrator, OSHA, U.S. Department of Labor, 823 Walnut Street, Room 300, Kansas City, MO 64106.

REGION VIII

Regional Administrator, OSHA, U.S. Department of Labor, Post Office Box 3588, Federal Building, 1961 Stout Street, Denver, CO 80202.

REGION IX

Regional Administrator, OSHA, U.S. Department of Labor, 10353 Federal Building, 450 Golden Gate Avenue, Seattle, WA 98102.

REGION X

Regional Administrator, OSHA, U.S. Department of Labor, 1804 Smith Tower Building, 506 Second Avenue, Seattle, WA 98104.

[FR Doc.72–14880 Filed 8–30–72;8:56 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[MC–C–6829]

PART 1064—NOTICE OF AND PROCEDURES FOR BAGGAGE EXCESS VALUE DECLARATION

Limitation of Free Baggage Allowance; Greyhound Lines; Petition for Investigation

Upon consideration of the record in the above-entitled proceeding (including the report and order of the Commission at 115 M.C.C. 566), and of the petition (letter) of the National Bus Traffic Association, Inc., filed August 7, 1972, for extension of time for the filing of petitions for reconsideration in this proceeding (now fixed as August 21, 1972), and for the indefinite postponement of the effective date of the regulations promulgated in the above-entitled proceeding (now fixed as September 1, 1972); and

It appearing, that petitioner will require additional time to communicate with the motorbus industry in order to submit a well-informed, meaningful petition for reconsideration; that the date for filing petitions for reconsideration in this proceeding should be extended to November 20, 1972, as requested by the petitioner, and that no additional extensions of time are foreseen; that motorbus carriers will require additional time to comply with the regulations promulgated in this proceeding; that such effective date should be postponed only to December 20, 1972, at which time it may be determined whether a further delay may be warranted; and good cause appearing therefor:

It is ordered, That the date for filing petitions for reconsideration in the above-entitled proceeding be, and it is hereby, extended to November 20, 1972.

It is further ordered, That the effective date of the order of July 11, 1972, in this proceeding be, and it is hereby, postponed until December 20, 1972.

It is further ordered, That except to the extent granted herein, the petition be, and it is hereby, denied.

Dated at Washington, D.C., this 15th day of August, 1972.

By the Commission, Chairman Stafford.

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

[FR Doc.72–14864 Filed 8–30–72;8:56 am]

[MC–C–6829]

PART 1064—NOTICE OF AND PROCEDURES FOR BAGGAGE EXCESS VALUE DECLARATION

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 11th day of July 1972.

It appearing, that in the interim report in this proceeding reported at 114 M.C.C. 56, this Commission proposed certain regulations regarding passengers' declarations of excess baggage valuations and invited all parties and other interested persons to file further statements of facts, views, and arguments respecting effectuating the rules and regulations proposed.

And it further appearing that investigation of the matters and things involved in this proceeding has been made, and this Commission having made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof:

It is ordered, That part of Subchapter A of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding a new Part 1064, reading as set forth in Appendix A below to the said report in this proceeding.

It is further ordered, That the notice of proposed rule making and order set forth in Appendix B, said report be, and it is hereby, adopted.

It is further ordered, That this order shall become effective on September 1, 1972, and shall continue in effect until the further order of this Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of this Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

APPENDIX A

AUTHORITY: The provisions of this Part 1064 issued under 49 U.S.C. 308, 319.

§ 1064.1 Notice of passenger's ability to declare excess value on baggage.

(a) All motor common carriers of passengers and baggage subject to Part II

of the Interstate Commerce Act, which provide in their tariffs for the declaration of baggage value in excess of a free baggage allowance limitation, shall provide clear and adequate notice to the public of the opportunity to declare such excess value on baggage.

(b) The notice referred to in paragraph (a) of this section shall be in large and clear print, and shall state as follows:

NOTICE—BAGGAGE LIABILITY

This motor carrier is not liable for loss or damage to baggage in an amount exceeding $_____. If a passenger desires additional coverage for the value of his baggage he may, upon checking his baggage, declare that his baggage has a value in excess of the above limitation and pay a charge as follows: _____

The statement of charges for excess value declaration shall be clear, and any other pertinent provisions may be added at the bottom in clear and readable print.

(c) The notice referred to in paragraphs (a) and (b) of this section shall be (1) placed in a position near the ticket seller, sufficiently conspicuous to apprise the public of its provisions, (2) placed on a form to be attached to each ticket issued and the ticket seller shall, where possible, provide oral notice to each ticket purchaser to read the form attached to the ticket, and (3) placed in a position near the bus entrance, sufficiently conspicuous to apprise each boarding passenger of the provisions of the said notice.

§ 1064.2 Baggage excess value declaration procedures.

All motor common carriers of passengers and baggage subject to Part II of the Interstate Commerce Act, which provide in their tariffs for the declaration of baggage value in excess of a free baggage allowance limitation, shall provide for the declaration of excess value on baggage at any time or place where provision is made for baggage checking, including (a) at a baggage checking counter until 15 minutes before scheduled boarding time, and (b) at the side of the bus during boarding at a terminal or any authorized service point.

[FR Doc.72-14865 Filed 8-30-72;8:56 am]

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 32485]

PART 1204—PIPELINE COMPANIES

Uniform System of Accounts

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 9th day of August 1972.

To provide specific accounting procedures for acquisition by purchase of a pipeline company, system, facility, or portion thereof, Division 2, by its report and order in No. 32485, decided September 22, 1969, 335 I.C.C. 459, adopted amendments to the Uniform System of Accounts for Pipeline Companies (49 CFR Part 1204) to become effective November 1, 1969. However, on October 30, 1969, the proceeding was designated as one involving issues of general transportation importance, and upon consideration of petitions for reconsideration filed pursuant thereto the proceeding was reopened. By report on reconsideration, decided August 20, 1970, 337 I.C.C. 518, the prior ultimate findings were reversed by the entire Commission, and revised amendments to the pipeline system of accounts were adopted. The purpose of this order is to reflect in all respects the decision in the report on reconsideration.

It appearing that Part 1204 of Chapter X of Title 49 of the Code of Federal Regulations presently contains accounting rules which do not conform to the said report on reconsideration; therefore,

It is ordered, That Part 1204 of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended as set forth below.

It is further ordered, That these changes shall become effective upon publication in the FEDERAL REGISTER (8-31-72).

And it is further ordered, That service of this order shall be made on all pipeline companies which are affected thereby, and notice of the order shall be given the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy of the order with the Director, Office of the Federal Register, for publication therein.

(Secs. 12, 20, 24 Stat. 383, 386, as amended, 49 U.S.C. 12, 20)

By the Commission.

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

I. Instructions and definitions amended:

Item No. 1. In the list of "General Instructions" under "List of Instructions and Accounts", accounts 38, Other Elements of Investment, and 39, Accrued Amortization of Other Elements of Investment, are deleted, and Instruction 3-11 is amended as follows:

3-11 Acquisition by merger, consolidation, or purchase.

Item No. 2. Definition 11, "Cost" is amended to read:

"Cost" means the amount of money actually paid for property or services or the current cash value of the consideration given when it is other than money.

Item No. 3. Definition 11a, "Original Cost", is deleted.

Item No. 4a. Instruction 3-1, paragraphs (b), (c), and (d) are amended to read:

INSTRUCTIONS FOR CARRIER PROPERTY ACCOUNTS

3-1. Property acquired. * * *

(b) The cost of purchased property is the net price paid on a cash basis, or if other than money is given, the current value of that consideration. Cost includes the purchase price; sales, use, and excise taxes, and ad valorem taxes during periods of construction; transportation charges; insurance in transit; installation charges; and expenditures for testing and final preparation for use.

(c) Property acquired from an affiliated company through purchase or transfer shall be recorded together with the related accrued depreciation and liabilities assumed, if any, in the appropriate property accounts at the same amount that it was recorded on the books of the affiliate. When the purchase price exceeds the net book value of the property acquired, the difference shall be charged to retained income. When the purchase price is less than the net book value, the difference shall be credited to account 73, Additional Paid-in Capital. This does not apply to small miscellaneous purchases or transfers.

(d) The purchase of a proportionate share of a pipeline system or facility owned in undivided interests shall be recorded at the amount that the pecentage of interest acquired bears to the whole. Any excess of deficiency of purchase price over the amount so recorded shall be debited to account 44, Other Deferred Charges, or credited to account 63, Other Noncurrent Liabilities, as appropriate, and amortized in equal periodic amounts over the remaining service life of the system or facility through income.

b. Instruction 3-1, paragraph (e), is deleted.

c. Instruction 3-11 is amended to read:

3-11 *Acquisition by merger, consolidation or purchase.* Accounting for property acquired by business combination of two or more corporations, or the acquisition of properties comprising a distinct operating system, or integral portion thereof as specified in section 3-1, shall depend on whether there has been (1) a merger or consolidation in a "pooling of interests" or (2) a "purchase." A "pooling of interests" may exist when holders of all or substantially all of the ownership interests, usually common stock, in the constituent corporations or entities become the owners of a surviving corporation or a new corporation which owns the assets and business of the constituent corporations or entities directly or through one or more subsidiaries. However, when the stockholders of one of the constituent corporations obtain 90 percent or more of the voting interest in the combined enterprise; or when there is a plan or firm intention and understanding to retire a substantial part of the capital stock issued to the owners of one or more of the constituent corporations or substantial changes in ownership which occurred shortly before or planned to occur shortly after the combination, the combination may be considered a "purchase."

(a) *Accounting under a "pooling in interest."* (1) In accounting for a "pooling of interests," no new basis of accountability arises. The assets and liabilities of the constituent companies or entities and the related accrued depreciation and amortization accounts along with the retained income or deficit accounts shall be carried forward, adjusted, if necessary, to conform with the accounting rules of the Commission.

(2) When the total par value or stated value of no-par capital stock of the succeeding corporation is greater than that of the constituent corporations, the excess shall be charged first to the amount in account 73, Additional Paid-in Capital, that is not otherwise restricted, and the Balance to account 75, Unappropriated Retained Income.

(3) When the par value or stated value of no-par capital stock of the succeeding corporation is less than that of the constituent corporations, the difference shall be credited to account 73, Additional Paid-in Capital.

(b) *Accounting under a "purchase."* In accounting for a "purchase," the assets shall be recorded on the books of the acquiring carrier at cost as of the date of acquisition or, if other than money is given, at the fair value of such consideration. Liabilities assumed shall be recorded in the appropriate accounts according to the accounting rules of the Commission.

* * * * *

II. Texts of accounts amended or deleted:

Item No. 1. Account 38, Other Elements of Investment, and Account 39, Accrued Amortization on Other Elements of Investment are deleted.

Item No. 2. In Account 660, paragraph (a) should read as follows:

660 Miscellaneous income charges.

(a) This account shall include income charges not provided for elsewhere chargeable to income accounts for the current year, such as amortization of debt expense, losses on sale or disposition of land and noncarrier property, losses on sales or reductions in value of investment securities, bad debts, losses on company bonds reacquired, taxes (other than Federal income taxes) on investment securities, trust management expenses, amortization of intangibles which are not restricted to a fixed term, and the difference between the premium and the added cash surrender value of life insurance on officers and employees when the carrier is beneficiary.

* * * * *

Item No. 3. In Account 797, Form of Balance Sheet, accounts 38, Other Elements of Investment, and 39, Accrued Amortization—Other Elements of Investment, are deleted.

[FR Doc.72-14867 Filed 8-30-72;8:51 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

National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (8-31-72).

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

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Havasu National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 24,200 acres, is delineated on maps available at refuge headquarters, Needles, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting seasons are as follows: Arizona—mourning doves, from September 1 through September 17, 1972, inclusive; and from December 14, 1972 through January 15, 1973, inclusive; white-winged doves, from September 1 through September 12, 1972, inclusive. California—white-winged and mourning doves, from September 1 through September 30, 1972, inclusive; and from November 25 through December 10, 1972, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves subject to the following special condition:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1973.

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 10,500 acres, is delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting seasons are as follows: Arizona—mourning doves only, from December 14, 1972 through January 15, 1973, inclusive; California—mourning doves only, from November 25 through December 10, 1972, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1973.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves, rails, woodcock, Wilson's snipe, and purple and common gallinules on the Flint Hills National Wildlife Refuge, Kans., is permitted only on the area designated by signs as open to hunting. This open area, comprising 5,165 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting seasons are as follows: Mourning doves, from September 1 through October 30, 1972, inclusive; rails, from September 1 through November 9, 1972, inclusive; woodcock, from October 14 through December 17, 1972, inclusive; Wilson's snipe, from September 9 through November 12, 1972, inclusive; gallinules, from September 1 through November 9, 1972, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves, rails, woodcock, Wilson's snipe, and gallinules, subject to the following special condition:

(1) Vehicle access shall be restricted to designated parking areas and to existing roads.

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 17, 1972.

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Flint Hills National Wildlife Refuge, Kans., is permitted from September 9 through September 17, 1972, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,165 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks subject to the following special conditions:

(1) Vehicle access shall be restricted to designated parking areas and to existing roads.

(2) Blind construction by the public is permitted but limited to temporary above-ground construction. Blind construction does not constitute a reservation of hunting space. Daily occupancy of blinds erected on refuge hunting units will be determined on a first-come first-served basis.

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 September 17, 1972.

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Kirwin National Wildlife Refuge, Kans., is permitted from September 1 through October 30, 1972, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,700 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves.

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 October 30, 1972.

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Kirwin National Wildlife Refuge, Kans., is permitted from September 9 through September 17, 1972, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,700 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks subject to the following special condition:

(1) Blinds — Temporary blinds constructed above ground from natural vegetation are permitted. Digging of holes or pits to serve as blinds is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 17, 1972.

QUIVIRA NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Quivira National Wildlife Refuge, Kans., is permitted from September 9 through September 17, 1972, inclusive, but only on the areas designated by signs as open to hunting. Hunting of mourning doves, sora and Virginia rails, Wilson's snipe and gallinules is also permitted during the teal season. This open area, comprising 7,990 acres, is delineated on maps available at refuge headquarters, Stafford, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of migatory birds.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 17, 1972.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Public hunting of mourning and white-winged doves on the Bitter Lake National Wildlife Refuge, N. Mex., is permitted from September 1 through September 30, 1972, inclusive; and from November 18 through December 17, 1972, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,320 acres, is delineated on maps available at refuge headquarters, Roswell, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of doves.

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 17, 1972.

BITTER LAKE NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Bitter Lake National Wildlife Refuge, N. Mex., is permitted from September 16 through September 24, 1972, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,320 acres, in Hunting Areas B and C, is delineated on maps available at refuge headquarters, Roswell, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks.

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 September 24, 1972.

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

Public hunting of mourning and white-winged doves on the Bosque del Apache National Wildlife Refuge, N. Mex., is permitted from September 1, through September 30, 1972, inclusive, and from November 18 through December 17, 1972, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 19,020 acres, is delineated on maps available at refuge headquarters, 7 miles south of San Antonio, N. Mex., from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves subject to the following special conditions:

(1) Vehicles are permitted only on established roads.

(2) Hunters shall leave the refuge by one-half hour after sunset.

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 17, 1972.

OKLAHOMA

SEQUOYAH NATIONAL WILDLIFE REFUGE

Public hunting of doves, teal, woodcock, rails, and snipe on the Sequoyah National Wildlife Refuge, Okla., is permitted on three areas designated by signs as open to hunting. These open areas, comprising 9,760 acres, are delineated on maps available at refuge headquarters, Sallisaw, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103.

Hunting seasons are as follows: Doves, September 1 through October 30, 1972, inclusive; teal, September 16 through September 24, 1972, inclusive; rails, September 1 through November 9, 1972, inclusive; woodcock, November 20, through the last day of the regular 1972–73 duck season, inclusive; snipe, October 21 through December 24, 1972, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves, teal, woodcock, rails, and snipe subject to the following special conditions:

(1) Hunting weapons of any kind are prohibited in areas not posted as open to public hunting, except the Kerr-McClellan Navigation Channel where weapons must be cased or broken down.

(2) Only shotguns without slug ammunition are permitted.

(3) Camping or possession of firearms on the refuge at night is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through the last day of the regular 1972–73 duck season.

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office

Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of mourning doves subject to the following special conditions:

(1) The open season for hunting mourning doves on the refuge extends from September 1 through September 30, 1972, inclusive.

(2) Dogs may be used for the purpose of hunting and retrieving.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

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 September 30, 1972.

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Tishomingo National Wildlife Refuge, Okla., is permitted from September 16 through September 24, 1972, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks.

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 September 24, 1972.

TEXAS

BRAZORIA NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Brazoria National Wildlife Refuge, Tex., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,025 acres of Rattlesnake Island on the southeast side of the Intracoastal Waterway and adjacent to Drum, Christmas, and Bastrop Bays, is delineated on maps available at refuge headquarters, Angleton, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) The open season for hunting teal ducks on the refuge extends from September 9 through September 17, 1972, inclusive.

(2) Access to the hunting area is entirely over public water routes. Travel across the refuge mainland to and from the area open to hunting is not permitted.

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 September 17, 1972.

HAGERMAN NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Hagerman National Wildlife Refuge, Tex., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,644 acres, is delineated on maps available at refuge headquarters, 15 miles northwest of Sherman, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves subject to the following special condition:

(1) The open season for hunting mourning doves on the refuge extends from September 1 through September 30, 1972, inclusive.

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 September 30, 1972.

WILLIAM M. WHITE,
Acting Regional Director,
Albuquerque, N. Mex.

AUGUST 25, 1972.

[FR Doc.72-14835 Filed 8-30-72;8:47 am]

PART 32—HUNTING

Seney National Wildlife Refuge, Mich.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-31-72).

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

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Public hunting of Woodcock and Wilson's Snipe (Jacksnipe) on the Seney National Wildlife Refuge is permitted only on the area designated as open to hunting. This open area, comprising 33,525 acres, is delineated on maps available at refuge headquarters, Seney, Mich., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State regulations covering the hunting of Woodcock and Wilson's Snipe (Jacksnipe) subject to the following special conditions:

(1) All motorized conveyances are prohibited from traveling on dikes or off established roads and trails. Motorized bikes, All-Terrain Vehicles and snowmobiles are not not permitted on the refuge.

The provisions of this special regulation supplements 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 November 14, 1972.

TRAVIS S. ROBERTS,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

AUGUST 23, 1972.

[FR Doc.72-14821 Filed 8-30-72;8:48 am]

PART 32—HUNTING

Shiawassee National Wildlife Refuge, Mich.

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

MICHIGAN

SHIAWASSEE NATIONAL WILDLIFE REFUGE

Public hunting of geese on the Shiawassee National Wildlife Refuge, Mich., is permitted from waterfowl opening hour to 12 noon each odd numbered days from October 1, through November 29, 1972, except no hunting on November 15. The hunting area conprising approximately 1,200 acres is delineated on maps located at the refuge headquarters, Saginaw, Mich., and at the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese subject to the following special conditions:

(1) Hunting shall be by Federal permit and only from assigned blinds and pits.

(2) Certain designated blinds will be restricted to the use of 12 guage shotguns and iron shot only.

(3) A fee of $2 per hunter will be charged for the privilege of hunting.

(4) Two or three hunters will be permitted in each blind or pit.

(5) Applications for hunting must be postmarked not later than September 15, 1972.

(6) Assignment of blinds or pits will be at random by the refuge manager, and only successful applicants will be notified.

(7) After completion of the day's hunt, all hunters must proceed to refuge headquarters for check-out and the submission of geese for examination.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 29, 1972.

TRAVIS S. ROBERTS,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

AUGUST 21, 1972.

[FR Doc.72-14820 Filed 8-30-72;8:48 am]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–31–72).

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

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

The public hunting of migratory game birds on the Missisquoi National Wildlife Refuge, Vt., its permitted only on the areas delineated on maps available at refuge headquarters, Swanton, Vt., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of migratory game birds.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1972.

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

AUGUST 24, 1972.

[FR Doc.72–14833 Filed 8–30–72;8:47 am]

PART 32—HUNTING

Lacreek National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–31–72).

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

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Lacreek National Wildlife Refuge, S. Dak., is permitted only on the areas designated by signs as open to hunting. The two open areas; Little White Recreation Area (310 acres) and Habitat Unit 10 (1,000 acres) are delineated on a map available at the refuge headquarters, Martin, S. Dak. 57551 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of upland game subject to the following special conditions:

LITTLE WHITE RIVER RECREATION AREA

(a) Species permitted to be taken: Pheasants and grouse (sharp-tailed and pinnated) during the seasons specified below.

(b) Open season: Grouse from sunrise to sunset each day from September 16 through October 29, 1972; Pheasants from noon to sunset daily October 21 through November 5, 1972.

(c) The hunting of other upland species, as may be authorized by South Dakota State regulations, is permitted from September 1, 1972, through February 28, 1973.

HABITAT UNIT 10

(a) Species permitted to be taken: Pheasants during the season specified below. The hunting of other upland species, as may be authorized by South Dakota State regulations, is prohibited.

(b) Open season: Pheasants from noon to sunset daily October 21 through November 5, 1972.

(c) Access: Designated parking areas and entrance points will be available in the northwest and northeast corners of the hunting area. Entrance at any point other than the designated areas is prohibited.

The provision of this special regulation supplements the regulations which govern hunting in wildlife refuge area generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until February 28, 1973.

AUGUST 24, 1972.

HAROLD H. BURGESS,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, S. Dak.

[FR Doc. 72–14834 Filed 8–30–72;8:47 am]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–31–72).

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

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

The public hunting of upland game on the Missisquoi National Wildlife Refuge, Vt., is permitted on only the areas delineated on maps available at refuge headquarters, Swanton, Vt., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game.

The provision 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 31, 1972.

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

AUGUST 24, 1972.

[FR Doc.72–14832 Filed 8–30–72;8:47 am]

PART 32—HUNTING

National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (8–31–72).

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

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Squirrels and raccoon may be hunted during the prescribed State season and in accordance with the following special conditions:

(1) Hunting of raccoons is permitted only from sunset to sunrise; hunting of squirrels is permitted only from sunrise to sunset.

(2) Dogs are permitted during the squirrel hunt.

(3) Fires and cutting of trees are not permitted.

(4) No boats permitted during raccoon hunt.

(5) Shotguns or rifles not larger than .22 caliber may be used to hunt raccoons and squirrels.

(6) Persons are prohibited from possessing, while on the refuge, either on their person or in their vehicle, game for which there is not an open season on the refuge.

(7) The squirrel season will close at sunset on the day prior to the opening of duck season in the State.

The provisions of these special regulations 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 June 20, 1973.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Hunting shall be in accordance with applicable State regulations. Portions of the refuge which are open to hunting are designated by signs and delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Squirrels, rabbits, quail, turkey, raccoons, and opossum may be hunted in accordance with the following special conditions.

(1) Squirrels may be hunted September 30–November 10, 1972.

(2) Rabbits may be hunted October 28–November 10, 1972.

(3) Quail may be hunted December 2–25, 1972, and January 1–February 20, 1973.

(4) Turkey (gobblers only) may be hunted March 24–April 22, 1973.

(5) Raccoons and opossums may be hunted November 1, 1972–February 15, 1973. Hunt hours are from sunset to sunrise only.

(6) Sunday hunting is prohibited.

(7) Fires and cutting of trees are not permitted.

(8) Dogs are permitted during the quail, raccoon and opossum hunts only.

(9) Turkeys killed must be reported to refuge headquarters.

(10) Raccoons and opossums may be hunted only with .22 caliber rifles or hand guns.

The provisions of these special regulations 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 April 22, 1973.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 21, 1972.

[FR Doc.72-14818 Filed 8-30-72;8:48 am]

PART 32—HUNTING

Seney National Wildlife Refuge, Minn.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-31-72).

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

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of ruffed grouse, gray and fox squirrels, cottontail, jack, and snowshoe rabbits on the Tamarac National Wildlife Refuge, Rochert, Minn., is permitted in the area designated by signs as open to hunting. This open area comprising 12,500 acres is delineated on a map available at the refuge headquarters and from the office of the Regional Director, bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

An additional area of 18,000 acres will be open for public hunting of ruffed grouse only. This ruffed grouse only public hunting area is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State regulations during the seasons specified below. The hunting of other upland game species as may be authorized by Minnesota State regulations is prohibited.

Open seasons: Ruffed grouse—September 16, 1972, through November 30, 1972, inclusive with shooting hours from sunrise to sunset. Gray and fox squirrels—September 16, 1972, through December 31, 1972, inclusive with shooting hours from sunrise to sunset. Cottontail, jack, and snowshoe rabbits—September 16, 1972, through March 1, 1972, inclusive with shooting hours from sunrise to sunset.

No person shall trap on Tamarac National Wildlife Refuge without first obtaining such permits and trap tags as may be required and issued by the Refuge Manager. Portions of Tamarac refuge open to hunting will be posted "Public Hunting Area" except as described in refuge hunting maps for ruffed grouse. In addition, no persons shall, for the purpose of hunting or trapping, enter or leave a refuge except by access roads which may be so designated; and all hunter and trappers shall comply with further regulations which the Refuge Manager may prescribe.

OMER N. SWENSON,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minnesota.

AUGUST 22, 1972.

[FR Doc.72-14822 Filed 8-30-72;8:48 am]

PART 32—HUNTING

Tishomingo National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-31-72).

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

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of quail on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of quail subject to the following special conditions:

(1) The open season for hunting quail on the Management Unit (Zones 1 and 2) extends from sunrise to 11:45 a.m. November 20, 1972, through February 1, 1973, inclusive, on Tuesdays, Thursdays, Saturdays, Sundays and all national holidays.

(2) Dogs may be used for the purpose of hunting and retrieving.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

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 February 1, 1973.

ERNEST S. JEMISON,
Refuge Manager, Tishomingo National Wildlife Refuge, Tishomingo, Okla.

AUGUST 17, 1972.

[FR Doc.72-14836 Filed 8-30-72;8:48 am]

PART 32—HUNTING

Blackwater National Wildlife Refuge, Md.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-31-72).

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

MARYLAND

BLACKWATER NATIONAL WILDLIFE REFUGE

Public hunting of deer on Blackwater National Wildlife Refuge, Md., is permitted only on areas posted open to hunting. This open area, comprised of 12 separate compartments, is delineated on maps available from the Refuge Manager, Route No. 1, Box 121, Cambridge, MD 21613, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable Federal and State regulations and subject to the following special conditions:

(1) Deer may be taken during the following open seasons: by shotgun and single-slug ammunition only, November 27-28; by bow and arrow only, December 18-19, 1972.

(2) The refuge bag limit will be one deer of either sex, and refuge deer will be considered as part of a hunter's statewide bag. It will be unlawful to take or attempt to take any species other than deer.

(3) All hunters must have a special Refuge Permit, in addition to any other licenses required by the State. Permits are valid for the duration of one of the above 2-day periods and are strictly nontransferable.

(4) Shotguns only, 20 gauge and larger, using single-slug ammunition shall be used for gun hunting. Bows and arrows as prescribed by State regulations shall be used for bow hunting. Handguns, crossbows, and drug-tipped arrows may not be used or possessed. Guns or bows must be unloaded or unstrung when being transported in or upon a motor vehicle.

(5) All hunters must check in at a designated and marked refuge checking station near the refuge office each morning before going afield. Hunting hours will be from one-half hour before sunrise until 12 noon e.s.t. Hunters must check out through the check station by 1 p.m. daily.

(6) Hunting will be permitted in 12 refuge compartments. Hunters will be assigned a specific compartment and are restricted to their assigned compartment only.

(7) All deer killed must be checked through the refuge check station on the day killed and before leaving the refuge area. The refuge reserves the right to collect any specimen samples, such as jawbones and other body parts, deemed desirable for future herd management.

(8) Hunters under 18 years of age must be under the immediate supervision of a permit-holding adult.

(9) Camping, fires, and dogs are prohibited on the refuge.

(10) Vehicle traffic will be restricted to primary roads only. Hunting from, or on any refuge, county, or State road open to vehicle traffic is illegal.

(11) Hunters may use tree climbers and portable tree stands. It is unlawful to drive a nail, spike, or other metal object into any tree or to hunt from any tree into which these items have been driven.

(12) Intoxicants are not permissible on the refuge. Any hunter who refuge officials determine is under the influence of an intoxicant will not be permitted to hunt.

(13) Permit holders may visit their assigned refuge hunting compartment for scouting purposes on November 18 and 19, 1972, during daylight hours only. Weapons and dogs are not allowed while scouting. Blind construction prior to actual hunting is prohibited, and no live vegetation may be used in blind construction.

(14) Hunters may apply on the same application for both gun and bow hunts; no more than one application may be submitted. Multiple applications or false information are a violation of the hunt regulations and will be cause for invalidating all applications for that person.

(15) Apprehension of a person for any infraction of regulations shall be cause for immediate revocation of hunting privileges.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally as set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 19, 1972.

JACK E. HEMPHILL,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 23, 1972.

[FR Doc.72-14819 Filed 8-30-72;8:48 am]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-31-72).

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

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Missisquoi National Wildlife Refuge, Vt., is permitted only on the areas delineated on maps available at refuge headquarters, Swanton, Vt., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer, subject to the following special condition:

1. During the regular season, rifles may not be used on that part of the refuge lying east of the Missisquoi River.

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 31, 1972.

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

AUGUST 24, 1972.

[FR Doc.72-14831 Filed 8-30-72;8:47 am]

PART 32—HUNTING

National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (8-31-72).

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

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Wheeler National Wildlife Refuge is permitted only on the area designated by signs and/or on hunt maps as open to hunting. This open area, comprising that part of Wheeler Refuge located within the boundaries of the Redstone Arsenal Reservation, is delineated on maps available at the refuge headquarters, Box 1643, Decatur, AL 35601, the Provost Marshal's Office at Redstone Arsenal, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of white-tailed deer and regulations governing hunting on Redstone Arsenal, subject to the following special conditions:

(1) Hunting shall be by daily permit only, to be obtained from the Provost Marshal's Office, Redstone Arsenal, or his representatives.

(2) Hunting will be limited to the periods October 28 and 29, archery only, either sex; November 18 and 19, archery only, either sex; November 25 and 26, guns, bucks only; December 2, half-day only, guns, either sex; December 16 and 17, guns, bucks only; December 23, 24, and 25, archery only, either sex; and December 30, half-day only, guns, either sex.

(3) Arms are limited to shotguns of gauges 20 to 12 and loaded with single ball only and longbows with broadhead arrows.

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 30, 1972.

ARKANSAS

HOLLA BEND NATIONAL WILDLIFE REFUGE

Public hunting of deer with longbow and arrow on the Holla Bend National Wildlife Refuge, Ark., is permitted. This area, comprising approximately 6,366 acres, is delineated on a map available at Refuge headquarters, Russellville, Ark. 72801 and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer subject to the following special conditions:

(1) Hunting dates: October 1 through November 12, 1972.

(2) Hunters may not enter the refuge earlier than 2 hours before official sunrise daily.

(3) No firearms permitted.

(4) All deer taken must be reported before leaving the refuge.

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 November 12, 1972.

WHITE RIVER NATIONAL WILDLIFE REFUGE

Public hunting on the White River National Wildlife Refuge, Ark., is permitted only on the areas designated by signs as open to hunting. These open areas are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations and subject to the following special conditions:

(1) Species permitted to be taken: White-tailed deer, bobcat, beaver, and feral hogs.

(2) Open season: Archery—October 16–30, 1972; Gun—November 24–25 and December 1–2, 1972.

(3) Bag limits: One deer of either sex. No limit on hogs, bobcats, or beaver.

(4) Weapons: (a) Gun—in accordance with State regulations. (b) Archery—long bows only with a minimum pull of 40 pounds and arrows with a 7/8-inch minimum width blade.

(5) Shooting is not allowed from boats, vehicles, or roadways used by vehicles. Dogs and horses are not allowed, and all vehicles, including Jeeps, Scouts, Tote Goats, Hondas, etc., must stay on roads and trails. Shooting hours are 30 minutes before sunrise to 30 minutes after sunset. Camping is permitted in designated areas. Hunters may enter the open hunting area at noon on the date preceding each hunt. Fires can only be built in the campsites.

(6) Deer killed during the 4 days of gun hunting must be tagged immediately

upon possession with the State and Federal tags and also checked at one of the designated check stations between 7:30 a.m. and 7 p.m.

(7) Hunters may not return to hunt hogs, bobcats, or beaver after they have killed a deer.

(8) No permit required for archery hunt. Permits are required for the gun hunt. Gun hunters under 18 years of age must be accompanied by an adult.

(9) All hunters must exhibit their hunting licenses, deer tag, game, and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on national wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 2, 1972.

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Public hunting for deer on Blackbeard Island National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,585 acres, is delineated on a map available at the refuge headquarters, Route 1, Hardeeville, S.C. 29927, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Deer of either sex may be taken during the following open periods: October 24–27, 1972; November 21–24, 1972; and December 27–30, 1972.

(2) Hunting hours will be from daylight to 9:30 a.m. and from 3:30 p.m. to sunset daily.

(3) The season bag limit is two deer, only one of which may be a doe.

(4) Raccoons may also be taken during the above season.

(5) Only bows and arrows may be used. Bows must have not less than 40 pounds pull and arrows must be broadhead ⅞ inch or more in width. Firearms, crossbows, and mechanical bows are prohibited.

(6) Dogs are prohibited.

(7) Camping and fires will be permitted only at the designated camping area.

(8) Participants must arrange their own transportation to the island and may not enter the refuge more than 2 days in advance of each opening date.

(9) Hunters will be restricted to the camping area until the morning of the first day of each hunt period.

(10) A Federal permit is required. Permit applications must be received by the Refuge Manager, Savannah National Wildlife Refuge, Route 1, Hardeeville, S.C. 29927, by the following dates: October 1 for the hunt beginning October 24; November 1 for the hunt beginning November 21; and December 3 for the hunt beginning December 27.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally as set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1972.

PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Piedmont National Wildlife Refuge, Ga., is permitted on the refuge except in those areas designated by signs as closed. The open area, comprising approximately 32,000 acres is delineated on the map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Open season and bag limit: (a) Archery Hunt—September 30–October 14, 1972. Limit two bucks or one buck and one doe; (b) Trophy Buck Hunt—October 31–November 4, 1972. Limit one buck with four or more points on one side; (c) Either Sex Hunt—November 11 and November 25, 1972. Limit one deer. Same person will not be on two hunts.

(2) Additional species: Bobcats, foxes, and raccoons may be taken only during the archery hunt.

(3) Buckshot, handguns, crossbows, and drug-tipped arrows may not be used or possessed. Target practice during the gun hunt is prohibited.

(4) All deer killed must be checked in at refuge headquarters on the same day they are killed and before leaving the refuge area.

(5) All hunters must check out by closing time on the last day of each hunt.

(6) Dogs are prohibited.

(7) Camping and fires are restricted to the designated camping area in Compartment 19 which will be open on the following dates: September 23–24; September 29–October 15; October 30–November 5; November 10–12; and November 24–26.

(8) Hunters not having reached their 18th birthday must be under the immediate supervision of an adult.

(9) Hunters must furnish and wear either red, orange, or yellow vests, coats, or coveralls while on the refuge hunting areas.

(10) It is unlawful to drive a nail, spike, or other metal object into any tree or to hunt from any tree in which a nail, spike, or other metal object has been driven.

(11) All areas open for hunting may be visited for scouting purposes on September 23–24, 1972, during daylight hours only. Weapons and dogs are not permitted.

(12) A refuge permit is required. Hunt permits are nontransferable. Hunters for the gun hunts will be selected by computer from applications received. Applications for the gun hunts must be made on the form available from the Piedmont National Wildlife Refuge, Round Oak,, Ga. 31080. Completed applications must be in the office of the Piedmont National Wildlife Refuge by 4:30 p.m. on September 8, 1972. Only one application per hunter is allowed. Applications may be submitted individually or as a group of not more than five. Group applications must be mailed stapled together. Successful applicants must have their gun hunt permits validated before going afield.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally as set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 25, 1972.

MARYLAND

EASTERN NECK NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Eastern Neck National Wildlife Refuge, Md., is permitted on all areas not designated by signs as closed to hunting. This open area, comprising 2,169 acres, is delineated on maps available at refuge headquarters, Rock Hall, Md., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all State regulations governing the hunting of deer subject to the following special conditions:

(1) White-tailed deer may be taken from sunrise to sunset during the following open seasons: (a) Muzzle loading rifle hunt only: October 14, 1972; (b) bow and arrow hunt only: October 20–21 and 23, 1972; and (c) shotgun hunt only: October 27–28 and 30–31, 1972.

(2) Bag limits: One deer, either sex.

(3) All participants in the deer hunt must report at the designated check station before entering or leaving the refuge. All deer killed must be presented for examination at the check station.

(4) Hunters may not enter the refuge until 45 minutes before sunrise and must check out no later than one (1) hour after sunset.

(5) Possession of loaded weapons before or after legal hunting hours is prohibited.

(6) All hunters must enter and leave the refuge by way of State Road 445 only. Entry by boat is prohibited.

(7) Dogs are prohibited.

(8) Unauthorized entry into any building or designated "Closed Area" is prohibited.

(9) Hunters must not hunt or possess loaded guns or arrows notched in bow on the county roads or designated parking areas.

(10) During the shotgun hunt all hunters must furnish and wear, so as to be readily noticeable, red, yellow, or orange caps, hats, and similarly colored vests, shirts, or coats while on the hunting area.

(11) Hunters under 18 years of age must be accompanied by an adult.

(12) Hunters shall not disturb, damage, or destroy unharvested crops.

(13) Camping and fires are prohibited.

(14) A Federal permit will be required of all participants in the deer hunts. Permits will be limited to 300 per day for

the bow and arrow hunt and 150 per day for the firearms hunts. They will be issued in advance of the season to hunters selected by an impartial drawing of applications received. Applications must be received no later than September 8, 1972, at the Eastern Neck National Wildlife Refuge, Route 2, Box 225, Rock Hall, MD 21661. Permits will not be transferable.

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 31, 1972.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Hunting shall be in accordance with applicable State regulations. Portions of the refuge which are open to hunting are designated by signs and delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. White-tailed deer may be hunted in accordance with the following special conditions:

(1) Hunting with guns is permitted November 18–December 1, 1972, and December 26–30, 1972, excluding Sundays.

(2) A kill quota of 800 deer is established, 400 of which may be antlerless. The hunt will be terminated if these quotas are reached prior to the above specified closing date.

(3) Shotguns smaller than 20 gauge and rifles .22 caliber and smaller are prohibited.

(4) Shotgun shells containing buckshot smaller than No. 1 are prohibited.

(5) The use of dogs is not permitted.

(6) Fires and cutting of trees are not permitted.

(7) Hunting of deer with long bows only is permitted September 30–November 17, 1972, excluding Sundays. The use of long bows is also permitted during the periods when the refuge is open to hunting deer with guns.

(8) Firearms and crossbows are prohibited during the season established for archery hunting only.

(9) A primitive weapons hunt for deer with muzzle-loading rifles, single shot, .38 caliber or larger or long bows will be conducted during the periods October 21–28, November 11–17, and December 15–19, 1972, excluding Sundays.

(10) All deer killed must be checked out at one of the designated refuge checking stations.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations and are effective through December 30, 1972.

YAZOO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Yazoo National Wildlife Refuge is permitted only on the areas designated by signs as open to hunting. This open area, comprising approximately 10,500 acres, is delineated on a map available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all State regulations governing the hunting of deer subject to the following special conditions:

(1) Open season: Archery—November 4–17, 1972, Sundays excluded. Gun—January 1–6, 1973.

(2) Bag limit: One deer of either sex during the archery hunt. One buck with antlers 4 inches or longer during the gun hunt.

(3) Weapons: Archery—Longbows only; crossbows and all firearms prohibited. Gun—shotguns larger than 410 gauge and rifles larger than 222 caliber. No sidearms (pistols or revolvers) permitted.

(4) A refuge deer hunting permit is required for the gun hunt.

(5) Firearms may not be discharged within 250 yards of residences or the refuge headquarters. The carrying of loaded firearms in vehicles and shooting from or across county or State roads is prohibited.

(6) All deer killed must be checked out at a refuge checking station.

(7) Hunters may enter the hunting area no earlier than 1 hour before sunrise. Archery hunters must depart the hunting area immediately after sunset and gun hunters must depart the hunting area no later than 1 hour after sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 6, 1973.

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Bulls Island Unit of the Cape Romain National Wildlife Refuge, Awendaw, S.C., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,500 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer except the following special conditions:

(1) The open season for bow and arrow hunting of white-tailed deer (either sex) is October 30–November 4, November 23–25, and December 11–16, 1972, daylight hours only.

(2) Bows with minimum recognized pull of 45 pounds and arrows with minimum blade width of seven-eighths (⅞) inch will be required for deer. Firearms, crossbows, or any type of mechanical bow, poison arrows, or any other weapons are prohibited.

(3) Stand hunting only is permitted on the area north of the beach road from sunrise to 9 a.m. and from 3 p.m. until sunset. Stalk hunting is permitted between the hours 9 a.m. until 3 p.m. on this area. Stalk hunting is permitted at all times on the area south of the beach road.

(4) No dogs allowed on the island.

(5) Hunters under 16 years of age must be accompanied by an adult.

(6) Hunters must check in with refuge personnel upon arrival and check out upon departure from Bulls Island.

(7) There is no limit on the number of deer taken.

(8) Camping and fires are permitted only in the designated camp area from October 29–November 5, November 22–26, and December 10–17, 1972. A camping fee of $1 per person per day will be required for use of the camping area during the hunts.

(9) Number of hunters is not limited. Permits are required and will be issued upon arrival on Bulls Island.

(10) Arrangements for transportation to the island must be made by the hunter.

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 17, 1972.

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer is permitted on 97 percent of the Carolina Sandhills National Wildlife Refuge. This open area is designated by signs as open to hunting and delineated on a map available from refuge headquarters, McBee, S.C., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations and subject to the following special conditions:

(1) Season: Archery only—October 16–21, 1972; gun hunts—October 30–November 4, and November 8–11, 1972.

(2) Hunters are allowed on the hunting area from 5 p.m. until 6:30 p.m., but they must remain at their vehicles until 5:30 a.m. and must be back at their vehicles by 6 p.m.

(3) Bag limits: Archery only—one buck with visible antlers and one antlerless deer. Gun hunts—bucks only with visible antlers, limit not to exceed that set by State regulations. It is illegal to pursue or shoot white colored (albino) deer.

(4) Deer drives permitted only on designated areas.

(5) Each hunter must sign in and out at a register that will be provided at the checking station.

(6) Weapons: Same as allowed on State Game Management Areas.

(7) Individuals under 18 years of age must be accompanied by a responsible adult.

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 November 11, 1972.

TENNESSEE

TENNESSEE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Tennessee National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 2,800 acres for bow hunting only and 3,300 acres for gun and bow hunting, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer subject to the following special conditions:

(1) The open season for archery hunting of deer on the refuge is October 7–15, 1972.

(2) The open season for gun and bow hunting of deer on the refuge is December 27, 28, 29, and 30, 1972.

(3) The bag limit is one deer of either sex per hunter during the archery hunt and one buck during the gun and bow hunt.

(4) The use of dogs is not permitted.

(5) Camping on the area is not permitted.

(6) Driving of deer is prohibited.

(7) Hunters may enter public hunting area at sunrise and must be out of the area by 1 hour after sunset.

(8) Bow hunters who wish to hunt deer on Britton Ford Peninsular on October 7 will be required to possess a refuge permit. Permits for hunting this area will be issued to the first 300 people who make a request for this permit at the refuge office in Paris, Tenn. No permit will be necessary to hunt Britton Ford Peninsular October 8 through October 15. Also, no permit will be necessary to hunt Sulphur Well Island or the Duck River area south of Interstate Highway 40 during the refuge archery hunt October 7–15, 1972.

(9) Hunters must check in and out of the designated checking station.

(10) Hunters desiring to hunt deer in the area open to gun hunting will require a refuge permit. Hunters under 18 years of age must be accompanied by an adult. Applications may be secured from the refuge office, Bureau of Sport Fisheries and Wildlife, Box 849, Paris, TN 38242, after August 1, 1972. Applications must be submitted in time to be received by September 8, 1972.

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 30, 1972.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Chincoteague National Wildlife Refuge, Va., is permitted only on the area designated by signs as open to hunting. This open area is delineated on maps available at refuge headquarters, Chincoteague, Va., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting will be in accordance with all applicable State regulations governing the hunting of deer subject to the following conditions:

(1) Species to be taken: (a) Archery hunt—sika deer and whitetailed deer, either sex; (b) Trophy Gun hunt—sika stag (male) with six or more combined points per set of antlers.

(2) Bag limits: (a) Archery hunt—sika or white-tailed deer, one per day, two per license year, either sex; (b) Trophy gun hunt—sika deer, one per license year, trophy stag (six points). Hunters bagging a trophy stag may take a second deer. The second deer will be limited to a female sika or a female white-tailed deer.

(3) Season: (a) Archery—October 16 through November 15, 1972, except Sundays; (b) Trophy gun hunt—November 27 through December 2, 1972, and December 4 through December 9, 1972.

(4) Weapons: (a) Archery—Bow and arrow only. Archers must use broadhead arrows with blades at least ⅞ inch wide and bows capable of propelling any arrow in the hunter's possession 125 yards. Archers may not have firearms or illegal arrows in their possession; (b) Trophy gun—Rifles and shotguns, modern or antique, capable of holding only one round will be permitted. Weapons capable of being modified to hold only one round will be acceptable. Rifles of .23 caliber or larger and shotguns of 20 gauge or larger will be allowed. Slugs only will be permitted in shotguns. Possession of any firearm or ammunition on refuge which is not stipulated as permitted in these regulations is prohibited.

(5) Dogs are prohibited.

(6) Hunting hours: Same as State hunting hours. All hunters must be clear of the hunting areas by 8 p.m.

(7) Carrying loaded firearms or bows in or on or shooting from a vehicle is prohibited.

(8) Camping and fires are prohibited.

(9) All hunters under 18 years of age must be accompanied by an adult.

(10) Permits: (a) Archery—To qualify for an archery permit, archers must submit a certified target to the refuge office by October 14, 1972. The target must be witnessed and show that the hunter is capable of placing at least three-out-of-five arrows within a 12-inch bullseye from 25 yards or better. One's name and complete mailing address should be on the target. Permits will be mailed or may be picked up in person at the refuge office. Permits must be returned with the data section completed to the refuge office by November 30, 1972. Hunters failing to return their permit, whether used or not, may be denied a permit for the 1973 season.

(b) Ten hunters will be selected for each 6-day hunt by a drawing on October 30 and will be notified of their selection by letter. To apply for the hunt, each hunter must submit a target to the refuge office not later than October 21, 1972. The target must be witnessed and show three (3) shots held within a 6-inch bullseye. The shots must must be fired from 50 yards or better in the standing position with the weapon to be used during the hunt. One's name and mailing address must be written on the target. Also state which hunt you would prefer, if any. Permits to hunt will be issued during an orientation briefing held at 8 a.m. on the Monday of each hunt. Hunters will need to bring their license, big game tag and weapon to the briefing. A refuge officer will show each hunter the boundaries of his or her assigned hunting area. All applicable Virginia game laws and Federal regulations shall be in effect.

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 9, 1972.

PRESQUILE NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Presquile National Wildlife Refuge is permitted on the entire refuge except within 200 yards of all buildings. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, subject to the following special conditions:

(1) A Federal permit costing $2 will be required. Permits will be issued for a 2 consecutive day period except for November 8 and 10, which will be for 1 day only. Permits will be limited to 100 for each 2-day period and 50 for each 1-day hunt. They will be issued in advance of the season to hunters selected by an impartial drawing from applications received. Applications must be received on a postcard no later than September 22, 1972, at the Presquile National Wildlife Refuge, Post Office Box 658, Hopewell, VA 23860. Permits are nontransferrable and will be mailed to selected applicants after the drawing. Payment of the permit fee will be made by October 12, 1972, to the "Bureau of Sport Fisheries and Wildlife" at the above address. Permits not paid for by October 12 will be cancelled and reissued to another applicant.

(2) White-tailed deer may be taken from one-half hour before sunrise to 5:30 p.m., e.d.t., with bow and arrow only on October 16, 17, 23, 24, 27, 28, November 3, 4; and with shotguns on November 8 and 10, 1972.

(3) Bag limits: One deer per day, either sex.

(4) All hunters must enter the refuge on the refuge ferry at 6 a.m., e.d.t. (5 a.m., e.s.t.). Entry by boat is prohibited. There will be an official State checking station on the refuge. Hunters must leave on the ferry by 6 p.m., e.d.t.

(5) All travel on the refuge will be on foot or by refuge vehicles. Horses and dogs are prohibited.

(6) Possession of firearms on the refuge during the bow and arrow only hunts is prohibited.

(7) Hunters shall not disturb, damage, or destroy any unharvested crops.

(8) Camping, fires, and littering are prohibited.

(9) All arrows in the possession of each hunter must be marked with the stand number issued to the hunter. The marking may be accomplished in any manner so long as the number is clearly visible.

(10) One hundred stands correpsonding to the allowable number of hunters on each day of the bow hunts and 50 stands corresponding to the allowable number of hunters on each day of the gun hunts are located throughout the refuge. Each hunter will be assigned the stand corresponding to his permit number. Bow hunters will remain at their assigned stands from one-half hour before sunrise to 10 a.m. From 10 a.m. to 5:30 p.m., e.d.t., they may hunt anywhere within the open area. Shotgun hunters will remain on their stands throughout the day's hunt.

(11) Scouting will be permitted on October 6, 7, and 8, 1972. The refuge ferry will take passengers to the island at 8 a.m., e.d.t., and return to the mainland at 10 a.m. and 12 noon.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally as set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 10, 1972.

JACK E. HEMPHILL,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 22, 1972.

[FR Doc.72-14817 Filed 8-30-72;8:48 am]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 945—IRISH POTATOES GROWN IN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945), was published in the FEDERAL REGISTER August 10, 1972 (37 F.R. 16104).

This marketing order program regulates the handling of Irish potatoes grown in Idaho and Malheur County, Oreg., and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file data, views, or arguments, pertaining thereto not later than 15 days following its publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 945.225 Expenses and rate of assessment.

(a) *Expenses.* The reasonable expenses that are likely to be incurred during the fiscal period ending May 31, 1973, by the Idaho-Eastern Oregon Potato Committee, for its maintenance and functioning, and for such other purposes as the Secretary determines to be appropriate, will amount to $35,520.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler in accordance with the amended marketing agreement and this part, shall be $0.0026 per hundredweight, or equivalent quantity, of potatoes handled by him as the first handler thereof during the fiscal period: *Provided*, That potatoes for canning, freezing, and "other processing" as defined in the act shall be exempt.

(c) *Definition of terms.* Terms used in this section have the same meaning as when used in the said agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of the said marketing agreement and this part require that the rate of assessment for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began on June 1, 1972, and the rate of assessment herein fixed will apply to all assessable potatoes beginning with such date.

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

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

Dated: August 28, 1972.

[FR Doc.72-14871 Filed 8-30-72;8:50 am]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Minimum Grade and Condition Standards for Natural Condition Raisins

Notice was published in the August 17, 1972, issue of the FEDERAL REGISTER (37 F.R. 16612) regarding a proposal to make a change, effective September 1, 1972, in the minimum grade and condition standards for natural condition Thompson Seedless raisins. Said minimum standards are established under, and the change would be pursuant to, the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), hereinafter referred to collectively as the "order", regulating the handling of raisins produced from grapes grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "act".

The term "natural condition Thompson Seedless raisins" includes the varietal types of natural Thompson Seedless, Golden Seedless, Sulfur Bleached, and Soda Dipped raisins.

The proposal, pursuant to § 989.58(b) of the order, was unanimously recommended by the Raisin Administrative Committee. The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. None were received during the prescribed time.

The Committee proposed: Deletion of the requirement in § 989.201A.2.b. of Subpart—Supplementary Orders Regulating Handling (7 CFR 989.201-989.229) that lots of standard natural condition Thompson Seedless raisins shall contain not less than 45 percent, by weight, of B maturity, or better, raisins (raisins showing development characteristic of raisins prepared from well-matured or reasonably well-matured grapes) and changing the tolerance (currently prescribed in § 989.201A.2.b.) for substandard raisins (raisins that show development less than that characteristic of raisins prepared from fairly well-matured grapes) in such lots from not more than 12 percent, by weight, to not more than 8 percent, by weight.

It is also proposed that handlers be permitted to acquire any lot of natural condition Thompson Seedless raisins containing more than 8 percent, by weight, of substandard raisins under a weight dockage system. Under that system, the creditable weight of any such lot would be determined by multiplying the total weight of the lot by a dockage factor proposed to be included in § 989.201A.2.b. The proposed dockage factors reflect the quantity of raisins in the total lot which would be within the permitted level of 8 percent for substandard raisins. Any such lot would be identified by the inspection service as having been acquired by the handler on the basis of the calculated creditable weight and such identification would remain with the lot until it was disposed of in natural condition or processed.

No specific proportion of the better maturity raisins would be required in incoming lots of standard natural condition Thompson Seedless raisins. However, the changed standards would reduce the tolerance for immature raisins in such lots of standard raisins acquired by handlers from producers and dehydrators. This change would be more in line with industry needs because one of the basic steps in normal raisin processing is removal of the less desirable raisins from incoming lots. In connection with lots of raisins acquired by handlers under the dockage system, actual removal of excess quantities of substandard raisins from such lots would be accomplished during normal processing, hence, producers would not incur costs for reconditioning such lots. Use of the dockage formula would be optional, thus handler and producer would have to

agree to its use prior to receipt or acquisition by the handler of any lot containing substandard raisins in excess of 8 percent, by weight.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation of the Committee, and other available information, it is found that, pursuant to § 989.58(b) of the order, amendment of subdivision b. of § 989.201 A.2., as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, said subdivision is amended to read as follows:

§ 989.201 Changes in minimum grade and condition standards for natural condition raisins.

* * * * *

A. Thompson Seedless raisins.

* * * * *

2. * * *

b. Shall contain not more than 8 percent, by weight, of substandard raisins (raisins that show development less than that characteristic of raisins prepared from fairly well-matured grapes): *Provided*, That, subject to prior agreement between handler and tenderer, any lot containing more than 8 percent, by weight, of substandard raisins may be considered as meeting the substandard tolerance for handler acquisition as standard raisins but the creditable weight of the lot as standard raisins shall be that obtained by multiplying the total weight of the lot by the applicable dockage factor from the following table: *And provided further*, That, each such lot acquired on the basis of creditable weight shall be so identified by the inspection service by affixing to one container on each pallet, or to each bin, in such lot, a prenumbered RAC control card (to be furnished by the Committee) which shall remain affixed to the container or bin until the raisins are disposed of in natural condition or processed. The control card shall be removed at the time of disposition or processing by, or under the supervision of, an inspector of the inspection service or authorized Committee personnel.

DOCKAGE TABLE

Percent substandard	Dockage factor
8.0 or less	(1)
8.1–8.5	0.995
8.6–9.0	.990
9.1–9.5	.985
9.6–10.0	.980
10.1–10.5	.975
10.6–11.0	.970
11.1–11.5	.965
11.6–12.0	.960
12.1–12.5	.955
12.6–13.0	.950
13.1–13.5	.945
13.6–14.0	.940
14.1–14.5	.935
14.6–15.0	.930
15.1–15.5	.925
15.6–16.0	.920
16.1–16.5	.915
16.6–17.0	.910
17.1–17.5	.905
17.6–18.0	.900
18.1–18.5	.895
18.6–19.0	.890
19.1–19.5	.885
19.6–20.0	.880
20.1–20.5	.875
20.6–21.0	.870
21.1–21.5	.865
21.6–22.0	.860

[1] No dockage.

NOTE. Percentages in excess of 22 percent shall be expressed in the same increments as the foregoing, and the dockage factor for each such increment shall be 0.005 less than the dockage factor for the preceding increment.

* * * * *

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The Committee proposed that these changes in minimum grade and condition standards applicable to natural condition Thompson Seedless raisins be made effective September 1, 1972, to coincide with the beginning of the new crop year; (2) handlers are aware that this action has been recommended by the Committee and need no additional time to comply therewith; (3) the changed standards should be made effective September 1, 1972, in order that handlers may plan their receiving operations in accordance with the new standards; (4) handlers will begin receiving raisins in substantial volume from 1972 production in September, hence, this change should become effective September 1, 1972, to minimize any inequities which could result among producers or handlers due to different requirements for different parts of the same crop year; and (5) no useful purpose would be served by postponing the effective time hereof.

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

Dated August 28, 1972 to become effective September 1, 1972.

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

[FR Doc.72-14872 Filed 8-30-72;8:51 am]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Docket Nos. OA-356-A10, AO-347-A14, AO-286-A22; Milk Orders 1006, 1012, 1013]

MILK IN UPPER FLORIDA, TAMPA BAY, AND SOUTHEASTERN FLORIDA MARKETING AREAS

Order Amending Orders

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 each of the aforesaid orders 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.

The following findings are hereby made with respect to each of the aforesaid orders:

(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 agreements and to the orders regulating the handling of milk in the respective marketing areas.

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 associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within each of the respective marketing areas, 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 each of the specified orders, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the respective orders as hereby amended; and

(3) The issuance of the order amending each of the respective orders 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 Upper Florida, Tampa Bay, and Southeastern Florida marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the aforesaid orders, as amended, and as hereby further amended, as follows:

PART 1006—MILK IN UPPER FLORIDA MARKETING AREA

GENERAL PROVISIONS

Sec.
1006.1 General Provisions.

DEFINITIONS

1006.2 Upper Florida marketing area.
1006.3 Route disposition.
1006.4 [Reserved]
1006.5 Distributing plant.
1006.6 Supply plant.
1006.7 Pool plant.
1006.8 Nonpool plant.
1006.9 Handler.

Sec.
1006.10 Producer-handler.
1006.11 [Reserved]
1006.12 Producer.
1006.13 Producer milk.
1006.14 Other source milk.
1006.15 Fluid milk product.
1006.16 [Reserved]
1006.17 Filled milk.
1006.18 Cooperative association.

HANDLER REPORTS

1006.30 Reports of receipts and utilization.
1006.31 Payroll reports.
1006.32 Other reports.

CLASSIFICATION OF MILK

1006.40 Classes of utilization.
1006.41 Shrinkage.
1006.42 Classification of transfers and diversions.
1006.43 General classification rules.
1006.44 Classification of producer milk.
1006.45 Market administrator's reports and announcements concerning classification.

CLASS PRICES

1006.50 Class prices.
1006.51 Basic formula price.
1006.52 Plant location adjustments for handlers.
1006.53 Announcement of class prices and handler butterfat differentials.
1006.54 Equivalent price.
1006.55 Handler butterfat differentials.

UNIFORM PRICE

1006.60 Handler's value of milk for computing uniform price.
1006.61 Computation of uniform price.
1006.62 Announcement of uniform price and producer butterfat differential.

PAYMENTS FOR MILK

1006.70 Producer-settlement fund.
1006.71 Payments to the producer-settlement fund.
1006.72 Payments from the producer-settlement fund.
1006.73 Payments to producers and to cooperative associations.
1006.74 Producer butterfat differential.
1006.75 Plant location adjustments for producers and on nonpool milk.
1006.76 Payments by handler operating a partially regulated distributing plant.
1006.77 Adjustment of accounts.
1006.78 Charges on overdue accounts.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1006.85 Assessment for order administration.
1006.86 Deduction for marketing services.

AUTHORITY: The provisions of this Part 1006 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

GENERAL PROVISIONS

§ 1006.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1006.2 Upper Florida marketing area.

The "Upper Florida marketing area", hereinafter called the "marketing area", means all the territory geographically within the boundaries of the following counties, all in the State of Florida, including all waterfront facilities connected therewith and all territory wholly or partly therein occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments.

Alachua.	Lafayette.
Baker.	Lake.
Bay.	Leon.
Bradford.	Levy.
Brevard.	Liberty.
Calhoun.	Madison.
Citrus.	Marion.
Clay.	Nassau.
Columbia.	Orange.
Dixie.	Osceola.
Duval.	Putnam.
Flagler.	St. Johns.
Franklin.	Seminole.
Gadsden.	Sumter.
Gilchrist.	Suwannee.
Gulf.	Taylor.
Hamilton.	Union.
Holmes.	Volusia.
Jackson.	Wakulla.
Jefferson.	Washington.

§ 1006.3 Route disposition.

"Route disposition" means a delivery (except to a plant) either direct or through any distribution facility (including disposition from a plant store, vendor, or vending machine) of a fluid milk product classified as Class I milk.

§ 1006.4 [Reserved]

§ 1006.5 Distributing plant.

"Distributing plant" means a plant:

(a) That is approved by a duly constituted health authority for the processing or packaging of Grade A milk and from which there is route disposition of any fluid milk product during the month in the marketing area; or

(b) That processes or packages filled milk and from which there is route disposition of filled milk during the month in the marketing area.

§ 1006.6 Supply plant.

"Supply plant" means a plant from which a fluid milk product acceptable to a duly constituted health authority or filled milk is shipped during the month to a pool plant.

§ 1006.7 Pool plant.

Except as provided in paragraph (c) of this section, "pool plant" means:

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products, except filled milk, received at the plant during the month is disposed of as route disposition except as filled milk and not less than 10 percent of such receipts is disposed of in the marketing area as route disposition except as filled milk; or

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products, except filled milk, to pool plants pursuant to paragraph (a) of this section.

(c) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant; and

(2) A plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant meets the requirements of paragraphs (a) or (b) of this section and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in this marketing area as route disposition and to pool plants qualified on the basis of route disposition in this marketing area than in the marketing area regulated pursuant to such other order.

§ 1006.8 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk or filled milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Exempt distributing plant" means a distributing plant operated by a governmental agency.

(d) "Partially regulated distributing plant" means a nonpool plant that is a distributing plan and is not an other order plant, a producer-handler plant or an exempt distributing plant.

(e) "Unregulated supply plant" means a nonpool plant that is a supply plant and is not an other order plant, a producer-handler plant or an exempt distributing plant.

§ 1006.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association;

(c) A cooperative association with respect to milk of its producer-members which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association. The milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which it was delivered;

(d) Any person in his capacity as the operator of a partially regulated distributing plant;

(e) A producer-handler; or

(f) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant.

§ 1006.10 Producer-handler.

"Producer-handler" means any person who meets all the following conditions:

(a) Operates a dairy farm(s) from which the milk produced thereon is supplied to a plant operated by him in

accordance with the requirements set forth in paragraph (b) of this section, and provides proof satisfactory to the market administrator that:

(1) The full maintenance of milk-producing cows on such farm(s) is at his sole risk and under his complete and exclusive management and control; and

(2) Each such farm is owned or operated by him, at his sole risk, and under his complete and exclusive management and control;

(b) Operates a plant in which milk approved by a duly constituted health authority for fluid consumption is processed or packaged and from which there is route disposition during the month in the marketing area pursuant to the following requirements:

(1) No fluid milk products are received at such plant or by him at any other location, except:

(i) From dairy farm(s) as specified in paragraph (a) of this section; and

(ii) Fluid milk products (other than whole milk) from pool plants in an amount that is not in excess of the lesser of 5,000 pounds or 5 percent of his Class I sales during the month;

(2) Such plant is operated under his complete and exclusive management and control and at his sole risk, and is not used during the month to process, package, receive or otherwise handle fluid milk products for any other person; and

(c) Disposes of no other source milk (except that represented by nonfat solids used in the fortification of fluid milk products) as Class I milk.

§ 1006.11 [Reserved]

§ 1006.12 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act or the operator of an exempt distributing plant, who produces milk in compliance with the inspection requirements of a duly constituted health authority, which milk is received at a pool plant or diverted pursuant to § 1006.13 from a pool plant to a nonpool plant.

§ 1006.13 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk:

(a) Received at a pool plant directly from a producer or a handler described in § 1006.9(c): *Provided,* That if the milk received at a pool plant from a handler described in § 1006.9(c) is purchased on a basis other than farm weights, the amount by which the total farm weights of such milk exceed the weights on which the pool plant's purchases are based shall be producer milk received by the handler described in § 1006.9(c) at the location of the pool plant; or

(b) Diverted from a pool plant to a nonpool plant that is neither an other order plant nor a producer-handler plant for the account of the pool plant operator or a cooperative association in any month in which not less than 10 days' production of the producer whose milk is diverted is physically received at a pool plant, subject to the following:

(1) Milk so diverted for the account of a handler operating a pool plant shall be deemed to have been received by the handler at the plant to which diverted and if diverted for the account of a cooperative association, shall be deemed to have been received by the cooperative association at the location of the plant to which diverted;

(2) If diverted from the pool plant of another handler for the account of a cooperative association, the aggregate quantity of milk of member producers of the cooperative association so diverted that exceeds 25 percent of the milk physically received from member-producers at pool plants during the month shall not be deemed to have been received at a pool plant and shall not be producer milk;

(3) If diverted by a handler operating a pool plant for his account, the aggregate quantity of producer milk so diverted that exceeds 25 percent of the aggregate quantity of milk physically received from producers at such plant during the month shall not be deemed to have been received at a pool plant and shall not be producer milk; and

(4) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to subparagraphs (2) and (3) of this paragraph. If the handler fails to make such designation, no milk diverted by him shall be producer milk.

§ 1006.14 Other source milk.

"Other source milk" means the skim milk and butterfat contained in or represented by:

(a) Fluid milk products from any source except:

(1) Producer milk;

(2) Fluid milk products from pool plants; and

(3) Fluid milk products in inventory at the beginning of the month;

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month; and

(c) Any disappearance of nonfluid products in a form in which they may be converted into a Class I product and which are not otherwise accounted for.

§ 1006.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, acidophilus milk, flavored milk and flavored milk drinks (including eggnog and milkshake mix), filled milk, concentrated milk, sweet cream, and mixtures of sweet cream and milk or skim milk.

§ 1006.16 [Reserved]

§ 1006.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1006.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and be engaged in making collective sales of or marketing milk or milk products for its members.

HANDLER REPORTS

§ 1006.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler (except a handler described in § 1006.9 (e) or (f)) shall report to the market administrator for such month with respect to each plant at which milk is received or at which filled milk is processed or packaged, reporting in detail and on forms prescribed by the market administrator;

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Producer milk (or, in the case of handlers described in § 1006.9 (d), Grade A milk received from dairy farmers);

(2) Fluid milk products received from pool plants of other handlers;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1006.13; and

(5) Inventories of fluid milk products at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing:

(1) The respective amounts of skim milk and butterfat disposed of as route disposition in the marketing area, showing separately the in-area disposition of filled milk; and

(2) For a handler described in § 1006.9 (d), the amount of reconstituted skim milk in fluid milk products disposed of in the marketing area as route disposition; and

(c) Such other information with respect to the receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1006.31 Payroll reports.

(a) Each handler described in § 1006.9 (a), (b), and (c) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 20th day after the end of the month his producer payroll for such month which shall show for each producer;

(1) His identity;

(2) The quantity of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid

and the amount and nature of any deductions.

(b) Each handler operating a partially regulated distributing plant who does not elect to make payments pursuant to § 1006.76(b) shall report to the market administrator on or before the 20th day after the end of the month the same information required of handlers pursuant to paragraph (a) of this section. In such report, payments to dairy farmers delivering Grade A milk shall be reported in lieu of payments to producers.

§ 1006.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who operates an other order plant shall report total receipts and utilization or disposition of skim milk and butterfat at the plant at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(c) Each handler described in § 1006.9 (c) shall report to the market administrator, in detail and on forms prescribed by the market administrator on or before the 7th day after the end of the month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

Classification of Milk

§ 1006.40 Classes of utilization.

Subject to the conditions set forth in §§ 1006.41 through 1006.44, all skim milk and butterfat required to be reported by a handler pursuant to § 1006.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraph (b) of this section;

(2) In packaged fluid-milk products in inventory at the end of the month; and

(3) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce frozen desserts (e.g., ice cream, ice cream mix), sour cream, sour cream products (e.g., dips), yogurt, aerated cream and aerated cream products, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat dry milk, dry whole milk, dry whey, condensed or dry buttermilk, and a product which contains 6 percent or more nonmilk fat (or oil);

(2) Skim milk and butterfat in fluid milk products disposed of by a handler for livestock feed;

(3) Skim milk and butterfat in fluid milk products dumped by a handler after notification to, and opportunity for verification by, the market administrator;

(4) Skim milk and butterfat in inventory of bulk fluid milk products at the end of the month;

(5) Skim milk represented by the nonfat solids added to a fluid milk product which is in excess of an equivalent volume of such product prior to the addition;

(6) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1006.13) but not in excess of:

(i) 2 percent of producer milk (except that received from a handler described in § 1006.9(c));

(ii) Plus 1.5 percent of producer milk received from a handler described in § 1006.9(c): *Provided,* That if the handler receiving such milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent;

(iii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of bulk fluid milk products from unregulated supply plants exclusive of the quantity for which Class II utilization was requested by the handler;

(vi) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(7) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1006.41(b)(2).

§ 1006.41 Shrinkage.

The market administrator shall allocate shrinkage over each pool plant's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat, respectively, in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1006.40(b)(6); and

(2) Other source milk exclusive of that specified in § 1006.40(b)(6).

§ 1006.42 Classification of transfers and diversions.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of a fluid milk product from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1006.44(a)(9) and the corresponding step of § 1006.44(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1006.44(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1006.44(a)(8) or (9) and the corresponding steps of § 1006.44(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred or diverted in the form of fluid milk product to a nonpool plant that is not an other order plant, a producer-handler plant or an exempt distributing plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification in Class II in his report submitted pursuant to § 1006.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred (in excess of receipts of skim milk and butterfat at the pool plant from such nonpool plant) shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I route disposition in the marketing area, then any transfers from such nonpool plant to pool plants which are assigned to Class I pursuant to § 1006.44(a)(8) and the corresponding step of § 1006.44(b), shall be assigned first to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to such receipts from other order plants, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(ii) Any Class I route disposition in the marketing area of an other order issued pursuant to the Act, then any transfers from such nonpool plant to an other order plant which are assigned to Class I pursuant to the provisions of such other order, shall be assigned first to the skim milk and butterfat in receipts of fluid milk products transferred or diverted from plants fully regulated by such order, next pro rata to such receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk.

(c) As follows, if transferred in the form of a fluid milk product to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and allocations to other classes shall be classified in a comparable classification as Class II milk; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1006.40.

(d) As Class I milk if transferred or diverted in the form of a fluid milk product from a pool plant to an exempt distributing plant.

(e) As Class I milk if transferred in the form of a fluid milk product from a pool plant to a producer-handler plant.

§ 1006.43 General classification rules.

In determining the classification of producer milk pursuant to § 1006.44, the following rules shall apply:

(a) Each month, the market administrator shall correct for mathematical and other obvious errors all reports submitted pursuant to § 1006.30 and from such reports, shall compute for each handler the total pounds of skim milk and butterfat in each class.

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1006.44 Classification of producer milk.

After making the computations pursuant to § 1006.43, the market administrator shall determine the classification of producer milk for each handler for each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1006.40(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(vi) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class II pursuant to § 1006.40(b)(5) plus 2 percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(2-a) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any order issued pursuant to the Act is classified and priced as Class I milk at plant of origin and is not used as an offset on any other payment obligation pursuant to any other order;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of fluid milk products from an exempt distributing plant;

(v) Receipts from unregulated supply plants consisting of reconstituted skim milk (including that in filled milk) and any skim milk received at the unregulated plant from producer-handlers and exempt plants defined in any order that were not subtracted pursuant to subparagraph (2-a) of this paragraph; and

(vi) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract from the remaining pounds of skim milk in Class I the pounds of skim milk in inventory of packaged fluid milk products at the beginning of the month: *Provided*, That this subparagraph shall not be applicable to a pool plant in any month immediately following a month in which such plant was not fully subject to the pooling and pricing provisions of this order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraphs (2-a) and (3)(v) of this paragraph:

(*a*) For which the handler requests such utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(vi) of this paragraph:

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (3)(vi) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products at the beginning of the month that were not subtracted pursuant to subparagraph (4) of this paragraph;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (2-a), (3)(v), and (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant

to subparagraphs (3)(vi) and (5)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1006.45(a) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(10) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and received from pool plants of other handlers according to the classification of such products pursuant to § 1006.42(a); and

(11) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of producer milk in each class as computed pursuant to paragraphs (a) and (b) of this section.

§ 1006.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for purposes of allocating receipts from other order plants pursuant to § 1006.44(a)(9) and the corresponding step of § 1006.44(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received skim milk and butterfat in the form of fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1006.44 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such reports.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

(d) On or before the 12th day after the end of each month, report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association for its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month.

CLASS PRICES

§ 1006.50 Class prices.

Subject to the provisions of §§ 1006.52 and 1006.55, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.85.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 15 cents.

§ 1006.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the mid-point of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1006.52 Plant location adjustments for handlers.

(a) The Class I price for producer milk and other source milk at a plant located outside the State of Florida and more than 70 miles from the nearer of the City Halls of Jacksonville or Tallahassee, Fla., or within the State of Florida shall be adjusted at the rates set forth in the following schedule:

Location of plant	*Rate per cwt.*
Outside the State of Florida:	
In excess of 70 but not more than 85 miles.	Subtract 10 cents.
For each additional 10 miles or fraction thereof.	Subtract 1.5 cents.
Inside the State of Florida:	
South of a line forming the southern boundary of the counties of Alachua, Dixie, Gilchrist, Putnam, and St. Johns, but outside the defined marketing area of Part 1013.	Add 10 cents.
In the defined marketing area of Part 1013.	Add 30 cents.
North of a line forming the southern boundary of the counties of Alachua, Dixie, Gilchrist, Putnam, and St. Johns.	No adjustment.

(b) For the purpose of calculating location adjustments, receipts of fluid milk products from pool plants shall be assigned any remainder of Class I milk at the transferee plant that is in excess of the sum of producer milk receipts at such plant and that assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment shall be made in sequence according to the location adjustment applicable at each plant, beginning with the plant nearest the City Hall in Jacksonville, Orlando or Tallahassee, Fla.

§ 1006.53 Announcement of class prices and handler butterfat differentials.

On or before the fifth day of each month, the market administrator shall publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate:

(a) The Class I price for the following month;

(b) The Class I butterfat differential for the current month; and

(c) The Class II price and the Class II butterfat differential, both for the preceding month.

§ 1006.54 Equivalent price.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price that is required.

§ 1006.55 Handler butterfat differentials.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1006.50 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the following rates:

(a) Class I price, 7.5 cents; and

(b) Class II price, 0.115 times the Chicago butter price specified in § 1006.51.

UNIFORM PRICE

§ 1006.60 Handler's value of milk for computing uniform price.

The net pool obligation of each handler described in § 1006.9 (a), (b), and (c) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class as computed pursuant to § 1006.44(c) by the applicable class price;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1006.44(a)(11) and the corresponding step of § 1006.44 (b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1006.44(a)(6) and the corresponding step of § 1006.44(b);

(d) Add an amount determined by multiplying the difference between the

Class I price for the preceding month and Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1006.44(a)(4) and the corresponding step of § 1006.44(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result would be a minus amount;

(e) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1006.44(a)(3) and the corresponding step of § 1006.44(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1006.44(a)(3) (v) and (vi) and the corresponding step of § 1006.44(b) the Class I price shall be adjusted to the location of the transferor plant (but not to be less than the Class II price); and

(f) Add the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received (but not to be less than the Class II price), of the skim milk and butterfat subtracted from Class I pursuant to § 1006.44(a)(8) and the corresponding step of § 1006.44(b), excluding such skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by pool handlers defined in any order issued pursuant to the Act is classified and priced as Class I milk at plant of origin and is not used as an offset on any other payment obligation pursuant to any other order.

§ 1006.61 Computation of uniform price.

For each month, the market administrator shall compute a uniform price as follows:

(a) Combine into one total the values computed pursuant to § 1006.60 for all handlers who filed the reports pursuant to § 1006.30 for the month, except those in default of payments required pursuant to § 1006.71 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this section is less or more, respectively, than 3.5 percent, the amount obtained by multiplying such difference by the butterfat differential pursuant to § 1006.74 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of the minus location adjustments computed pursuant to § 1006.75(a);

(d) Subtract an amount equal to the total value of the plus location adjustments computed pursuant to § 1006.75(a);

(e) Add an amount equal to one-half the unobligated balance in the producer-settlement fund;

(f) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1006.60(f); and

(g) Subtract not less than 4 cents nor more than 5 cents per hundredweight.

§ 1006.62 Announcement of uniform price and producer butterfat differential.

The market administrator shall publicly announce on or before the 11th day of each month:

(a) The uniform price for the preceding month; and

(b) The producer butterfat differential for the preceding month.

Payments For Milk

§ 1006.70 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1006.71 and 1006.76 and out of which he shall make all payments from such fund pursuant to § 1006.72: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1006.71 Payments to the producer-settlement fund.

(a) On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in subparagraph (1) of this paragraph exceed the amounts specified in subparagraph (2) of this paragraph:

(1) The net pool obligation pursuant to § 1006.60 for such handler; and

(2) The sum of:

(i) The value of such handler's producer milk at the applicable uniform price; and

(ii) The value at the uniform price applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) of other source milk for which a value is computed pursuant to § 1006.60(f).

(b) Each handler who operates an other order plant that is regulated under an order providing for individual-handler pooling shall pay to the market administrator for the producer-settlement fund, on or before the 25th day after the end of the month, an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of as route disposition in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant as route disposition in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each marketing area; and

(2) Compute the value of the quantity of reconstituted skim milk assigned in subparagraph (1) of this paragraph to Class I disposition in this marketing area at the Class I price under this part applicable at the location of the other order plant (not to be less than the Class II price), and subtract its value at the Class II price.

§ 1006.72 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1006.71(a)(2) exceeds the amount computed pursuant to § 1006.71(a)(1). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1006.73 Payments to producers and to cooperative associations.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment for producer milk as follows:

(1) On or before the 20th day of the month to each producer who had not discontinued shipping milk to such handler before the 15th day of the month, not less than 85 percent of the uniform price for the preceding month per hundredweight of milk received during the first 15 days of the month, less proper deductions authorized in writing by such producer;

(2) On or before the 5th day of the following month to each producer who had not discontinued shipping milk to such handler before the last day of the month, not less than 85 percent of the uniform price for the preceding month per hundredweight of milk received from the 16th through the last day of the month, less proper deductions authorized in writing by such producer; and

(3) On or before the 15th day of each month to each producer for milk received during the preceding month, not less than the uniform price per hundredweight, adjusted pursuant to §§ 1006.74, 1006.75, and 1006.86, subject to the following:

(i) Minus payments made pursuant to subparagraphs (1) and (2) of this paragraph;

(ii) Less proper deductions authorized in writing by such producer; and

(iii) If by such date such handler has not received full payment from the market administrator pursuant to § 1006.72 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 after receipt of the balance due from the market administrator.

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in

writing, together with a written promise of such association to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, such handler on or before the second day prior to the date on which payments are due individual producers, shall pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator an amount not less than the total due such producer-members pursuant to paragraph (a) of this section, subject to the following:

(1) Payment pursuant to this paragraph shall be made for milk received from any producer beginning on the first day of the month following receipt from the cooperative association of its certification that such producer is a member, and continuing through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association; and

(2) Copies of the written request of the cooperative association to receive payments on behalf of its members, together with its promise to reimburse and its certified list of members shall be submitted simultaneously both to the handler and to the market administrator and shall be subject to verification by the market administrator at his discretion, through audit of the records of the cooperative association. Exceptions, if any, to the accuracy of such certification claimed by any producer or by a handler shall be made by written notice to the market administrator and shall be subject to his determination.

§ 1006.74 Producer butterfat differential.

The uniform price shall be increased or decreased for each one-tenth percent that the butterfat content of such milk, is above or below 3.5 percent, respectively, at the rate (rounded to the nearest one-tenth cent) determined by multiplying the pounds of butterfat in producer milk allocated to each class pursuant to § 1006.44 by the respective butterfat differential for each class, combining the totals, and dividing by the total pounds of butterfat in producer milk.

§ 1006.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced or increased according to the location of the pool plant at the rates set forth in § 1006.52; and

(b) For purposes of computations pursuant to §§ 1006.71 and 1006.72, the uniform price shall be adjusted at the rates set forth in § 1006.52 applicable at the location of the nonpool plant from which the milk was received.

§ 1006.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1006.30 and 1006.31(b) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1006.60 at such plant shall be determined as though such plant were a pool plant, subject to the following modifications:

(i) Receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant;

(ii) Transfers from such nonpool plant to a pool plant or an other order plant shall be classified in the class to which allocated at the pool plant or other order plant. Class I milk transferred from such nonpool plant to pool plants and other order plants shall be valued at the uniform price of the respective order, except that reconstituted skim milk (including that in filled milk), and milk or skim milk from producer-handlers and exempt plants defined in any order shall be valued at the Class II price. No obligation shall apply to Class I milk transferred to a pool plant or an other order plant if such Class I utilization is assigned to receipts at the partially regulated distributing plant from pool plants and other order plants at which such milk was classified and priced as Class I milk;

(iii) Such handler's obligation shall include any charges computed pursuant to § 1006.60(f) and any credits computed pursuant to § 1006.71(a)(2)(ii) with respect to receipts of Class I milk from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk (including that in filled milk), and milk or skim milk from producer-handlers and exempt plants defined in any order shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (iv) of this subparagraph;

(iv) If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1006.30 a similar report for each nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1006.7(b) with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant;

(2) From this obligation, deduct the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as route disposition in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received at the partially regulated distributing plant as follows:

(i) Any Class I milk from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) Receipts from a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under any order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation pursuant to any other order;

(3) Deduct from any remainder the quantity of reconstituted skim milk, and milk or skim milk contained in receipts from producer-handlers and exempt plants defined in any order disposed of as route disposition in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location, and add for the quantity of milk deducted pursuant to subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such milk at the Class II price. For purposes of this subparagraph, the prices shall not be adjusted to less than the Class II price.

§ 1006.77 Adjustment of accounts.

When verification by the market administrator of reports or payments of a handler discloses errors resulting in monies due the market administrator from such handler, such handler from the market administrator, or a 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 payment next following such disclosure.

§ 1006.78 Charges on overdue accounts.

The unpaid obligation of a handler pursuant to §§ 1006.71, 1006.77, 1006.85,

and 1006.86 shall be increased one-half of 1 percent for each month or portion thereof that such obligation is overdue.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1006.85 Assessment for order administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk (including such handler's own production);

(b) Any other source milk allocated to Class I pursuant to § 1006.44(a) (3) and (8) and the corresponding step of § 1006.44(b), except such other source milk excluded from pool obligations pursuant to § 1006.60(f); and

(c) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk:

(1) Received during the month at such plant from pool plants and other order plants that is not used as an offset under a similar provision of another order issued pursuant to the Act; and

(2) Specified in § 1006.76(b)(2)(ii).

§ 1006.86 Deduction for marketing services.

(a) Except as provided in paragraph (b) of this section, each handler in making payments for producer milk received during the month shall deduct 4 cents per hundredweight or such lesser amount as the Secretary may prescribe (except on such handler's own farm production) and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set for in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

PART 1012—MILK IN TAMPA BAY MARKETING AREA

Subpart—Order Regulating Handling

GENERAL PROVISIONS

Sec.

AUTHORITY: The provisions of this Part 1012 issued under secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674.

GENERAL PROVISIONS

§ 1012.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1012.2 Tampa Bay marketing area.

The "Tampa Bay marketing area", hereinafter called the "marketing area", means all the territory geographically within the boundaries of the following counties, all in the State of Florida, including all waterfront facilities connected therewith and all territory wholly or partly therein occupied by Government (Municipal, State, or Federal) reservations, installations, institutions, or other similar establishments.

Charlotte.	Hillsborough.
Collier.	Lee.
De Soto.	Manatee.
Hardee.	Pasco.
Hernando.	Pinellas.
Highlands.	Polk.
	Sarasota.

§ 1012.3 Route disposition.

"Route disposition" means a delivery either direct or through any distribution facility other than a plant (including disposition from a plant store, vendor, or vending machine) of a fluid milk product classified as Class I milk.

§ 1012.4 [Reserved]

§ 1012.5 Distributing plant.

"Distributing plant" means a plant that is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which there is route disposition of any fluid milk product during the month in the marketing area.

§ 1012.6 Supply plant.

"Supply plant" means a plant from which a fluid milk product that is acceptable to the appropriate health authority for distribution in the marketing area as Grade A or filled milk is shipped during the month to a pool plant.

§ 1012.7 Pool plant.

Except as provided in paragraph (c) of this section, "pool plant" means:

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products, except filled milk, received at the plant during the month is disposed of as route disposition except as filled milk and not less than 10 percent of such receipts is disposed of in the marketing area as route disposition except as filled milk; or

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products, except filled milk, to pool plants pursuant to paragraph (a) of this section.

(c) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant; and

(2) A plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant meets the requirements of paragraph (a) or (b) of this section and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in this marketing area as route disposition and to pool plants quali-

fied on the basis of route disposition in this marketing area than in the marketing area regulated pursuant to such other order.

§ 1012.8 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk or filled milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products in consumer-type packages or dispenser units are distributed in the marketing area as route disposition during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

§ 1012.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association;

(c) A cooperative association with respect to milk of its producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association. The milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which it was delivered;

(d) Any person in his capacity as the operator of a partially regulated distributing plant;

(e) A producer-handler; or

(f) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant.

§ 1012.10 Producer-handler.

"Producer-handler" means any person who meets all the following conditions:

(a) Operates a dairy farm(s) from which the milk produced thereon is supplied to a plant operated by him in accordance with the requirements set forth in paragraph (b) of this section, and provides proof satisfactory to the market administrator that:

(1) The full maintenance of milk-producing cows on such farm(s) is at his sole risk and under his complete and exclusive management and control; and

(2) Each such farm is owned or operated by him, at his sole risk, and under his complete and exclusive management and control;

(b) Operates a plant in which milk approved by a duly constituted health authority for fluid consumption is processed or packaged and from which there is route disposition during the month in the marketing area pursuant to the following requirements:

(1) No fluid milk products are received at such plant or by him at any other location, except:

(i) From dairy farm(s) as specified in paragraph (a) of this section; and

(ii) Fluid milk products (other than whole milk) from pool plants in an amount that is not in excess of the lesser of 5,000 pounds or 5 percent of his Class I sales during the month;

(2) Such plant is operated under his complete and exclusive management and control and at his sole risk, and is not used during the month to process, package, receive, or otherwise handle fluid milk products for any other person; and

(c) Dispose of no other source milk (except that represented by nonfat solids used in the fortification of fluid milk products) as Class I milk.

§ 1012.11 [Reserved]

§ 1012.12 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the inspection requirements of a duly constituted health authority, which milk is received at a pool plant or diverted pursuant to § 1012.13 from a pool plant to a nonpool plant.

§ 1012.13 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk:

(a) Received at a pool plant directly from a producer or a handler described in § 1012.9(c): *Provided*, That if the milk received at a pool plant from a handler described in § 1012.9(c) is purchased on a basis other than farm weights, the amount by which the total farm weights of such milk exceed the weights on which the pool plant's purchases are based shall be producer milk received by the handler described in § 1012.9(c) at the location of the pool plant; or

(b) Diverted from a pool plant to a nonpool plant that is neither an other order plant nor a producer-handler plant for the account of the pool plant operator or a cooperative association in any month in which not less than 10 days' production of the producer whose milk is diverted is physically received at a pool plant, subject to the following:

(1) Milk so diverted for the account of a handler operating a pool plant shall be deemed to have been received by the handler at the plant to which diverted and if diverted for the account of a cooperative association, shall be deemed to have been received by the cooperative association at the location of the plant to which diverted;

(2) If diverted from the pool plant of another handler for the account of a cooperative association, the aggregate quantity of milk of member producers of the cooperative association so diverted that exceeds 25 percent of the milk physically received from such producers at pool plants during the month shall not be deemed to have been received at a pool plant and shall not be producer milk;

(3) If diverted by a handler operating a pool plant for his account, the aggregate quantity of producer milk so diverted that exceeds 25 percent of the aggregate quantity of milk physically received from producers at such plant during the month shall not be deemed to have been received at a pool plant and shall not be producer milk; and

(4) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to subparagraphs (2) and (3) of this paragraph. If the handler fails to make such designation, no milk diverted by him shall be producer milk.

§ 1012.14 Other source milk.

"Other source milk" means the skim milk and butterfat contained in or represented by:

(a) Fluid milk products from any source except:

(1) Producer milk;

(2) Fluid milk products from pool plants; and

(3) Fluid milk products in inventory at the beginning of the month;

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month; and

(c) Any disappearance of nonfluid products in a form in which they may be converted into a Class I product and which are not otherwise accounted for.

§ 1012.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, acidophilus milk, flavored milk, and flavored milk drinks (including eggnog and milkshake mix), filled milk, concentrated milk, sweet cream, and mixtures of sweet cream and milk or skim milk.

§ 1012.16 [Reserved]

§ 1012.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1012.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and be engaged in making collective sales of or marketing milk or milk products for its members.

HANDLER REPORTS

§ 1012.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler (except a handler described in § 1012.9 (e) or (f)) shall report to the market administrator for such month with respect to each plant at which milk is received or at which filled milk is processed or packaged, reporting in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Producer milk (including such handler's own production) or, in the case of handlers described in § 1012.9(d), milk received from dairy farmers;

(2) Fluid milk products received from pool plants of other handlers;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1012.13; and

(5) Inventories of fluid milk products at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing:

(1) The respective amounts of skim milk and butterfat disposed of as route disposition in the marketing area, showing separately the in-area disposition of filled milk; and

(2) For a handler described in § 1012.9(d), the amount of reconstituted skim milk in fluid milk products disposed of in the marketing area as route disposition; and

(c) Such other information with respect to the receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1012.31 Payroll reports.

(a) Each handler described in § 1012.9 (a), (b), and (c) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 20th day after the end of the month his producer payroll for such month which shall show for each producer:

(1) His identity;

(2) The quantity of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

(b) Each handler operating a partially regulated distributing plant who does not elect to make payments pursuant to § 1012.76(b) shall report to the market administrator on or before the 20th day after the end of the month the same information required of handlers pursuant to paragraph (a) of this section. In such report, payments to dairy farmers delivering Grade A milk shall be reported in lieu of payments to producers.

§ 1012.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who operates an other order plant shall report total receipts and utilization or disposition of skim milk and butterfat at the plant at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(c) Each handler described in § 1012.9(c) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 7th day after the end of the month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

CLASSIFICATION OF MILK

§ 1012.40 Classes of utilization.

Subject to the conditions set forth in §§ 1012.41 through 1012.44, all skim milk and butterfat required to be reported by a handler pursuant to § 1012.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except as provided in paragraph (b) of this section;

(2) In packaged fluid milk products in inventory at the end of the month; and

(3) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce frozen desserts (e.g., ice cream, ice cream mix), sour cream, sour cream products (e.g., dips), yogurt, aerated cream and aerated cream products, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat dry milk, dry whole milk, dry whey, condensed or dry buttermilk, and a product which contains 6 percent or more nonmilk fat (or oil);

(2) Skim milk and butterfat in fluid milk products disposed of by a handler for livestock feed;

(3) Skim milk and butterfat in fluid milk products dumped by a handler after notification to, and opportunity for verification by, the market administrator;

(4) Skim milk and butterfat in inventory of bulk fluid milk products at the end of the month;

(5) Skim milk represented by the nonfat solids added to a fluid milk product which is in excess of an equivalent volume of such product prior to the addition;

(6) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1012.13) but not in excess of:

(i) Two percent of producer milk (including that received from a handler described in § 1012.9(c)) if the handler receiving such milk files notice with the market administrator that he is purchasing it on the basis of farm weights. Otherwise, the applicable percentage pursuant to this subdivision shall be 1.5 percent;

(ii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iii) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II utilization was requested by the operators of both plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from unregulated supply plants exclusive of the quantity for which Class II utilization was requested by the handler; and

(v) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(7) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1012.41(b)(2).

§ 1012.41 Shrinkage.

The market administrator shall allocate shrinkage over each pool plant's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat, respectively, in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1012.40(b)(6); and

(2) Other source milk exclusive of that specified in § 1012.40(b)(6).

§ 1012.42 Classification of transfers and diversions.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of a fluid milk product from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1012.44(a)(9) and the corresponding step of § 1012.44 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1012.44(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1012.44(a)(8) or (9) and the corresponding steps of § 1012.44(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be

applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification in Class II in his report submitted pursuant to § 1012.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred (in excess of receipts of skim milk and butterfat at the pool plant from such nonpool plant) shall be classified on the basis of the following assignment of utilization of such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I route disposition in the marketing area, then any transfers from such nonpool plant to pool plants which are assigned to Class I pursuant to § 1012.44(a)(8) and the corresponding step of § 1012.44(b), shall be assigned first to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to such receipts from other order plants, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(ii) Any Class I route disposition in the marketing area of an other order issued pursuant to the Act, then any transfers from such nonpool plant to an other order plant which are assigned to Class I pursuant to the provisions of such other order, shall be assigned first to the skim milk and butterfat in receipts of fluid milk products transferred or diverted from plants fully regulated by such order, next pro rata to such receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk.

(c) As follows, if transferred in the form of a fluid milk product to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and allocations to other classes shall be classified in a comparable classification as Class II milk; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1012.40.

(d) As Class I milk if transferred in the form of a fluid milk product from a pool plant to a producer-handler plant.

§ 1012.43 General classification rules.

In determining the classification of producer milk pursuant to § 1012.44, the following rules shall apply:

(a) Each month, the market administrator shall correct for mathematical and other obvious errors all reports submitted pursuant to § 1012.30 and from such reports, shall compute for each handler the total pounds of skim milk and butterfat in each class.

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1012.44 Classification of producer milk.

After making the computations pursuant to § 1012.43, the market administrator shall determine the classification of producer milk for each handler for each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1012.40(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class II pursuant to § 1012.40(b)(5) plus 2 percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(2–a) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any order issued pursuant to the Act is classified and priced as Class I milk at plant of origin and is not used as an offset on any other payment obligation pursuant to any other order;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts from unregulated supply plants consisting of reconstituted skim milk (including that in filled milk), and any skim milk received at the unregulated plant from producer-handlers and exempt plants defined in any order that were not subtracted pursuant to subparagraph (2–a) of this paragraph; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract from the remaining pounds of skim milk in Class I the pounds of skim milk in inventory of packaged fluid milk products at the beginning of the month: *Provided*, That this subparagraph shall not be applicable to a pool plant in any month immediately following a month in which

such plant was not fully subject to the pooling and pricing provisions of this order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraphs (2–a) and (3)(iv) of this paragraph:

(*a*) For which the handler requests such utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products at the beginning of the month that were not subtracted pursuant to subparagraph (4) of this paragraph;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (2–a), (3)(iv), and (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(v) and (5)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1012.45(a) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(10) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and received from pool plants of other handlers according to the classification of such products pursuant to § 1012.42(a); and

(11) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amounts so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of producer milk in each class as computed pursuant to paragraphs (a) and (b) of this section.

§ 1012.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for purposes of allocating receipts from other order plants pursuant to § 1012.44(a)(9) and the corresponding step of § 1012.44(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received skim milk and butterfat in the form of fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1012.44 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such reports.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

(d) On or before the 12th day after the end of each month, report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association for its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month.

Class Prices

§ 1012.50 Class prices.

Subject to the provisions of §§ 1012.52 and 1012.55, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.95.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 15 cents.

§ 1012.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1012.52 Plant location adjustments for handlers.

(a) The Class I price for producer milk and other source milk at a plant located outside the State of Florida or within the State of Florida but outside the defined marketing area shall be adjusted at the rates set forth in the following schedule:

Location of plant	*Rate per cwt.*
Outside the State of Florida:	
For each 10 miles or fraction thereof from the City Hall in Tampa, Fla.	Subtract 1.5 cents.
Inside the State of Florida:	
In the defined marketing area of Part 1013.	Add 20 cents.
South of a line forming the southern boundary of the counties of Alachua, Dixie, Gilchrist, Putnam, and St. Johns, but outside the defined marketing area of Part 1013.	No adjustment.
North of a line forming the southern boundary of the counties of Alachua, Dixie, Gilchrist, Putnam, and St. Johns.	Subtract 10 cents.

(b) For the purpose of calculating location adjustments, receipts of fluid milk products from pool plants shall be assigned any remainder of Class I milk at the transferee plant that is in excess of the sum of producer milk receipts at such plant and that assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment shall be made in sequence according to the location adjustment applicable at each plant, beginning with the plant nearest the Tampa City Hall.

§ 1012.53 Announcement of class prices and handler butterfat differentials.

On or before the fifth day of each month, the market administrator shall

publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate:

(a) The Class I price for the following month;

(b) The Class I butterfat differential for the current month; and

(c) The Class II price and the Class II butterfat differential, both for the preceding month.

§ 1012.54 Equivalent price.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price that is required.

§ 1012.55 Handler butterfat differentials.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1012.50 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the following rates:

(a) Class I price, 7.5 cents;

(b) Class II price, 0.115 times the Chicago butter price specified in § 1012.51.

UNIFORM PRICE

§ 1012.60 Handler's value of milk for computing uniform price.

The net pool obligation of each handler described in § 1012.9 (a), (b), and (c) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class as computed pursuant to § 1012.44(c) by the applicable class price;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1012.44(a)(12) and the corresponding step of § 1012.44 (b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1012.44(a)(6) and the corresponding step of § 1012.44(b);

(d) Add an amount determined by multiplying the difference between the Class I price for the preceding month and Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1012.44(a)(4) and the corresponding step of § 1012.44(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result would be a minus amount;

(e) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1012.44(a)(3) and the corresponding step of § 1012.44(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1012.44(a)(3) (iv) and (v) and the corresponding step of § 1012.44(b) the Class I price shall be adjusted to the location of the transferor plant (but not to be less than the Class II price); and

(f) Add the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received (but not to be less than the Class II price), of the skim milk and butterfat subtracted from Class I pursuant to § 1012.44(a)(8) and the corresponding step of § 1012.44(b), excluding such skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by pool handlers defined in any order issued pursuant to the Act is classified and priced as Class I milk at plant of origin and is not used as an offset on any other payment obligation pursuant to any other order.

§ 1012.61 Computation of uniform price.

For each month, the market administrator shall compute a uniform price as follows:

(a) Combine into one total the values computed pursuant to § 1012.60 for all handlers who filed the reports pursuant to § 1012.30 for the month, except those in default of payments required pursuant to § 1012.71 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this section is less or more, respectively, than 3.5 percent, the amount obtained by multiplying such difference by the butterfat differential pursuant to § 1012.74 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of the minus location adjustments computed pursuant to § 1012.75;

(d) Subtract an amount equal to the total value of the plus location adjustments computed pursuant to § 1012.75;

(e) Add an amount equal to one-half the unobligated balance in the producer-settlement fund;

(f) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1012.60(f); and

(g) Subtract not less than four cents nor more than five cents per hundredweight.

§ 1012.62 Announcement of uniform price and producer butterfat differential.

The market administrator shall publicly announce on or before the 11th day of each month:

(a) The uniform price for the preceding month; and

(b) The producer butterfat differential for the preceding month.

PAYMENTS FOR MILK

§ 1012.70 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1012.71 and 1012.76 and out of which he shall make all payments from such fund pursuant to § 1012.72: *Provided,* That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1012.71 Payments to the producer-settlement fund.

(a) On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in subparagraph (1) of this paragraph exceed the amounts specified in subparagraph (2) of this paragraph:

(1) The net pool obligation pursuant to § 1012.60 for such handler; and

(2) The sum of:

(i) The value of such handler's producer milk at the applicable uniform price; and

(ii) The value at the uniform price applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) of other source milk for which a value is computed pursuant to § 1012.60(f).

(b) Each handler who operates an other order plant that is regulated under an order providing for individual-handler pooling shall pay to the market administrator for the producer-settlement fund, on or before the 25th day after the end of the month, an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of as route disposition in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant as route disposition in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each marketing area; and

(2) Compute the value of the quantity of reconstituted skim milk assigned in subparagraph (1) of this paragraph to Class I disposition in this marketing area at the Class I price under this part applicable at the location of the other order plant (not to be less than the Class II price), and subtract its value at the Class II price.

§ 1012.72 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1012.71(a)(2) exceeds the amount computed pursuant to § 1012.71(a)(1). If, at such time, the balance in the producer-settlement fund

is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1012.73 Payments to producers and to cooperative associations.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment for producer milk as follows:

(1) On or before the 20th day of the month to each producer who had not discontinued shipping milk to such handler before the 15th day of the month, not less than 85 percent of the uniform price for the preceding month per hundredweight of milk received during the first 15 days of the month, less proper deductions authorized in writing by such producer;

(2) On or before the 5th day of the following month to each producer who had not discontinued shipping milk to such handler before the last day of the month, not less than 85 percent of the uniform price for the preceding month per hundredweight of milk received from the 16th through the last day of the month, less proper deductions authorized in writing by such producer; and

(3) On or before the 15th day of each month to each producer for milk received during the preceding month, not less than the uniform price per hundredweight, adjusted pursuant to §§ 1012.74, 1012.75, and 1012.86, subject to the following:

(i) Minus payments made pursuant to subparagraphs (1) and (2) of this paragraph;

(ii) Less proper deductions authorized in writing by such producer; and

(iii) If by such date such handler has not received full payment from the market administrator pursuant to § 1012.72 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 after receipt of the balance due from the market administrator.

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, together with a written promise of such association to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, such handler on or before the second day prior to the date on which payments are due individual producers, shall pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator an amount not less than the total due such producer-members pursuant to paragraph (a) of this section, subject to the following:

(1) Payment pursuant to this paragraph shall be made for milk received from any producer beginning on the first day of the month following receipt from the cooperative association of its certification that such producer is a member, and continuing through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association; and

(2) Copies of the written request of the cooperative association to receive payments on behalf of its members, together with its promise to reimburse and its certified list of members shall be submitted simultaneously both to the handler and to the market administrator and shall be subject to verification by the market administrator at his discretion, through audit of the records of the cooperative association. Exceptions, if any, to the accuracy of such certification claimed by any producer or by a handler shall be made by written notice to the market administrator and shall be subject to his determination.

§ 1012.74 Producer butterfat differential.

The uniform price shall be increased or decreased for each one-tenth percent that the butterfat content of such milk, is above or below 3.5 percent, respectively, at the rate (rounded to the nearest one-tenth cent) determined by multiplying the pounds of butterfat in producer milk allocated to each class pursuant to § 1012.44 by the respective butterfat differential for each class, combining the totals, and dividing by the total pounds of butterfat in producer milk.

§ 1012.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1012.52; and

(b) For purposes of computations pursuant to §§ 1012.71 and 1012.72, the uniform price shall be adjusted at the rates set forth in § 1012.52 applicable at the location of the nonpool plant from which the milk was received.

§ 1012.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1012.30 and 1012.31(b) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1012.60 at such plant shall be determined as though such plant were a pool plant, subject to the following modifications:

(i) Receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant;

(ii) Transfers from such nonpool plant to a pool plant or an other order plant shall be classified in the class to which allocated at the pool plant or other order plant. Class I milk transferred from such nonpool plant to pool plants and other order plants shall be valued at the uniform price of the respective order, except that reconstituted skim milk (including that in filled milk), and milk or skim milk from producer-handlers and exempt plants defined in any order shall be valued at the Class II price. No obligation shall apply to Class I milk transferred to a pool plant or an other order plant if such Class I utilization is assigned to receipts at the partially regulated distributing plant from pool plants and other order plants at which such milk was classified and priced as Class I milk;

(iii) Such handler's obligation shall include any charges computed pursuant to § 1012.60(f) and any credits computed pursuant to § 1012.71(a)(2)(ii) with respect to receipts of Class I milk from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk (including that in filled milk), and milk or skim milk from producer-handlers and exempt plants defined in any order shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (iv) of this subparagraph;

(iv) If the operator of the partially regulated distributing plant so requests and provides with his report pursuant to § 1012.30 a similar report for each nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipment to such plant during the month equivalent to the requirements of § 1012.7(b) with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation, deduct the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as route disposition in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received at the partially regulated distributing plant as follows:

(i) Any Class I milk from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) Receipts from a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under any order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation pursuant to any other order;

(3) Deduct from any remainder the quantity of reconstituted skim milk, and milk or skim milk contained in receipts from producer-handlers and exempt plants defined in any order disposed of as route disposition in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location, and add for the quantity of milk deducted pursuant to subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such milk at the Class II price. For purposes of this subparagraph, the prices shall not be adjusted to less than the Class II price.

§ 1012.77 Adjustment of accounts.

When verification by the market administrator of reports or payments of a handler discloses errors resulting in monies due the market administrator from such handler, such handler from the market administrator, or a 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 payment next following such disclosure.

§ 1012.78 Charges on overdue accounts.

The unpaid obligation of a handler pursuant to §§ 1012.71, 1012.77, 1012.85, and 1012.86 shall be increased one-half of one percent for each month or portion thereof that such obligation is overdue.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1012.85 Assessment for order administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk (including such handler's own production);

(b) Any other source milk allocated to Class I pursuant to § 1012.44(a) (3) and (8) and the corresponding step of § 1012.44(b), except such other source milk excluded from pool obligations pursuant to § 1012.60(f); and

(c) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk:

(1) Received during the month at such plant from pool plants and other order plants that is not used as an offset under a similar provision of another order issued pursuant to the Act; and

(2) Specified in § 1012.76(b)(2)(ii).

§ 1012.86 Deduction for marketing services.

(a) Except as provided in paragraph (b) of this section, each handler in making payments for producer milk received during the month shall deduct 4 cents per hundredweight or such lesser amount as the Secretary may prescribe (except on such handler's own farm production) and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of products for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

PART 1013—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Subpart—Order Regulating Handling

GENERAL PROVISIONS

Sec.

AUTHORITY: The provisions of this Part 1013 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

GENERAL PROVISIONS

§ 1013.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1013.2 Southeastern Florida marketing area.

The "Southeastern Florida marketing area," hereinafter called the "marketing area," means all the territory geographically within the boundaries of the following counties, all in the State of Florida, including all Government reservations and incorporated municipalities within this territory:

Broward.	Martin.
Dade.	Monroe.
Glades.	Okeechobee.
Hendry.	Palm Beach.
Indian River.	St. Lucie.

§ 1013.3 Route disposition.

"Route disposition" means any delivery to retail or wholesale outlets (including delivery by a vendor, or a sale from or through a plant store, or by vending machine) of any product in a form designated as Class I milk pursuant to § 1013.40(a), but does not include delivery to a milk or filled milk receiving or processing plant.

§ 1013.4 [Reserved]

§ 1013.5 Distributing plant.

"Distributing plant" means a plant approved by a duly constituted health authority for the processing or packaging of Grade A milk which has route disposition of fluid milk products in the marketing area during the month.

§ 1013.6 Supply plant.

"Supply plant" means a plant from which a fluid milk product acceptable to a duly constituted health authority is shipped during the month to a pool plant.

§ 1013.7 Pool plant.

Except as provided in paragraph (c) of this section, "pool plant" means:

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products, except filled milk, received at the plant during the month is disposed of as route disposition (excluding filled milk), and from which not less than 10 percent of such receipts is disposed of in the marketing area as route disposition (excluding filled milk); or

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products, except filled milk, to pool plants pursuant to paragraph (a) of this section.

(c) The term "pool plant" shall not apply to:

(1) A producer-handler plant;

(2) Any plant meeting the requirements of a pool plant pursuant to paragraph (b) of this section but not pursuant to paragraph (a) of this section which, if it were not a pool plant under this part, would be fully subject to the classification and pooling provisions of another order issued pursuant to the Act;

(3) Any plant meeting the requirements of a pool plant pursuant to paragraph (b) of this section but not pursuant to paragraph (a) of this section at which all receipts of skim milk and butterfat during the month would be priced and pooled under the terms of an other order(s) issued pursuant to the Act if such plant were not a pool plant under this order: *Provided*, That such pricing and pooling results in all skim milk and butterfat disposed of from the plant in the form of milk and skim milk during the month being Class I milk under the terms of another order(s) issued pursuant to the Act;

(4) Any plant which does not dispose of a greater volume of Class I milk, except filled milk, as route disposition in the Southeastern Florida marketing area than in the marketing area regulated pursuant to such other order; and

(5) Any building, premises, or facilities, the primary function of which is to hold or store bottled milk or milk products (including filled milk) in finished form, nor shall it include any part of a plant in which the operations are entirely separated (by wall or other partition) from the handling of producer milk.

§ 1013.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which skim milk and butterfat in the form of products designated as Class I milk pursuant to § 1013.40(a) in consumer-type packages or dispenser units are distributed as route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which skim milk and butterfat in the form of products designated as Class I milk pursuant to § 1013.40(a) are moved to a pool plant during the month.

§ 1013.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association;

(c) Any cooperative association with respect to milk of its producer-members which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association. The milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which it was delivered;

(d) Any person in his capacity as the operator of a partially regulated distributing plant;

(e) A producer-handler; or

(f) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant.

§ 1013.10 Producer-handler.

"Producer-handler" means any person who meets all the conditions of paragraphs (a), (b), and (c) of this section:

(a) Operates a dairy farm(s) from which the milk produced thereon is supplied to a plant operated by him in accordance with the requirements set forth in paragraph (b) of this section, and provides proof satisfactory to the market administrator that:

(1) The full maintenance of milk-producing cows on such farm(s) is at his sole risk and under his complete and exclusive management and control; and

(2) Each such farm is owned or operated by him, at his sole risk, and under his complete and exclusive management and control;

(b) Operates a plant in which milk approved by a duly constituted health authority for fluid consumption is processed or packaged and from which there is route disposition during the month in the marketing area pursuant to the following requirements:

(1) No fluid milk products are received at such plant or by him at any other location, except:

(i) From dairy farm(s) as specified in paragraph (a) of this section; and

(ii) Fluid milk products (other than whole milk) from pool plants in an amount that is not in excess of the lesser of 5,000 pounds or 5 percent of his Class I sales during the month;

(2) Such plant is operated under his complete and exclusive management and control and at his sole risk, and is not used during the month to process, package, receive, or otherwise handle fluid milk products for any other person; and

(c) Disposes of no other source milk (except that represented by nonfat solids used in the fortification of fluid milk products) as Class I milk.

(d) Sections 1013.50 through 1013.86 shall not apply to a producer-handler.

§ 1013.11 [Reserved]

§ 1013.12 Producer.

"Producer" means any person except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk (and who is responsible for the milk production enterprise on a continuing basis as to management and risk) in compliance with the inspection requirements of a duly constituted health authority for fluid consumption (as used in this subpart compliance with inspection requirements shall include production of milk acceptable to agencies of the U.S. Government located in the marketing area for fluid consumption).

§ 1013.13 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk:

(a) Received at a pool plant directly from a producer or a handler pursuant to § 1013.9(c): *Provided*, That if the milk received at a pool plant from a handler described in § 1013.9(c) is purchased on a basis other than farm weights, the

amount by which the total farm weights of such milk exceed the weights on which the pool plant's purchases are based shall be producer milk received by the handler described in § 1013.9(c) at the location of the pool plant; or

(b) Diverted from a pool plant to a nonpool plant that is neither an other order plant nor a producer-handler plant for the account of the pool plant operator or a cooperative association, subject to the following:

(1) Milk so diverted for the account of a handler operating a pool plant shall be deemed to have been received by the handler at the plant to which diverted and if diverted for the account of a cooperative association, shall be deemed to have been received by the coooperative association at the location of the plant to which diverted;

(2) If diverted from the pool plant of another handler for the account of a cooperative association, the aggregate quantity of milk of member producers of the cooperative association so diverted that exceeds 25 percent of the milk physically received from such producers at pool plants during the month shall not be deemed to have been received at a pool plant and shall not be producer milk;

(3) If diverted by a handler operating a pool plant for his account, the aggregate quantity of producer milk so diverted that exceeds 25 percent of the aggregate quantity of milk physically received from producers at such plant during the month shall not be deemed to have been received at a pool plant and shall not be producer milk; and

(4) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to subparagraphs (2) and (3) of this paragraph. If the handler fails to make such designation, no milk diverted by him shall be producer milk.

§ 1013.14 Other source milk.

"Other source milk" means the skim milk and butterfat contained in or represented by:

(a) Fluid milk products from any source except:

(1) Producer milk;

(2) Fluid milk products from pool plants; and

(3) Fluid milk products in inventory at the beginning of the month;

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month; and

(c) Any disappearance of nonfluid products in a form in which they may be converted into a Class I product and which are not otherwise accounted for.

§ 1013.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, acidophilus milk, flavored milk and flavored milk drinks (including eggnog and milkshake mix), filled milk, concentrated milk, sweet cream, and mixtures of sweet cream and milk or skim milk.

§ 1013.16 [Reserved]

§ 1013.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1013.18 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 19, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members; and (c) to have its entire activities under the control of its members.

§ 1013.19 Cream.

"Cream" means the product obtained by the separation of skim milk from whole milk such that the butterfat content of the remaining product exceeds 10 percent, and mixtures of such products with milk and skim milk such that the average butterfat content exceeds 10 percent.

Handler Reports

§ 1013.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler, except a handler pursuant to § 1013.9 (e) or (f), shall report to the market administrator for such month, and for each accounting period in each month, with respect to each plant at which milk is received or at which filled milk is processed or packaged in detail and on forms prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in or represented by receipts of:

(1) Producer milk (or in the case of handlers described in § 1013.9(d) Grade A milk received from dairy farmers);

(2) Fluid milk products received from pool plants;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1013.13; and

(5) Inventories of fluid milk products at the beginning and end of the month or accounting period;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including a separate statement showing:

(1) The respective amounts of skim milk and butterfat disposed of as route disposition entirely outside the marketing area, showing separately the in-area and outside area route disposition of filled milk; and

(2) For a handler described in § 1013.9 (d), the amount of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area;

(c) Such other information with respect to receipts and utilization as the market administrator may request; and

(d) Each handler who submits reports on the basis of accounting periods of less than a month, as described in § 1013.44 (d), shall submit a summary report of the same information for the entire month.

§ 1013.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1013.9 (a), (b), or (c) shall report to the market administrator, in detail and on forms prescribed by the market administrator, his producer payroll for that month, which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The days for which milk was received from such producer;

(4) The average butterfat content of such milk; and

(5) The net amount of the handler's payment with respect to such milk to the producer or cooperative association, together with the price paid and the amount and nature of any deductions.

(b) Each handler making payments pursuant to § 1013.76(a) shall report the information required pursuant to paragraph (a) of this section. In such reports receipts of Grade A milk from dairy farmers shall be reported in lieu of those in producer milk, and payments to dairy farmers delivering such milk shall be reported in lieu of payments to producers.

§ 1013.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who operates an other order plant shall report total receipts and utilization or disposition of skim milk and butterfat at the plant at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(c) Each handler described in § 1013.9(c) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 7th day after the end of the month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

(d) Each handler described in § 1013.9 (a), (b), or (c) shall report to the market administrator:

(1) On or before the first day other source milk as defined in § 1013.14(a) is received at his pool plants, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product; and

(2) Such other information with respect to his receipts and utilization of butterfat and skim milk and at such times as the market administrator shall prescribe.

CLASSIFICATION OF MILK

§ 1013.40 Classes of utilization.

Subject to the conditions set forth in §§ 1013.41 through 1013.44, the skim milk and butterfat required to be reported pursuant to § 1013.30(a) shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except as provided in paragraphs (b) and (c) of this section;

(2) In packaged fluid milk products in inventory at the end of the month; and

(3) Not accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce frozen desserts (e.g., ice cream, ice cream mix), sour cream, sour cream products (e.g., dips), yogurt, aerated cream and aerated cream products, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat dry milk, dry whole milk, dry whey, condensed or dry buttermilk, and a product which contains 6 percent or more nonmilk fat (or oil);

(2) Except as provided in paragraph (c) of this section, skim milk and butterfat in fluid milk products disposed of by a handler for livestock feed;

(3) Except as provided in paragraph (c) of this section, skim milk and butterfat in fluid milk products dumped by a handler after notification to, and opportunity for verification by, the market administrator;

(4) Skim milk and butterfat in inventory of bulk fluid milk products at the end of the month;

(5) Skim milk represented by the nonfat solids added to a fluid milk product which is in excess of an equivalent volume of such product prior to the addition;

(6) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1013.13) but not in excess of:

(i) Two percent of producer milk (including that received from a handler described in § 1013.9(c)) if the handler receiving such milk files notice with the market administrator that he is purchasing it on the basis of farm weights. Otherwise, the applicable percentage pursuant to this subdivision shall be 1.5 percent;

(ii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iii) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II utilization was requested by the operators of both plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from unregulated supply plants exclusive of the quantity for which Class II utilization was requested by the handler; and

(v) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(7) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1013.41(b)(2).

(c) *Class III milk.* Class III milk shall be all milk, the skim milk portion of which is:

(1) Disposed of for fertilizer or livestock feed; or

(2) Dumped after such prior notification as the market administrator may require.

§ 1013.41 Shrinkage.

The market administrator shall allocate shrinkage over each pool plant's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat, respectively, in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1013.40(b)(6); and

(2) Other source milk exclusive of that specified in § 1013.40(b)(6).

§ 1013.42 Classification of transfers and diversions.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of a fluid milk product from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1013.44(a)(10) and the corresponding step of § 1013.44(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1013.44(a)(3) and (4), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1013.44(a)(9) or (10) and the corresponding steps of § 1013.44(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred or diverted in bulk in the form of a fluid milk product to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification in Class II or Class III in his report submitted to the market administrator pursuant to § 1013.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred (in excess of receipts of skim milk and butterfat at the pool plant from such nonpool plant) shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I route disposition in the marketing area, then any transfers from such nonpool plant to pool plants which are assigned to Class I pursuant to § 1013.44(a)(9) and the corresponding step of § 1013.44(b), shall be assigned first to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to such receipts from other order plants, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(ii) Any Class I route disposition in the marketing area of an other order issued pursuant to the Act, then any transfers from such nonpool plant to an other order plant which are assigned to Class I pursuant to the provisions of such other order, shall be assigned first to the skim milk and butterfat in receipts of fluid milk products transferred or diverted from plants fully regulated by such order, next pro rata to such receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat in fluid milk products so transferred shall be classified as Class III milk to the extent available and the remainder as Class II milk.

(c) As follows, if transferred in the form of a fluid milk product to an other order plant in excess of receipts from

such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and allocations to other classes shall be classified in a comparable classification as Class II milk; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1013.40.

(d) As Class I milk if transferred in the form of a fluid milk product from a pool plant to a producer-handler plant.

§ 1013.43 General classification rules.

In determining the classification of producer milk pursuant to § 1013.44, the following rules shall apply:

(a) Each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1013.30(a) and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk at each pool plant.

(b) The skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1013.44 Classification of producer milk.

After making the computations pursuant to § 1013.43, the market administrator shall determine the classification of producer milk for each handler for each month or other accounting period described in paragraph (d) of this section as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1013.40(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (4)(iv) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class II pursuant to § 1013.40(b)(5) plus 2 percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(2–a) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any order issued pursuant to the Act is classified and priced as Class I milk at plant of origin and is not used as an offset on any other payment obligation pursuant to any other order;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II, the pounds of skim milk in other source milk as specified in § 1013.14(b);

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(ii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iii) Receipts from unregulated supply plants consisting of reconstituted skim milk (including that in filled milk) and any skim milk received at the unregulated plant from producer-handlers and exempt plants defined in any order that were not subtracted pursuant to subparagraph (2–a) of this paragraph; and

(iv) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(5) Subtract from the remaining pounds of skim milk in Class I the pounds of skim milk in inventory of packaged fluid milk products at the beginning of the month: *Provided*, That this subparagraph shall not be applicable to a pool plant in any month immediately following a month in which such plant was not fully subject to the pooling and pricing provisions of this order;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class III and/or Class II (beginning with Class III unless otherwise specified) but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraphs (2–a) and (4)(iii) of this paragraph:

(*a*) For which the handler requests such utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (4)(iv) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(7) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk (and then Class I), the pounds of skim milk in inventory of fluid milk products at the beginning of the month that were not subtracted pursuant to subparagraph (5) of this paragraph;

(8) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (2–a), (4)(iii), and (6)(i) of this paragraph;

(10) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (4)(iv) and (6)(ii) of this paragraph:

(i) In series beginning with Class III and thereafter from Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1013.45(a) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(11) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and received from pool plants of other handlers according to the classification of such products pursuant to § 1013.42(a); and

(12) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of producer milk in each class as computed pursuant to paragraphs (a) and (b) of this section; and

(d) A handler may account for the receipts, utilization and classification of milk and filled milk, at his plant, for periods within a month if he notifies the market administrator in writing of his intention to use such accounting period not later than the end of every accounting period.

§ 1013.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for purposes of allocating receipts from other order plants pursuant to § 1013.44(a)(10) and the corresponding step of § 1013.44(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received skim milk and butterfat in the form of milk products designated in § 1013.40(a) from an other order plant, the classification to which such receipts are allocated pursuant to § 1013.44 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped skim milk and butterfat in the form of milk products designated as Class I milk pursuant to § 1013.40(a) to an other order plant, the classification to which such skim milk and butterfat was allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

(d) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

Class Prices

§ 1013.50 Class prices.

Subject to the provisions of §§ 1013.52 and 1013.55, the class prices for the month per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $3.15.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 15 cents.

(c) *Class III price.* The Class III price shall be computed as follows: Multiply the Chicago butter price described in § 1013.51 by 1.25, add 4 cents and multiply the result by 3.5.

§ 1013.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1013.52 Plant location adjustments for handlers.

(a) The Class I price for producer milk and other source milk at a plant located outside the State of Florida or within the State of Florida but outside of the defined marketing area shall be adjusted at the rates set forth in the following schedule:

Location of plant	*Rate per cwt.*
Outside the State of Florida:	
For each 10 miles or fraction thereof from the U.S. Post Office in West Palm Beach, Fla.	Subtract 1.5 cents.
Inside the State of Florida:	
South of a line forming the southern boundary of the counties of Alachua, Dixie, Gilchrist, Putnam, and St. Johns, but outside the defined marketing area of this order.	Subtract 20 cents.
North of a line forming the southern boundary of the counties of Alachua, Dixie, Gilchrist, Putnam, and St. Johns.	Subtract 30 cents.

(b) For the purpose of calculating location adjustments, receipts of fluid milk products from pool plants shall be assigned any remainder of Class I milk at the transferee plant that is in excess of the sum of producer milk receipts at such plant and that assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment shall be made in sequence according to the location adjustment applicable at each plant, beginning with the plant nearest the U.S. Post Office in West Palm Beach.

§ 1013.53 Announcement of class prices and handler butterfat differentials.

On or before the fifth day of each month, the market administrator shall announce publicly by posting in a conspicuous place in his office and by such other means as he deems appropirate:

(a) The Class I price for the following month;

(b) The Class I butterfat differential for the current month; and

(c) The Class II and Class III prices and butterfat differentials for the preceding month.

§ 1013.54 Equivalent price.

If, for any reason, a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 1013.55 Handler butterfat differentials.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1013.50 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the following rates:

(a) Class I price, 7.5 cents; and

(b) Class II and Class III prices, 0.115 times the Chicago butter price for the month specified in § 1013.51.

Uniform Price

§ 1013.60 Handler's value of milk for computing uniform price.

The net pool obligation of each handler described in § 1013.9 (a), (b), and (c), during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1013.44(c), by the applicable class price;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1013.44(a)(12) and the corresponding step of § 1013.44(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding accounting period and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1013.44(a)(7) and the corresponding step of § 1013.44(b);

(d) Add an amount determined by multiplying the difference between the Class I price for the preceding month and Class I price for the current month by the hundredweight of skim milk and

butterfat subtracted from Class I pursuant to § 1013.44(a)(5) and the corresponding step of § 1013.44(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result would be a minus amount;

(e) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1013.44(a)(3) and (4) and the corresponding step of § 1013.44(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1013.44(a)(4) (iii) and (iv) and the corresponding step of § 1013.44(b) the Class I price shall be adjusted to the location of the transferor plant (but not to be less than the Class II price); and

(f) Add the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received (but not to be less than the Class II price), of the skim milk and butterfat subtracted from Class I pursuant to § 1013.44(a)(9) and the corresponding step of § 1013.44(b), excluding such skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by pool handlers defined in any order issued pursuant to the Act is classified and priced as Class I milk at plant of origin and is not used as an offset on any other payment obligation pursuant to any other order.

§ 1013.61 Computation of uniform price.

For each month the market administrator shall compute the uniform price as follows:

(a) Combine into one total the values computed pursuant to § 1013.60 for all handlers who filed the reports prescribed by § 1013.30 for the month and who made the payments pursuant to § 1013.71 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this section is less or more, respectively, than 3.5 percent, the amount obtained by multiplying such difference by the butterfat differential pursuant to § 1013.74 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of the location adjustments computed pursuant to § 1013.75;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1013.60(f); and

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight.

§ 1013.62 Announcement of uniform price and producer butterfat differential.

The market administrator shall publicly announce on or before the 11th day of each month:

(a) The uniform price for the preceding month; and

(b) The producer butterfat differential for the preceding month.

PAYMENTS FOR MILK

§ 1013.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1013.71, 1013.76, and 1013.77 and out of which he shall make all payments pursuant to §§ 1013.72 and 1013.77: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

§ 1013.71 Payments to the producer-settlement fund.

(a) On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in subparagraph (1) of this paragraph exceed the amounts specified in subparagraph (2) of this paragraph: *Provided,* That the requirement as to date of payment pursuant to this section shall be considered to have been met if the payment is made by mail postmarked not later than the required payment date:

(1) The net pool obligation computed pursuant to § 1013.60 for such handler; and

(2) The sum of:

(i) The value of such handler's producer milk at the applicable uniform prices specified in § 1013.73(a)(3); and

(ii) The value at the uniform price applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) of other source milk for which a value is computed pursuant to § 1013.60(f).

(b) Each handler operating a plant specified in § 1013.7(c)(4), if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of as route disposition in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant as route disposition in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity of reconstituted skim milk assigned in subparagraph (1) of this paragraph to Class I disposition in this marketing area at the Class I price under this part applicable at the location of the other order plant (not to be less than the Class II price), and subtract its value at the Class II price.

§ 1013.72 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1013.71(a)(2) exceeds the amount computed pursuant to § 1013.71(a)(1). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1013.73 Payments to producers and to cooperative associations.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received as follows:

(1) On or before the 20th day of each month to each producer who did not discontinue shipping milk to such handler before the 15th day of the month, an amount equal to not less than the uniform price for the preceding month less 10 percent, but not to exceed $6, multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph;

(2) On or before the fifth day of the following month to each producer who did not discontinue shipping milk to such handler before the last day of the month, an amount equal to not less than the uniform price for the preceding month less 10 percent, but not to exceed $6, multiplied by the hundredweight of milk received from such producer after the 15th and through the last day of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph; and

(3) On or before the 15th day of the following month, to each producer an amount equal to not less than the uniform price computed pursuant to § 1013.61 adjusted by the butterfat differential to producers and the plant location adjustments to producers, multiplied by the total pounds of milk received from such producer, subject to the following adjustments:

(i) Less payments made to such producer pursuant to subparagraphs (1) and (2) of this paragraph;

(ii) Less marketing service deductions made pursuant to § 1013.86;

(iii) Plus or minus adjustments for errors made in previous payments made to such producer; and

(iv) Less proper deductions authorized by such producer: *Provided,* That if by the date specified, such handler has not

received full payment from the market administrator pursuant to § 1013.72 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment and payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

(b) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall on or before the second day prior to each date on which payments are due individual producers, pay the cooperative association for milk received from the producer-members of such association as determined by the market administrator during the period for which payment is made, an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who received milk from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of the month; and

(2) On or before the 10th day of the following month: (i) The total pounds of milk received during the month, (ii) the pounds of milk received each day, together with the butterfat content of such milk, (iii) the amount or rate and nature of any authorized deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1013.77.

§ 1013.74 Producer butterfat differential.

The uniform price shall be increased or decreased for each one-tenth percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate (rounded to the nearest one-tenth cent) determined by multiplying the pounds of butterfat in producer milk allocated to each class pursuant to § 1013.44 by the respective butterfat differential for each class, combining the totals, and dividing by the total pounds of butterfat in producer milk.

§ 1013.75 Plant location adjustments for producers on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1013.52; and

(b) For purposes of computations pursuant to §§ 1013.71 and 1013.72, the uniform price shall be adjusted at the rates set forth in § 1013.52 applicable at the location of the nonpool plant from which the milk was received.

§ 1013.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1013.30 and 1013.31(b) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1013.60 at such plant shall be determined as though such plant were a pool plant, subject to the following modifications:

(i) Receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant;

(ii) Transfers from such nonpool plant to a pool plant or an other order plant shall be classified in the class to which allocated at the pool plant or other order plant. Class I milk transferred from such nonpool plant to pool plants and other order plants shall be valued at the uniform price of the respective order, except that reconstituted skim milk (including that in filled milk), and milk or skim milk from producer-handlers and exempt plants defined in any order shall be valued at the Class II price. No obligation shall apply to Class I milk transferred to a pool plant or an other order plant if such Class I utilization is assigned to receipts at the partially regulated distributing plant from pool plants and other order plants at which such milk was classified and priced as Class I milk;

(iii) Such handler's obligation shall include any charges computed pursuant to § 1013.60(f) and any credits computed pursuant to § 1013.71(a)(2)(ii) with respect to receipts of Class I milk from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk (including that in filled milk), and milk or skim milk from producer-handlers and exempt plants defined in any order shall be at the Class II price, unless an obligation with respect to such plant is computed as specified in subdivision (iv) of this subparagraph;

(iv) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1013.30 and 1013.31(b) similar reports for each nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1013.7(b) with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant;

(2) From this obligation, there will be deducted the sum of: (i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as route disposition in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received at the partially regulated distributing plant as follows:

(i) Any Class I milk from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) Receipts from a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under any order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation pursuant to any other order;

(3) Deduct from any remainder the quantity of reconstituted skim milk, and milk or skim milk contained in receipts from producer-handlers and exempt plants defined in any other order disposed of as route disposition in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location, and add for the quantity of milk deducted pursuant to the subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such milk at the Class II price. For purposes of this subparagraph, the prices shall not be adjusted to less than the Class II price.

§ 1013.77 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the

market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1013.78 Charges on overdue accounts.

The unpaid obligation of a handler pursuant to § 1013.71 shall be increased by one-half of 1 percent for each month or portion thereof that such payment is overdue.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1013.85 Assessment for order administration.

(a) As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(1) Producer milk (including such handler's own production);

(2) Any other source milk allocated to Class I pursuant to § 1013.44(a) (3), (4), and (9) and the corresponding steps of § 1013.44(b), except such other source milk excluded from pool obligations pursuant to § 1013.60(f); and

(3) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk:

(i) Received during the month at such plant from pool plants and other order plants that is not used as an offset under a similar provision of another order issued pursuant to the Act; and

(ii) Specified in § 1013.76(b) (2) (ii).

(b) With respect to payments pursuant to paragraph (a) of this section, if a handler uses more than one accounting period in a month, the rate of payment per hundredweight for such handler shall be the rate for monthly accounting periods multiplied by the number of accounting periods in the month, or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular costs of administering the additional accounting periods.

§ 1013.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk pursuant to § 1013.73, shall deduct 4 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the acccuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association pursuant to paragraph (b) of this section; and

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section) make such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members. On or before the 15th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed for each producer.

Effective date: October 1, 1972.

Signed at Washington, D.C., on August 29, 1972.

J. PHIL CAMPBELL,
Acting Secretary.

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[Milk Order No. 30; Docket No. AO-361-A7]

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA
Order Amending Order

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 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.* 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.

The hearing was held 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 (7 CFR Part 900).

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) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1972. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued July 13, 1972, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued August 3, 1972. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1972, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559)

(c) *Determination.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations 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:

In § 1030.11, paragraph (a)(3) and the preamble of paragraph (b)(4) are revised as follows:

§ 1030.11 Pool plant.

* * * * *

(a) * * *

(3) Not less than 45 percent in each of the months of September, October, November, and December and 35 percent in each of the months of January, February, March, and August, and 30 percent in all other months of such receipts is disposed of in the form of packaged fluid milk products, except filled milk, either on routes or moved to other plants. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

* * * * *

(b) * * *

(4) Such percentage shall be not less than 35 percent in each of the months of September, October, and November, and 25 percent in August and 30 percent in all other months, except that a plant which is a pool plant pursuant to this paragraph during each of the months of August through December shall be a pool plant for each of the following months of January through July unless:

* * * * *

(Secs. 1–19, 49 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. September 1, 1972.

Signed at Washington, D.C. on August 25, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-14850 Filed 8-30-72;8:46 am]

[Milk Order No. 50]

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

Order Suspending Certain Provisions

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

Notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 16503) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the month of August 1972 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1050.14, paragraphs (c) (2) and (3).

This suspension will permit unlimited diversion of producer milk under the Central Illinois order for the month of August 1972 under the same rule of unlimited diversions as applied in May, June, and July 1972.

The suspension action was requested by Associated Milk Producers, Inc. The producer association claimed that such action is necessary in order to enable its member producers to maintain producer status under the order for the month of August. A distributing plant to which a number of the association's member producers ship has experienced a decline in Class I sales along with an increase in Class II sales. Increasing competition, a decrease in Class I sales to schools during August, and increased specialization in Class II products at this particular plant have produced the current situation. Suspension of the diversion limitations will facilitate the orderly disposition of reserve milk and provide continued producer status for the aforementioned producers under the order.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that this will provide an efficient and orderly method of disposition of the reserve milk associated with the plant in question for the month of August 1972, while the dairy farmers involved retain producer status.

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

(c) Notice of proposed rule making was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this suspension. There were no views filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective with respect to producer milk deliveries during August 1972.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of August 1972.

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

Effective date. Upon publication in the FEDERAL REGISTER (8–30–72).

Signed at Washington, D.C., on August 25, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-14849 Filed 8-30-72;8:46 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T. D. 7205]

PART 301—PROCEDURE AND ADMINISTRATION

Inspection of Returns for Economic Stabilization Purposes

Pursuant to section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), as amended, to section 205 of the Economic Stabilization Act of 1970 (Public Law 91–379, 84 Stat. 799), as amended by the Economic Stabilization Act Amendments of 1971 (Public Law 92–210, 85 Stat. 747), and to Executive Order No. 11682 signed this date[1] concerning inspection for stabilization purposes by the Department of the Treasury of returns made under the Internal Revenue Code of 1954, the regulations on procedure and administration (26 CFR Part 301) are amended by adding immediately after § 301.6103(a)–108, the following:

§ 301.6103(a)–109 Inspection of returns by Department of the Treasury for economic stabilization purposes.

(a) *In general.* Officers and employees of the Department of the Treasury, including the Internal Revenue Service and the Office of Chief Counsel for the Internal Revenue Service, whose official duties include the administration or enforcement of provisions of the Economic Stabilization Act of 1970 (Public Law 91–379, 84 Stat. 799), as amended by the Economic Stabilization Act Amendments of 1971 (Public Law 92–210, 85 Stat. 743), may inspect any returns made in respect of any tax described in paragraph (a)(2) of § 301.6103(a)–1 without making written application therefor. The provisions of paragraph (e) of § 301.6103(a)–1 shall not apply with respect to the head of a bureau or office in the Department of the Treasury, including the Internal Revenue Service and the Office of Chief Counsel for the Internal Revenue Service, who desires to inspect, or to have an employee of his bureau or office inspect, any such return in connection with some matter officially before him for the purpose of administering or enforcing the provisions of the Economic Stabilization Act of 1970, as amended. The information obtained from inspection pursuant to this paragraph may be—

(i) Used as evidence by the Department of the Treasury, including the Internal Revenue Service and the Office of Chief Counsel for the Internal Revenue Service, in any proceeding, conducted by or before any department or establishment of the United States, or

[1] See p. 17701 of this issue. A copy of Executive Order No. 11682 filed as part of the original document.

to which the United States is a party, or

(ii) Used to the extent necessary to effectuate the purposes for which such returns are open to inspection.

(b) *Terms used*—(1) *"Return"*. For the definition of the term "return" for purposes of section 6103(a) and this section, see paragraph (a)(3)(i) of § 301.6103(a)-1.

(2) *Other terms*. Any word or term used in this section, other than the word "return", which is defined in any chapter of the Code shall be given the definition contained in the chapter which is applicable to the particular return made.

Because this Treasury decision constitutes a general statement of policy and establishes rules of Departmental practice and procedure, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b), or subject to the effective date limitation of 5 U.S.C. 553(d).

This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

[SEAL] GEORGE P. SCHULTZ,
Secretary of the Treasury.

Approved: August 29, 1972.

RICHARD NIXON,
The White House.

[FR Doc.72-15008 Filed 8-30-72;11:54 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

VARIOUS CANNED FRUITS AND VEGETABLES

U.S. Standards for Grades

Notice is hereby given that the U.S. Department of Agriculture is considering similar amendments to the U.S. Standards for Grades of:

Canned asparagus (7 CFR 52.2541–52.2558);
Canned sweet cherries (7 CFR 52.821–52.836);
Canned fruit cocktail (7 CFR 52.1051–52.1064);
Canned fruits for salad (7 CFR 52.3831–52.3845);
Canned Kadota figs (7 CFR 52.2821–52.2835);
Canned grapes (7 CFR 52.4021–52.4034);
Canned clingstone peaches (7 CFR 52.2561–52.2577);
Canned freestone peaches (7 CFR 52.2601–52.2616); and
Canned pears (7 CFR 52.1611–52.1625).

These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided under this Act upon request and upon payment of a fee to cover the cost of such services.

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

All persons who desire to submit written views, data, or arguments for consideration in connection with the proposed amendments should file the same in duplicate, not later than November 1, 1972, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular working hours (7 CFR 1.27(b)).

Statement of consideration leading to the proposed amendments. These amendments are proposed to formalize a procedure for determining compliance with fill of container requirements with respect to fruit or vegetable ingredient, based on the in-going weight (fill weight) of such ingredient. This procedure has been used on an administrative basis by the Department since 1960.

The fill weight procedure is an optional procedure for determining compliance with fill of container based on fill weights. Compliance with requirements for fill of container may also be determined on the basis of drained weights of the finished product. This latter procedure is contained in all of the grade standards listed in this notice except canned Freestone peaches.

Fill weight values are given in the U.S. Standards for grades of canned clingstone peaches, canned pears, and canned apricots for most styles and container sizes. Fill weight values for the other products listed in this notice are not given in the grade standard for these products. These values were issued as supplements to the Department's Variables Control Chart Plan and instructions applicable thereto for use on an administrative basis.

The proposed amendments would add the fill weight values to the grade standards listed in this notice. In addition drained weight values and the procedure for determining drained weights for canned Freestone peaches would also be added. Such values would also be added for certain container sizes and styles for other products.

Slight adjustment in several of the drained weight values for canned asparagus—some slightly increased and others slightly decreased—is also proposed.

Part 52 of Chapter I of Title 7 of the Code of Federal Regulations would be amended as follows:

Subpart—United States Standards for Grades of Canned Asparagus. The table of contents and §§ 52.2546, 52.2547, and 52.2549 of the text would be amended as follows:

Table of contents. 1. The heading opposite § 52.2547 would be changed to read:

Sec.
52.2547 Recommended minimum fill weights.

In the text. 2. Section 52.2546 would be amended to read as follows:

§ 52.2546 Recommended minimum drained weights.

(a) *General.* The minimum drained weight recommendations in Table No. 2 are not incorporated in the grades of the processed product, since drained weight, as such, is not a factor of quality for the purpose of these grades.

(b) *Method for ascertaining drained weights.* The drained weight of canned asparagus is determined by emptying the contents of the container upon a U.S. Standard No. 8 sieve of proper diameter, inclining the sieve to facilitate drainage, and allow to drain for 2 minutes. The drained weight is the weight of the sieve and the asparagus less the weight of the dry sieve. A sieve 8 inches in diameter is used for the No. 2½ can (401 x 411) and smaller sizes, and a sieve 12 inches in diameter is used for containers larger than the No. 2½ size can.

(c) *Definitions of symbols.* (1) $\bar{X}_d$—the average drained weight of all the sample units in the sample.

(2) LL—lower limit for drained weights of individual sample units.

(d) *Compliance with recommended minimum drained weights.* A lot of canned asparagus is considered as meeting the minimum drained weight recommendations if the following criteria are met:

(1) The average of the drained weights of all the sample units in the sample meets the recommended minimum average drained weight (designated as $\bar{X}_d$ in Table 2); and

(2) The number of sample units which fail to meet the recommended drained weight lower limit for individuals (designated as LL in Table 2) does not exceed the applicable acceptance number specified in Table 3.

TABLE 2.—RECOMMENDED MINIMUM DRAINED WEIGHT FOR CANNED ASPARAGUS

Container designation (metal, unless otherwise stated)	Container dimensions (inches; or water capacity in ounces avoirdupois as applicable)		Small, medium or large sizes; and blends of these sizes (ounces)				Extra large, colossal, giant sizes; or blends including these sizes (ounces)				Cuts spears, bottom cuts—tips removed (ounces)			
	Diameter	Height	Green tipped and white; white		Green and green tipped		Green tipped and white; white		Green and green tipped		Green tipped and white		Green	
			LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$
8 oz. glass	8.5 ozs. avdp.		4.8	5.1	4.6	4.9	4.8	5.1	4.6	4.9	4.7	5.0	4.4	4.7
8 Z short	2 1/16	3	4.4	4.7	4.2	4.5	4.4	4.7	4.2	4.5	4.2	4.5	4.1	4.3
8 Z tall	2 1/16	3 1/16	4.9	5.2	4.7	5.0	4.9	5.2	4.9	5.0	4.9	5.0	4.5	4.8
No. 1 picnic	2 1/16	4	7.6	7.0	5.8	6.2	6.1	6.5	4.6	6.0	6.2	6.5	4.7	6.0
12 Z	2 1/16	4 9/16	8.6	8.0	7.1	7.5	7.3	7.7	6.8	7.2	7.3	7.7	6.8	7.2
13½ Z glass	14.0 ozs. avdp.		8.6	9.1	7.8	8.3	8.1	8.6	7.5	8.0				
No. 300	3	4 7/16	9.0	9.5	8.2	8.7	8.5	9.0	7.9	8.4	8.6	9.0	8.2	8.6
300 x 409	3	4 9/16	9.2	9.7	8.5	9.0	8.7	9.2	8.1	8.6	8.8	9.2	8.4	8.8
No. 1 tall	3 1/16	4 13/16	9.9	10.5	8.8	9.4	9.3	9.9	8.5	9.1	9.1	9.6	8.6	9.1
No. 303 glass	17.7 ozs. avdp.		10.3	10.9	9.1	9.7	9.7	10.3	8.8	9.4	9.4	9.9	8.9	9.4
No. 303	3 3/16	4 9/16	10.1	10.7	8.9	9.5	9.5	10.1	8.6	9.2	9.2	9.7	8.7	9.2
No. 303 cylinder	3	5 9/16			10.3	11.0			9.8	10.5				
No. 2	3 7/16	4 9/16	12.3	13.0	11.1	11.8	11.6	12.3	10.6	11.3	12.1	12.7	11.1	11.7
No. 2½ glass	29.5 ozs. avdp.		17.7	18.7	16.0	17.0	16.7	17.7	15.5	16.5	17.6	18.3	16.0	16.7
No. 2½	4 1/16	4 13/16	18.0	19.0	16.2	17.2	17.0	18.0	15.7	16.7	17.8	18.5	16.2	16.9
No. 5 squat	6 3/16	4 9/16	41.5	43.0	37.5	39.0	39.5	41.0	36.5	38.0	41.0	42.0	37.0	38.0
No. 10	6 3/16	7									63.1	64.5	58.8	60.2

TABLE 3.—SINGLE SAMPLING PLAN FOR DRAINED WEIGHTS

Sample size (number of sample units)	3	6	13	21	29	38	48	60	70
Acceptance number	0	1	2	3	4	5	6	7	8

3. Redesignated § 52.2547 would read:

§ 52.2547 Recommended minimum fill weights.

(a) *General.* The minimum fill weight recommendations specified in Table Nos. 4, 5, 6, 7, 8, and 9 are not incorporated in the grades of the finished product since fill weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for ascertaining fill weight.* Fill weight is determined in accordance with the U.S. Department of Agriculture Variables Control Chart Plan and adaptations thereto as applicable to processed fruits and vegetables.

(c) *Definitions of terms and symbols.* "Subgroup" means a group of sample units representing a portion of a sample.

$\bar{X}'_{min}$ means the minimum lot average fill weight.

$LWL_{\bar{x}}$ means the lower warning limit for subgroup averages.

$LRL_{\bar{x}}$ means the lower reject limit for subgroup averages.

LWL means the lower warning limit for individual fill weight measurements.

LRL means the reject limit for individual fill weight measurements.

$\bar{R}'$ means a specified average range value.

R_{max} means a specified maximum range for a subgroup.

"Sampling allowance code" means a code letter on the Sampling Allowance Chart of the U.S. Department of Agriculture Variables Control Chart Plan. This letter identifies the appropriate line which gives the amount of sampling allowance to be applied to the specification average for fill weights in order to determine compliance with requirements for fill weight averages for a sample.

(d) *Compliance with recommended fill weights.* Compliance with the recommended fill weights shall be in accordance with the acceptance criteria specified in the U.S. Department of Agriculture Variables Control Chart Plan and adaptations thereto as applicable to processed fruits and vegetables.

TABLE 4.—RECOMMENDED FILL WEIGHT VALUES

Container designation (metal, unless otherwise designated)	Green and green-tipped—spears, tips or points—small, medium, large, or blends of these sizes							
	$\bar{X}'_{min}$	$LWL_{\bar{x}}$	$LRL_{\bar{x}}$	LWL	LRL	$\bar{R}'$	R_{max}	Sampling allowance code
8 oz. glass—8.5 oz. avdp	5.0	4.7	4.6	4.4	4.1	0.70	1.50	E
8 Z short—211 x 300	4.6	4.3	4.2	4.0	3.7	0.70	1.50	E
8 Z tall—211 x 304	5.1	4.8	4.7	4.5	4.2	0.70	1.50	E
No. 1 picnic—211 x 400	6.3	6.0	5.8	5.6	5.2	0.80	1.70	F
12 Z—211 x 409	7.6	7.2	7.0	6.8	6.4	0.90	2.0	G
13½ Z glass—14 oz. avdp	8.4	8.0	7.8	7.5	7.0	1.10	2.20	H
No. 300—300 x 407	8.8	8.4	8.2	7.9	7.4	1.10	2.20	H
300 x 409	9.1	8.7	8.5	8.2	7.7	1.10	2.20	H
No. 1 tall—301 x 411	9.6	9.1	8.9	8.6	8.1	1.20	2.50	I
No. 303 glass—17.7 oz. avdp	9.9	9.4	9.2	8.9	8.4	1.20	2.50	I
No. 303—303 x 406	9.7	9.2	9.0	8.7	8.2	1.20	2.50	I
No. 300 cylinder—300 x 509	11.2	10.6	10.3	9.9	9.2	1.50	3.20	L
No. 2—307 x 409	12.0	11.4	11.1	10.7	10.0	1.50	3.20	L
No. 2½ glass—29.5 oz. avdp	17.4	16.5	16.1	15.5	14.5	2.20	4.70	R
No. 2½—401 x 411	17.6	16.7	16.3	15.7	14.7	2.20	4.70	R
No. 5 squat—603 x 408	41.0	39.7	39.1	38.2	36.8	3.30	6.90	W

TABLE 5.—RECOMMENDED FILL WEIGHT VALUES

Container designation (metal, unless otherwise designated)	Green and green-tipped—spears, tips or points—extra large, colossal, giant or blends including these sizes							
	$\bar{X}'_{min}$	$LWL_{\bar{x}}$	$LRL_{\bar{x}}$	LWL	LRL	$\bar{R}'$	R_{max}	Sampling allowance code
8 oz. glass—8.5 oz. avdp	5.0	4.7	4.6	4.4	4.1	0.70	1.50	E
8 Z short—211 x 300	4.6	4.3	4.2	4.0	3.7	0.70	1.50	E
8 Z tall—211 x 304	5.1	4.8	4.7	4.5	4.2	0.70	1.50	E
No. 1 picnic—211 x 400	6.1	5.8	5.6	5.4	5.0	0.80	1.70	F
12 Z—211 x 409	7.3	6.9	6.7	6.5	6.1	0.90	2.0	G
13½ Z glass—14 oz. avdp	8.1	7.7	7.5	7.2	6.7	1.10	2.20	H
No. 300—300 x 407	8.6	8.2	8.0	7.7	7.2	1.10	2.20	H
300 x 409	8.8	8.4	8.2	7.9	7.4	1.10	2.20	H
No. 1 tall—301 x 411	9.3	8.8	8.6	8.3	7.8	1.20	2.50	I
No. 303 glass—17.7 oz. avdp	9.2	8.7	8.5	8.2	7.7	1.20	2.50	I
No. 303—303 x 406	9.4	8.9	8.7	8.4	7.9	1.20	2.50	I
No. 300 cylinder—300 x 509	10.7	10.1	9.8	9.4	8.7	1.50	3.20	L
No. 2—307 x 409	11.6	11.0	10.7	10.3	9.6	1.50	3.20	L
No. 2½ glass—29.5 oz. avdp	16.9	16.0	15.6	15.0	14.0	2.20	4.70	R
No. 2½—401 x 411	17.1	16.2	15.8	15.2	14.2	2.20	4.70	R
No. 5 squat—603 x 408	39.5	38.2	37.6	36.7	35.3	3.30	6.90	W

TABLE 6.—RECOMMENDED FILL WEIGHT VALUES

Container designation (metal, unless otherwise designated)	Green-tipped and white; and white—spears, tips or points—small, medium, large, or blends of these sizes							
	$\bar{X}'_{min}$	$LWL_{\bar{x}}$	$LRL_{\bar{x}}$	LWL	LRL	$\bar{R}'$	R_{max}	Sampling allowance code
8 oz. glass—8.5 oz. avdp	5.2	4.9	4.8	4.6	4.3	0.70	1.50	E
8 Z short—211 x 300	4.8	4.5	4.4	4.2	3.9	0.70	1.50	E
8 Z tall—211 x 304	5.3	5.0	4.9	4.7	4.4	0.70	1.50	E
No. 1 picnic—211 x 400	7.1	6.8	6.6	6.4	6.0	0.80	1.70	F
12 Z—211 x 409	7.9	7.5	7.3	7.1	6.7	0.90	2.0	G
13½ Z glass—14 oz. avdp	9.2	8.8	8.6	8.3	7.8	1.10	2.20	H
No. 300—300 x 407	9.6	9.2	9.0	8.7	8.2	1.10	2.20	H
300 x 409	9.8	9.4	9.2	8.9	8.4	1.10	2.20	H
No. 1 tall—301 x 411	10.7	10.2	10.0	9.7	9.2	1.20	2.50	I
No. 303 glass—17.7 oz. avdp	11.1	10.6	10.4	10.1	9.6	1.20	2.50	I
No. 303—303 x 406	10.9	10.4	10.2	9.9	9.4	1.20	2.50	I
No. 2—307 x 409	13.2	12.6	12.3	11.7	11.2	1.50	3.20	L
No. 2½ glass—29.5 oz. avdp	19.0	18.1	17.7	17.1	16.1	2.20	4.70	R
No. 2½—401 x 411	19.3	18.4	18.0	17.4	16.4	2.20	4.70	R
No. 5 squat—603 x 408	44.5	43.2	42.6	41.7	40.3	3.30	6.90	W

TABLE 7.—RECOMMENDED FILL WEIGHT VALUES

Container designation (metal, unless otherwise designated)	Green-tipped and white; and white—spears, tips, or points—extra large, colossal, giant, or blends of these sizes							
	$\bar{X}'_{min}$	$LWL_{\bar{x}}$	$LRL_{\bar{x}}$	LWL	LRL	$\bar{R}'$	R_{max}	Sampling allowance code
8 oz. glass—8.5 oz. avdp	5.2	4.9	4.8	4.6	4.3	0.70	1.50	E
8 Z short—211 x 300	4.8	4.5	4.4	4.2	3.9	0.70	1.50	E
8 Z tall—211 x 304	5.3	5.0	4.9	4.7	4.4	0.70	1.50	E
No. 1 picnic—211 x 400	6.6	6.3	6.1	5.9	5.5	0.80	1.70	F
12 Z—211 x 409	7.8	7.4	7.2	7.0	6.6	0.90	2.0	G
13½ Z glass—14 oz. avdp	8.7	8.3	8.1	7.8	7.3	1.10	2.20	H
No. 300—300 x 407	9.1	8.7	8.5	8.2	7.7	1.10	2.20	H
300 x 409	9.4	9.0	8.8	8.5	8.0	1.10	2.20	H
No. 1 tall—301 x 411	10.1	9.6	9.4	9.1	8.6	1.20	2.50	I
No. 303 glass—17.7 oz. avdp	10.5	10.0	9.8	9.5	9.0	1.20	2.50	I
No. 303—303 x 406	10.3	9.8	9.6	9.3	8.8	1.20	2.50	I
No. 2—307 x 409	12.5	11.9	11.5	11.2	10.5	1.50	3.20	L
No. 2½ glass—29.5 oz. avdp	18.0	17.1	16.7	16.1	15.1	2.20	4.70	R
No. 2½—401 x 411	18.3	17.4	17.0	16.4	15.4	2.20	4.70	R
No. 5 squat—603 x 408	42.5	41.2	40.6	39.7	38.3	3.30	6.90	W

TABLE 8.—RECOMMENDED FILL WEIGHT VALUES

Container designation (metal, unless otherwise designated)	Green—cut spears; bottom cuts; or cuts—tips removed							
	$\bar{X}'_{min}$	$LWL_{\bar{X}}$	$LRL_{\bar{X}}$	LWL	LRL	$\bar{R}'$	R_{max}	Sampling allowance code
8 oz. glass—8.5 oz. avdp	4.9	4.6	4.5	4.3	4.0	0.70	1.50	E
8 Z short—211 x 300	4.5	4.2	4.1	3.9	3.6	0.70	1.50	E
8 Z tall—211 x 304	5.0	4.7	4.6	4.4	4.1	0.70	1.50	E
No. 1 picnic—211 x 400	6.3	6.0	5.9	5.7	5.4	0.70	1.50	E
12 Z—211 x 409	7.5	7.2	7.0	6.8	6.4	0.80	1.70	F
No. 300—300 x 407	8.9	8.5	8.3	8.1	7.7	0.90	2.0	G
300 x 409	9.1	8.7	8.5	8.3	7.9	0.90	2.0	G
No. 1 tall—301 x 411	9.4	9.0	8.8	8.5	8.0	1.10	2.20	H
No. 303 glass—17.7 oz. avdp	9.7	9.3	9.1	8.8	8.3	1.10	2.20	H
No. 303—303 x 406	9.5	9.1	8.9	8.6	8.1	1.10	2.20	H
No. 2—307 x 409	12.0	11.5	11.3	11.0	10.5	1.20	2.50	I
No. 2½ glass—29.5 oz. avdp	17.3	16.7	16.4	16.0	15.4	1.40	3.0	K
No. 2½—401 x 411	17.5	17.0	16.7	16.3	15.7	1.40	3.0	K
No. 5 squat—603 x 408	41.0	40.2	39.8	39.2	38.3	2.10	4.40	Q
No. 10—603 x 700	65.5	64.3	63.7	62.9	61.6	3.0	6.40	V

TABLE 9.—RECOMMENDED FILL WEIGHT VALUES

Container designation (metal, unless otherwise designated)	Green-tipped and white—cut spears; bottom cuts; or cuts—tips removed							
	$\bar{X}'_{min}$	$LWL_{\bar{X}}$	$LRL_{\bar{X}}$	LWL	LRL	$\bar{R}'$	R_{max}	Sampling allowance code
8 oz. glass—8.5 oz. avdp	5.3	5.0	4.9	4.7	4.4	0.70	1.50	E
8 Z short—211 x 300	4.8	4.5	4.4	4.2	3.9	0.70	1.50	E
8 Z tall—211 x 304	5.4	5.1	5.0	4.8	4.5	0.70	1.50	E
No. 1 picnic—211 x 400	6.8	6.5	6.4	6.2	5.9	0.70	1.50	E
12 Z—211 x 409	8.0	7.7	7.5	7.3	6.9	0.80	1.70	F
No. 300—300 x 407	9.4	9.0	8.8	8.6	8.2	0.90	2.0	G
300 x 409	9.6	9.2	9.0	8.8	8.4	0.90	2.0	G
No. 1 tall—301 x 411	9.9	9.5	9.3	9.0	8.5	1.10	2.20	H
No. 303 glass—17.7 oz. avdp	10.2	9.8	9.6	9.3	8.8	1.10	2.20	H
No. 303—303 x 406	10.0	9.6	9.4	9.1	8.6	1.10	2.20	H
No. 2—307 x 409	13.0	12.5	12.3	12.0	11.5	1.20	2.50	I
No. 2½ glass—29.5 oz. avdp	18.8	18.3	18.0	17.6	17.0	1.40	3.0	K
No. 2½—401 x 411	19.0	18.5	18.2	17.8	17.2	1.40	3.0	K
No. 5 squat—603 x 408	44.5	43.7	43.3	42.7	41.8	2.10	4.40	Q
No. 10—603 x 700	71.0	69.8	69.2	68.4	67.1	3.0	6.40	V

4. In § 52.2549 Table No. 3 would be renumbered as Table No. 10.

Subpart—U.S. Standards for Grades of Canned Sweet Cherries. The table of contents and §§ 52.827 and 52.828 of the text would be amended as follows:

Table of contents. 1. The second general heading would be amended to read as follows:

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS, AND FILL WEIGHTS

2. The heading opposite § 52.828 would be changed to read:

Sec.
52.828 Recommended minimum fill weights.

In the text. 3. The general heading immediately preceding § 52.825 would be changed to read:

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS, AND FILL WEIGHTS

4. Section 52.827 would be amended to read as follows:

§ 52.827 Recommended minimum drained weights.

(a) *General.* The minimum drained weight recommendations in Table I are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for ascertaining drained weights.* The drained weight of canned sweet cherries is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve of proper diameter containing eight meshes to the inch (0.0937-inch±3 percent, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for 2 minutes. The drained weight is the weight of the sieve and sweet cherries less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

(c) *Definitions of symbols.* (1) $\bar{X}_d$—the average drained weight of all the sample units in the sample.

(2) LL—lower limit for drained weights of individual sample units.

(d) *Compliance with recommended drained weights.* A lot of canned sweet cherries is considered as meeting the minimum drained weight recommendations if the following criteria are met:

(1) The average of the drained weights from all the sample units in the sample meets the recommended minimum average drained weight (designated as "$\bar{X}_d$" in Table I); and

(2) The number of sample units which fail to meet the recommended drained weight lower limit for individuals (designated as "LL" in Table I) does not exceed the applicable acceptance number specified in Table II.

TABLE I.—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR PITTED AND UNPITTED CANNED SWEET CHERRIES

Container size or designation (metal, unless otherwise stated)	In extra heavy sirups and in declared "dietetic packs" whether or not packed in water (ounces)		In heavy sirups (ounces)		In light sirup and in slightly sweetened water or juice (ounces)		In water (ounces)	
	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$
8 Z tall	4.3	4.7	4.6	5	4.8	5.2	4.8	5.2
No. 300	8.4	8.9	8.7	9.2	8.2	8.7	8.2	8.7
No. 1 tall	9.0	9.7	9.3	10.0	9.5	10.2	9.5	10.2
No. 303	9.0	9.7	9.3	10.0	9.5	10.2	9.5	10.2
No. 303 glass	9.0	9.7	9.3	10.0	9.5	10.2	9.5	10.2
No. 2	11.3	12.0	11.8	12.5	12.0	12.7	12.0	12.7
No. 2½	16.6	17.5	17.1	18.0	17.6	18.5	17.6	18.5
No. 2½ glass	16.3	17.2	16.8	17.7	17.3	18.2	17.3	18.2
No. 10	61.7	64.5	63.7	66.5	68.2	70.0	68.2	70.0

TABLE II.—SINGLE SAMPLING PLAN FOR DRAINED WEIGHTS

Sample size (number of sample units)	3	6	13	21	29	38	48	60	70
Acceptance number	0	1	2	3	4	5	6	7	8

5. The text of § 52.828 would be deleted in its entirety and a new text added as follows:

§ 52.828 Recommended minimum fill weights.

(a) *General.* The minimum fill weight recommendations specified in Tables III and IV are not incorporated in the grades of the finished product since fill weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for ascertaining fill weight.* Fill weight is determined in accordance with the U.S. Department of Agriculture Variables Control Chart Plan and adaptations thereto as applicable to processed fruits and vegetables.

(c) *Definitions of terms and symbols.* "Subgroup" means a group of sample units representing a portion of a sample.

$\bar{X}'_{min}$ means the minimum lot average fill weight.

$LWL_{\bar{x}}$ means the lower warning limit for subgroup averages.

$LRL_{\bar{x}}$ means the lower reject limit for subgroup averages.

LWL means the lower warning limit for individual fill weight measurements.

LRL means the lower reject limit for individual fill weight measurements.

$\bar{R}'$ means a specified average range value.

R_{max} means a specified maximum range for a subgroup.

"Sampling allowance code" means a code letter on the Sampling Allowance Chart of the U.S. Department of Agriculture Variables Control Chart Plan. This letter identifies the appropriate line which gives the amount of sampling allowance to be applied to the specification average for fill weights in order to determine compliance with requirements for fill weight averages for a sample.

(d) *Compliance with recommended fill weights.* Compliance with the recommended fill weights shall be in accordance with the acceptance criteria specified in the U.S. Department of Agriculture Variables Control Chart Plan and adaptations thereto as applicable to processed fruits and vegetables.

TABLE III.—RECOMMENDED FILL WEIGHT VALUES CANNED LIGHT SWEET CHERRIES

UNPITTED

Container designation (metal, unless otherwise designated)	$\bar{X}'_{min}$	$LWL_{\bar{x}}$	$LRL_{\bar{x}}$	LWL	LRL	$\bar{R}'$	R_{max}	Samplin allowance code
8 Z tall—211 x 304	5.4	5.2	5.0	4.9	4.6	0.6	1.3	D
No. 300—300 x 407	9.6	9.3	9.1	8.9	8.5	0.9	1.9	F
No. 1 tall—301 x 411	10.7	10.3	10.1	9.9	9.5	1.0	2.1	G
No. 303—303 x 406	10.7	10.3	10.1	9.9	9.5	1.0	2.1	G
No. 303 glass	10.7	10.3	10.1	9.9	9.5	1.0	2.1	G
No. 2—307 x 409	13.0	12.6	12.4	12.1	11.6	1.1	2.3	H
No. 2½ glass	18.8	18.3	18.0	17.7	17.1	1.3	2.7	J
No. 2½—401 x 411	19.0	18.5	18.2	17.9	17.3	1.3	2.7	J
No. 20—603 x 700	71.5	70.5	70.0	69.3	68.2	2.6	5.4	T
PITTED								
8 Z tall	5.5	5.3	5.1	4.9	4.7	0.6	1.3	D
No. 300	9.8	9.5	9.3	9.1	8.7	0.9	1.9	F
No. 1 tall	10.9	10.5	10.3	10.1	9.7	1.0	2.1	G
No. 303	10.9	10.5	10.3	10.1	9.7	1.0	2.1	G
No. 303 glass	10.9	10.5	10.3	10.1	9.7	1.0	2.1	G
No. 2	13.3	12.9	12.7	12.4	11.9	1.1	2.3	H
No. 2½ glass	19.2	18.7	18.4	18.1	17.5	1.3	2.7	J
No. 2½	19.4	18.9	18.6	18.3	17.7	1.3	2.7	J
No. 10	73.0	72.0	71.5	70.8	69.7	2.6	5.4	T

TABLE IV.—RECOMMENDED FILL WEIGHT VALUES CANNED DARK SWEET CHERRIES

UNPITTED

Container designation (metal, unless otherwise designated)	$\bar{X}'_{min}$	$LWL_{\bar{x}}$	$LRL_{\bar{x}}$	LWL	LRL	$\bar{R}'$	R_{max}	Sampling allowance code
8 Z tall—211 x 304	5.4	5.2	5.0	4.9	4.6	0.6	1.2	D
No. 300—300 x 407	9.6	9.2	9.0	8.8	8.4	0.9	2.0	G
No. 1 tall—301 x 411	10.7	10.3	10.1	9.8	9.3	1.1	2.2	H
No. 303—303 x 406	10.7	10.3	10.1	9.8	9.3	1.1	2.2	H
No. 303 glass	10.7	10.3	10.1	9.8	9.3	1.1	2.2	H
No. 2—307 x 409	13.0	12.5	12.3	12.0	11.5	1.2	2.5	I
No. 2½ glass	18.8	18.3	18.0	17.7	17.1	1.3	2.7	J
No. 2½—401 x 411	19.0	18.5	18.2	17.9	17.3	1.3	2.7	J
No. 10—603 x 700	71.5	70.4	69.9	69.1	67.9	2.8	5.9	U
PITTED								
8 Z tall	5.5	5.3	5.1	5.0	4.7	0.6	1.2	D
No. 300	9.8	9.4	9.2	9.0	8.6	0.9	2.0	G
No. 1 tall	10.9	10.5	10.3	10.0	9.5	1.1	2.2	H
No. 303	10.9	10.5	10.3	10.0	9.5	1.1	2.2	H
No. 303 glass	10.9	10.5	10.3	10.0	9.5	1.1	2.2	H
No. 2	13.3	12.8	12.6	12.3	11.8	1.2	2.5	I
No. 2½ glass	19.2	18.7	18.4	18.1	17.5	1.3	2.7	J
No. 2½	19.4	18.9	18.6	18.3	17.7	1.3	2.7	J
No. 10	73.0	71.9	71.4	70.6	69.4	2.8	5.9	U

Subpart—U.S. Standards for Grades of Canned Fruit Cocktail. The table of contents and the text would be amended to add a new section and to renumber other sections as follows:

1. *Table of contents.*

IDENTITY AND GRADES

Sec.
52.1051 Identity.
52.1052 Grades of canned fruit cocktail.

PROPORTIONS

52.1053 Proportion of fruit ingredients.

LIQUID MEDIA, FILL OF CONTAINER, AND FILL WEIGHTS

52.1054 Liquid media and Brix measurements.
52.1055 Fill of container.
52.1056 Recommended minimum fill weights.

FACTORS OF QUALITY

52.1057 Ascertaining the grade.
52.1058 Ascertaining the rating for the factors which are scored.
52.1059 Clearness of liquid media.
52.1060 Color.
52.1061 Uniformity of size.
52.1062 Absence of defects.
52.1063 Character.

LOT INSPECTION AND CERTIFICATION

52.1064 Ascertaining the grade of a lot.

SCORE SHEET

52.1065 Score sheet.

In the text. 2. The general heading immediately preceding § 52.1054 would be changed to read:

LIQUID MEDIA, FILL OF CONTAINER, AND FILL WEIGHTS

3. Section 52.1055 would be amended to read as follows:

§ 52.1055 Fill of container.

(a) *General.* The standard of fill of container for canned fruit cocktail is a fill such that the total weight of drained fruit is not less than 65 percent of the water capacity of the container. Canned fruit cocktail that does not meet this requirement is "Below Standard in Fill."

(b) *Method for ascertaining drained weight.* The drained weight of canned fruit cocktail is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve of proper diameter containing eight meshes to the inch (0.0937-inch±3 percent, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for 2 minutes. The drained weight is the weight of the sieve and fruit cocktail less the weight of the dry sieve. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more.

(c) *Definitions of symbols.* (1) $\bar{X}_d$—the average drained weight of all the sample units in the sample.

(2) LL—lower limit for drained weights of individual sample units.

(d) *Compliance with drained weights.* A lot of canned fruit cocktail is considered as meeting the minimum drained weight requirements if the following criteria are met:

(1) The average of the drained weights from all the sample units in the sample meet the minimum average drained weight (designated as "$\overline{X}_d$" in Table II); and

(2) The number of sample units which fail to meet the drained weight lower limit for individuals (designated as "LL" in Table II) does not exceed the applicable acceptance number specified in the single sampling plan of Table III.

TABLE II.—MINIMUM DRAINED WEIGHT FOR CANNED FRUIT COCKTAIL

Container designation (metal, unless otherwise stated)	Container size: Overall dimensions	Container size: Overflow capacity, (fluid ounces)	Capacity weight H_2O at 68° F. (avdp. ounces)	Minimum drained weight (65 percent capacity) (ounces): LL	Minimum drained weight (65 percent capacity) (ounces): $\overline{X}_d$
5 oz.	211 x 200		4.90	2.8	3.18
5 oz.	211 x 202		5.25	3.0	3.41
6 oz.				3.6	3.97
7 oz.	211 x 212		7.15	4.2	4.64
8 Z tall	211 x 304		8.65	5.1	5.63
8 oz. glass		8.2	8.50	5.0	5.53
No. 300	300 x 407		15.20	9.3	9.88
No. 1 tall	301 x 411		16.60	10.1	10.79
No. 303	303 x 406		16.85	10.3	10.96
333 glass		17.0	17.70	10.8	11.51
No. 2	307 x 409		20.50	12.5	13.33
No. 2½	401 x 411		29.75	18.3	19.34
No. 2½ glass		28.35	29.50	18.2	19.18
No. 3 cylinder	404 x 700			32.3	33.57
No. 10	603 x 700		109.45	69.4	71.15

TABLE III.—SINGLE SAMPLING PLAN FOR DRAINED WEIGHTS

Sample size (number of sample units)	3	6	13	21	29	38	48	60	72
Acceptance number	0	1	2	3	4	5	6	7	8

4. Redesignated § 52.1056 would read:

§ 52.1056 Recommended minimum fill weights.

(a) *General.* The minimum fill weight recommendations specified in Table IV are not incorporated in the grades of the finished product since fill weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for ascertaining fill weight.* Fill weight is determined in accordance with the U.S. Department of Agriculture Variables Control Chart Plan and adaptations thereto as applicable to processed fruits and vegetables.

(c) *Definitions of terms and symbols.* "Subgroup" means a group of sample units representing a portion of a sample.

$\overline{X}'_{min}$ means the minimum lot average fill weight.

$LWL_{\bar{x}}$ means the lower warning limit for subgroup averages.

$LRL_{\bar{x}}$ means the lower reject limit for subgroup averages.

LWL means the lower warning limit for individual fill weight measurements.

LRL means the lower reject limit for individual fill weight measurements.

$\overline{R}'$ means a specified average range value.

R_{max} means a specified maximum range for a subgroup.

"Sampling allowance code" means a code letter on the Sampling Allowance Chart of the U.S. Department of Agriculture Variables Control Chart Plan. This letter identifies the appropriate line which gives the amount of sampling allowance to be applied to the specification average for fill weights in order to determine compliance with requirements for fill weight averages for a sample.

(d) *Compliance with recommended fill weights.* Compliance with the recommended fill weights shall be in accordance with the acceptance criteria specified in the U.S. Department of Agriculture Variables Control Chart Plan and adaptations thereto as applicable to processed fruits and vegetables.

TABLE IV.—RECOMMENDED FILL WEIGHT VALUES CANNED FRUIT COCKTAIL

Container designation (metal, unless otherwise designated)	$\overline{X}'_{min}$	$LWL_{\bar{x}}$	$LRL_{\bar{x}}$	LWL	LRL	$\overline{R}'$	R_{max}	Sampling allowance code
5 oz.—211 x 200	3.4	3.2	3.0	2.9	2.6	0.60	1.20	D
5 oz.—211 x 200	3.7	3.5	3.3	3.2	2.9	0.60	1.20	D
6 oz.	4.3	4.1	3.9	3.8	3.5	0.60	1.20	D
7 oz.—211 x 212	5.0	4.8	4.6	4.5	4.2	0.60	1.20	D
8 Z tall—211 x 304	6.1	5.9	5.7	5.6	5.3	0.60	1.20	D
8 Z glass—8.5 oz. avdp.	6.0	5.8	5.7	5.5	5.2	0.60	1.20	D
No. 300—300 x 407	10.6	10.2	10.0	9.8	9.4	0.9	2.0	G
No. 1 tall—301 x 411	11.5	11.1	10.9	10.6	10.1	1.1	2.2	H
No. 303—303 x 406	11.7	11.3	11.1	10.8	10.3	1.1	2.2	H
303 glass—17.7 oz. avdp.	12.3	11.9	11.7	11.4	10.9	1.1	2.2	H
No. 2—307 x 409	14.3	13.8	13.6	13.3	12.8	1.2	2.5	I
No. 2½—401 x 411	20.7	20.2	20.0	19.6	19.0	1.3	2.7	J
No. 2½ glass—29.5 oz. avdp.	20.5	20.0	19.8	19.4	18.8	1.3	2.7	J
No. 10—603 x 700	77.0	75.9	75.4	74.6	73.4	2.8	5.9	U

5. Section numbers 52.1056 through 52.1064 would be renumbered as follows.

Section 52.1057 *Ascertaining the grade.*

Section 52.1058 *Ascertaining the rating for the factors which are scored.*

Section 52.1059 *Clearness of liquid media.*

Section 52.1060 *Color.*

Section 52.1061 *Uniformity of size.*

Section 52.1062 *Absence of defects.*

Section 52.1063 *Character.*

Section 52.1064 *Ascertaining the grade of a lot.*

Section 52.1065 *Score sheet.*

Subpart—U.S. Standards for Grades of Canned Fruits for Salad. The table of contents and §§ 52.3836, 52.3837, and 52.3841 would be amended as follows:

Table of contents. 1. The second general heading would be changed to read:

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS, AND FILL WEIGHTS

2. The heading opposite § 52.3837 would be changed to read:

Sec.
52.3837 Recommended minimum fill weights.

In the text. 3. In § 52.3836 new paragraphs (c) and (d) would be added as follows:

§ 52.3836 Recommended minimum drained weights for canned fruits for salad.

* * * * *

(c) *Definitions of symbols.* (1) $\overline{X}_d$—The average drained weight of all the sample units in the sample.

(2) LL—Lower limit for drained weights of individual sample units.

(d) *Compliance with recommended drained weights.* A lot of canned fruits for salad is considered as meeting the minimum drained weight recommendations if the following criteria are met:

(1) The average of the drained weights from all the sample units in the sample meets the recommended minimum average drained weight (designated as "$\overline{X}_d$" in Table II); and

(2) The number of sample units which fail to meet the recommended drained weight lower limit for individuals (designated as "LL" in Table II) does not exceed the applicable acceptance number specified in the single sampling plan of Table III.

TABLE II.—RECOMMENDED MINIMUM DRAINED WEIGHTS

Container designations (metal, unless otherwise stated)	Container size—overall dimensions (inches)		In any liquid medium (ounces)	
	Width	Height	LL	$\overline{X}_d$
8 Z tall	2 1/16	3 1/16	4.7	5.2
8 oz. glass			4.7	5.2
No. 300	3	4 7/16	8.3	9.0
No. 1 tall	3 1/16	4 1 1/16	9.3	10.0
No. 303	3 3/16	4 6/16	9.3	10.0
No. 303 glass			9.3	10.0
No. 2	3 7/16	4 9/16	11.6	12.5
No. 2½	4 1/16	4 1 1/16	16.9	18.0
No. 2½ glass			16.9	18.0
No. 10	6 3/16	7	62.4	64.5

TABLE III.—SINGLE SAMPLING PLAN FOR DRAINED WEIGHTS

Sample size (number of sample units)	3	6	13	21	29	38	48	60	72
Acceptance number	0	1	2	3	4	5	6	7	8

4. The text of § 52.3837 would be deleted in its entirety and a new text added as follows:

§ 52.3837 Recommended fill weights.

(a) *General.* The minimum fill weight recommendations specified in Table IV are not incorporated in the grades of the finished product since fill weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for ascertaining fill weight.* Fill weight is determined in accordance with the U.S. Department of Agriculture Variables Control Chart Plan and adaptations thereto as applicable to processed fruits and vegetables.

(c) *Definitions of terms and symbols.* "Subgroup" means a group of sample units representing a portion of a sample.

$\overline{X}'_{min}$ means the minimum lot average fill weight.

$LWL_{\bar{x}}$ means the lower warning limit for subgroup averages.

$LRL_{\bar{x}}$ means the lower reject limit for subgroup averages.

LWL means the lower warning limit for individual fill weight measurements.

LRL means the lower reject limit for individual fill weight measurements.

R′ means a specified average range value.

R_{max} means a specified maximum range for a sub-group.

"Sampling allowance code" means a code letter on the Sampling Allowance Chart of the U.S. Department of Agriculture Variables Control Chart Plan. This letter identifies the appropriate line which gives the amount of sampling allowance to be applied to the specification average for fill weights in order to determine compliance with requirements for fill weight averages for a sample.

(d) *Compliance with recommended fill weights.* Compliance with the recommended fill weights shall be in accordance with the acceptance criteria specified in the U.S. Department of Agriculture Variables Control Chart Plan and adaptations thereto as applicable to processed fruits and vegetables.

TABLE IV.—RECOMMENDED FILL WEIGHT FOR CANNED FRUITS FOR SALAD

Container designation (metal, unless otherwise designated)	$\overline{X}'_{min}$	$LWL_{\bar{x}}$	$LRL_{\bar{x}}$	LWL	LRL	$\overline{R}'$	R_{max}	Sampling allowance code
8 Z tall—211 x 304	5.4	5.0	4.8	4.6	4.2	0.9	2.0	G
8 oz. glass	5.4	5.0	4.8	4.6	4.2	0.9	2.0	G
No. 300—300 x 407	9.6	9.1	8.9	8.6	8.1	1.2	2.5	I
No. 1 tall—301 x 411	10.6	10.1	9.8	9.5	8.9	1.3	2.7	J
No. 303—303 x 406	10.6	10.1	9.8	9.5	8.9	1.3	2.7	J
No. 303 glass	10.6	10.1	9.8	9.5	8.9	1.3	2.7	J
No. 2—307 x 409	12.8	12.2	11.9	11.5	10.8	1.5	3.2	L
No. 2½—401 x 411	18.7	18.0	17.7	17.2	16.4	1.7	3.7	N
No. 2½ glass	18.7	18.0	17.7	17.2	16.4	1.7	3.7	N
No. 10—603 x 700	70.5	69.2	68.6	67.7	66.3	3.3	6.9	W

5. In § 52.3841 Table III would be renumbered as Table V.

Subpart—U.S. Standards for Grades of Canned Kadota Figs. The table of contents and §§ 52.2826 and 52.2827 of the text would be amended as follows:

Table of contents. 1. The second general heading would be changed to read as follows:

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS, AND FILL WEIGHTS

2. The heading opposite § 52.2827 would be changed to read as follows:

Sec.
52.2827 Recommended minimum fill weights.

In the text. 3. The general heading immediately preceding § 52.2824 would be changed to read:

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS, AND FILL WEIGHTS

4. Section 52.2826 would be amended to read as follows:

§ 52.2826 Recommended minimum drained weights for canned Kadota figs.

(a) *General.* The minimum drained weight recommendations in Table I, for all styles of canned Kadota figs, are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for ascertaining drained weights.* The drained weight of canned Kadota figs is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve of proper diameter containing eight meshes to the inch (0.0937-inch±3 percent, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for 2 minutes. The drained weight is the weight of the sieve and figs less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

(c) *Definitions of symbols.* (1) $\overline{X}_d$—The average drained weight of all the sample units in the sample.

(2) LL—Lower limit for drained weights of individual sample units.

(d) *Compliance with recommended drained weights.* A lot of canned Kadota figs is considered as meeting the mini-

mum drained weight recommendations if the following criteria are met:

(1) The average of the drained weights from all the sample units in the sample meets the recommended minimum average drained weight (designated as "$\overline{X}_d$" in Table I); and

(2) The number of sample units which fail to meet the recommended drained weight lower limit for individuals (designated as "LL" in Table I) does not exceed the applicable acceptance number specified in the single sampling plan of Table II.

TABLE I.—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED KADOTA FIGS

Container designations (metal, unless otherwise stated)	Container size overall dimensions (inches)		All styles (and including canned "dietetic" Kadota figs) (ounces)	
	Width	Height	LL	$\overline{X}_d$
8 Z tall	2 1/16	3 1/16	4.2	5.0
8 ounce glass			4.2	5.0
No. 300	300	407	8.1	9.0
No. 1 tall	3 1/16	4 11/16	9.0	10.0
No. 303	3 3/16	4 9/16	9.0	10.0
303 glass			8.7	9.7
No. 2	3 7/16	4 9/16	11.5	12.5
No. 2½	4 1/16	4 11/16	16.6	18.0
No. 2½ glass			15.8	17.2
No. 10 (70 whole figs, or portions equivalent thereto, and less)	6 3/16	7	60.5	63.0
No 10 (71 whole figs, or portions equivalent thereto, and more)	6 3/16	77	63.5	66.0

TABLE II.—SINGLE SAMPLING PLAN FOR DRAINED WEIGHTS

Sample size (number of sample units)	3	6	13	21	29	38	48	67	70
Acceptance number	0	1	2	3	4	5	6	7	8

5. The text of § 52.2827 would be deleted in its entirety and a new text added as follows:

§ 52.2827 Recommended minimum fill weights.

(a) *General.* The minimum fill weight recommendations specified in Table III are not incorporated in the grades of the finished product since fill weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for ascertaining fill weight.* Fill weight is determined in accordance with the U.S. Department of Agriculture Variables Control Chart Plan and adaptations thereto as applicable to processed fruits and vegetables.

(c) *Definitions of terms and symbols.* "Subgroup" means a group of sample units representing a portion of a sample.

$\overline{X}'_{min}$ means the minimum lot average fill weight.

$LWL_{\bar{x}}$ means the lower warning limit for subgroup averages.

$LRL_{\bar{x}}$ means the lower reject limit for subgroup averages.

LWL means the lower warning limit for individual fill weight measurements.

LRL means the lower reject limit for individual fill weight measurements.

$\overline{R}'$ means a specified average range value.

R_{max} means a specified maximum range for a subgroup.

"Sampling allowance code" means a code letter on the Sampling Allowance Chart of the U.S. Department of Agriculture Variables Control Chart Plan. This letter identifies the appropriate line which gives the amount of sampling allowance to be applied to the specification average for fill weights in order to determine compliance with requirements for fill weight averages for a sample.

(d) *Compliance with recommended fill weights.* Compliance with the recommended fill weights shall be in accordance with the acceptance criteria specified in the U.S. Department of Agriculture Variables Control Chart Plan and adaptations thereto as applicable to processed fruits and vegetables.

TABLE III.—RECOMMENDED FILL WEIGHT VALUES FOR CANNED KADOTA FIGS

Container designation (metal, unless otherwise stated)	$\overline{X}'_{min}$	$LWL_{\bar{x}}$	$LRL_{\bar{x}}$	LWL	LRL	$\overline{R}'$	R_{max}	Sampling allowance code
8 Z tall—211 x 304	5.3	4.8	4.5	4.2	3.6	1.3	2.7	J
8 oz. glass	5.3	4.8	4.5	4.2	3.6	1.3	2.7	J
No. 300—300 x 407	9.5	8.9	8.6	8.2	7.5	1.5	3.2	L
No. 1 tall, whole—303 x 411	10.3	9.7	9.3	8.9	8.2	1.6	3.4	M
No. 1 tall—other styles	10.6	10.0	9.6	9.2	8.5	1.6	3.4	M
No. 303, whole—303 x 406	10.5	9.9	9.5	9.1	8.4	1.6	3.4	M
No. 303—other styles	10.8	10.2	9.8	9.1	8.7	1.6	3.4	M
303 glass, whole	10.2	9.6	9.2	8.8	8.1	1.6	3.4	M
No. 2, whole—307 x 409	12.8	12.1	11.8	11.3	10.5	1.7	3.7	N
No. 2—other styles	13.1	12.4	12.1	11.6	10.8	1.7	3.7	N
No. 2½, whole—401 x 411	19.0	18.1	17.6	17.0	16.0	2.3	4.9	S
No. 2½—other styles	19.2	18.3	17.8	17.2	16.2	2 3	4.9	S
2½ glass, whole	18.2	17.3	16.8	16.2	15.2	2.3	4.9	S
2½ glass—other styles	18.4	17.5	17.0	16.4	15.4	2.3	4.9	S
No. 10, whole—603 x 700	69.0	67.5	66.7	65.6	63.9	4.0	8.4	Z
No. 10—other styles	71.0	69.5	68.7	67.6	65.9	4.0	8.4	Z

Subpart—U.S. Standards for Grades of Canned Grapes. The table of contents and §§ 52.4025 and 52.4026 of the text would be amended as follows:

Table of contents. 1. The second general heading would be changed to read as follows:

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS, AND FILL WEIGHTS

2. The heading opposite § 52.4026 would be changed to read as follows:

Sec.
52.4026 Recommended minimum fill weights.

In the text. 3. The general heading immediately preceding § 52.4023 would be changed to read:

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS, AND FILL WEIGHTS

4. In § 52.4025 new paragraphs (c) and (d) would be added to follow paragraph (b) as follows:

§ 52.4025 Recommended minimum drained weights for canned grapes.

* * * * *

(c) *Definitions of symbols.* (1) $\overline{X}_d$—The average drained weights of all the sample units in the sample.

(2) LL—Lower limit for drained weights of individual sample units.

(d) *Compliance with recommended drained weights.* A lot of canned grapes is considered as meeting the minimum drained weight recommendations if the following criteria are met:

(1) The average of the drained weights from all the sample units in the sample meets the recommended minimum average drained weight (designated as "$\overline{X}_d$" in Table I); and

(2) The number of sample units which fail to meet the recommended drained weight lower limit for individuals (designated as "LL" in Table I) does not exceed the applicable acceptance number specified in the single sampling plan of Table II.

TABLE I.—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED GRAPES

Container designations (metal, unless otherwise stated)	Container size—overall dimensions (inches)		In any liquid medium (ounces)	
	Width	Height	LL	$\overline{X}_d$
8 Z tall	2 1/16	3 1/16	4.7	5.0
8 oz. glass			4.7	5.0
No. 300	3	4 7/16	8.6	9.0
No. 1 tall	3 1/16	4 11/16	9.4	10.0
No. 303	3 3/16	4 9/16	9.4	10.0
303 glass			9.4	10.0
No. 2	3 7/16	4 9/16	11.4	12.0
No. 2½	4 1/16	4 11/16	16.1	17.0
No. 2½ glass			16.1	17.0
No. 10	6 3/16	7	60.3	62.0

TABLE II.—SINGLE SAMPLING PLAN FOR DRAINED WEIGHTS

Sample size (number of sample units)	3	6	13	21	29	38	48	60	70
Acceptance number	0	1	2	3	4	5	6	7	8

5. The text of § 52.4026 would be deleted in its entirety and a new text added as follows:

§ 52.4026 Recommended minimum fill weights.

(a) *General.* The minimum fill weight recommendations specified in Table III are not incorporated in the grades of the finished product since fill weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for ascertaining fill weight.* Fill weight is determined in accordance with the U.S. Department of Agriculture Variables Control Chart Plan and adaptations thereto as applicable to processed fruits and vegetables.

(c) *Definitions of terms and symbols.* "Subgroup" means a group of sample units representing a portion of a sample.

$\bar{X}'_{min}$ means the minimum lot average fill weight.

$LWL_{\bar{x}}$ means the lower warning limit for subgroup averages.

$LRL_{\bar{x}}$ means the lower reject limit for subgroup averages.

LWL means the lower warning limit for individual fill weight measurements.

LRL means the lower reject limit for individual fill weight measurements.

$\bar{R}'$ means a specified average range value.

R_{max} means a specified maximum range for a subgroup.

"Sampling allowance code" means a code letter on the Sampling Allowance Chart of the U.S. Department of Agriculture Variables Control Chart Plan. This letter identifies the appropriate line which gives the amount of sampling allowance to be applied to the specification average for fill weights in order to determine compliance with requirements for fill weight averages for a sample.

(f) *Compliance with recommended fill weights.* Compliance with the recommended fill weights shall be in accordance with the acceptance criteria specified in the U.S. Department of Agriculture Variables Control Chart Plan and adaptations thereto as applicable to processed fruits and vegetables.

RECOMMENDED FILL WEIGHT VALUES FOR CANNED GRAPES

Container designation (metal, unless otherwise designated)	$\bar{X}'_{min}$	$LWL_{\bar{x}}$	$LRL_{\bar{x}}$	LWL	LRL	$\bar{R}'$	R_{max}	Sampling allowance code
8 oz. tall—211 x 304	6.0	5.8	5.7	5.6	5.4	.50	1.0	C
8 oz. glass	5.9	5.7	5.6	5.5	5.3	.50	1.0	C
No. 300—300 x 407	10.3	10.0	9.9	9.7	9.4	.70	1.50	E
No. 1 tall—301 x 411	11.2	10.9	10.7	10.5	10.1	.80	1.70	F
No. 303—303 x 406	11.4	11.1	10.9	10.7	10.3	.80	1.70	F
No. 303 glass	12.0	11.7	11.5	11.3	10.9	.80	1.70	F
No. 2—307 x 409	14.0	13.6	13.4	13.2	12.8	.90	2.00	G
No. 2½—401 x 411	20.3	19.8	19.6	19.3	18.8	1.20	2.50	I
No. 2½ glass	20.1	19.6	19.4	19.1	18.6	1.20	2.50	I
No. 10—603 x 700	74.5	73.5	73.0	72.3	71.2	2.60	5.40	T

Subpart—U.S. Standards for Grades of Canned Clingstone Peaches. Sections 52.2568 and 52.2569 would be amended as follows:

1. In § 52.2568: paragraph (c) would be amended and redesignated as paragraph (d) and a new paragraph (c) would be added as follows:

§ 52.2568 Recommended drained weights for canned clingstone peaches.

* * * * *

(c) *Definitions of symbols.* (1) $\bar{X}_d$—The average drained weight of all the sample units in the sample.

(2) LL—Lower limit for drained weights of individual sample units.

(d) *Compliance with recommended drained weights.* A lot of canned clingstone peaches and canned unsweetened "solid-pack" clingstone peaches is considered as meeting the minimum drained weight recommendations if the following criteria are met:

(1) The average of the drained weights from all the sample units in the sample meets the recommended average drained weight (designated as $\bar{X}_d$ in Table I); and

(2) The number of sample units which fail to meet the recommended minimum drained weight for individuals designated as LL in Table I) does not exceed the applicable acceptance number specified in the single sampling plan to Table II.

2. In Table I all column headings designated as Indv. would be changed to LL and all column headings designated as Avg. would be changed to $\bar{X}_d$; and drained weight values for four new container sizes for the sliced and diced styles would be added as follows:

TABLE I.—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED CLINGSTONE PEACHES

Container designations (metal, unless otherwise stated)	Sliced (ounces)						Diced in any liquid medium (ounces)	
	In extra heavy syrup		In heavy syrup		In any other liquid medium			
	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$
5 Z—211 x 200	2.2	2.8	2.4	3.0	2.5	3.1	2.6	2.9
5 Z—211 x 202	2.4	3.0	2.6	3.2	2.7	3.3	2.9	3.2
6 Z	2.8	3.4	3.0	3.6	3.1	3.7	3.4	3.7
7 Z—211 x 212	3.4	4.0	3.6	4.2	3.7	4.3	4.0	4.3

A new table designated as Table II would be added immediately following Table I as follows:

TABLE II.—SINGLE SAMPLING PLAN FOR DRAINED WEIGHTS

Sample size (number of sample units)	3	6	13	21	29	38	48	60	72
Acceptance number	0	1	2	3	4	5	6	7	8

3. In § 52.2569 paragraphs (a) and (b) would be amended; in paragraph (c) a new definition would be added immediately following the definition for R_{max}; Table II would be renumbered as Table III; a column headed "Sampling Allowance Code" would be added; and fill weight values for four additional styles following "Sliced" style would be added as follows:

§ 52.2569 Recommended fill weights for canned clingstone peaches.

(a) *General.* The minimum fill weight recommendations for the various styles in Table III of this subpart are not incorporated in the grades of the finished product since fill weight, as such, is not a factor of quality for the purpose of these grades.

(b) *Method for ascertaining fill weight.* The fill weight of canned clingstone peaches is determined in accordance with the U.S. Department of Agriculture Variables Control Chart Plan and adaptations thereto as applicable to processed fruits and vegetables.

(c) * * *

"Sampling Allowance Code" means a letter on the Sampling Allowance Chart of the U.S. Department of Agriculture Variables Control Chart Plan. This letter identifies the appropriate line which gives the amount of sampling allowance to be applied to the specification average for fill weights in order to determine compliance with requirements for fill weight averages for a sample.

TABLE III.—RECOMMENDED FILL WEIGHT VALUES FOR CANNED CLINGSTONE PEACHES

HALVES—FILL WEIGHT VALUES (OUNCES)

Container size (metal, unless otherwise stated)	$\overline{X}'_{min}$	$LWL_{\bar{x}}$	$LRL_{\bar{x}}$	LWL	LRL	$\overline{R}'$	R_{max}	Sampling allowance code
8 Z tall								I
No. 300								L
No. 303 glass								M
No. 303								M
No. 2								O
No. 2½ glass								S
No. 2½, 7 count or more								S
No. 2½, 6 count or less								Z
No. 10, 24 count or more								Z
No. 10, 23 count or less								Z
SLICED—FILL WEIGHT VALUES (OUNCES)								
6 Z—300 x 200	4.6	3.6	3.4	3.2	2.8	0.9	1.9	H
8 Z tall								H
No. 300								K
No. 303 glass								L
No. 303								L
No. 2								N
No. 2½								Q
No. 2½ glass								Q
No. 10								Y
QUARTERS—FILL WEIGHT VALUES (OUNCES)								
8 Z Tall	5.5	5.1	4.9	4.6	4.1	1.1	2.2	H
No. 300	9.9	9.4	9.1	8.7	8.1	1.4	3.0	K
No. 303 Glass	11.0	10.4	10.1	9.7	9.0	1.5	3.2	L
No. 303	11.0	10.4	10.1	9.7	9.0	1.5	3.2	L
No. 2	13.3	12.6	12.3	11.8	11.0	1.7	3.7	N
No. 2½ Glass	18.8	18.0	17.6	17.0	16.1	2.1	4.4	Q
No. 2½	19.3	18.5	18.1	17.5	16.6	2.1	4.4	Q
No. 10	74.0	72.6	71.8	70.8	69.2	3.7	7.9	Y
DICED—FILL WEIGHT VALUES (OUNCES)								
5 oz.—211 x 200	3.4	3.2	3.0	2.9	2.6	.60	1.20	D
5 oz.—211 x 202	3.7	3.5	3.3	3.2	2.9	0.60	1.20	D
6 oz	4.3	4.1	3.9	3.8	3.5	0.60	1.20	D
7 oz.—211 x 212	5.0	4.8	4.6	4.5	4.2	0.60	1.20	D
8 Z tall—211 x 304	6.1	5.9	5.7	5.6	5.3	0.60	1.20	D
No. 300—300 x 407	10.6	10.2	10.0	9.8	9.4	0.90	2.0	G
No. 303—303 x 406	11.7	11.3	11.1	10.8	10.3	1.1	2.2	H
No. 303 glass	11.7	11.3	11.1	10.8	10.3	1.1	2.2	H
No. 2—307 x 409	14.3	13.8	13.6	13.3	12.8	1.2	2.5	I
No. 2½—401 x 411	20.7	20.2	20.0	19.6	19.0	1.3	2.7	J
No. 2½ glass	20.2	19.7	19.5	19.1	18.5	1.3	2.7	J
No. 10—603 x 700	77.0	75.9	75.4	74.6	73.4	2.8	5.9	U
MIXED PIECES OF IRREGULAR SIZES AND SHAPES—FILL WEIGHT VALUES (OUNCES)								
No. 2½	19.3	18.5	18.1	17.5	16.6	2.1	4.4	Q
No. 10	74.0	72.6	71.8	70.8	69.2	3.7	7.9	Y

SPICED, WHOLE—FILL WEIGHT VALUES (OUNCES)

Container size (metal, unless otherwise stated)	$\overline{X}'_{min}$	$LWL_{\bar{x}}$	$LRL_{\bar{x}}$	LWL	LRL	$\overline{R}'$	R_{max}	Sampling allowance code
No. 2½—6 count or less	17.0	15.9	15.4	14.6	13.4	2.8	5.9	U
No. 2½—7 count or more	17.5	16.4	15.9	15.1	13.9	2.8	5.9	U
No. 10	70.0	68.2	67.3	66.0	64.0	4.7	9.8	C1
HEAVY PACK, HALVES, SLICED, MIXED PIECES OF IRREGULAR SIZES AND SHAPES—FILL WEIGHT VALUES (OUNCES)								
No. 10	86.0	84.8	84.2	83.4	82.1	3.0	6.4	V

Subpart—U.S. Standards for Grades of Canned Freestone Peaches. The table of contents and text would be amended to add two new sections, delete the text of § 52.2614 in its entirety, and to renumber other sections as follows:

Table of contents. 1. The second general heading would be changed to read as follows:

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS, AND FILL WEIGHTS

2. The word "Dietetic" would be deleted from the heading numbered § 52.2607.

3. The fourth general heading and the heading opposite § 52.2614 would be deleted.

4. Two new sections would be added immediately following § 52.2607 and the subsequent sections renumbered as follows:

Sec.
52.2608 Recommended minimum drained weights.
52.2609 Recommended minimum fill weights.

FACTORS OF QUALITY

52.2610 Ascertaining the grade.
52.2611 Ascertaining the rating for the factors which are scored.
52.2612 Color.
52.2613 Uniformity of size and symmetry.
52.2614 Absence of defects.
52.2615 Character.

LOT INSPECTION AND CERTIFICATION

52.2616 Ascertaining the grade of a lot.

SCORE SHEET

52.2617 Score sheet for canned freestone peaches.

In the text. 5. The general heading immediately preceding § 52.2605 would be changed to read as follows:

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS AND FILL WEIGHTS

§ 52.2607 [Amended]

6. In § 52.2607 the word "Dietetic" would be deleted in the heading and the two places where it occurs in the text of this section.

7. Two new sections would be added immediately following § 52.2607 as follows:

§ 52.2608 Recommended minimum drained weights.

(a) *General.* (1) The minimum drained weight recommendations for the various styles in Table I of this subpart are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(2) The recommended minimum drained weights are based on equalization of the product 30 days or more after the product has been canned.

(b) *Method for ascertaining drained weight.* The drained weight of canned freestone peaches and canned "solid-pack" freestone peaches is determined by emptying the contents of the container, turning the pit cavities down in halves, upon a U.S. Standard No. 8 circular sieve of proper diameter containing eight meshes to the inch (0.0937-inch±3 percent, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for 2 minutes. The drained weight is the weight of the sieve and peaches less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers

larger than the equivalent of the No. 3 size can.

(c) *Definitions of symbols.* (1) $\bar{X}_d$—The average drained weight of all the sample units in the sample.

(2) LL—Lower limit for drained weights of individual sample units.

(d) *Compliance with recommended drained weights.* A lot of canned freestone peaches is considered as meeting the minimum drained weight recommendations if the following criteria are met:

(1) The average of the drained weights from all the sample units in the sample meets the recommended minimum average drained weight (designated as "$\bar{X}_d$" in Table I); and

(2) The number of sample units which fail to meet the recommended drained weight lower limit for individuals (designated as "LL" in Table I) does not exceed the applicable acceptance number specified in the single sampling plan of Table II.

TABLE I.—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED FREESTONE PEACHES

HALVES (OUNCES)

Container size (metal, unless otherwise stated)	In extra heavy sirup		In any other liquid medium	
	LL	$\bar{X}_d$	LL	$\bar{X}_d$
8 Z tall	4.1	4.8	4.3	5.0
No. 300	7.8	8.6	8.0	8.8
No. 303	8.6	9.5	8.9	9.8
No. 303 glass	8.6	9.5	8.9	9.8
No. 2	10.4	11.5	10.8	11.9
No. 2½ glass	14.7	16.1	15.2	16.6
No. 2½, 7 count or more	15.2	16.6	15.7	17.1
No. 2½, 6 count or less	14.8	16.2	15.3	16.7
No. 10, 24 count or more	58.5	61.0	60.0	62.5
No. 10, 23 count or less	57.5	60.0	59.0	61.5

QUARTERS, MIXED PIECES OF IRREGULAR SIZES AND SHAPES (OUNCES)

	In extra heavy sirup		In any other liquid medium	
	LL	$\bar{X}_d$	LL	$\bar{X}_d$
8 Z tall	4.2	4.9	4.4	5.1
No. 300	8.0	8.8	8.2	9.0
No. 303 glass	8.8	9.7	9.1	10.0
No. 303	8.8	9.7	9.1	10.0
No. 2	10.6	11.7	11.0	12.1
No. 2½ glass	15.0	16.9	15.5	16.9
No. 2½	15.5	16.9	16.0	17.4
No. 10	60.5	63.0	62.0	64.5

SLICED (OUNCES)

8 Z tall	4.1	4.7	4.3	4.9
No. 300	7.8	8.5	8.0	8.7
No. 303 glass	8.6	9.4	8.9	9.7
No. 303	8.6	9.4	8.9	9.7
No. 2	10.4	11.3	10.8	11.7
No. 2½ glass	14.7	15.8	15.2	16.3
No. 2½	15.2	16.3	15.7	16.8
No. 10	58.0	60.0	59.0	61.0

ALL STYLES (OUNCES)

Container size (metal, unless otherwise stated)	Heavy pack		Solid pack, unsweetened	
	LL	$\bar{X}_d$	LL	$\bar{X}_d$
No. 2½			22.6	24.0
No. 10	67.5	70.0	87.5	90.0

TABLE II.—SINGLE SAMPLING PLAN FOR DRAINED WEIGHTS

Sample size (number of sample units)	3	6	13	21	29	38	48	60	72
Acceptance number	0	1	2	3	4	4	6	7	8

§ 52.2609 Recommended minimum fill weights.

(a) *General.* The minimum fill weight recommendations specified in Table III are not incorporated in the grades of the finished product since fill weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for ascertaining fill weight.* Fill weight is determined in accordance with the U.S. Department of Agriculture Variables Control Chart Plan and adaptations thereto as applicable to processed fruits and vegetables.

(c) *Definitions of terms and symbols.* "Subgroup" means a group of sample units representing a portion of a sample.

$\bar{X}'_{min}$ means the minimum lot average fill weight.

$LWL_{\bar{x}}$ means the lower warning limit for subgroup averages.

$LRL_{\bar{x}}$ means the lower reject limit for subgroup averages.

LWL means the lower warning limit for individual fill weight measurements.

LRL means the lower reject limit for individual fill weight measurements.

$\bar{R}'$ means a specified average range value.

R_{max} means a specified maximum range for a subgroup.

"Sampling allowance code" means a code letter on the Sampling Allowance Chart of the U.S. Department of Agriculture Variables Control Chart Plan. This letter identifies the appropriate line which gives the amount of sampling allowance to be applied to the specification average for fill weights in order to determine compliance with requirements for fill weight averages for a sample.

(d) *Compliance with recommended fill weights.* Compliance with the recommended fill weights shall be in accordance with the acceptance criteria specified in the U.S. Department of Agriculture Variables Control Chart Plan and adaptations thereto as applicable to processed fruits and vegetables.

TABLE III.—RECOMMENDED FILL WEIGHT VALUES FOR CANNED FREESTONE PEACHES

HALVES—FILL WEIGHT VALUES (OUNCES)

Container size (metal, unless otherwise stated)	$\bar{X}'_{min}$	$LWL_{\bar{x}}$	$LRL_{\bar{x}}$	LWL	LRL	$\bar{R}'$	R_{max}	Sampling allowance code
8 Z tall	5.6	5.1	4.9	4.6	4.1	1.2	2.5	I
No. 300	9.9	9.3	8.9	8.5	7.8	1.6	3.4	M
No. 303	11.0	10.3	10.0	9.5	8.7	1.7	3.7	N
No. 303 glass	11.0	10.3	10.0	9.5	8.7	1.7	3.7	N
No. 2	13.3	12.5	12.1	11.5	10.6	2.1	4.4	Q
No. 2½ glass	18.9	17.9	17.4	16.7	15.6	2.6	5.4	T
No. 2½, 7 count or more	19.4	18.4	17.9	17.2	16.1	2.6	5.4	T
No. 2½, 6 count or less	19.0	18.0	17.5	16.8	15.7	2.6	5.4	T
No. 10, 24 count or more	73.0	71.0	70.4	69.2	67.3	4.4	9.3	B1
No. 10, 23 count or less	72.0	70.3	69.4	68.2	66.3	4.4	9.3	B1

SLICED—FILL WEIGHT VALUES (OUNCES)

Container size (metal, unless otherwise stated)	$\bar{X}'_{min}$	$LWL_{\bar{x}}$	$LRL_{\bar{x}}$	LWL	LRL	$\bar{R}'$	R_{max}	Sampling allowance code
8 Z tall	5.6	5.2	5.0	4.7	4.2	1.1	2.2	H
No. 300	10.0	9.4	9.1	8.7	8.0	1.5	3.2	L
No. 303	11.1	10.5	10.1	9.7	9.0	1.6	3.4	M
No. 303 glass	11.1	10.5	10.1	9.7	9.0	1.6	3.4	M
No. 2	13.4	12.6	12.2	11.7	10.8	2.0	4.2	P
No. 2½	19.6	18.6	18.2	17.6	16.6	2.3	4.9	S
No. 2½ glass	19.1	18.7	17.7	17.1	16.1	2.3	4.9	S
No. 10	74.0	72.5	71.7	70.6	68.9	4.0	8.4	Z

QUARTERS—MIXED PIECES OF IRREGULAR SIZES AND SHAPES—FILL WEIGHT VALUES (OUNCES)

8 Z tall	5.7	5.3	5.1	4.8	4.3	1.1	2.2	H
No. 303	11.3	10.7	10.3	9.9	9.2	1.6	3.4	M
No. 2	13.6	12.8	12.4	11.9	11.0	2.0	4.2	P
No. 2½	19.9	19.0	18.5	17.9	16.9	2.3	4.9	S
No. 10	76.0	74.5	73.7	72.6	70.9	4.0	8.4	Z

8. The general heading "Explanations and Methods of Analysis" and the text of § 52.2614 would be deleted in their entirety; and sections numbered 52.2508 through 52.2616 would be renumbered as follows:

Section 52.2610 *Ascertaining the grade.*

Section 52.2611 *Ascertaining the rating for the factors which are scored.*

Section 52.2612 *Color.*

Section 52.2613 *Uniformity of size and symmetry.*
Section 52.2614 *Absence of defects.*
Section 52.2615 *Character.*
Section 52.2616 *Ascertaining the grade of a lot.*
Section 52.2617 *Score sheet for canned freestone peaches.*

Subpart—U.S. Standards for Grades of Canned Pears.

Sections 52.1616 and 52.1617 would be amended as follows:

1. In § 52.1616 paragraph (c) would be amended and redesignated as paragraph (d) and a new paragraph (c) added as follows:

§ 52.1616 Recommended drained weights for canned pears.

* * * * *

(c) *Definitions of symbols.* (1) $\bar{X}_d$—The average drained weight of all the sample units in the sample.

(2) LL—Lower limit for drained weights of individual sample units.

(d) *Compliance with recommended drained weights.* A lot of canned pears is considered as meeting the minimum drained weight recommendations if the following criteria are met:

(1) The average of the drained weights from all the sample units in the sample meets the recommended average drained weight (designated as $\bar{X}_d$) in Tables I, II, and III; and

(2) The number of sample units which fail to meet the recommended minimum drained weight for individuals (designated as LL) in Tables I, II, and III does not exceed the applicable acceptance number specified in the single sampling plan of Table IV.

2. Table numbers Ia, Ib, and Ic would be renumbered as I, II, and III respectively. The column headings in each of such tables designated as "Indv" would be changed to LL and "Avg" would be changed to $\bar{X}_d$. Drained weight values for four new container sizes would be added to Tables II and III as follows:

TABLE II—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED PEARS

STYLES OF QUARTERS; SLICES; MIXED PIECES OF IRREGULAR SIZES AND SHAPES

Container designation (metal, unless otherwise stated)	In any sirup or other liquid medium (ounces)	
	LL	$\bar{X}_d$
5 Z—211 x 200	2.6	3.0
5 Z—211 x 202	2.9	3.3
6 Z	3.3	3.7
7 Z—211 x 212	3.8	4.2
* * *	* * *	* * *

TABLE III.—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED PEARS

DICED STYLE

Container designation (metal, unless otherwise stated)	In any sirup or other liquid medium (ounces)	
	LL	$\bar{X}_d$
5 Z—211 x 200	2.8	3.1
5 Z—211 x 202	3.1	3.4
6 Z	3.5	3.8
7 Z—211 x 212	4.3	4.6
* * *	* * *	* * *

TABLE IV.—SINGLE SAMPLING PLAN FOR DRAINED WEIGHTS

Sample Size (number of sample units)	3	6	13	21	29	38	48	60	72
Acceptance number	0	1	2	3	4	5	6	7	8

3. In section 52.1617 paragraph (c) would be amended to add a new definition immediately following the definition for R_{max}; Table IIa and IIb would be renumbered as V and VI respectively; and a new column headed "Sampling Allowance Code" would be added to such tables; Fill weight values would be added to Table VI and a new Table VII immediately following Table VI would be added as follows:

§ 52.1617 Recommended fill weights for canned pears.

* * * * *

(c) * * *

"Sampling Allowance Code" means a letter on the Sampling Allowance Chart of the U.S. Department of Agriculture Variables Control Chart Plan. This letter identifies the appropriate line which gives the amount of sampling allowance to be applied to the specification average for fill weights in order to determine compliance with requirements for fill weight averages for a sample.

TABLE V. RECOMMENDED FILL WEIGHTS FOR CANNED PEARS

HALVES STYLE

Container designation (metal, unless otherwise stated)	Sampling allowance code
8 Z tall	I
No. 300:	
7 count or less	L
8 count or more	L
No. 303 glass:	
7 count or less	M
8 count or more	M
No. 303:	
7 count or less	M
8 count or more	M
No. 2:	
7 count or less	O
8 count or more	O
No. 2½ glass:	
8 count or less	S
9 count or more	S
No. 2½:	
8 count or less	S
9 count or more	S
No. 10:	
25 count or less	Z
26 count or more	Z

TABLE VI.—RECOMMENDED FILL WEIGHTS FOR CANNED PEARS

STYLES OF QUARTERS; SLICES; MIXED PIECES OF IRREGULAR SIZES AND SHAPES (OUNCES)

Container designation (metal, unless otherwise stated)	$\bar{X}'_{min}$	$LWL_{\bar{x}}$	$LRL_{\bar{x}}$	LWL	LRL	$\bar{R}'$	R_{max}	Sampling allowance code
5 Z—211 x 200	3.2	2.8	2.6	2.4	2.0	.90	2.0	G
5 Z—211 x 202	3.5	3.1	2.9	2.7	2.3	0.90	2.0	G
6 Z	4.0	3.6	3.4	3.2	2.8	0.90	2.0	G
7 Z—211 x 212	4.6	4.2	4.0	3.8	3.4	0.90	2.0	G
8 Z glass								G
8 Z tall								G
No. 300								I
No. 303 glass								J
No. 303								J
No. 2								L
No. 2½ glass								N
No. 2½								N
No. 10								W

TABLE VII.—RECOMMENDED FILL WEIGHT VALUES FOR CANNED PEARS

DICED STYLE (OUNCES)

Container designation (metal, unless otherwise stated)	$\bar{X}'_{min}$	$LWL_{\bar{x}}$	$LRL_{\bar{x}}$	LWL	LRL	$\bar{R}'$	R_{max}	Sampling allowance code
5 Z—211 x 200	3.3	3.1	2.9	2.8	2.5	0.60	1.20	D
5 Z—211 x 202	3.6	3.4	3.2	3.1	2.8	0.60	1.20	D
6 oz.—300 x 200	4.2	4.0	3.8	3.7	3.4	0.6	1.20	D
7 Z—211 x 212	4.9	4.7	4.5	4.4	4.1	0.6	1.20	D
8 Z glass	6.0	5.8	5.6	5.5	5.2	0.6	1.20	D
8 Z tall	6.0	5.8	5.6	5.5	5.2	0.6	1.20	D
No. 300	10.4	10.0	9.8	9.6	9.2	0.9	2.0	G
No. 303 glass	11.4	11.0	10.8	10.5	10.0	1.1	2.20	H
No. 303	11.5	11.1	10.9	10.6	10.1	1.1	2.20	H
No. 2	14.0	13.5	13.3	13.0	12.5	1.2	2.50	I
No. 2½ glass	20.1	19.6	19.3	19.0	18.4	1.3	2.70	J
No. 2½	20.3	19.8	19.5	19.2	18.6	1.3	2.70	J
No. 10	74.5	73.4	72.9	72.1	70.9	2.8	5.90	U

In § 52.1621 Table III would be renumbered Table VIII.

§§ 52.1621 and 52.1622 [Amended]

4. In § 52.1621 paragraphs (b), (c), and (d) the table referenced as Table III would be changed to Table VIII and in the heading of the Table III the table number would be changed to Table VIII.

5. In § 52.1622 paragraphs (c), (d), (e), and (f) the table referenced as Table IV would be changed to Table IX and in the heading of Table IV the table number would be changed to Table IX.

Dated: August 21, 1972.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.72-14462 Filed 8-30-72;8:45 am]

[7 CFR Part 52]

DETERMINATION OF FILL WEIGHTS

Proposed U.S. Standards

Correction

In F.R. Doc. 72-14227, appearing at page 17055, in the issue of Thursday, August 24, 1972, the following changes should be made:

1. In the 12th line of § 52.225(a), change the symbols in the parenthesis now reading "(X'_{min}, $LWL_{\bar{x}}$, $LRL_{\bar{x}}$, LWL, and LRL)", to read, "($\bar{X}'_{min}$, $LWL_{\bar{x}}$, $LRL_{\bar{x}}$, LWL, and LRL)".

2. In the second line of § 52.231(a), the symbol "$LWL_{\bar{x}}$", should read "$LWL_{\bar{x}}$".

3. In subparagraph (1) of § 52.231(a), in the third line, change the symbols now reading "$LWL_{\bar{x}}$ and $LRL_{\bar{x}}$", to read "$LWL_{\bar{x}}$ and $LRL_{\bar{x}}$".

4. The heading of the table on page 17056 now reading "X and R Data Sheet", should read, "$\bar{X}$ and R Data Sheet".

[7 CFR Part 948]

IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments for Area No. 2

Consideration is being given to the issuance of the limitation of shipments regulation for Area No. 2, Colorado, hereinafter set forth, which was recommended by the Area No. 2 Committee, established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in the State of Colorado. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

This notice is based on the recommendation and information submitted by the Colorado Area No. 2 Potato Committee, established pursuant to said marketing agreement and order and other available information. The recommendation of the committee reflects its appraisal of the composition of the 1972 crop in Area No. 2 and of the marketing prospects for this season.

The grade, size, quality, and maturity requirements as provided herein are necessary to prevent potatoes of poor quality, or undesirable sizes from being distributed into fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to the producers for the preferred quality and sizes.

The proposed regulations with respect to special purpose shipments for other than fresh market use, are designed to meet the different requirements for such outlets.

All persons who desire to submit data, views, or arguments, in connection with this proposal may file the same in quadruplicate with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250. All comments received by not later than September 10, 1972, will be considered. All written submissions 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)). The proposed regulation is as follows:

§ 948.368 Limitation of shipments.

During the period September 18, 1972, through June 30, 1973, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a), (b), and (f) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), and (e) of this section. The maturity requirements specified in paragraph (b) shall terminate October 31, 1972, at 11:59 p.m. m.s.t.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1, or better, grade.

(b) *Maturity (skinning) requirements*—(1) *Russet Burbank and Red McClure varieties.* For U.S. No. 2 grade not more than "moderately skinned" and for other grades not more than "slightly skinned."

(2) *All other varieties.* Not more than "moderately skinned."

(c) *Special purpose shipments.* (1) The grade, size, maturity, and inspection requirements of paragraphs (a), (b), and (f) of this section and the assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed;

(ii) Relief or charity; or

(iii) Canning, freezing, and "other processing" as hereinafter defined.

(2) The grade, size, maturity, and inspection requirements of paragraphs (a), (b), and (f) of this section shall not be applicable to shipments of seed pursuant to § 948.6 but such shipments shall be subject to assessments.

(d) *Safeguards.* Each handler of potatoes which do not meet the grade, size, and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (c) for any of the special purposes set forth therein shall,

(1) Prior to handling, apply for and obtain a Certificate of Privilege from the committee.

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes, and

(3) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to inspection and the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any shipment which exceeds 1,000 pounds of potatoes.

(f) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed 5 days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by, and made available for examination at any time upon request, a copy of the inspection certificate applicable thereto.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "slightly skinned," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540-51.1566 of this title, effective September 1, 1971 as amended February 5, 1972, 37 F.R. 2745), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(h) *Applicability to imports.* Pursuant to Section 608e-1 of the act and § 980.1 of this chapter, Irish potatoes of the red skinned round type, except certified seed potatoes, imported into the United States during the period September 18, 1972, through June 30, 1973, shall meet the grade, size, and quality requirements specified in paragraph (a) of this section, and during the period September 18, 1972, through October 31, 1972, shall meet the minimum maturity requirements of paragraph (b) of this section, namely not more than "moderately skinned."

Dated: August 28, 1972.

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

[FR Doc.72-14873 Filed 8-30-72;8:50 am]

[7 CFR Part 1108]

[Docket No. AO 243–A24]

MILK IN THE CENTRAL ARKANSAS MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order; Correction

In the decision issued August 22, 1972, for the Central Arkansas order, certain language was inadvertently omitted from that portion of the document captioned "Order Relative to Handling." Accordingly, that portion of the decision for the Central Arkansas order issued by the Assistant Secretary, August 22, 1972, is corrected to read as follows:

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Central Arkansas marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on July 20, 1972, and published in the FEDERAL REGISTER on July 25, 1972 (37 F.R. 14812) shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein subject to the following modification in § 1108.74:

1. In § 1108.53, paragraph (a) is revised as follows:

§ 1108.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located more than 60 miles, by shortest highway distance as measured by the market administrator, from the nearest of the County Courthouse in Arkadelphia, Ark., the County Courthouse in Forrest City, Ark., or the State Capitol in Little Rock, Ark., which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk to which a location adjustment is applicable, the price computed pursuant to § 1108.51(a) shall be reduced at the rate of 1.5 cents for each 10 miles or fraction thereof between such plant and such nearest point; and

* * * * *

2. In paragraph (a) of § 118.74, add "the County Courthouse in Forrest City, Arkansas" immediately following "Arkadelphia, Arkansas,".

Signed at Washington, D.C., on August 25, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72–14848 Filed 8–30–72;8:46 am]

Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

PEANUTS

Notice of Proposed Proclamation With Respect to 1973 National Marketing Quota, National Acreage Allotment, and Apportionment of National Acreage Allotment to States

The Secretary of Agriculture is required by section 358(a) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(a)), to proclaim, between July 1 and December 1 of each calendar year, the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year. The amount of such quota is the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the 5 years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions.

Section 358(a) of the act further provides that the national marketing quota for peanuts shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the 5 years preceding the year in which the quota is proclaimed, with such adjustment as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields.

Section 358(a) of the act also requires that the national marketing quota be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

Section 358(c)(1) of the act (7 U.S.C. 1358(c)(1)) provides that the national acreage allotment for any year shall be apportioned among the States on the basis of their shares of the national acreage allotment for the most recent years in which such apportionment was made. Pursuant to this provision of the act, the national acreage allotment for the 1973 crop of peanuts will be apportioned to States on the basis of their shares of the 1972 national acreage allotment.

The subjects and issues involved in the proposed determinations are:

1. The amount of the national marketing quota.

2. The amount of the national acreage allotment.

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations covered by this notice which are submitted in writing to the Director, Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)). To be sure of consideration all such submissions must be postmarked not later than 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C. on August 25, 1972.

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

[FR Doc.72–14851 Filed 8–30–72;8:46 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 3]

MERCHANT MARINE AND FISHERIES

Proposed Capital Construction Fund; Extension of Time for Comments

Proposed regulations to be prescribed under section 607 of the Merchant Marine Act, 1936, as amended, relating to Merchant Marine and Fisheries Capital Construction Funds appear in the FEDERAL REGISTER for June 15, 1972 (37 F.R. 11877, 11886).

Written comments or suggestions were required by August 14, 1972. A notice extending the time for submission of written comments pertaining to the proposed regulations to September 14, 1972, appeared in the FEDERAL REGISTER for July 28, 1972 (37 F.R. 15159, 15170).

The time for submission of written comments pertaining to the proposed regulations is hereby extended to October 16, 1972.

LEE H. HENKEL, JR.,
Chief Counsel, Internal Revenue Service.

H. CLAYTON COOK,
General Counsel, Maritime Administration.

RAUD E. JOHNSON,
General Counsel, National Oceanic and Atmospheric Administration.

[FR Doc.72–14992 Filed 8–30–72;10:32 am]

DEPARTMENT OF THE INTERIOR

Office of Saline Water

[41 CFR Part 14R–9]

FOREIGN PATENT RIGHTS

Removal of Licensing Requirement

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the following proposed amendment to the patent and data regulations of the Office of Saline Water to the Solicitor, Department of the Interior, Washington, D.C. 20240, within thirty (30) days of the date of publication of this notice in the FEDERAL REGISTER.

The following amendment, relating to foreign patent rights granted to a contractor, removes any requirement on the part of the contractor to license others (except the Government):

1. Amend § 14R–9.101–9 by deleting the last two sentences of subparagraph (c)(4). As amended, the subparagraph will read:

§ 14R–9.101–9 Patent clause.

* * * * *

(c) *Foreign rights and obligations.* * * *

(4) If the Contractor files patent applications in foreign countries pursuant to authorization granted under subparagraph (2) of this paragraph, the Contractor agrees to grant to the Government an irrevocable nonexclusive, royalty-free license to practice the Invention under any patents which may issue thereon in any foreign country, including the power to issue sublicenses, either for governmental purposes or pursuant to any existing or future treaties or agreement between the Government and a foreign government for governmental purposes of said foreign government, or both.

* * * * *

CHARLES G. EMLEY,
Deputy Assistant Secretary, Department of the Interior.

AUGUST 25, 1972.

[FR Doc.72–14824 Filed 8–30–72;8:50 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 391]

MERCHANT MARINE AND FISHERIES

Proposed Capital Construction Fund; Extension of Time for Comments

CROSS REFERENCE: For a document extending time for comments on proposed rules for the Merchant Marine and Fisheries Capital Construction Fund, issued jointly by the Internal Revenue Service Maritime Administration, and National Oceanic and Atmospheric Administration, see F.R. Doc. 72–14992, *supra.*

National Oceanic and Atmospheric Administration

[50 CFR Part 259]

MERCHANT MARINE AND FISHERIES

Proposed Capital Construction Fund; Extension of Time for Comments

CROSS REFERENCE: For a document extending time for comments on proposed rules for the Merchant Marine and Fisheries Capital Construction Fund, issued jointly by the Internal Revenue Service, Maritime Administration, and National Oceanic and Atmospheric Administration, see F.R. Doc. 72–14992, *supra.*

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 31, 71, 91, 176, 189]

[CGD 72–115PH]

COMPRESSED GAS CYLINDERS

Inclusion in Inspection and Certification Regulations

The Coast Guard is considering amendments to its Inspection and Certification regulations for Tank Vessels, Subchapter D of Chapter I, Title 46; Passenger Vessels, Subchapter H of Chapter I, Title 46; Cargo and Miscellaneous Vessels, Subchapter I of Chapter I, Title 46; Small Passenger Vessels, Subchapter T of Chapter I, Title 46; and Oceanographic Vessels, Subchapter U of Chapter I, Title 46. The purpose of the proposed amendments is to add a reference to requirements for compressed gas cylinders contained in 46 CFR 147.04–1 (a) to each subchapter, to make sure that they are not overlooked by Coast Guard inspectors, vessel owners, testing laboratories, manufacturers, installers, repairers, and maintenance personnel.

Interested persons are invited to submit written views, data, arguments, objections or comments to U.S. Coast Guard (CMC/82), Room 8234, 400 Seventh Street SW., Washington, DC 20590. All communications received before October 2, 1972, will be fully considered before final action is taken on this notice. Each submission should identify the notice (CGD_____) and the section, give reasons for any recommendations, and include proponent's name and address.

The proposed amendments may be changed in the light of comments received. The Coast Guard will hold a hearing on September 28, 1972, at 9:30 a.m. in conference room 7200, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal.

Copies of all written communications will be available for examinations at U.S. Coast Guard Headquarters in Room 8234, 400 Seventh Street, SW., Washington, DC 20590.

In consideration of the foregoing, it is proposed to amend Parts 31, 71, 91, 176, and 189 of Title 46 of the Code of Federal Regulations as follows:

1. By adding the following new provision to each of the parts referred to above:

PART 31—INSPECTION AND CERTIFICATION

§ 31.01–1 Inspection required—TB/ALL.

* * * * *

(d) Each cylinder containing a compressed gas must meet § 147.04–1(a) of this chapter.

PART 71—INSPECTION AND CERTIFICATION

§ 71.25–47 Compressed gas cylinders.

Each cylinder containing a compressed gas must meet § 147.04–1(a) of this chapter.

PART 91—INSPECTION AND CERTIFICATION

§ 91.25–47 Compressed gas cylinders.

Each cylinder containing a compressed gas must meet § 147.04–1(a) of this chapter.

PART 176—INSPECTION AND CERTIFICATION

§ 176.25–47 Compressed gas cylinders.

Each cylinder containing a compressed gas must meet § 147.04–1(a) of this chapter.

PART 189—INSPECTION AND CERTIFICATION

§ 189.25–48 Compressed gas cylinders.

Each cylinder containing a compressed gas must meet § 147.04–1(a) of this chapter.

These amendments are proposed under the authority of 46 U.S.C. 375, 391a, 404; 49 U.S.C. 1655(b); 49 CFR 1.4(b), 1.46(b).

Dated: August 25, 1972.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.72–14853 Filed 8–30–72;8:50 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 69–17; Notice 2]

WINDSHIELD ZONE INTRUSION

Proposed Motor Vehicle Safety Standard

This notice proposes a new motor vehicle safety standard that would establish

a protected zone in front of the windshield, with the requirement that no part of the vehicle penetrate the zone during a crash test. The purpose of the standard would be to decrease the likelihood of injury resulting from the intrusion of a part of the vehicle, such as the hood, into the occupant compartment through the windshield aperture, or into the zone which would accommodate stretching of the windshield caused by occupant contact.

An advance notice of proposed rule making was issued on November 11, 1969 (34 F.R. 18129), which requested comments on amendments to Federal Motor Vehicle Safety Standard No. 13, Hood Latch Systems, including the addition of performance requirements to minimize the likelihood of windshield penetration by the hood during a crash.

Several commenters recommended that the requirements for the prevention of hood rearward displacement be made the basis of a new standard, since the requirements for limiting hood rearward displacement are basically different from the objectives of Standard No. 113. This approach has been adopted in this notice.

There has been a significant increase in the number of accidents in which some part of the automobile, most notably the hood, has either penetrated the windshield aperture or has been displaced rearward in proximity to the windshield surface, contributing to occupant injuries. In some instances, the windshield was not completely penetrated but was contacted and shattered by some part of the vehicle's body, thereby degrading the valuable passive protection properties of safety glazing materials. In other instances, although the windshield was not actually contacted by any part of the vehicle, the hood was displaced to a position in which it could have been impacted by the occupant's head, had the glazing materials been stretched forward to any extent by the head during the crash. Although the problem is not new, the recent increase in the incidence of windshield penetration appears to be traceable to a trend in hood and cowl top design in which the rearmost edge of the hood is flared upward in a position close to the glazing surface. Thus, an urgent need appears to exist for more protective vehicle design in this area.

Several responses to the advance notice expressed general agreement with the Administration's objective of establishing windshield integrity, and some recommended use of a 30-m.p.h. fixed collision barrier test.

This notice proposes, therefore, that no part of a vehicle outside the vehicle compartment may penetrate the inner surface of any portion of the windshield glazing material. In addition, it proposes that a protected zone be established which no such part of the vehicle, other than the windshield and components normally in contact with the windshield, may contact in a frontal, perpendicular, fixed-collision-barrier crash. It is anticipated that the requirement would be expanded at a future date to include barrier collisions at all angles up to and including 30° in either direction from the perpendicular.

The proposed boundaries of the protected zone are based upon the variance among windshield surface angles with respect to the vertical-stretch-pattern variations produced by different glazing materials, and the dynamics of the crash situation. Particular regard has been given to the possible use of windshield glazing materials which possess enhanced elastic properties to provide for greater occupant protection.

Several comments expressed concern about the overall economic impact associated with destructive testing. Although the National Highway Traffic Safety Administration recognizes that cost factors are involved in such testing, it anticipates that since the 30-m.p.h. barrier crash is the test procedure specified in several existing standards for passenger cars, and is specified for additional vehicle classifications in the future, the test for this proposed standard could be combined with some of the others in a single crash.

Manufacturers of heavy vehicles and of forward control vehicles expressed the view that the requirement limiting hood rearward displacement would be impracticable or inappropriate for forward control vehicles and for heavy multipurpose passenger vehicles and buses. The National Highway Traffic Safety Administration considers these comments to have merit, and the proposed standard would not apply to forward control vehicles (a term defined in § 571.3) or to vehicles with a GVWR of more than 10,000 pounds.

A vehicle can be tested to the standard by any method that can detect whether the protected zone was penetrated by objects during any phase of the barrier impact.

Proposed effective dates: Passenger cars—September 1, 1973. Multipurpose passenger vehicles, trucks, and buses with GVWR of 10,000 pounds or less—September 1 ,1974.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on November 30, 1972, will be considered, and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the above date will be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407, and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

AUGUST 22, 1972.

WINDSHIELD ZONE INTRUSION

S1. *Scope.* This standard specifies limits for the displacement into the windshield area of motor vehicle components during a crash.

S2. *Purpose.* The purpose of this standard is to reduce crash injuries and fatalities that result from occupants contacting vehicle components displaced near or through the windshield.

S3. *Application.* This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks and buses of 10,000 pounds or less gross vehicle weight rating. However, it does not apply to forward control vehicles.

S4. *Definitions.*

"Windshield Opening" means the outer surface of the windshield glazing material.

S5. *Requirements.* When the vehicle, traveling longitudinally forward at any speed up to and including 30 m.p.h., impacts a fixed collision barrier that is perpendicular to the line of travel of the vehicle, under the conditions of S7, no part of the vehicle outside the occupant compartment shall penetrate the inner surface of any portion of the windshield glazing material, and no such part of a vehicle, except the windshield molding and components normally in contact with the windshield, shall contact any part of the windshield opening or the protected zone defined in S6.

S6. *Formation of the protected zone.*

S6.1 The lower edge of the protected zone is determined by the following procedure (see Figure 1).

(a) Place a 6.5 inch diameter rigid sphere in a position such that it simultaneously contacts the inner surface of the windshield glazing and the surface of the instrument panel, including padding. If any accessories or equipment, such as the steering control system, obstruct positioning of the sphere, remove them for the purposes of this procedure. Apply a 90-pound force to the sphere, along a line through its center, and in a forward, downward direction 45° from the horizontal in a vertical longitudinal plane.

(b) Draw the locus of points on the inner surface of the windshield contactable by the sphere repeating this procedure across the width of the instrument panel. From the outermost contactable points, extend the locus line horizontally to the edges of the glazing material.

(c) The lower edge of the protected zone is the longitudinal projection onto the windshield opening of the line determined in S6.1(b).

S6.2 The protected zone is the space enclosed by the following surfaces:

(a) The windshield opening in its pre-crash configuration.

(b) The locus of points 3 inches outward along perpendiculars drawn to each point on the windshield opening.

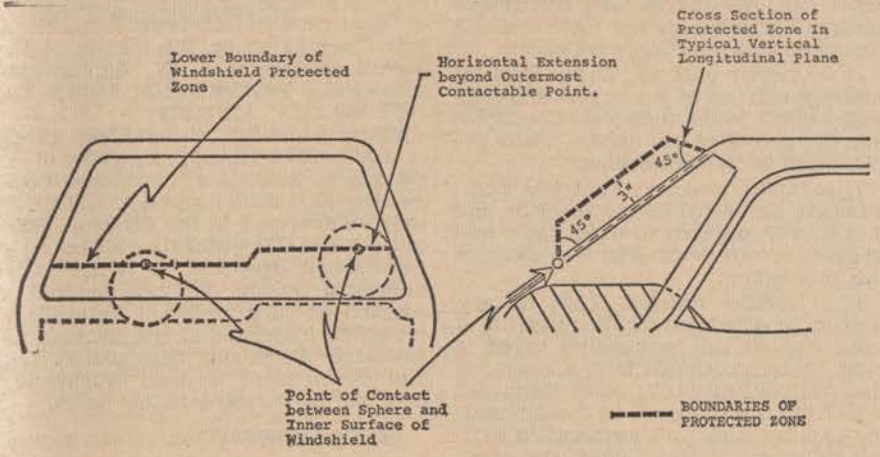
(c) The locus of lines forming a 45° angle with the windshield opening at each point along the top and side edges of the windshield opening and the lower edge determined in S6.1, in the plane perpendicular to the edge of the windshield opening at that point.

S7. *Test Conditions.*

S7.1 The hood, hood latches, and any other hood retention components are engaged prior to the barrier collision.

S7.2 Adjustable cowl tops or other adjustable panels in front of the windshield are in the position used under normal operating conditions when windshield wiping systems are not in use.

S7.3 The vehicle is loaded in the manner specified by the applicable provisions of S8.1.1 of Motor Vehicle Safety Standard No. 208, with anthropomorphic test devices placed and restrained as specified in S4 and S5.1 of that standard.



WINDSHIELD PROTECTED ZONE

Figure 1

[FR Doc.72-14756 Filed 8-30-72;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 303]

TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Proposed New Generic Name and Definition of Manufactured Fiber and Modification of Nylon Definition; Extension of Time for Comment

On June 21, 1972, a notice concerning the application of E. I. du Pont de Nemours and Co., Wilmington, Del. for generic name for a textile fiber produced by applicant was published in the FEDERAL REGISTER at 37 F.R. 12243. Such application was filed pursuant to § 1.15 of the procedures and rules of practice of the Federal Trade Commission (16 CFR 1.15) and the Textile Fiber Products Identification Act, 72 Stat. 1717, et seq., 79 Stat. 124, 15 U.S.C. sec. 70, et seq., requesting that § 303.7, of the rules and regulations under the Act (16 CFR 303.7) setting forth generic names and definitions of manufactured textile fibers, be amended: (1) to add thereto a new generic name and definition to cover certain aromatic polyamide fibers of applicant, and (2) to restrict the present nylon definition, paragraph (i) of 16 CFR 303.7, so as to exclude fibers which would fall within the proposed new generic class.

Such notice provided for the submission of written views, arguments or other pertinent data to the Division of Textiles and Furs, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, on or before August 21, 1972.

Upon application of an interested party, namely Monsanto Textiles Co., St. Louis, Mo., the time for submission of written views, arguments, or other pertinent data, is extended to September 21, 1972.

This action is taken pursuant to section 7(c) of the Act, 72 Stat. 1721, 15 U.S.C. sec. 70e(c), in accordance with 5 U.S.C. sec. 553 and Subpart B of Part 1 of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq.

By direction of the Commission dated August 25, 1972.

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

[FR Doc.72-14829 Filed 8-30-72;8:47 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

[41 CFR Part 60-2]

AFFIRMATIVE ACTION PROGRAMS

Agency Action

Notice is hereby given that pursuant to Executive Order 11246 (30 F.R. 12319), as amended by Executive Order 11375 (32 F.R. 14303), the Department of Labor proposes to amend § 60-2.2 of Chapter 60, Title 41, Code of Federal Regulations to read as follows:

§ 60-2.2 Agency action.

(a) Any contractor required by § 60-1.40 of this chapter to develop an affirmative action program at each of his establishments who has not complied fully with that section is not in compliance with Executive Order 11246, as amended (30 F.R. 12319). Until such programs are developed and found to be acceptable in accordance with the standards and guidelines set forth in §§ 60-2.10 through 60-2.32, the contractor is unable to comply with the equal employment opportunity clause. An affirmative action plan shall be deemed to have been accepted by the Government at the time the appropriate compliance agency has accepted such plan unless within 45 days thereafter the Office of Federal Contract Compliance has disapproved such plan.

(b) If, in determining such contractor's responsibility for an award of a contract it comes to the contracting officer's attention, through sources within his agency or through the Office of Federal Contract Compliance or other Government agencies, that the contractor has not developed an acceptable affirmative action program at each of his establishments or has substantially deviated from such an approved affirmative action program, the contracting officer shall notify the Director and declare the contractor-bidder nonresponsible unless he can otherwise affirmatively determine that the contractor is able to comply with his equal employment obligations or, unless upon review, it is determined by the Director that substantial issues of law or fact exist as to the contractor's responsibility to the extent that a hearing is, in his sole judgment, required prior to a determination that the contractor is nonresponsible: *Provided,* That during any preaward conferences every effort shall be made through the processes of conciliation, mediation and persuasion to develop an acceptable affirmative action program meeting the standards and guidelines set forth in §§ 60-2.10 through 60-2.32 so that, in the performance of his contract, the contractor is able to meet his equal employment obligations in accordance with the equal opportunity clause and applicable rules, regulations, and orders: *Provided further,* That when the contractor-bidder is declared nonresponsible more

than once for inability to comply with the equal employment opportunity clause a notice setting a timely hearing date shall be issued concurrently with the second nonresponsibility determination in accordance with the provisions of § 60–1.26 proposing to declare such contractor-bidder ineligible for future contracts and subcontracts.

(c) Immediately upon finding that a contractor has no affirmative action program or has deviated substantially from an approved affirmative action program or that his program is not acceptable, the contracting officer, the compliance agency representative or the representative of the Office of Federal Contract Compliance, whichever has made such a finding, shall notify officials of the appropriate compliance agency and the Office of Federal Contract Compliance of such fact. The compliance agency shall issue a notice to the contractor giving him 30 days to show cause why enforcement proceedings under section 209(b) of Executive Order 11246, as amended, should not be instituted.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed revision to Mr. Philip J. Davis, Acting Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, within 30 days after date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., this 25th day of August 1972.

J. D. HODGSON,
Secretary of Labor.

R. J. GRUNEWALD,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Acting Director, Office of Federal Contract Compliance.

[FR Doc.72–14882 Filed 8–30–72;8:56 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1064]

[No. MC–C–6829 (Sub-No. 1)]

LIMITATION OF FREE BAGGAGE ALLOWANCE; REASONABLENESS OF $50 LIMITATION

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the _____ day of _____, 1972.

Appendix B:

It appearing that for the reasons noted in Limitation of Free Baggage Allowance—Greyhound, 115 M.C.C. 566, it is in the public interest to institute an investigation proceeding to determine (1) the adequacy of the existing $50 "free" baggage allowance, and (2) the possibility of adopting a regulation requiring a minimum $250 or some other "free" baggage allowance; and that such a proceeding is not anticipated to have any adverse effect upon the environment;

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of parts I and II of the Interstate Commerce Act (49 U.S.C. 1 and 301 *et seq.*) and sections 553 and 559 of the Administrative Procedure Act (5 U.S.C. 553 and 559) (1) to inquire into the adequacy of the $50 "free" baggage allowance, (2) to investigate the possibility of adopting a regulation requiring a $250 or some other "free" baggage allowance limitation, and (3) to take such other and further action as the facts and circumstances may justify or require.

It is further ordered, That all motor common carriers of passengers and baggage subject to the Interstate Commerce Act, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That this Commission's Bureau of Enforcement be, and it is hereby, directed to participate, and to assist in fully developing the record, in this proceeding.

It is further ordered, That no oral hearing be scheduled for the receiving of testimony in this proceeding unless a need, therefore, should later appear, but that the respondents or other interested persons may participate in this proceeding by submitting for consideration written statement of facts, views, and arguments on the subject of this notice and order.

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 Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before September 1, 1972, 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 consoliding 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 issued 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.

It is further ordered, That while this proceeding does not currently appear to be a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, initial and reply statements filed by parties participating herein shall indicate the presence or absence of any effect of the recommendations made therein to this Commission on the quality of the human environment. Cf. Implementation—Natl. Environmental Policy Act, 1969, 340 I.C.C. 431 (1972).

And it is further ordered, That a copy of this order be posted in the Office of the Secretary, Interstate Commerce Commission, for public inspection and that a copy be delivered to the Director, Office of the Federal Register for publication in the FEDERAL REGISTER as notice to all interested persons. Written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C., during regular business hours.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–14866 Filed 8–30–72;8:56 am]

[49 CFR Part 1064]

[No. MC–C 6829]

LIMITATION OF FREE BAGGAGE ALLOWANCE

Petition for Investigation; Correction

AUGUST 28, 1972.

On July 21, 1972, an order of the Commission was served containing two errors in form which are hereby corrected, specifically:

Appendix B, notice of proposed rulemaking, 49 CFR X, MCC 6829 Sub 1 Limitation of Free Baggage Allowance—Reasonableness of the $50 Limitation.

(1) Was adopted "at a General Session of the Interstate Commerce Commission held at its office in Washington D.C. on the 11th day of July, 1972."

(2) Was signed and sealed by Joseph M. Harrington, Acting Secretary.

This date and signature conform to those in the principal and controlling order, above.

This notice is to be given to the public and the parties by posting in the Office of the Secretary and by publication in the FEDERAL REGISTER simultaneously with the said notice of proposed rule making corrected for such publication.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72–14868 Filed 8–30–72;8:56 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

[AFR No. 124]

DIRECTORS, EAST AND WEST AFRICA REGIONAL ECONOMIC DEVELOPMENT SERVICES OFFICES

Redelegation of Authority

1. Pursuant to the Foreign Assistance Act of 1961, as amended, ("the Act"), and the authority delegated to me by A.I.D. Delegation of Authority No. 38, dated April 10, 1964, as amended, and Chapters 1200 and 1300 of the A.I.D. Manual, I hereby delegate to the Director, East Africa Regional Economic Development Services Office (REDSO/EA) and to the Director, West Africa Regional Economic Development Services Office (REDSO/WA) the authority to perform the following functions with respect to grants for capital projects and technical assistance projects and activities authorized under the Act, subject to instructions otherwise by me or my designee:

(A) Authority to negotiate capital assistance grant agreements with respect to grants authorized under the Act in accordance with the terms of the authorization of such grant;

(B) Authority to implement grant agreements (including project agreements) with respect to any grants authorized under the Act to the following extent:

(i) Authority to prepare, negotiate, sign, and deliver letters of implementation;

(ii) Authority to review and approve documents and other evidence submitted by grantees in satisfaction of conditions precedent to such grant agreements;

(iii) Authority to negotiate, execute, and implement all agreements (except A.I.D. direct contracts) and other documents ancillary to such grant agreements; and

(iv) Authority to approve contractors, review and approve the terms of contracts with host countries and institutions, amendments and modifications thereto and invitations for bids with respect to such contracts financed by funds made available under such grant agreements.

2. Pursuant to the Act and the authority delegated to me by A.I.D. Delegation of Authority No. 5, dated December 29, 1961, as amended, I hereby delegate to the Director of REDSO/EA and to the Director of REDSO/WA, the authority to perform the following functions with respect to loans authorized under the Act, subject to instructions otherwise by me or my designee:

(A) Authority to negotiate loan agreements with respect to loans authorized under the Act in accordance with the terms of the authorization of such loan;

(B) Authority to implement loan agreements with respect to loans authorized under the Act and by the Board of Directors of the Corporate Development Loan Fund to the following extent:

(i) Authority to prepare, negotiate, sign, and deliver letters of implementation;

(ii) Authority to review and approve documents and other evidence submitted by borrowers in satisfaction of conditions precedent to financing under such loan agreements;

(iii) Authority to negotiate, execute, and implement all agreements and other documents ancillary to such loan agreements; and

(iv) Authority to approve contractors, review and approve the terms of contracts, amendments and modifications thereto and invitations for bids with respect to such contracts financed by funds made available under such loan agreements.

3. The Authority delegated herein shall be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D.

4. The functions herein delegated may be redelegated by the individuals listed above, as appropriate, but not successively redelegated.

5. The authority delegated herein to designated officers may be exercised by persons who are performing the functions of such officers in an "Acting" capacity.

6. AFR Redelegations Nos. 119 and 120 are hereby revoked to the extent they pertain to the Directors, East and West Africa Capital Development offices.

7. This redelegation of authority is effective as of July 1, 1972.

Dated: July 1, 1972.

SAMUEL C. ADAMS, Jr.,
Assistant Administrator for Africa.

[FR Doc.72-14844 Filed 8-30-72;8:46 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

CANNED BARTLETT PEARS FROM AUSTRALIA

Withholding of Appraisement Notice

Information was received on December 2, 1971, that canned bartlett pears from Australia were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of January 26, 1972. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of canned barlett pears from Australia is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information before the Bureau tends to indicate that the probable basis of comparison for fair value purposes will be between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price will probably be calculated by deducting from the f.o.b. or c.i.f. price, as appropriate, for exportation to the United States, the included inland freight, ocean freight, marine insurance, and discounts, as applicable.

Home market price will probably be based on the weighted average or preponderant delivered price, as appropriate, with deductions for transportation charges. Adjustments will probably be made for advertising allowances, credit costs, and packing differential, as applicable.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than adjusted home market price.

Customs officers are being directed to withhold appraisement of canned Bartlett pears from Australia in accordance with § 153.48, Customs regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by this office not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received

by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs regulations (19 CFR 153.34(b)), shall become effective upon publication in the FEDERAL REGISTER (8–31–72). It shall cease to be effective at the expiration of 6 months from the date of such publication, unless previously revoked.

Approved: August 25, 1972.

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72–14886 Filed 8–30–72;8:55 am]

ROLLER CHAIN, OTHER THAN BICYCLE, FROM JAPAN

Withholding of Appraisement Notice

Information was received on December 27, 1971, that roller chain, other than bicycle, from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of February 19, 1972, on page 3770. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price or exporter's sales price, as applicable (sections 203 and 204 of the Act; 19 U.S.C. 162 and 163) of roller chain, other than bicycle, from Japan is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information before the Bureau tends to indicate that the probable basis for comparison will be between purchase price or exporter's sales price, as applicable, and the adjusted home market price of such or similar merchandise.

Preliminary analysis suggests that purchase price will probably be calculated using a delivered c.i.f. price with deductions for foreign inland freight, ocean freight, and marine insurance.

Exporter's sales price will probably be computed by deducting from the resale price of the related U.S. firm to unrelated purchasers in the United States, ocean freight, marine insurance, applicable U.S. selling expenses, bank charges, U.S. duty, inland, and brokerage charges incurred both in Japan and in the United States, and interest.

The adjusted home market price will probably be computel by deducting from the weighted-average delivered price in Japan, inland charges, cutting charges, discounts and interest, where applicable. An appropriate adjustment will probably be made for differences in packing and commissions.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price or exporter's sales price, as appropriate, will be lower than the adjusted home market price.

Customs officers are being directed to withhold appraisement of roller chain, other than bicycle, from Japan in accordance with § 153.48, Customs regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by this office not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs regulations, shall become effective upon publication in the FEDERAL REGISTER (8–31–72). It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: August 25, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72–14887 Filed 8–30–72;8:55 am]

SYNTHETIC METHIONINE FROM JAPAN

Antidumping Proceeding Notice

On July 27, 1972, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that synthetic methionine from Japan is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: August 25, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72–14888 Filed 8–30–72;8:55 am]

SURGICAL RUBBER GLOVES FROM AUSTRIA

Antidumping Proceeding Notice

On July 28, 1972, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that surgical rubber gloves from Austria are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: August 25, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72–14889 Filed 8–30–72;8:55 am]

Office of the Secretary

BASE METAL PARTS FOR INCANDESCENT ILLUMINATING ARTICLES, SUITABLE FOR RESIDENTIAL USE, FROM CANADA

Determination of Sales at Less Than Fair Value

Information was received on July 19, 1971, that base metal parts for incandescent illuminating articles, suitable for residential use, from Canada were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) referred to in this notice as "the Act".

A "Withholding of Appraisement Notice" issued by the Acting Commissioner of Customs was published in the FEDERAL REGISTER of June 8, 1972.

I hereby determine that for the reasons stated below, base metal parts for incandescent illuminating articles, suitable for residential use, from Canada, are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this determination is based. Analysis of the information from all sources revealed that the proper basis of comparison for fair value purposes is between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price was calculated by deducting from the duty paid, C & F price, the inland freight, customs brokerage charges, a cash discount, a distributor's commission, when applicable, and the U.S. duty.

The adjusted home market price was calculated by deducting from a delivered customer's warehouse price, the inland freight, a cash discount and a turnover discount. Where applicable, an adjustment was made for differences in the merchandise compared.

Using the above criteria, purchase price was found to be lower than the adjusted home market price of such and similar merchandise.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

AUGUST 25, 1972.

[FR Doc.72-14891 Filed 8-30-72;8:55 am]

NEOPENTYL GLYCOL FROM JAPAN

Notice of Discontinuance of Antidumping Investigation

On June 30, 1972, there was published in the FEDERAL REGISTER a "Notice of Intent to Discontinue Antidumping Investigation" of neopentyl glycol from Japan.

The statement of reasons for intending to discontinue this investigation was published in the above-mentioned notice, and interested parties were afforded an opportunity to make written submissions and to present oral views in connection with the intended action.

No written submissions or requests having been received and for the reasons stated in the "Notice of Intent to Discontinue Antidumping Investigation," I hereby discontinue the antidumping investigation of neopentyl glycol from Japan.

This "Notice of Discontinuance of Antidumping Investigation" is published pursuant to § 153.15(b) of the Customs regulations (19 CFR 153.15(b)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

AUGUST 28, 1972.

[FR Doc.72-14890 Filed 8-30-72;8:55 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

Designation of Yuma District Office

AUGUST 23, 1972.

The Bureau of Land Management Office located in Yuma, Ariz., formerly the Lower Colorado River Office, is hereby designated the Yuma District Office. The boundaries of the Yuma District are established as follows:

YUMA DISTRICT BOUNDARY

Beginning at Davis Dam the boundary follows the Arizona-Nevada State line southward to the intersection with the California-Nevada State line.

Thence northwestward along the California-Nevada State line to the intersection with the section line between Secs. 10 and 11, T. 11 N., R. 21 E., SBM;

Thence south along this section line about 1¼ miles to the section corner common to Secs. 14, 15, 22, and 23;

Thence west 1 mile to the northwest corner of Sec. 22;

Thence south 2 miles to the northeast corner of Sec. 33;

Thence along the north and west borders of Sec. 33 to the southwest corner of Sec. 33;

Thence east for about 1¼ miles along the south line of T. 11 N., R. 21 E., to the intersection with the section line between partial Secs. 4 and 5, T. 10 N., R. 22 E.;

Thence south along the section line about 3 miles to the southwest corner of Sec. 21;

Thence east 1 mile to the southeast corner of Sec. 21;

Thence along the west and south borders of Sec. 27 to the southeast corner of Sec. 27;

Thence south for 4 miles along the section line between Secs. 34 and 35 and into T. 9 N., R. 22 E., following the section lines between Secs. 2 and 3, 10 and 11, and 14 and 15 to the southwest corner of Sec. 14;

Thence east 1 mile to the southeast corner of Sec. 14;

Thence along the west and south borders of Sec. 24 to the southeast corner of Sec. 24;

Thence south along the east border of Sec. 25 to the Santa Fe Railroad tracks;

Thence following the Santa Fe Railroad tracks through the city of Needles to their intersection with the section line between Secs. 32 and 33, T. 9 N., R. 23 E.;

Thence south along the section line between Secs. 32 and 33, T. 9 N., R. 23 E., and between Secs. 4 and 5, T. 8 N., R. 23 E., to the intersection with U.S. Interstate Highway 40;

Thence southeastward along the eastern edge of the Interstate Highway right-of-way through Tps. 8 and 7 N., R. 23 E., to the intersection with the west border of Sec. 7, T. 7 N., R. 24 W.;

Thence south along the west border of T. 7 N., R. 24 E., to the southwest corner of Sec. 7;

Thence east 2 miles to the southeast corner of Sec. 8;

Thence along the west and south borders of Sec. 16 to the southeast corner of Sec. 16;

Thence south along the section lines for a distance of 6 miles to the southwest corner of Sec. 15, T. 6 N., R. 24 E.;

Thence east 1 mile to the southeast corner of Sec. 15;

Thence south 1 mile along the section line to the northwest corner of Sec. 26 which is also the northwest corner of the Chemehuevi Indian Reservation;

Thence southward along the west boundary of the Chemehuevi Indian Reservation to the southwest corner of Sec. 34, T. 5 N., R. 24 E.;

Thence eastward 2 miles along the boundary of the Chemehuevi Indian Reservation to the southeast corner of Sec. 35;

Thence south for 2 miles along the west borders of unsurveyed Secs. 1 and 12, T. 4 N., R. 24 E., and east along the south border of Sec. 12 to the southeast corner of Sec. 12 which is on the boundary of the Chemehuevi Indian Reservation;

Thence along the west and south boundaries of T. 4 N., R. 25 E., which are the boundaries of the Chemehuevi Indian Reservation to the southeast corner of T. 4 N., R. 25 E.;

Thence southeastward through T. 3 N., R. 26 E., following the west and south borders of Sec. 6, the west and south borders of Sec. 8, the west borders of Secs. 16 and 21, the south border of Sec. 21, and the west borders of Secs. 27 and 34;

Thence south along the west borders of Secs. 3 and 10, T. 2 N., R. 26 E., and west along the north border of Sec. 16 to the boundary of the Colorado River Indian Reservation;

Thence following the west boundary of the Colorado River Indian Reservation to its intersection with the north border of Sec. 25, T. 2 S., R. 23 E.;

Thence southwestward through T. 2 S., R. 23 E., following the north and west borders of Sec. 25 and the north and west borders of Sec. 35;

Thence south for 12 miles along the west borders of Secs. 2, 11, 14, 23, 26, and 35 in Tps. 3 and 4 S., R. 23 E.;

Thence eastward along the north border of T. 5 S., R. 23 E., to the northwest corner of Sec. 1;

Thence south through this township along the west border of Secs. 1, 12, 13, 24, 25, and 36;

Thence west along the north border of T. 6 S., R. 23 E., to the northwest corner of Sec. 3;

Thence south through the center line of Tps. 6 and 7 S., R. 23 E., which is marked by State Route 95 to the northeast corner of Sec. 21, T. 7 S., R. 23 E;

Thence west along the north line of Secs. 21 and 20 to the northwest corner of Sec. 20;

Thence south along the section line which is marked by Lovekin Road to its intersection with 28th Avenue;

Thence west along the north border of Sec. 7, T. 8 S., R. 23 E., and Secs. 12 and 11 in T. 8 S., R. 22 E., to the northwest corner of Sec. 11;

Thence south along the west border of Secs. 11, 14, 23, and 26 marked by Neighbors Boulevard to the southwest corner of Sec. 26, T. 8 S., R. 22 E;

Thence west along the north border of Secs. 34 and 33 and south along the west border of Sec. 33 to the Imperial County line;

Thence west along the Imperial County line to the northwest corner of Sec. 4, T. 9 S., R. 21 E.;

Thence south 4 miles along the section lines to the southwest corner of Sec. 21;

Thence east along the south border of Sec. 21, and south along the west borders of Secs. 27 and 34, T. 9 S., R. 21 E., and Secs. 3, 10, 15, and 22, T. 10 S., R. 21 E.;

Thence east along the south border of Sec. 22, south along the west border of Secs. 26 and 35, and east along the south borders of Secs. 35 and 36, T. 10 S., R. 21 E.;

Thence south along east border of Tps. 10½, 11, and 12 S., R. 21 E., to the east ¼ corner of Sec. 13, T. 12 S., R. 21 E.;

Thence west 1 mile through the center of Sec. 13, and south along the boundary of the Imperial National Wildlife Refuge to its intersection with the northwest corner of Picacho State Park;

Thence southeastward along the southern boundary of Picacho State Park to the south ¼ corner of Sec. 30, T. 13 S., R. 23 E.;

Thence eastward along the south boundary of the Imperial National Wildlife Refuge to southwest corner of Sec. 26, T. 13 S., R. 23 E.;

Thence south along the west border of Sec. 35, T. 13 S., R. 23 E., and Secs. 2 and 11, T. 14 S., R. 23 E.;

Thence east along the south borders of Secs. 11 and 12 to the east border of T. 14 S., R. 23 E.;

Thence south along the east border of Tps. 14 and 15 S., R. 23 E., to the southeast corner of Sec. 24, T. 15 S., R. 23 E.;

Thence west along the south borders of Secs. 24, 23, and 22 to the All American Canal;

Thence southwestward along the All American Canal to the west border of Sec. 35, T. 16 S., R. 21 E.;

Thence south to the international boundary;

Thence east to the California-Arizona State line;

Thence along the international boundary between Mexico and Arizona, southward along the Colorado River to the San Luis area and southeastward across the Yuma Mesa to the intersection with the west border of T. 12 S., R. 22 W., G&SRM, which is the west boundary of the Luke Air Force Aerial Gunnery Range;

Thence north and east along the north boundary of the Luke Air Force Aerial Gunnery Range to the intersection with the east border of T. 8 S., R. 15 W.;

Thence north following the township line across the Gila River Valley to the intersection with the south boundary of the Yuma Test Station at the southeast corner of T. 6 S., R. 15 W.;

Thence westward along the southern boundary of the Yuma Test Station to the intersection with the west border of T. 7 S., R. 20 W.;

Thence along the west and north borders of T. 7 S., R. 20 W., to the northeast corner of the township;

Thence north to the south border of T. 5 S., R. 20 W.;

Thence east along the township line to the southwest corner of the Kofa Game Range;

Thence northward along the west boundary of the Kofa Game Range to the northwest corner of the game range which is the northwest corner of T. 2 N., R. 18 W.;

Thence east 1 mile along the north border of the Kofa Game Range to the southwest corner of Sec. 32. T. 3 N., R. 18 W.;

Thence north for 12 miles along the west borders of Secs. 32, 29, 20, 17, 8 and 5 in Tps. 3 and 4 N., R. 18 W.;

Thence east along the south border of T. 5 N., R. 18 W., for about 1½ miles to the southwest corner of Sec. 34;

Thence north for 18 miles along the centerline of Tps. 5, 6 and 7 N., R. 18 W.;

Thence east along the township line for 18 miles to the southwest corner of Sec. 34, T. 8 N., R. 15 W.;

Thence north for 21 miles along the centerline of Tps. 8, 9, 10 and 11 N., R. 15 W., to the center of T. 11 N., R. 15 W.;

Thence west 3 miles and north 3 miles to the northwest corner of T. 11 N., R. 15 W.;

Thence west 6 miles to the northwest corner of T. 11 N., R. 16 W.;

Thence north 6 miles along the west border of T. 12 N., R. 16 W., to the northwest corner of this township;

Thence about 1½ miles west along the township line to the southwest corner of Sec. 36, T. 13 N., R. 17 W.;

Thence north for 9 miles along the section lines to the southwest corner of Sec. 13, T. 14 N., R. 17 W.;

Thence west for 5 miles along the centerline of T. 14 N., R. 17 W., to the west border of this township;

Thence north 12 miles along the township line to the southeast corner of Sec. 13, T. 16 N., R. 18 W.;

Thence west 6 miles along the centerline of T. 16 N., R. 18 W., to the west border of this township;

Thence north along the west border of Tps. 16 and 17 N., R. 18 W., to the intersection with Interstate Highway 40;

Thence west along the south edge of the interstate highway right-of-way to the intersection with the west border of T. 16 N., R. 20½ W.;

Thence north along the west border of T. 16 N., R. 20½ W., and T. 16½ N., R. 20½ W., to the northwest corner of T. 16½ N., R 20½ W.;

Thence west along the township line about 2½ miles to the southwest corner of Sec. 35, T. 17 N., R. 21 W., which is on the east boundary of the Havasu National Wildlife Refuge;

Thence north through T. 17 N., R. 21 W., following the west borders of Secs. 35 and 26, the north border of Sec. 27, the west borders of Secs. 22 and 15, the north border of Sec. 16, the east and north borders of Sec. 8 and the west border of Sec. 5;

Thence northward through T. 18 N., R. 21 W. following the west borders of Secs. 32 and 29, through Sec. 19 on a line that includes the W½ and the W½SE¼, in the Yuma District, northward through the center of Secs. 18 and 7, west to the northwest corner of Sec. 7;

Thence north for 7 miles along the township line to the northwest corner of T. 19 N., R. 21 W.;

Thence east for 2 miles to the southwest corner of Sec. 33, T. 20 N., R. 21 W.;

Thence north along the section lines for 6 miles to the northwest corner of Sec. 4, T. 20 N., R. 21 W.;

Thence east along the township line for about ½ mile to the southwest corner of Sec. 34, T. 21 N., R. 21 W.;

Thence northward along the west borders of Secs. 34, 27, 22 and 15 to the northwest corner of Sec. 15, T. 21 N., R. 21 W.;

Thence west 1 mile and south about 1½ miles along the section lines to State Highway 68.

Thence west along State Highway 68 to the Arizona-Nevada State line at Davis Dam and point of beginning.

BURT SILCOCK,
Director.

[FR Doc.72-14772 Filed 8-30-72;8:45 am]

ARIZONA STATE DIRECTOR

Delegation of Authority Regarding Lower Colorado River Land Use Program

AUGUST 23, 1972.

The Arizona State Director of the Bureau of Land Management is hereby authorized to perform all functions of the Director, Bureau of Land Management, relative to the Lower Colorado River Land Use Plan as specified in Departmental Manual 235.1D and 613.1, except the responsibilities of the Director set forth in 613.1.6.

The State Director may redelegate or authorize the redelegation of the authority delegated in this order. Any redelegation must be published in the FEDERAL REGISTER. The delegation of authority dated December 12, 1968, regarding the Lower Colorado River Land Use Program (33 F.R. 18949–50) is revoked.

BURT SILCOCK,
Director.

[FR Doc.72-14771 Filed 8-30-72; 8:45 am]

[S 5344; Power Project 2041]

CALIFORNIA

Order Providing for Opening of Lands

AUGUST 24, 1972.

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the authority redelegated to me by the Chief, Division of Technical Services, California State Office, Bureau of Land Management, approved by the California State Director, effective January 12, 1972 (37 F.R. 491), it is ordered as follows:

1. In DA–1097–California, the Federal Power Commission determined that the power value of the land described below withdrawn within the boundaries of Project No. 2041 as delineated on the project maps Exhibits H and I (FPC No. 2041–1) will not be injured or destroyed by restoration to location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, so far as it pertains to the following described land:

MOUNT DIABLO MERIDIAN

T. 29 N., R. 3 W.,
Sec. 22, Lots 5 and 6.

The area described contains approximately 58.80 acres, and lies along the right (west) bank of the Sacramento River in Tehama County, Calif.

The State of California has waived its preference right of application for highway right-of-way or material sites afforded it by section 24 of said act.

2. The land shall immediately be made available for consummation of Private Exchange S 5329.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Room E–2841, Federal Office

Building, 2800 Cottage Way, Sacramento, CA 95825.

JESSE H. JOHNSON,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.72-14837 Filed 8-30-72;8:46 am]

[Wyoming 35498]

WYOMING

Notice of Classification

AUGUST 22, 1972.

Pursuant to 43 CFR 2462.1, the lands described below are hereby classified for disposal through exchange, under section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272), for lands within the Rawlins District.

The lands affected by this classification are described as follows:

SIXTH PRINCIPAL MERIDIAN, WYOMING

SWEETWATER COUNTY

T. 19 N., R. 95 W.,
Sec. 6, Lots 1 to 6, inclusive, N½ of lot 7, S½NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼, N½NE¼SE¼, N½S½NE¼SE¼, S½SW¼NE¼SE¼, N½NW¼SW¼SE¼, N½N½SE¼SW¼, and S½NW¼SE¼SW¼.
T. 20 N., R. 95 W.,
Sec. 18, Lots 1 to 4, inclusive, E½W½, and SE¼;
Sec. 8, All;
Sec. 6, Lots 1 to 6, inclusive, N½ of lot 7, E½;
Sec. 20, All;
Sec. 30, Lots 1 to 4, inclusive, E½W½, and E½.
T. 19 N., R. 96 W.,
Sec. 2, Lots 1 to 4, inclusive, S½N½, and S½.
T. 20 N., R. 96 W.,
Sec. 2, Lots 1 to 4, inclusive, and S½;
Sec. 12, All;
Sec. 14, All;
Sec. 24, All;
Sec. 26, All;
Sec. 36, All.

The areas described aggregate 7,966.72 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240 (43 CFR 2462.3).

MARLON C. OSBORNE,
Acting State Director.

[FR Doc.72-14816 Filed 8-30-72;8:48 am]

National Park Service

[Order 5, Amdt. 1]

HARPERS FERRY JOB CORPS CONSERVATION CENTER DIRECTOR AND ADMINISTRATIVE OFFICER

Delegation of Authority

SECTION 2. *Delegation.*

* * * (h) *Harpers Ferry Job Corps Conservation Center Director and Administrative Officer.* The Harpers Ferry Job Corps Conservation Center Director and Administrative Officer may issue purchase orders not in excess of $2,000 for supplies, equipment and services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. The limitations in this section 2(h) apply only to open market or nonmandatory sources of supply. These officers may continue to issue orders to GSA Centers and sources under established Federal Supply Schedules of Contracts in amounts exceeding $2,000.

(National Park Service Order No. 66 (36 F.R. 21218), dated Nov. 4, 1971, as amended (37 F.R. 4001) dated Feb. 25, 1972)

DAVID D. THOMPSON, Jr.,
Director, Southeast Region.

[FR Doc.72-14800 Filed 8-30-72;8:48 am]

Office of the Secretary

FREDERICK L. PETERSEN

Statement of Financial Interests

JUNE 16, 1972.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Frederick L. Petersen.

Name of employing agency: Department of the Interior, Defense Electric Power Administration.

Title of the Appointee's Position: Deputy Director, DEPA Area 5.

Name of the Appointee's Private Employer or Employers: Michigan Electric Power Pool.

The statement of financial interests for the above appointee is set forth as follows.

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

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on June 16, 1972, as Deputy Director, DEPA Area 5, Defense Electric Power Administration an officer or director: None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Anaconda.
Chrysler.
Ford.
Detroit Edison.
Litton Industries.
Pacific Southwest Airlines.
Occidental Petroleum.
Texas Gulf Sulfur.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

Dated: July 5, 1972.

FREDERICK L. PETERSEN.

[FR Doc.72-14823 Filed 8-30-72;8:49 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

ARIZONA ELECTRIC POWER COOPERATIVE, INC., BENSON, ARIZ.

Final Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a change of purpose for use of REA funds previously loaned to Arizona Electric Power Cooperative, Inc., of Benson, Ariz., to finance construction of 73 miles of 230 kV transmission line between Cochise and Santo Tomas, Ariz., plus 18 miles of related 115 kV transmission line and substation facilities.

Additional information may be secured on request, submitted to Mr. James N. Myers, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC, Room 4322 or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 25th day of August 1972.

E. C. WEITZELL,
Acting Administrator, Rural Electrification Administration.

[FR Doc.72-14879 Filed 8-30-72;8:55 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. C-368]

RICHARD A. ESTES AND AGNES R. ESTES

Notice of Loan Application

Richard A. Estes and Agnes R. Estes, 405 South McPherson Street, Fort Bragg, CA 95437, have applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new steel vessel, about 56 foot in length, to engage in the fishery for salmon, albacore, dungeness crab, shrimp, and sablefish.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No.

4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.72-14802 Filed 8-30-72;8:49 am]

Office of Import Programs

HAHNEMANN MEDICAL COLLEGE AND HOSPITAL ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00447-33-46040. Applicant: Hahnemann Medical College and Hospital, 230 North Broad Street, Philadelphia, PA 19102. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the instruction of students on the relationship between ultrastructure and function as applied to disease processes in endocrinology, neurology, renology, myology, and cell biology. In addition the article will be used in graduate level courses entitled "Electron Microscope Methods—Anatomy 205" and Electron Microscopy for Technicians. Application received by Commissioner of Customs: March 17, 1972. Advice submitted by Department of Health, Education, and Welfare on: July 28, 1972.

Docket No. 72-00449-33-46040. Applicant: Stanford University, Department of Biological Sciences, Stanford, Calif. 94305. Article: Electron microscope, Model HS-8F. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used for educational purposes, specifically, instruction of graduate and undergraduate students in cellular and developmental biology. Secondarily the instrument will be used by research graduate students and postdoctoral fellows studying developing embryonic tissues and cells of various types. Examples of experiments to be conducted include the investigation of: (1) The ultrastructure of single cultured nerve cells in order to increase our knowledge about the basic processes that go on during the important early phase of nerve growth; (2) The ultrastructure of various filament systems essential for the locomotion of single cells; and (3) The distribution of nerve axons over the surface of morphogenetically active epithelial populations.

The article will also be used in the courses Biology 145—Techniques in Developmental Biology, Biology 189—Introduction to Visible and Electron Optical Research Biology to familiarize students with modern electron microscopy ranging from initial tissue preparation procedures to final sectioning staining, and examination in the electron microscope. Application received by Commissioner of Customs: March 17, 1972. Advice submitted by Department of Health, Education, and Welfare on: July 28, 1972.

Docket No. 72-00465-33-46040. Applicant: Medical Research Institute, Country Club Road, Melbourne, FL 32901. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to examine viruses, viral components, bacteria and bacterial fractions, localize antigens and cells by immunoassay, monitor pathological events of intracellular infections, determine the cellular effects of heavy metal pollutants, measure the immunochemotherapeutic value of various drugs "in vivo" on cancer cells and associated tissues and evaluate the effects "in vitro" and "in vivo" of various chemical compounds on cariogenic bacteria found in dental plaque. In addition the article is intended to be used for laboratory studies of the techniques for the examination of cells and cell structure and of biologically important macromolecules and their synthesis and in an introduction to the current techniques of molecular biology. Application received by Commissioner of Customs: March 28, 1972. Advice submitted by Department of Health, Education, and Welfare on: August 4, 1972.

Docket No. 72-00483-33-46040. Applicant: Mount School of Medicine of the City University of New York, 100th Street and Fifth Avenue, New Avenue, New York, NY 10029. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used in teaching electron microscopy to medical students and to a limited number of advanced graduate students, residents in pathology, and trainees in liver diseases. The article will also be used in research on the structure of liver cells in various forms of jaundice to determine the primary target of the immediate cause of the jaundice, usually cholestatic in type and to determine the injury to cell structure secondary to cholestasis. Application received by Commissioner of Customs: April 6, 1972. Advice submitted by Department of Health, Education, and Welfare on: August 4, 1972.

Docket No. 72-00487-33-46040. Applicant: The Miriam Hospital, 164 Summit Avenue, Providence, RI 02906. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for ultrastructural studies of renal biopsy material dialysis and transplantation program. Studies will also be conducted on skeletal muscle biopsies removed from patients with various muscular dystrophies. Neuropathology studies will be undertaken on surgical material on patients with lipoidoses and various degenerative disorders. Skin disorders will be investigated ultrastructurally by study of sequential skin biopsies and of skin lesions excised at operation. The article will also be used for educational purposes in a course in electron microscopy as part of the training of resident physicians and postdoctoral fellows in pathology with emphasis on application of newly learned electron microscopy techniques to study of pathological tissues. Application received by Commissioner of Customs: April 7, 1972. Advice submitted by Department of Health, Education, and Welfare on: August 4, 1972.

Docket No. 72-00505-33-46040. Applicant: University of Alabama in Birmingham, 1919 Seventh Avenue South, Birmingham, AL 35233. Article: Electron microscope, Model EM 92-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used primarily for teaching beginning microscopists. It will be used to bridge the gap between the upper limits of the light microscopy and advanced electron microscopy. Experiments performed will be simple and consist mostly of descriptive studies of various tissues, normal or abnormal, at relatively low magnifications. Application received by Commissioner of Customs: April 18, 1972. Advice submitted by Department of Health, Education, and Welfare on: August 4, 1972.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the foreign articles were ordered. Reasons: Each applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. Each of the foreign articles to which the foregoing applications relate is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. At the time the foreign articles were ordered the most closely comparable domestic instrument was the

Model EMU–4C electron microscope, a relatively complex instrument designed primarily for research, which required a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its respectively cited memoranda, that the relative simplicity of design and ease of operation of the foreign articles described above are pertinent to the applicants' educational purposes. We, therefore, find that the Forgflo Model EMU–4C electron microscope was not of equivalent scientific value to any of the foreign articles described above for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the foreign articles were ordered.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–14856 Filed 8–30–72;8:50 am]

UNIVERSITY OF CHICAGO

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 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 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.

Docket No. 72–00496–33–90000. Applicant: University of Chicago (Jones Lab—Room 221), 5640 Ellis Avenue, Chicago, IL 60637. Article: Rotating anode X-ray generator, GX–6. Manufacturer: Elliott Automatic Radar Systems, Ltd., United Kingdom. Intended use of article: The article is intended to be used in studies of biological macromolecules related to the biochemistry of genetics and cancer in experiments to determine X-ray crystallographic structure. The article will also be used for graduate training in biophysics and biochemistry to prepare students to carry out the research.

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 a small (0.1 x 1 millimeter) focused spot and a rotating target for maximum X-ray power. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 11, 1972, that both of the characteristics described above are pertinent to the applicant's research studies. HEW further advises that it knows of no comparable domestic instrument that provides both of the pertinent characteristics of the article.

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.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–14857 Filed 8–30–72;8:50 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE ON AGRICULTURE STATISTICS

Notice of Public Meeting

The Census Advisory Committee on Agriculture Statistics will convene on September 15, 1972 at 9:30 a.m. The Committee will meet in Room 2113, Federal Office Building No. 3, at the Bureau of the Census in Suitland, Md.

This Committee was established in 1962 to advise the Director, Bureau of the Census, concerning the kind of information that should be obtained from respondents; to prepare recommendations regarding the contents of reports and to present the views and needs for data of major agricultural organizations and their members.

The Committee is composed of 18 members appointed by the presidents of the nonprofit organizations having representatives on the Committee.

The agenda for the meeting is: (1) Review of the 1969 Census of Agriculture, and (2) Plans for the 1974 Census of Agriculture.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Guidance and Control Officer at least 3 days prior to the meeting.

Persons wishing additional information concerning this meeting should contact the Committee Guidance and Control Officer, Mr. J. Thomas Breen, Chief, Agriculture Division, Bureau of the Census, Room 2067, Federal Office Building No. 3, Suitland, Md. (Mail address: Washington, D.C. 20233.) Telephone: 301—763–5230.

HAROLD C. PASSER,
Administrator, Social and Economic Statistics Administration.

[FR Doc.72–14870 Filed 8–30–72;8:55 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N–72–111]

LAND DEVELOPERS

Notice of Investigatory Hearings

Notice is hereby given by the Interstate Land Sales Administrator that informal hearings will be held in the locations and on the dates listed below to investigate the practices of land developers who advertise, offer, sell, or lease lots to residents of the listed locations and the surrounding environs.

Each hearing is scheduled for 6:30–9 p.m., the evening of the first date indicated and 9 a.m.–12 noon the morning of the second date.

City	Dates	Location
Boston, Mass...	Sept. 14–15..	Faneuil Hall, Dock Square (Merchants Row).
New York City, N.Y.	Sept. 19–20..	Room 305, 26 Federal Plaza (Broadway at Worth St.).
Atlanta, Ga....	Sept. 27–28..	Room 318 (Main Jury Room), Old Post Office Bldg., 56 Forsyth St.
Columbus, Ohio.	Oct 3–4.....	Auditorium, Defense Construction Supply Center, Bldg. 11, 3990 East Broad St.
Detroit, Mich...	Oct. 5–6.....	Auditorium of WWJ-Detroit News, 622 West Lafayette.
Chicago, Ill.....	Oct. 11–12...	Randolph Room, Sherman House, 112 West Randolph.
Seattle, Wash...	Oct. 19–20...	Room 1005 Arcade Plaza Bldg., 1321 Second Ave.
San Francisco, Calif.	Oct. 24–25...	Ceremonial Court Room (19th Floor), 450 Golden Gate Ave.
Los Angeles, Calif.	Oct. 26–27...	Auditorium, Pepperdine University, 24255 Pacific Coast Highway, Malibu.
Phoenix, Ariz.	Nov. 14–15..	Auditorium, Library-Art Museum, 12 East McDowell, (Enter at Second St.).
Houston, Tex..	Nov. 16–17..	Room 106, Albert Thomas Convention Center, 300 Capital Ave.
Little Rock, Ark.	Nov. 21–22..	Room 214 City Hall (Council Chamber), 500 West Markham.
Tampa, Fla.....	Nov. 28–29..	Auditorium, Hillsborough County Courthouse, Corner of Madison and Pierce.
Miami, Fla.....	Nov. 30–Dec. 1.	Brockway Lecture Hall, University of Miami, Coral Gables.

All persons in the areas concerned are invited to attend and present their complaints or otherwise express their comments about land developers who operate through the facilities of interstate commerce or the mails. However, presentation of complaints and comments will be subject to the following qualifications:

1. Priority will be given to persons who submit a written request (addressed to: George K. Bernstein, Interstate Land Sales Administrator, Room 9230, HUD Building, Washington, D.C. 20410), received prior to the hearing, for a place on the hearing agenda.

2. Consumers will be given priority over developers on the agenda.

3. Oral statements will be limited to 5 minutes; written statements of any reasonable length will be accepted for the record.

These hearings will be held pursuant to 15 U.S.C. 1714(b), 24 CFR 1720.10(a) and 24 CFR 1720.75 to aid the Administrator in enforcing the Interstate Land Sales Full Disclosure Act and in determining the necessity for and the basis of recommendations for further legislation or regulations or both. Transcripts of hearings will be made and will be available for public inspection or purchase after the conclusion of all hearings held in 1972.

JOHN R. McDOWELL,
Interstate Land Sales Deputy Administrator.

[FR Doc. 72-14827 Filed 8-30-72;8:46 am]

Office of Assistant Secretary for Housing Management

[Docket No. D-72-201]

PROJECT OWNERS ET AL.

Redelegation of Authority With Respect to Rent Supplement Payments

Project owners or their management agents or an employee designated in writing by either of them are authorized to approve applications for tenant eligibility for rent supplements pursuant to title I of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s).

(Secretary's delegation of authority to redelegate published concurrently with this document.)

Effective date. This redelegation of authority is effective as of April 1, 1972.

NORMAN V. WATSON,
Assistant Secretary for Housing Management.

[FR Doc.72-14884 Filed 8-30-72;8:56 am]

Office of the Secretary

[Docket No. D-72-200]

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR HOUSING MANAGEMENT

Delegation of Authority

Section D of the Secretary's delegation of authority to the Assistant Secretary and Deputy Assistant Secretary for Housing Management published at 36 F.R. 5005, March 16, 1971 is revised to read as follows:

SEC. D. *Authority to redelegate.* The Assistant Secretary for Housing Management is authorized to redelegate to employees of the Department and to agents any of the authority delegated under section A, 5 shall be redelegated redelegation to subordinate HUD employees or employees of agents: *Provided,* That the authority delegated under section A, 5 shall be redelegated only to Regional Administrators, Deputy Regional Administrators, Area Directors, Deputy Area Directors, and the Director and Deputy Director of the Honolulu Insuring Office.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority is effective as of April 1, 1972.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc. 72-14883 Filed 8-30-72;8:51 am]

[Docket No. D-72-199]

REGIONAL COUNSEL ET AL.

Designation to Serve as Acting Regional Administrator Region VIII (Denver)

The officials appointed to the following listed positions in Region VIII (Denver) are hereby designated to serve as Acting Regional Administrator, Region VIII, during the absence of the Regional Administrator and Deputy Regional Administrator, Region VIII, with all the powers, functions, and duties delegated or assigned to the Regional Administrator: *Provided,* That no official is authorized to serve as Acting Regional Administrator, Region VIII, unless all other officials whose title precedes his in this designation are unable to act by reason of absence:

1. Regional Counsel.
2. Special Assistant to the Regional Administrator.
3. Assistant Regional Administrator for Administration.
4. Public Information Officer.
5. Special Assistant to the Regional Administrator (Indian Affairs).

This designation supersedes all previous designations.

(Delegation and redelegation of authority to take final action with respect to certain positions and employees effective as of May 4, 1969)

Effective date: July 10, 1972.

ROBERT C. ROSENHEIM,
Regional Administrator, Region VIII (Denver).

[FR Doc.72-14828 Filed 8-30-72;8:47 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 72-164N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from July 7, 1972, to July 31, 1972 (List No. 22-72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE), MODELS 3 AND 5

NOTE: Approved for use on all vessels and motorboats.

The Outdoor Supply Co., Inc., Marine Division, 8 Industry Drive, Oxford, NC 27565, no longer manufactures certain kapok life preservers and Approval Nos. 160.002/122/0 and 160.002/123/0 were therefore terminated effective July 21, 1972.

BUOYS, LIFE, RING, CORK, OR BALSA WOOD FOR MERCHANT VESSELS AND MOTORBOATS

The Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, no longer manufactures certain cork ring life buoys for the Nautical Products, Inc., 130 Atlantic Avenue, Brooklyn, NY 11201 and Approval Nos. 160.009/43/0 and 160.009/44/0 were therefore terminated effective July 21, 1972.

BUOYANT APPARATUS FOR MERCHANT VESSELS

The C. C. Galbraith & Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, NJ 07735, no longer manufacturers certain buoyant apparatus and Approval Nos. 160.010/25/1 and 160.010/26/1 were therefore terminated effective July 17, 1972.

LIFEBOAT WINCHES FOR MERCHANT VESSELS

The C. C. Galbraith & Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, NJ 07735, no longer manufactures certain lifeboat winches and Approval Nos. 160.015/55/1, 160.015/65/0, 160.015/71/0, and 160.015/77/0 were therefore terminated effective July 17, 1972.

DAVITS FOR MERCHANT VESSELS

The Marine Safety Equipment Corp., foot of Wycoff Road, Farmingdale, N.J. 07727, Approval No. 160.032/171/1 expired and was therefore terminated effective July 7, 1972.

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT, FOR MERCHANT VESSELS

The C. C. Galbraith & Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, NJ 07735, no longer manufactures certain mechanical disengaging apparatus (for lifeboats) and Approval Nos. 160.033/4/5 and 160.033/54/2 were therefore terminated effective July 17, 1972.

HAND PROPELLING GEAR, LIFEBOATS, FOR MERCHANT VESSELS

The C. C. Galbraith & Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, NJ 07735, no longer manufactures certain hand propelling gear for lifeboats and Approval No. 160.034/12/2 was therefore terminated effective July 17, 1972.

LIFEBOATS

The C. C. Galbraith & Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, NJ 07735, no longer manufactures certain lifeboats and Approval Nos. 160.035/8/3, 160.035/15/4, 160.035/17/4, 160.035/19/3, 160.035/22/4, 160.035/26/3, 160.035/166/2, 160.035/213/3, 160.035/228/1, 160.035/291/1, 160.035/305/2, 160.035/314/2, 160.035/329/3, 160.035/373/1, and 160.035/434/1 were therefore terminated effective July 17, 1972.

The Marine Safety Equipment Corp., foot of Wycoff Road, Farmingdale, N.J. 07727, Approval No. 160.035/197/4 expired and was therefore terminated effective July 25, 1972.

The Marine Safety Equipment Corp., foot of Wycoff Road, Farmingdale, N.J. 07727, Approval No. 160.035/317/1 expired and was therefore terminated effective July 31, 1972.

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

For motorboats of Classes A, 1, or 2 not carrying passengers for hire.

The Outdoor Supply Co., Inc., Oxford, N.C. 27565, no longer manufactures certain kapok buoyant vests and Approval Nos. 160.047/619/0, 160.047/620/0, and 160.047/621/0 were therefore terminated effective July 21, 1972.

The Outdoor Supply Co., Inc., Oxford, N.C. 27565, no longer manufactures certain kapok buoyant vests for Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533 and Approval Nos. 160.047/625/0, 160.047/626/0, and 160.047/627/0 were therefore terminated effective July 21, 1972.

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

For motorboats of Classes A, 1, or 2 not carrying passengers for hire.

The Outdoor Supply Co., Inc., Oxford, N.C. 27565, no longer manufactures certain kapok buoyant cushions and Approval No. 160.048/253/0 was therefore terminated effective July 21, 1972.

The Outdoor Supply Co., Inc., Oxford, N.C. 27565, no longer manufactures certain kapok buoyant cushions for Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533 and Approval No. 160.048/256/0 was therefore terminated effective July 21, 1972.

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

The Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, no longer manufactures certain unicellular plastic ring life buoys and Approval Nos. 160.050/30/1, 160.050/31/1, and 160.050/32/1 were therefore terminated effective July 21, 1972.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

For motorboats of Classes A, 1, or 2 not carrying passengers for hire.

The Outdoor Supply Co., Inc., Marine Division, 8 Industry Drive, Oxford, NC 27565, no longer manufactures certain unicellular plastic foam buoyant vests and Approval Nos. 160.052/384/0, 160.052/385/0, and 160.052/386/0 were therefore terminated effective July 21, 1972.

The Martin Industries, Post Office Box 423, Clayton, AL 36016, no longer manufactures certain unicellular plastic foam buoyant vests for Diversified Products Corp., 309 Williamson Avenue, Opelika, AL 36801 and Approval Nos. 160.052/396/0, 160.052/397/0, and 160.052/398/0 were therefore terminated effective July 21, 1972.

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM ADULT AND CHILD FOR MERCHANT VESSELS

The Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, no longer manufactures certain unicellular plastic foam life preservers and Approval Nos. 160.055/76/0 and 160.055/77/0 were therefore terminated effective July 21, 1972.

GAUGING DEVICES, LIQUID LEVEL, LIQUEFIED COMPRESSED GAS

The Metal Goods Manufacturing Co., 110 South Park Avenue, Bartlesville, OK 74003, no longer manufactures certain liquefied compressed gas liquid level gauging devices and Approval No. 162.019/9/3 was therefore terminated effective July 21, 1972.

STRUCTURAL INSULATIONS FOR MERCHANT VESSELS

The Keene Corp., Ceiling and Insulation Division, Princeton Service Center, U.S. Route 1, Princeton, N.J. 08540, no longer manufactures certain structural insulations and Approval Nos. 164.007/18/0 and 164.007/23/0 were therefore terminated effective July 21, 1972.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

The Johns-Manville Sales Corp., 22 East 40th Street, New York, NY 10016, no longer manufactures certain incombustible materials and Approval Nos. 164.009/18/0, 164.009/36/0, and 164.009/60/0 were therefore terminated effective July 21, 1972.

Dated: August 25, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72-14854 Filed 8-30-72;8:50 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-382A, 50-383A]

LOUISIANA POWER & LIGHT CO.

Notice of Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated August 18, 1972, a copy of which is attached as appendix A.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed within thirty (30) days after publication of this notice in the FEDERAL REGISTER, either: (1) By delivery to the AEC Public Document Room at 1717 H Street NW., Washington, DC, or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, Attn.: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

JEROME SALTZMAN,
Acting Chief, Office of Antitrust and Indemnity, Directorate of Licensing.

APPENDIX A

In regarding of Louisiana Power & Light Co. (Waterford Generating Station Units 3 and 4). AEC Dockets Nos. 50-382A, 50-383A; Department of Justice File 60-415-39.

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, 68 Stat. 919, 42 U.S.C. 2011-2296 as amended by Public Law 91-560, 84 Stat. 1472 (December 19, 1970), in regard to the above-cited application. We are advised that subsequent to your letter of June 17, 1971, Applicant withdrew its application for Unit No. 4. By letter of December 14, 1971, we advised you that our study of the application had raised certain questions which we were discussing with the Applicant and that it had expressed to us the desire to continue those discussions in the hope that adverse antitrust advice could be avoided. Our continued discussions with Applicant subsequent to that date have been far more protracted than we then contemplated, but they have produced results which lead us to conclude that an antitrust hearing will not be necessary on this application.

Introduction. Waterford Unit No. 3, Applicant's first nuclear unit, will have a capacity

of 1,165 megawatts and will be installed on the west bank of the Mississippi River about 25 miles upstream from New Orleans. It is scheduled for completion in 1977. Waterford Units 1 and 2 are 430-megawatt gas and oil fired units scheduled for completion in 1974 and 1975.

Structure of the electric power supply market in Louisiana. Applicant is one of the five major privately owned companies supplying power in bulk and at retail in Louisiana; the other four are: Gulf States Utilities Co. (Gulf States), having extensive operations in both Louisiana and Texas; Central Louisiana Electric Co. (CLECO); Southwestern Electric Power Co. (SWEPCO), which operates in Arkansas and Texas as well as in a small area in the northeast corner of Louisiana; and New Orleans Public Service, Inc. (NOPSI), an affiliate of Applicant which serves metropolitan New Orleans.

Applicant's 1970 system peak was 1,872 mw. Gulf States 1970 peak load was 3,039 mw. with a little more than one-half of its business in Louisiana. CLECO's 1970 system peak was 575 mw. SWEPCO's 1970 system peak was 1,383 mw. (About two-fifths of its business is in Louisiana, two-fifths in Texas and one-fifth in Arkansas.) NOPSI's 1970 peak was 1,164 mw.

There are a number of municipal electric utilities in Louisiana. Some of these generate all or a major part of their power requirements; others purchase electric power in bulk and distribute it at retail. We are advised that the generating municipals' 1970 loads totaled approximately 500 mw.; their 1970 generating capacity was 900 mw.

There are 13 Louisiana cooperative utilities operating rural distribution systems in Louisiana which borrow their funds from the U.S. Rural Electrification Administration. Another cooperative is based principally in Texas but conducts some operations in Louisiana.

Twelve of the thirteen Louisiana cooperatives have organized a generation and transmission cooperative, the Louisiana Electric Cooperative (LEC), to deal with their bulk power supply functions; LEC has no facilities in operation yet, and the cooperatives presently obtain almost all their bulk power supply from Applicant and the other private utilities. The 13th, Southwest Louisiana Electric Membership Cooperative (SLEMCO), is one of the largest rural electric cooperatives in the United States and comprises roughly one-third of the total cooperative load in Louisiana. It has no generating facilities, but obtains part of its power supply from the privately owned utilities in Louisiana and part from Southwestern Power Administration under an arrangement in which power generated at Federal hydroelectric facilities in the Southwest is wheeled over transmission facilities furnished by the private utilities.

The territory in which applicant operates its facilities consists generally of the northern and eastern extremities of Louisiana.

Applicant is a subsidiary of Middle South Utilities, Inc., which also owns New Orleans Public Service, Inc., Mississippi Power & Light Co. and Arkansas Power & Light Co. Total Middle South load in 1970 was 6,398 mw. and it had 7,699 mw. of generating capacity. Applicant's generating stations are integrated by high-voltage transmission lines into a single-bulk power supply system. Its northern and eastern service areas, which might appear to be separated from each other, are integrated through transmission lines of its affiliate, Mississippi Power & Light Co. Its bulk power supply facilities are further integrated with those of its other affiliates in the Middle South System. In addition, the Middle South System Cos. (including Applicant) have high voltage interconnections with the major adjacent utilities and coordinate system planning and operations with them. Applicant has substantial coordinating arrangements with Gulf States and CLECO. The Middle South System, Gulf States, and CLECO are among the members of the South Central Electric Cos., which obtain the advantages of seasonal load diversities with the Tennessee Valley Administration (TVA) through exchange of power with TVA over an extra high voltage transmission network.

Applicant's 1970 electric utility plant, before depreciation, was $657,734,000; its total operating revenues were $138,846,000. In 1970 it had 1,887,000 kw. of generating capacity and operated 15,941 pole miles of high voltage and extra high voltage transmission lines, including 1,469 miles of 115 kv.

Virtually all the high voltage and extra high voltage transmission lines in the State of Louisiana are owned and operated by Applicant, its affiliate NOPSI, and the other privately owned utilities discussed above.

Applicant and its affiliate NOPSI, have almost half of the retail electric power market in Louisiana, and these two together with Gulf States have approximately two-thirds of that market. Of the remainder, CLECO and SWEPCO each have slightly more than one-twelfth; all the cooperative systems together have slightly less than one-twelfth; all the municipals together have less than one-twelfth.

Competition. There has been a vigorous competition among electric utilities in Louisiana. Until 1970, Louisiana law prohibited utilities from taking over customers already being served by another utility, LSA RS 45:123, but the law did not apply to new customers. See Louisiana Power and Light Co. v. Charpentier, 165 So. 2d 614 (La. Ct. App. 1964). In 1970 LSA RS 45:123 was amended to allow (except in certain cases), a utility a preference in serving new customers within 300 feet of its existing lines. Since large new loads (particularly industrial loads) would, in many instances, not be located within 300 feet of an existing distribution line, competition continues to exist. Further competition exists for service to suburban areas which are annexed by expanding municipalities. The existing supplier within the city, whether municipal system or franchised utility, thereupon has the opportunity to compete for new loads with the previous supplier in the area.

Competitive conduct of the applicant. This is significantly different from the other cases in which the Department of Justice has rendered antitrust advice in that shortly prior to receiving the Commission's request for advice, the Department had commenced an anti-trust investigation of the Applicant's conduct. That investigation was concerned with basically the same antitrust allegations against the Company as those set forth in the decision of the U.S. Court of Appeals for the District of Columbia Circuit in City of Lafayette v. Securities & Exchange Commission, 454 F. 2d 941 (C.A.D.C., 1972). In essence a number of municipal systems in Louisiana have alleged that over a number of year and through a variety of methods Applicant, together with the other major privately owned utilities in Louisiana, attempted to frustrate the development of a power pool among the municipals, LEC, and Dow Chemical Co., a large industrial firm which owns and operates some generating capacity. The Department's investigation of these allegations was instituted by the issuance of civil investigative demands and is still continuing.[1] If these antitrust allegations should prove to be fully supported by the facts at the conclusion of the Department's investigation, it would be in order for the Department to seek relief against all of the participants in the alleged conspiracy.

In connection with our antitrust review in the instant proceeding, Applicant has now agreed to accept conditions to the issuance of its construction permit which would provide a good deal, but not all, of the relief which it might be appropriate to seek against each of the alleged coconspirators in such an antitrust enforcement proceeding. The conditions are calculated to provide immediately, and on reasonable terms, access to a number of the coordination arrangements which are most urgently needed by those who have complained about Applicant's previous conduct. The conditions to which Applicant consents, to be included in the license on the Waterford Unit, are set forth in numbered Paragraphs 1 to 9 of the attached letter of the Applicant.

Conclusion. It appears that if the commitments set forth in Paragraphs numbered 1 through 9 of the attached letter of Applicant were to be imposed as license conditions by the Commission, prompt relief against many of the alleged anticompetitive practices of the Applicant would be obtained. Accordingly, we recommend that these commitments by Applicant be imposed by the Commission as license conditions, as agreed by Applicant. If this were done, we do not think it would be necessary to hold an antitrust hearing on this application.

MR. THOMAS E. KAUPER,
Assistant Attorney General,
Antitrust Division,
U.S. Department of Justice,
Washington, D.C. 20530.

Re: Louisiana Power & Light Co., Waterford Steam Electric Generating Station, Unit 3, AEC Docket No. 50-382-A, Department of Justice File TEK:JJS:WEB 60-415-39.

AUGUST 18, 1972.

DEAR MR. KAUPER: In the course of the department's antitrust review of the above application, you have discussed with us certain of Louisiana Power & Light Co.'s policies and practices. Louisiana Power & Light Co. does not concede, and indeed denies, that these policies and practices have operated in an anticompetitive way and believe it has conducted its business in accord with applicable laws.

However, in order to provide formal assurances with respect to policies which will be followed by the company in its operation under an AEC license for the Waterford unit, and to induce the department to refrain from recommending a hearing on antitrust issues, the company makes the following commitments:

1. As used herein, "entity" means a public utility under Louisiana law; an REA cooperative; and a governmental (Federal, State or municipal) unit or agency having an electric generating or distribution system.

2. Upon request, company will sponsor the membership in utility planning organizations or power pools (other than the Middle

[1] Further details concerning the antitrust allegations and the prima facie evidence of violation contained in the still incomplete response to the civil investigative demands is contained in the affidavit of Wallace Brand attached to the memorandum of the United States Opposing Movant's Petition to Set Aside Civil Investigative Demand No. 1299. Gulf States Utilities v. Kauper, Civil Action No. 71-102 (M.D. La.).

South System pool) with which company is or may become affiliated of any entity in Louisiana, to the extent the latter is permitted by law to engage in such power pooling or planning activities and will take all available steps to facilitate membership therein for such entity.

3. Upon request, company will transmit unit power where it is a seller of such power in accordance with paragraphs No. 5 and 6 to the purchaser on terms that will provide for company's costs in connection therewith (including a reasonable return on the facilities used). If such terms are considered by purchaser to be unreasonable or discriminatory, then purchaser may envoke arbitration. In such event, the board of arbitrators shall consist of one arbitrator chosen by the purchaser, one by the company, and the third (who shall be chairman) chosen by the first two. All three arbitrators shall be experienced and knowledgeable in utility ratemaking, and the arbitration shall proceed in accordance with American Arbitration Association rules. The terms found by such board to represent company's costs (including a reasonable return), shall then be final and binding and not open to attack by either party in any forum.

Whenever the term of an agreement for the sale and transmission of unit power is for a period of 36 months or less, company's costs will be determined by computing its incremental cost, including actual cost of transmission load losses. Incremental cost means the company's full incremental cost, including, but not limited to, the cost of accelerating any investment in transmission where such investment is required by virtue of the transaction. Where such facility or portions thereof would serve no useful purpose following termination of the transaction, the incremental cost shall include the entire cost of such facility or such portions thereof. Where the transaction can be carried out with no change in company's planned transmission program, incremental cost will mean no facilities cost.

4. If requested to do so, the company will interconnect and share reserves on an equalized percentage reserve basis in accordance with the principles established in Gainesville v. Florida Power Corporation, 40 FPC 1227, 41 FPC 4 (1969), affirmed 402 U.S. 515 (1971), with any entity in Louisiana which engages in or proposes to engage in electric bulk power suppy on terms that will provide for the company's costs, under Gainesville principles, and allow the other participant(s) full access to the benefits of reserve sharing coordination. Such interconnection shall be at the voltage and capacity requested by such entity whenever it is economically feasible for the parties.

5. The company will purchase from (when needed) or sell (when available) "unit power" or "deficiency power" at delivery points on or adjacent to its transmission system to any entity engaging in or proposing to engage in the generation of electric power in bulk, at the cost (including a reasonable return) of new power supply, as distinguished from average system cost, when such transaction would serve to reduce the overall cost of new bulk power supply for itself and the other participant to the transaction.

The company will undertake programs of coordinated development even when the savings to the company are de minimis. "Cost" as involved in this determination is defined to include a reasonable return on the company's investment. For purposes of negotiating and filing rate schedules on any transactions covered by this paragraph No. 5, cost refers to cost of bulk power supply and not to the effect on company's revenues from sale of electric power at wholesale or retail by others: *Provided, however,* Company shall not be precluded from contending in any rate proceeding that costs may appropriately include such effect on company revenues.

6. In circumstances where coordinated development planning results in the sale by company to other entities of a portion of a single plant, or unit, company will, upon request, sell to any other entities who have participated in such planning either an appropriate undivided interest in the plant in fee or a portion of the plant capacity upon the basis of a rate that will recover to company the average fixed costs (including a reasonable return) of the plant; in either event, the entity receiving power will pay the associated energy and operating costs (including a reasonable return) incurred for the power it receives.

7. Based on sound engineering and economic principles and in accordance with contractual obligations not inconsistent with this paragraph No. 7, the company will supply a new delivery point, at company's distribution voltage or at the voltage from any available company transmission line, upon the request of any electric distribution system served by the company, whenever such system has a load center which requires a new delivery point: *Provided, however,* In all cases the provisions made for new delivery points must not impair the reliability of the company's transmission system. This would include, where arrangements are being made for higher voltage deliveries, transfer of existing subtransmission and related facilities on reasonable compensation, but nothing herein shall be interpreted to be a commitment to transfer such facilities; and would include rate adjustments, if appropriate, to take into account higher voltage deliveries.

8. Company will not, directly, or indirectly, enter into, adhere to, continue, maintain, renew, enforce, or claim, any rights under any contract, agreement, understanding, joint plan, or joint program, with other entities to limit, allocate, restrict, divide, or assign, or to impose or attempt to impose any limitations or restrictions respecting the markets or territories in which either the company or any other entity may hereafter sell or transmit electric bulk power supply.

9. It is recognized that the foregoing conditions are to be implemented in a manner consistent with the provisions of the Federal Power Act and all rates, charges or practices in connection therewith are to be subject to the approval of any regulatory agencies having jurisdiction over them.

The company would not object to inclusion of this letter in the AEC file on the application and is agreeable to having the commitment set forth above incorporated by the Atomic Energy Commission as conditions in the license for Waterford Steam Electric Generating Station, Unit 3, AEC Docket No. 50-382-A.

Very truly yours,

J. M. WYATT,
Senior Vice President.

[FR Doc.72-14801 Filed 8-30-72;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23003]

ALASKA AIRLINES, INC., V. INTERIOR AIRWAYS, INC.

Enforcement Proceeding; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 26, 1972, at 10 a.m., local time, in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Administrative Law Judge E. Robert Seaver.

Dated at Washington, D.C., August 28, 1972.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.72-14875 Filed 8-30-72;8:51 am]

[Docket No. 21474]

PREMIUM RATES FOR LIVE ANIMALS AND BIRDS

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on October 18, 1972, at 10 a.m., local time, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., August 25, 1972.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.72-14876 Filed 8-30-72;8:56 am]

[Dockets Nos. 23333, 23486; Order 72-8-114]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Currency Agreement; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of August 1972. Agreement CAB 2324, R-1 and R-2.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffice Conferences of the International Air Transport Association (IATA), and adopted at a special meeting which convened in Montreux, July 27, 1972. The agreement has been assigned the above-designated CAB agreement number.

The agreement stems from action by the United Kingdom Government on June 23, 1972, which had the effect of freeing the pound from its fixed parity with the U.S. dollar, and it reflects adjustments necessary to avoid losses in revenues in terms of dollars and other currencies still trading at fixed parities for sales of international air transportation. In general, fares and rates for transportation sold in United Kingdom/Ireland would be increased by 4 percent. Fares and rates specified in terms of dollars will remain unchanged.

The Board will approve the subject agreement because without such an adjustment, the carriers would be forced to absorb losses in the range encompassed by the de facto devaluation, i.e.,

by about 6 percent of expected revenues in the sterling area. The proposed 4-percent increases, which fall short of the full extent of the currency adjustment, do not appear, on the face of the agreement, to be unreasonable or likely to place the carriers in an excess earnings position, taking into account the revenue forecasts of the U.S.-flag carriers considered when present agreements were approved.[1]

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the following resolutions, incorporated in the agreement as indicated, to be adverse to the public interest or in violation of the Act:

CAB agreement 23234	IATA No.	Title	Application
R-1	021u	Increase in Fares from United Kingdom/Ireland to all areas.	2, 1/2.
R-2	021v	Increase in Rates from United Kingdom/Ireland to all areas.	2, 1/2, 2/3, 1/2/3.

Accordingly, *It is ordered*, That:

Agreement CAB 23234, R-1 and R-2, be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-14878 Filed 8-30-72;8:56 am]

[Docket No. 24639; Order 72-8-117]

TRANS WORLD AIRLINES, INC., AND EASTERN AIR LINES, INC.

Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of August 1972.

Trans World Airlines, Inc. (TWA), and Eastern Air Lines, Inc. (Eastern), have filed a joint application for approval of a reciprocal seasonal-lease agreement pursuant to sections 408 and 412 of the Federal Aviation Act of 1958, as amended (the Act). The agreement provides for the lease of one Lockheed-1011 aircraft by TWA to Eastern for the period November 1972 to May 1973 and for the lease by Eastern to TWA of one L-1011 from May 1973 to October 1973. Two L-1011 aircraft will be leased by the carriers for similar periods in 1973-74. The basic rental for each aircraft is $9,000 per day with additional increments due for each flight and engine hour, all on a reciprocal basis. The agreement may be terminated by either party on or after November 13, 1973, by notice given to the other party on or before June 13, 1973. The agreement may also be terminated for other reasons including default and insufficient insurance coverage.

[1] Orders 72-3-104 and 72-3-105, March 30, 1972.

The applicants state that the transaction is subject to prior Board approval since it involves the lease by an air carrier of a substantial part of the properties of another air carrier within the meaning of section 408(a)(2) of the Act.[1] However, it is their view that approval can be granted without a hearing since the transactions meet the statutory requirements of the third proviso of section 408(b). Thus, the applicants allege that the reciprocal leases do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. The applicants submit that the lease agreement is in the public interest because it will enhance the ability of both TWA and Eastern to meet their respective service obligations on a more economical basis than would otherwise be possible. Thus, the leased aircraft will be available during the peak season of each carrier which can improve utilization and economy of operation and this, the carriers believe, is clearly in the public interest particularly where high-cost aircraft such as these are involved. The application notes that the Board has approved a previous agreement between Eastern and TWA involving Boeing-747 aircraft and that the circumstances which dictated approval of that arrangement are clearly applicable to the instant agreement.[2]

No comments relative to the application or requests for a hearing have been received.

Upon consideration of the foregoing, the Board concludes that the reciprocal seasonal lease of the L-1011 aircraft between TWA and Eastern involves a substantial part of the properties of the respective air carriers within the meaning of section 408 and therefore is subject to that section. The Board has tentatively concluded that the transactions between TWA and Eastern described herein do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing. The Board previously concluded, in the case of the B-747 lease arrangement between TWA and Eastern, that such an arrangement could result in substantial savings to each party through improved utilization of their aircraft and also enable them to better meet peak seasonal demands. There is no apparent reason to reach a different conclusion with respect to the instant agreement.

The Board therefore tentatively has decided to approve the reciprocal seasonal leasing of L-1011 aircraft by TWA and Eastern without a hearing pursuant to the third proviso of section 408(b) of the Act. Pursuant to the applicants' request the Board tentatively does not find that the agreement setting forth the terms of the lease is adverse to the public interest or in violation of the Act.

In accordance with the Act, this order, constituting notice of the Board's tentative findings, will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to file comments or request a hearing on the Board's tentative decision.

Accordingly, it is ordered, That:

1. Interested persons are hereby afforded a period of 10 days from the date hereof within which to file comments or request a hearing with respect to the Board's proposed action; [3] and

2. The Attorney General of the United States be furnished a copy of this order within 1 day of publication.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-14877 Filed 8-30-72;8:56 am]

[1] Part 299 of the Board's Economic Regulations exempts air carriers from the provisions of sections 408(a)(2) and 408(a)(3) of the Federal Aviation Act in respect to purchases or leases of aircraft where, among other limitations, the aggregate market value of the subject aircraft is no more than $30 million. Since a single L-1011 aircraft has a market value considerably in excess of $15 million—the Eastern-TWA agreement values each aircraft to be leased at about $18 million—that exemption does not apply to the lease agreement here at issue.

[2] Orders E-26849 and E-26920, May 29, and June 14, 1968. Docket No. 19833.

[3] Comments so filed will conform to the Board's rules of practice, 14 CFR 302.

FEDERAL DEPOSIT INSURANCE CORPORATION

LEGAL FEES AND OTHER EXPENSES INCIDENT TO APPLICATIONS FOR INSURANCE AND CONSENT TO ESTABLISH BRANCHES

Statement of Policy

In passing upon applications for deposit insurance and for consent to establish branches, the Board of Directors of the Federal Deposit Insurance Corporation is required by law to consider among other things the "general character of (the applicant's) management." Since prudent management will not commit either a bank in the process of organization or an existing bank seeking a new branch to excessive expenses, the payment of unreasonable or excessive fees incident to such applications has long been considered by the Corporation to reflect adversely upon the management of the applicant bank, irrespective of whether the payments have been ratified or otherwise approved by formal action of the bank's incorporators or stockholders.

With respect to legal fees, applicants should be aware that the preparation, filing, and processing, of applications for Federal deposit insurance or for consent to establish branches ordinarily do not require significant amounts of a lawyer's time. However, hearing procedures in connection with State applications may necessitate numerous hours of legal service. In addition, organizers of a proposed new bank often desire frequent advice on matters of law from experienced counsel. Since bank counsel do not usually segregate for billing purposes the work done in connection with FDIC applications from that done in connection with State applications, the Corporation has been required to examine the total fees for both purposes in attempting to assess the reasonableness of such expenses and their relationship to applicant's management.

Applicants should be further aware that in the most recent 3-year period, during which 654 applications for Federal deposit insurance were filed with the Corporation, the median legal fee for handling State chartering and FDIC insurance applications was less than $2,500 and that a legal fee of $5,000 or less was charged in over 70 percent of all such applications. In a recent survey involving 404 branch applications, 90 percent showed nonexistent or nominal legal fees (some of the legal work in connection therewith may have been performed under customary retainer arrangements or by in-house counsel).

Based on this recent experience, the Board of Directors has determined that the Corporation will not normally question aggregate legal fees of $5,000 or less incident to applications by proposed new banks for State charters and for Federal deposit insurance, or aggregate legal fees of $500 or less incident to branch applications. Fees in excess of these amounts should be thoroughly documented by supportive material such as itemized timesheets showing the time actually expended by counsel on such applications, the hourly rate charged, and the specific circumstances, including unusual complexities, the necessity for agency or court appearances and the like, which necessitated the time expended.

Applicants are also advised that a recent FDIC survey of organization expenses showed that in over 70 percent of all cases, new banks expended a total of $20,000 or less for all organization and preopening expenses, including legal fees, economic studies, preopening salaries, travel, rent, advertising, and supplies. In almost two-thirds of the cases, there was no charge for economic or feasibility studies and where there was, this cost was $5,000 or less in 80 percent of the cases.

Taking the above factors into consideration, applicants are advised that legal fees or charges for other organization or branch application expenses which are unreasonable as to amount and unsupportable in terms of the services required or rendered may result in the denial of applications acted on by the Corporation.

Expenses for legal or other services rendered by board members or major shareholders will receive special scrutiny in this regard for any evidence of self-dealing to the detriment of the bank and its other shareholders.

In no case will an FDIC application be approved where the payment of a fee is contingent upon any act or forebearance by the Corporation. Such contingent arrangements, while permissible in some States in adversary civil litigation, are totally inappropriate in matters relating to Federal deposit insurance or FDIC branch applications.

This statement of policy is provided with all application forms for Federal deposit insurance or for the consent of the Corporation to establish branches and will be sent to each organizer and director of a proposed new bank by the appropriate FDIC Regional Director.

By order of the Board of Directors, August 25, 1972.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[FR Doc.72-14859 Filed 8-30-72;8:56 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (72-14)]

NASA LIFE SCIENCES COMMITTEE

Notice of Date and Place of Meeting

The NASA Life Sciences Committee will meet on September 8, 1972, at the Headquarters of the National Aeronautics and Space Administration, Washington, D.C. 20546. The meeting will be held in Room 625 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., on the agenda below on a first-come first-served basis up to the seating capacity of the room, which is about 40 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. There are 17 members.

The following list sets forth the approved agenda and schedule for the September 8, 1972, meeting of the Life Sciences Committee. For further information, please contact Dr. Stanley White: area code 202—755-2350.

Time	*Topic*
9. a.m.	Executive session. (Purpose: To exchange views on internal management and budgetary affairs for Life Sciences for fiscal year 1973.)
10:30 a.m.	Review of Life Sciences activities on: a. "Skylab"—Medical and biosciences experiments and Skylab Medical Experiments Altitude Test (SMEAT). b. "Apollo"—Results of Apollo 16, changes in medical and operations plans for Apollo 17. (Purpose: To update committee on results and plans for flight programs with objective of obtaining committee recommendation.)
11:30 a.m.	Urine volume measurements techniques. (Purpose: To obtain evaluation by Life Sciences Committee of candidate methods and recommendation on course of future research, development, and flight testing.)
1:30 p.m.	Integrated Medical and Behavior Laboratory and Monitoring System (IMB LMS). (Purpose: To familiarize Life Sciences Committee on IMBLMS concept, development, status, and plan for joint NASA/HEW ground test of concept.)
2:15 p.m.	NASA Life Scientist program for fiscal year 1973. (Purpose: To obtain recommendations for changes in current plan.)
2:30 p.m.	International Exchange of Life Sciences data. (Purpose: To familiarize Life Sciences Committee with progress in this venture resulting from May exchange in space biology and medicine.)
3 p.m.	Report of Life Sciences Committee Viking Biology Experiment Subcommittee. (Purpose: To present findings and obtain recommendations from Life Sciences Committee.)
3:15 p.m.	Summary Overview of NASA Life Sciences program. (Purpose: To familiarize Committee on scope of Life Sciences program for fiscal year 1973.)
4:45 p.m.	Overview of Earth Ecology program. (Purpose: Introductory briefing on topic for Life Sciences Committee as preparation for later more detailed review.)

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.72-14858 Filed 8-30-72;8:50 am]

FEDERAL POWER COMMISSION

[Dockets Nos. RI73-30, etc.]

ATLANTIC RICHFIELD CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

AUGUST 24, 1972.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI73-30	Atlantic Richfield Co.	[1] 334	[8] 9	El Paso Natural Gas Co. (San Juan Basin Area, New Mexico and Colorado).	$503	7-25-72		1-25-73	21.33	[8] [4] 22.0	RI72-203.
	do	[1] 335	[8] 9	do	141	7-25-72		1-25-73	21.33	[8] [4] 22.0	RI72-203.
	do	[1] 498	[8] 18	do	11,015	7-25-72		1-25-73	21.33	[8] [4] 22.0	RI72-203.
	do	[2] 499	[8] 5	do	(6)	7-25-72		1-25-73	20.075	[8] [4] 22.0	RI72-205.
	do	[1] 502	[8] 8	do	3	7-25-72		1-25-73	21.33	[8] [4] 22.0	RI72-203.
	do	[1] 512	[8] 6	do	4	7-25-72		1-25-73	21.33	[8] [4] 22.0	RI72-203.
	do	[1] 513	[8] 7	do	1,360	7-25-72		1-25-73	21.33	[8] [4] 22.0	RI72-203.
	do	[1] 552	[8] 11	do	11,069	7-25-72		1-25-73	21.33	[8] [4] 22.0	RI72-203.
	do	[1] 580	[8] 4	do	58	7-25-72		1-25-73	21.33	[8] [4] 22.0	RI72-203.
RI73-31	Hondo Oil & Gas Co.	[2] 2	[8] 4	do	(6)	7-25-72		1-25-73	20.075	[8] [4] 22.0	RI72-204.
	do	[1] 4	[8] 4	do	134	7-25-72		1-25-73	21.33	[8] [4] 22.0	RI72-204.
RI73-32	Belco Petroleum Corp.	12	[8] 5	El Paso Natural Gas Co. (San Juan Basin Area, New Mexico).	4,020	7-27-72		1-27-73	21.33	[8] [4] 22.0	RI72-220.
RI73-33	Atlantic Richfield Co.	178	[8] 10	do	387	7-25-72		1-25-73	[8] 21.33	[8] [9] 22.0	RI72-203.
	do	179	[8] 10	do	1,563	7-25-72		1-25-73	[8] 21.33	[8] [9] 22.0	RI72-203.
	do	[7] 180	[8] 16	do	15,872	7-25-72		1-25-73	[8] 20.075	[8] [9] 22.0	RI72-203.
	do	249	[8] 9	do	36	7-25-72		1-25-73	[8] 21.33	[8] [9] 22.0	RI72-203.
	do	251	[8] 11	do	(6)	7-25-72		1-25-73	[8] 21.33	[8] [9] 22.0	RI72-203.
	do	281	[8] 10	do	9,596	7-25-72		1-25-73	[8] 21.33	[8] [9] 22.0	RI72-203.
	do	293	[8] 5	do	429	7-25-72		1-25-73	[8] 21.33	[8] [9] 22.0	RI72-203.
	do	301	[8] 6	do	12,924	7-25-72		1-25-73	[8] 21.33	[8] [9] 22.0	RI72-203.
	do	306	[8] 5	do	537	7-25-72		1-25-73	[8] 21.33	[8] [9] 22.0	RI72-203.
	do	333	[8] 10	do	5,475	7-25-72		1-25-73	[8] 21.33	[8] [9] 22.0	RI72-203.
	do	484	1	El Paso Natural Gas Co. (Papoose Canyon Field, Dolores County, Colo., San Juan Basin).	10,267	7-28-72		9-28-72	24.0	[8] 25.0	
RI73-34	Mobil Oil Corp.	4	[10] 6	Mountain Fuel Supply Co. (Big Piney Field, Sublette and Lincoln Counties, Wyo.).		7-25-72	8-25-72	[12] Accepted			
	do	4	[11] 7	do	22,849	7-25-72		9-25-72	17.17	20.3	R170-767.

*Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] New Mexico production.
[2] Colorado production.
[3] Increase from fractured renegotiated rate to total renegotiated rate.
[4] Subject to B.t.u. adjustment.
[5] Applicable to gas from wells completed prior to June 1, 1970.
[6] No production at present time.
[7] La Plata County, Colo., San Juan Basin Area.
[8] No sales at present.
[9] Subject to B.t.u. adjustment.
[10] Amendatory agreement providing for a rate of 23.75 cents per Mcf and 1 cent yearly escalations for wells completed after June 7, 1972.
[11] For wells completed after June 7, 1972 only.
[12] Accepted to be effective on the date shown in the "Effective Date" column.

The 22.0 cent proposed increased rates of Atlantic Richfield Co., Hondo Oil & Gas Co., and Belco Petroleum Corp. are a result of El Paso's current renegotiation program in the San Juan Basin Area. Since the proposed rates exceed the rate limit for a 1-day suspension period, they are suspended for 5 months.

The other proposed rates involved here do not exceed the corresponding rate filing limitation imposed in southern Louisiana and therefore are suspended for 1 day from the expiration of 60 days notice or from the proposed effective date, whichever is later.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, 2.56).

CERTIFICATION OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(i)(3) of the Price Commission rules and regulations, 6 CFR 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in this order as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by *Area Rate Proceeding, Dockets Nos. AR61-1, et al.*, Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in *Permian Basin Area Rate Case*, 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling.

(2) In the instant case, the requested increases do not exceed the ceiling rate for a 1-day suspension.

(3) By Order No. 423 (36 F.R. 3464) issued February 18, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under section 4(d) of the Natural Gas Act (15 U.S.C. 717c(d)) in a situation where the proposed rate exceeds the increased rate ceiling, but

does not exceed the ceiling for a 1-day suspension.

(4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage. (See Opinions Nos. 595, 598, and 607, and Order No. 435). In these circumstances and for the reasons set forth in Order No. 423 the Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR Part 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued, adequate and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

[FR Doc.72-14716 Filed 8-30-72;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN NATIONAL CORP.

Formation of One-Bank Holding Company

American National Corp., Chattanooga, Tenn., 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 American National Bank & Trust Co. of Chattanooga, Tenn. 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 Reserve Bank to be received not later than September 22, 1972.

Board of Governors of the Federal Reserve System, August 25, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-14803 Filed 8-30-72;8:49 am]

FIRST CITY BANCORP. OF TEXAS, INC.

Acquisition of Banks; Correction

In the notice published in the FEDERAL REGISTER of August 17, 1972 (37 F.R. 16634), regarding the application of First City Bancorp. of Texas, Inc., Houston, Tex., to acquire 100 percent of the voting shares (less directors' qualifying shares) of First National Bank in Orange, Orange should be shown as located in Texas rather than in Florida. The time for submitting comments on the application is hereby extended to September 15, 1972.

Board of Governors of the Federal Reserve System, August 23, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-14804 Filed 8-30-72;8:49 am]

POPLAR INSURANCE AGENCY, INC.

Formation of Bank Holding Company and Continuation of Insurance Agency Activities

Poplar Insurance Agency, Inc., Poplar, Mont., 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 93.34 percent of the voting shares of Traders State Bank of Poplar, Montana, Poplar, Mont. 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)).

Poplar Insurance Agency, Inc., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y, for permission to continue to engage in insurance agency activities. Notice of the application was published on August 4, 1972, in The Poplar Standard, a newspaper circulated in Poplar, Mont.

Applicant states that it engages in the activities of a general insurance agency in a community of less than 5,000 persons. Such activities have been specified by the Board in section 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 section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal filed pursuant to section 4(c)(8) 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 applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views on these applications 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 September 25, 1972.

Board of Governors of the Federal Reserve System, August 24, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-14805 Filed 8-30-72;8:49 am]

RIBANCO, INC.

Formation of Bank Holding Company

Ribanco, Inc., Lincoln, Nebr., 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 of Farmers State Bank, Rising City, Nebr. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 22, 1972.

Board of Governors of the Federal Reserve System, August 25, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-14806 Filed 8-30-72;8:49 am]

SOUTHEAST BANKING CORP.

Acquisition of Bank

Southeast Banking Corp., Miami, Fla., 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 the Bank of Orange Park, Orange Park, Fla. 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 September 22, 1972.

Board of Governors of the Federal Reserve System, August 25, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-14807 Filed 8-30-72;8:49 am]

UNITED JERSEY BANKS

Order Approving Acquisition of Bank

United Jersey Banks, Hackensack, N.J., 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 Second National Bank of Orange, Orange, N.J. (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 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 has 12 subsidiary banks with total deposits of approximately $1.1 billion and ranks as the second largest multi-bank holding company in New Jersey with 6.3 percent of total deposits in commercial banks in the State.[1] (All banking data are as of December 31, 1971, unless otherwise shown.) As a result of consummation of the proposal herein, Applicant's rank, in relation to the State's other bank holding companies, would remain unchanged.

Bank ($38 million in deposits), with three offices in the city of Orange (in Essex County) operates in the Greater Newark banking market. Of the 45 banking organizations operating in that market, Bank ranks 19th, based on total market deposits. Two of Applicant's subsidiary banks, Peoples Trust of New Jersey (Peoples), Applicant's lead bank, and Central Home Trust Company of Elizabeth, N.J. (Central), operate in the market. Together they hold less than 1.3 percent of total market deposits and Applicant ranks as the 15th largest banking organization in the market based on market deposits. After consummation of the proposed acquisition, Applicant would rank 10th, holding approximately 2.2 percent of market deposits. Bank derives 2.7 percent of its loans, 1.3 percent of its demand deposits, and 0.5 percent of its time and savings deposits from areas served by Peoples and Central. Conversely, Peoples and Central derive an insignificant portion of their loan and deposit business from Bank's service area. Consummation of the proposed transaction would, therefore, eliminate no significant existing competition. Due to Bank's conservative operation, its limited branching opportunities, and the distances separating its branches from those of Applicant's subsidiary banks, it is unlikely that consummation of the proposal would foreclose significant potential competition between Bank and any of Applicant's present subsidiary banks.

Taking into account Applicant's commitment to add $15 million to the equity capital accounts of Peoples discussed in the Board's order of this date with respect to The Dover Trust Co., considerations relating to the financial and managerial resources and prospects of Bank and Applicant and its subsidiaries are considered satisfactory and consistent with approval of the application. Although the proposed new services that Applicant intends to make available through Bank are generally available from other banks in the communities to be served, consummation of Applicant's proposal would create an alternative source of such services as expanded installment, commercial, and mortgage lending, international banking, data processing, and accounting. The provision of an additional source of these services should better enable Bank to compete in a market in which more than 53 percent of total deposits are held by the three largest banking organizations. Considerations bearing on the convenience and needs of the communities to be served are consistent with approval of the application. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

On the basis of the record, including the Board's understanding that Applicant will add $15 million to the equity capital accounts of Peoples, and for the reasons summarized above, the application is approved. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this Order or (b) later than 3 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 New York pursuant to delegated authority.

By order of the Board of Governors,[3] effective August 22, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-14808 Filed 8-30-72;8:49 am]

[1] This does not include The Dover Trust Co., Dover, N.J. By order of this date, the Board has approved Applicant's acquisition of 100 percent of the voting shares of that bank.

UNITED JERSEY BANKS

Order Approving Acquisition of Bank

United Jersey Banks, Hackensack, N.J., 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 of The Dover Trust Co., Dover, N.J. (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 Act. The time for filing comments and views has expired, and none have been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 12 banks[1] holding deposits of $1.1 billion, representing 6.3 percent of total deposits in commercial banks in New Jersey.[2] Acquisition of Bank would not significantly increase applicant's control of commercial bank deposits in the State.

Bank, with deposits of $41.3 million, as of June 30, 1970, controlled approximately 19.4 percent of deposits in the Dover-Roxbury banking market, held by commercial banks. Based on share of deposits in the market, Bank ranks second among the 10 banking organizations in that market, although Bank ranks seventh among the banking organizations operating in the market, based on total deposits held. Bank also operates a branch office in the Hackettstown banking market.

It appears that consummation of the proposed transaction will not adversely affect existing competition in the Dover-Roxbury market, as applicant does not serve that market. Consummation may eliminate some competition in the Hackettstown market, since applicant's lead bank, Peoples Trust of New Jersey (Peoples), operates branch offices in that market and held 19.5 percent of total market deposits. The six offices of Peoples in that market are all within 15 miles of Dover. Bank's branch in the market is approximately 10.3 miles east of the nearest office of Peoples. As of December 31, 1971, Bank derived 1.1 percent of its deposits and 1.7 percent of its loans from the service area of Peoples. Conversely, Peoples derived less than 0.1 percent of its deposits from Bank's service area. Consummation of the proposal would eliminate no significant existing competition in the Hackettstown market.

Consummation of the proposal would have only slightly adverse effects on potential competition in both the Dover-Roxbury and Hackettstown markets. Applicant's four subsidiary banks located in the First Banking District are permitted to branch into the Dover-Roxbury market. However, nine of the 13 communities comprising that market are afforded home office or branch office protection and two others lack sufficient population to support additional banking offices. Applicant could enter the Dover-Roxbury market by the establishment of a de novo bank or by acquisition of one of the three smaller independent banks in that market. However, its acquisition of Bank should be a procompetitive factor in that Bank, which has been rather conservatively managed in the past, should, under applicant's guidance, become a stronger competitive force vis a vis the six larger banks (four of which are subsidiaries of multibank holding companies) with which it competes in the Dover-Roxbury market. Bank's branch in the Hackettstown market controls deposits of less than $1 million. Due to Bank's size and conservative management and the presence of five of the State's multibank holding companies in the market it is unlikely that, absent this proposal, Bank would become a significant competitive force in the market. Consummation of the proposal therefore would not eliminate a significant possibility of the development of substantial

[3] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Bucher.

[1] This does not include The Second National Bank of Orange, Orange, N.J. By order of this date, the Board has approved applicant's acquisition of 100 percent of the voting shares (less directors' qualifying shares) of that bank.

[2] All banking data are as of December 31, 1971, unless otherwise indicated, and include formations and acquisitions through June 30, 1972.

competition between Bank and applicant.

Applicant has indicated its willingness to increase the equity capital of Bank by $1 million and the equity capital of Peoples by $15 million should the Board deem it necessary. The Board has concluded that both Bank and Peoples are in need of such amounts of equity capital. Based on the Board's understanding that applicant will make such infusions of equity capital, considerations relating to the financial resources and future prospects of applicant, its subsidiaries, and Bank lend weight toward approval. Trust, data processing, and expanded loan services applicant proposes to provide through Bank are generally available in the communities to be served. However, consummation of the proposed transaction would create another alternative source of such services. Thus, considerations relating to the convenience and needs of those communities are consistent with approval of the application. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

On the basis of the record, including the Board's understanding that applicant will make infusions of equity capital as referred to above, and for the reasons summarized above,[3] the application is approved. The transaction shall not be consummated: (a) Before the 30th calendar day following the effective date of this Order, or (b) later than 3 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 New York pursuant to delegated authority.

By order of the Board of Governors,[4] effective August 22, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-14809 Filed 8-30-72;8:49 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs., Temporary Reg. D-35]

SECRETARY OF THE INTERIOR

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of the Interior to perform all functions in connection with the leasing of space at Anadarko, Okla., for use by the Bureau of Indian Affairs as an area office.

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, authority is hereby delegated to the Secretary of the Interior to perform all functions in connection with leasing approximately 25,300 square feet of space at Anadarko, Okla., for a term of 20 years, for use by the Bureau of Indian Affairs as an area office.

b. The Secretary of the Interior may redelegate this authority to any officer, official, or employee of the Department of the Interior.

c. This authority shall be exercised in accordance with the limitations and requirements of the Act, and the policies, procedures, and controls prescribed by the General Services Administration.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

AUGUST 22, 1972.

[FR Doc.72-14813 Filed 8-30-72;8:48 am]

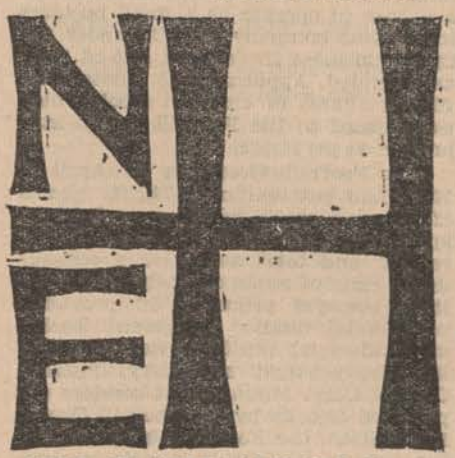
NATIONAL ENDOWMENT FOR THE HUMANITIES

OFFICIAL IDENTIFICATION DEVICE

Notice of Establishment

The following device is hereby established as the official identifying device of the National Endowment for the Humanities, effective July 1, 1972. This device will generally be used on stationery, program announcements, brochures, and other publications of the National Endowment for the Humanities.

RONALD S. BERMAN,
Chairman, National Endowment for the Humanities.



[FR Doc.72-14767 Filed 8-30-72; 8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

MARYLAND

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Maryland, dated June 24, 1972, and published June 28, 1972 (37 F.R. 12756); amended June 27, 1972, and published July 1, 1972 (37 F.R. 13135); amended July 5, 1972, and published July 11, 1972 (37 F.R. 13586); and amended July 26, 1972, and published August 4, 1972 (37 F.R. 15764), is hereby further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 23, 1972:

The county of:
Allegany.

Dated: August 25, 1972.

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

[FR Doc.72-14845 Filed 8-30-72;8:46 am]

WEST VIRGINIA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on August 23, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of West Virginia from heavy rains and flooding, beginning about August 18, 1972, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of West Virginia. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606), I hereby appoint Mr. Richard E. Sanderson, Regional Representative, OEP Region 3, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of West Virginia to

[3] Dissenting statement of Governor Robertson filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

[4] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, and Sheehan. Voting against this action: Governor Robertson. Absent and not voting: Governor Bucher.

have been adversely affected by this declared major disaster:

The counties of:

Logan.	Mingo.
McDowell.	Wyoming.

Dated: August 25, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-14846 Filed 8-30-72;8:46 am]

OVERSEAS PRIVATE INVESTMENT CORPORATION

ADVISORY COUNCIL

Notice of Meeting

The Advisory Council of the Overseas Private Investment Corporation will meet at 2 p.m., October 31, in conference room B of the Department of State. The Council will consider working group views on administration of investment insurance and finance programs responsive to section 240A(b) of the Foreign Assistance Act. Because of limited space in the conference room, persons who desire to observe the discussion will be admitted in the order of the receipt of written application to OPIC, Washington, D.C. 20527.

Dated: August 14, 1972.

BRADFORD MILLS,
President, Overseas
Private Investment Corporation.

[FR Doc.72-14117 Filed 8-30-72;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

DUESENBERG CORP.

Order Suspending Trading

AUGUST 24, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Duesenberg Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 25, 1972, through September 3, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-14838 Filed 8-30-72;8:47 am]

[File No. 500-1]

FIBROTHANE INDUSTRIES CORP.

Order Suspending Trading

AUGUST 24, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Fibrothane Industries Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 27, 1972, through September 5, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-14839 Filed 8-30-72;8:47 am]

[812-3221]

FOOTHILL VENTURE CORP.

Notice of Filing of Application

AUGUST 24, 1972.

Notice is hereby given that Foothill Venture Corp. (Applicant), a California corporation, 8383 Wilshire Boulevard, Beverly Hills, CA 90211, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting it from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant, all the capital stock of which is owned by The Foothill Group, Inc. (Foothill Group), was incorporated on June 12, 1972, and has applied to the U.S. Small Business Administration (SBA) for a license to operate as a small business investment company (SBIC) under the Small Business Investment Act of 1958, as amended. Applicant has outstanding 100,000 shares of common stock which were issued to the Foothill Group at a price of $5 per share.

The Foothill Group as of April 7, 1972, had outstanding 2,748,382 shares of common stock, which were held by approximately 1,200 shareholders of record; and total assets on a consolidated basis of approximately $2,758,719. It is engaged primarily in providing commercial finance equipment leasing and industrial credit services through its wholly-owned subsidiary, Foothill Capital Corp. Management services are provided directly by the Foothill Group. In addition, the Foothill Group acts as the general partner in certain venture capital limited partnerships and as a result of a merger on April 12, 1972, with Rolamite, Inc., now provides technical consulting and assists in product development.

The Foothill Group has considered diversification into the SBIC field as an adjunct to its present operation, which would allow it to use certain of its existing management and technical resources to assist in the infusion of venture capital into new industries.

Applicant will, upon the granting of the license by the SBA, become an "investment company" as defined in section 3(a) of the Act. Section 3(b)(3) of the Act excepts from the definition of investment company any issuer all of the outstanding securities of which (other than short-term paper and directors' qualifying shares) are owned by a company primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities.

Applicant represents that the Foothill Group is primarily engaged and intends to engage in a business other than that of investing, reinvesting, owning, holding, or trading in securities, and that Applicant would be exempt but for the fact that it proposes to issue debt securities, in the form of subordinated notes and debentures, to the SBA. Applicant asserts that there is no public interest in regulating Applicant under the Act solely on the basis of such debt not held by the Foothill Group, since the SBA is in a position to protect itself with respect to such debt securities.

It is proposed that, if the requested exemption is granted, such exemption may be made subject to conditions providing that no person other than the Foothill Group or the SBA shall at any time own any security of Applicant (other than short-term paper) and providing for the periodic filing with the Commission of certain financial and other information concerning Applicant and the Foothill Group.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 19, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall 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) upon Applicant at the address stated above. Proof

of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon the application shall be issued 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 Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72–14840 Filed 8–30–72;8:47 am]

[File No. 500–1]

LEISURE CONCEPTS, INC.

Order Suspending Trading

AUGUST 24, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Leisure Concepts, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 25, 1972, through September 3, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72–14841 Filed 8–30–72;8:47 am]

[File No. 500–1]

RESEARCH GAMES, INC.

Order Suspending Trading

AUGUST 24, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Research Games, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 27, 1972, through September 5, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72–14842 Filed 8–30–72;8:47 am]

[File No. 500–1]

SCIENTIFIC RESOURCES CORP.

Order Suspending Trading

AUGUST 24, 1972.

The common stock, $0.10 par value, and the preferred stock, $0.10 par value, of Scientific Resources Corp. being traded on the Philadelphia-Baltimore-Washington Stock Exchange and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of scientific Resources Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such changes and otherwise than on a national securities on the above-mentioned exsecurities exchange be summarily suspended, this order to be effective for the period from 1:35 p.m., e.d.t., August 24, 1972, through September 2, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72–14843 Filed 8–30–72;8:47 am]

TARIFF COMMISSION

[337–L–53]

CERTAIN DISPOSABLE CATHETERS

Extension of Time; Amendment in Scope of Preliminary Inquiry

On July 13, 1972, the U.S. Tariff Commission published notice of the receipt of a complaint under section 337 of the Tariff Act of 1930, filed by Multi-Med Industries, Inc., of Southfield, Mich., alleging unfair methods of competition and unfair acts in the importation and sale of certain disposable catheters and cuffs therefor (37 F.R. 13733). Interested parties were given until August 24, 1972, to file written views pertinent to the subject matter of a preliminary inquiry into the allegations of the complaint. The Commission has extended the time for filing written views until the close of business September 25, 1972.

Further, the Commission has amended the scope of the Preliminary Inquiry to include disposable catheters made in accordance with the claims of U.S. Patent No. 3417753 and inflatable balloon cuffs therefor.

Issued: August 28, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72–14847 Filed 8–30–72;8:50 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 621 (36 F.R. 12819) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Aalfs Manufacturing Co., Sioux City, Iowa; 7–12–72 to 7–11–73. (ladies', men's and boys' jeans).

Ainsbrooke/Flagg, Olney, Ill.; 6–29–72 to 6–28–73 (men's shorts and pajamas).

Amco Industries, Anderson, S.C.; 6–23–72 to 6–22–73; 10 learners (ladies' blouses and dresses, men's shirts, and children's sportswear).

The Arrow Co., Gilbert, Minn.; 6–24–72 to 6–23–73 (men's shirt collars and cuffs).

The Arrow Co., Virginia, Minn.; 6–24–72 to 6–23–73 (men's dress shirts).

Barbizon of Utah, Inc., Provo, Utah; 7–11–72 to 7–10–73 (women's lingerie).

Baumel Dress Corp., Olyphant, Pa.; 7–26–72 to 7–25–73 (ladies' dresses).

Bishop Co., Weissport, Pa.; 6–29–72 to 6–28–73 (ladies' blouses and shifts).

Caraway Apparel Co., Inc., Caraway, Ark.; 7–11–72 to 7–10–73; 8 learners (ladies' dresses).

Central Apparel Corp., Danville, Va.; 7–14–72 to 7–13–73 (children's pants).

Chatham Knitting Mills, Inc., Chatham, Va.; 7–22–72 to 7–21–73; 8 learners (men's jackets).

East Waterford Textiles, East Waterford, Pa.; 7–14–72 to 7–13–73; 10 learners (women's dresses).

The Fordyce Apparel Co., Fordyce, Ark.; 7-10-72 to 7-9-73 (men's and boys' pants).

Giles Manufacturing Corp., Narrows, Va.; 7-13-72 to 7-12-73 (children's shirts, creepers, and slacks).

Guin Garment Corp., Guin, Ala.; 7-20-72 to 7-19-73 (children's shirts, overalls, jumpers, pants, and infants' crawlers).

Hansley Industries, Inc., Hattiesburg, Mo.; 6-23-72 to 6-22-73 (men's pajamas).

Hartsville Garment Corp., Hartsville, Tenn.; 7-26-72 to 7-25-73 (men's sport shirts).

The Hercules Trouser Co., Wellston, Ohio; 7-30-72 to 7-29-73 (men's and boys' pants).

Imperial Reading Corp., Layfayette, Tenn.; 6-26-72 to 6-25-73 (men's shirts).

Jo-Jac Shirt Co., Inc., Pulaski, Tenn.; 7-3-72 to 7-2-73; 10 learners (boys' sport shirts).

LaCrosse Sportswear Corp., LaCrosse, Va.; 7-5-72 to 7-4-73 (men's and boys' knitted sport shirts).

Lee-Mar Shirt Co., Pulaski, Tenn.; 7-15-72 to 7-14-73 (boys' shirts).

Manchester Pants Co., Manchester, Md.; 6-30-72 to 6-29-73 (men's pants).

Marietta Sportswear Manufacturing Co., Inc., Marietta, Okla.; 7-7-72 to 7-6-73 (men's pants).

Martin Manufacturing Co., Inc., Martin, Tenn.; 7-6-72 to 7-5-73 (men's work shirts).

McCreary Manufacturing Co., Inc., Stearns, Ky., 7-19-72 to 7-18-73 (men's and boys' shirts).

Monroe Manufacturing Co., Newark, N.J.; 6-23-72 to 6-22-73; 10 learners (men's and boys' jackets).

Monticello Manufacturing Co., Inc., Monticello, Ky.; 7-19-72 to 7-18-73 (men's and boys' shirts).

Morgan Sportswear Co., Madison, Ga.; 7-11-72 to 7-10-73 (men's and boys' shirts).

Rose Hill Textiles, Inc., Rose Hill, N.C.; 6-29-72 to 6-28-73; 10 learners (girls' outerwear coats).

Salant & Salant, Henderson, Tenn.; 6-26-72 to 6-25-73 (men's pants).

Somerville Manufacturing Co., Inc., Vivian, La.; 7-24-72 to 7-23-73 (men's pants).

Spencer California, Tehachapi, Calif.; 7-14-72 to 7-13-73; 7 learners (children's pajamas, gowns, jumpers, and dresses).

White County Industries, Sparta, Tenn.; 7-23-72 to 7-22-73 (men's and boys' pants).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Eden Industries Inc., Manchester, Tenn.; 7-3-72 to 1-2-73; 60 learners (men's and boys' pajamas).

Fulton Sportswear Co., Elizabeth, N.J.; 7-17-72 to 1-16-73; 10 learners (boys' shirts).

St. Paul Sportswear Co., St. Paul, Va.; 7-3-72 to 1-2-73; 10 learners (men's and boys' shirts).

Watauga Apparel Corp., Johnson City, Tenn.; 7-27-72 to 1-26-73; 20 learners (men's pants).

Wood Manufacturing Co., Inc., Limestone, Tenn.; 7-10-72 to 1-9-73; 20 learners (men's and ladies' trousers and jeans, men's jackets and shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Good Luck Glove Co., Metropolis, Ill.; 7-6-72 to 7-5-73; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Ideal Glove, Maben, Miss.; 6-23-72 to 6-22-73; 5 learners for normal labor turnover purposes (work gloves).

Indianapolis Glove Co., Inc., Houlka, Miss.; 7-30-72 to 7-29-73; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Lambert Manufacturing Co., 501 Jackson Street, Chillicothe, MO; 7-18-72 to 7-17-73; 10 learners for normal labor turnover purposes (work gloves).

Lambert Manufacturing Co., 1316 Monroe Street, Chillicothe, MO; 7-22-72 to 7-21-73; 10 learners for normal labor turnover purposes (work gloves).

Southern Glove Manufacturing Co., Inc., Conover, N.C.; 6-23-72 to 6-22-73; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Virginia Glove Co., Glade Spring, Va.; 7-26-72 to 1-25-73; 40 learners for plant expansion purposes (work gloves).

Wells Lamont Corp., Brownsville, Tenn.; 7-20-72 to 7-19-73; 10 percent of the total number of machine stitchers for normal labor turnover purposes (fabric, hunting, casual and ski gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Royal Manufacturing Co., Inc., Washington, Ga.; 7-22-72 to 7-21-73; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' underwear).

Ainsbrooke/Flagg, Carmi, Ill.; 7-3-72 to 7-2-73; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's undershorts).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Borinquen Gloves, Inc., Ponce, P.R.; 6-26-72 to 6-25-73; 10 learners for normal labor turnover purposes in the occupations of sewing machine operating, for a learning period of 480 hours at the rates of $1.22 an hour for the first 240 hours and $1.35 an hour for the remaining 240 hours (ladies' and children's fabric and leather dress gloves).

Carlita Corp., Hormigueros, P.R.; 7-12-72 to 7-11-73; 12 learners for normal labor turnover purposes in the occupation of machine stitching for a learning period of 480 hours at the rates of $1.22 an hour for the first 240 hours and $1.35 an hour for the remaining 240 hours (ladies' and men's dress and sport gloves).

Glamourette Fashion Mills, Inc., Quebradillas, P.R.; 7-17-72 to 7-16-73; 13 learners for normal labor turnover purposes in the occupations of: (1) Knitting, for a learning period of 480 hours at the rates of $1.27 an hour for the first 240 hours and $1.44 an hour for the remaining 240 hours; and (2) Machine stitching-seaming, for a learning period of 320 hours at the rates of $1.27 an hour for the first 160 hours and $1.44 an hour for the remaining 160 hours (sweaters and related products).

Mesana Dyeing & Finishing Inc., Quebradillas, P.R.; 7-17-72 to 7-16-73; 15 learners for normal labor turnover purposes in the occupations of: (1) Machine stitching and pressing, for a learning period of 320 hours at the rates of $1.27 an hour for the first 160 hours and $1.44 an hour for the remaining 160 hours; and (2) Kettle handlers and dyers, for a learning period of 240 hours at the rate of $1.27 an hour (sweaters and related products).

Puritan Caribbean, Inc., Cidra, P.R.; 7-20-72 to 7-19-73; 16 learners for normal labor turnover purposes in the occupation of machine knitting, for a learning period of 480 hours at the rates of $1.27 an hour for the first 240 hours and $1.44 an hour for the remaining 240 hours (sweaters and shirts).

Ricardo Corp., Hormigueros, P.R.; 7-12-72 to 7-11-73; 18 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of $1.22 an hour for the first 240 hours and $1.35 an hour for the remaining 240 hours (ladies' and men's dress gloves).

Wendy Textile Mills, Inc., Quebradillas, P.R.; 7-17-72 to 7-16-73; 5 learners for normal labor turnover purposes in the occupations of: (1) Knitting, for a learning period of 480 hours at the rates of $1.27 an hour for the first 240 hours and $1.44 an hour for the remaining 240 hours; and (2) Machine stitching-seaming, for a learning period of 320 hours at the rates of $1.27 an hour for the first 160 hours and $1.44 an hour for the remaining 160 hours (sweaters and related products).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 23d day of August 1972.

ROBERT G. GRONEWALD,
Acting Administrator.

[FR Doc.72-14881 Filed 8-30-72;8:56 am]

INTERSTATE COMMERCE COMMISSION

[Notice 65]

ASSIGNMENT OF HEARINGS

AUGUST 28, 1972.

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.

I&S No. 8753 and I&S No. 8753 Sub 1, Revised Bargeload Rates, Inland Waterways, now assigned October 30, 1972, at Washington, D.C., is postponed to February 26, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-136428, Evanston Bus Co., now assigned September 18, 1972, at Chicago, Ill., is postponed indefinitely.
MC 61592 Sub 213, Jenkins Truck Line, Inc., now assigned September 21, 1972, at Portland, Oreg., is canceled and application dismissed.
MC 83835 Sub 87, Wales Transportation, Inc., hearing continued to September 25, 1972, in Room 5A15, 1100 Commerce Street, Dallas, TX.
MC-125708 Sub 125, Thunderbird Motor Freight Line, Inc., now assigned September 13, 1972, at Chicago, Ill., is canceled and application dismissed.
MC 118959 Sub 100, Jerry Lipps, Inc., now assigned September 13, 1972, at Chicago, Ill., is postponed indefinitely.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-14869 Filed 8-30-72;8:51 am]

[Notice 69]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 25, 1972.

The following publications are governed by the new § 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 to the Commission.

MOTOR CARRIERS OF PROPERTY

POSTAL APPLICATION

No. MC 137013 (Republication), filed February 25, 1972, published in the FEDERAL REGISTER issue of April 6, 1972, and republished this issue. Applicant: CHARLES WEST JR. TRUCKING CO., INC., 24 Catherine Avenue, Saddle Brook, NJ 07662. Applicant's representative: Ivan Frank Kardos, 948 Pennsylvania Building, 425 13th Street, Washington, DC 20004. An order of the Commission, Operating Rights Board, dated August 9, 1972, and served August 18, 1972, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as common carrier by motor vehicle, of mail, over irregular routes, (1) between points in Bergen, Essex, Hudson, Morris, Passaic, and Union Counties, N.J., and (2) between points in the counties named in (1) above, on the one hand, and, on the other, Suffern and New York, N.Y.; 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 in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which time any proper party in interest may file an appropriate pleading setting forth in detail the manner in which it has been so prejudiced.

[1] 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.

NOTICES FOR FILING OF PETITIONS

No. MC-6557 (Sub-No. 1) (Notice of Filing of Petition for Modification of Certificate), filed July 28, 1972. Petitioner: PARK MOTOR CARRIER, INC., 232 Dey Street, Jersey City, NJ. Petitioner's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Petitioner holds Certificate No. MC-6557 (Sub-No. 1) authorizing (1) the transportation of such merchandise as is dealt in by retail chain department stores, from points in that part of the New York, N.Y., commercial zone, as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by section 203(b)(8) of the Act (the exempt zone), to Windsor Locks, Conn., restricted to shipments having an immediately prior movement by water; and (2) returned shipments of such merchandise as is dealt in by retail chain department stores, from Windsor Locks, Conn., to points in the above-decided origin territory.

By the instant petition, petitioner seeks to modify the territorial scope of the certificate to read: (1) "From points in that part of the New York, N.Y., commercial zone, as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by section 203(b)(8) of the Act (the exempt zone), to Windsor Locks and East Hartford, Conn.; and (2) from Windsor Locks and East Hartford, Conn., to points in the above-described origin territory." The effect of the modification sought is to add East Hartford, Conn., as a destination point in part (1) and as an origin point in part (2) of petitioner's present certificate. No change in the present restriction is sought. Any interested person or persons desiring to participate and to be heard in the matter may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of this publication in the FEDERAL REGISTER.

No. MC-120080 (Sub-No. 1) (Notice of Filing of Petition for Modification of Certificate), filed August 9, 1972. Petitioner: MORGAN EXPRESS, INC., Dallas, Tex. Petitioner's representative: T. M. Brown, 600 Leininger Building, Oklahoma City, Okla. 73112. Petitioner presently holds a certificate in No. MC-120080 (Sub-No. 1), issued November 2, 1961, authorizing, as pertinent, operation as a common carrier by motor vehicle, over regular routes, of general commodities, except classes A and B explosives, moving in express service, limited to the transportation of packages not exceeding 50 pounds each, and newspapers, newsreel, films, and theatre supplies, limited to the transportation of packages not exceeding 100 pounds each, between numerous points in north central Texas as hereafter set forth: Between Dallas, Tex., and Ballinger, Tex., serving all intermediate points; from Dallas over Texas Highway 114 to junction Texas Highway 121, thence over Texas Highway 121 to Fort Worth, Tex., thence over U.S. Highway 377 to junction U.S. Highway 67, thence over U.S. Highway 67 to Ballinger, and return over the same route. Between Fort Worth, Tex., and Cisco, Tex., serving all intermediate points: From Fort Worth over U.S. Highway 80 to Cisco, and return over the same route. Between Weatherford, Tex., and San Angelo, Tex., serving all intermediate points: From Weatherford over U.S. Highway 180 to junction Texas Highway 351, thence over Texas Highway 351 to Abilene, Tex., thence over U.S. Highway 83 to Ballinger, Tex., thence over U.S. Highway 67 to San Angelo, and return over the same route. Between Burkburnett, Tex., and Brownwood, Tex., serving all intermediate points: From Burkburnett over U.S. Highway 281 to junction Texas Highway 79, thence over Texas Highway 79 to Olney, Tex., thence over Texas Highway 251 to Newcastle, Tex., thence over Texas Highway 24 to Graham, Tex., thence over Texas Highway 67 to junction U.S. Highway 180, thence over U.S. Highway 180 to Breckenridge, Tex., thence over U.S. Highway 183 to Brownwood, and return over the same route. Between Santa Anna, Tex., and Comanche, Tex., serving all intermediate points: From Santa Anna over U.S. Highway 84 to Coleman, Tex., thence over Texas Highway 206 to Cross Plains, Tex., thence over Texas Highway 36 to Comanche, and return over the same route. Between junction U.S. Highway 180 and Texas Highway 16 near Palo Pinto, Tex., and Comanche, Tex., serving all intermediate points: From junction U.S. Highway 180 and Texas Highway 16 over Texas Highway 16 to Comanche, and return over the same route. Between Dublin, Tex., and Eastland, Tex., serving all intermediate points: From Dublin over Texas Highway 6 to Eastland, and return over the same route. Between Coleman, Tex., and junction U.S. Highway 67 and Texas Highway 206, serving all intermediate points: From Coleman over Texas Highway 206 to junction U.S. Highway 67, and return over the same

route. Between Graham, Tex., and Decatur, Tex., serving all intermediate points: From Graham over Texas Highway 24 to Decatur, and return over the same route. Between Dallas, Tex., and Wichita Falls, Tex., serving all intermediate points: From Dallas over U.S. Highway 80 to Fort Worth, Tex., thence over U.S. Highway 287 to Wichita Falls, and return over the same route. Between Henrietta, Tex., and Gainsville, Tex., serving all intermediate points: From Henrietta over U.S. Highway 82 to Gainesville, and return over the same route. Between Rhome, Tex., and junction Texas Highways 114 and 121, serving all intermediate points: From Rhome over Texas Highway 114 to junction Texas Highway 121, and return over the same route. Between Dallas, Tex., and Fort Worth, Tex., serving all intermediate points: From Dallas over Texas Highway 183 to Fort Worth, and return over the same route. Between Wichita Falls, Tex., and Iowa Park, Tex., serving all intermediate points: From Wichita Falls over U.S. Highway 287 to Iowa Park, and return over the same route. Between Washburn, Tex., and Amarillo, Tex., serving all intermediate points: From Washburn over U.S. Highway 287 to Amarillo, and return over the same route. Between Denton, Tex., and Roanoke, Tex., serving no intermediate points: From Denton over U.S. Highway 377 to Roanoke, and return over the same route. Between Dallas, Tex., and Gainesville, Tex., serving no intermediate points: From Dallas over U.S. Highway 77 to Gainesville, and return over the same route. Between Decatur, Tex., and Gainesville, Tex., serving no intermediate points: From Decatur over Texas Farm Highway 51 to Gainesville, and return over the same route. This certificate shall be limited in point of time to a period ending with the termination of carrier's presently held lease with W. P. Morgan, Jr., doing business as Morgan Express, Inc., under Texas Railroad Commission's Common Carrier Certificate No. 3063 for any other reason than by sale to carrier. By the instant petition petitioner seeks to modify this portion of Certificate No. MC–120080 (Sub-No. 1) so that the commodity description heretofore set forth reads: General commodities moving in express service. Any person or persons desiring to participate may file an original and six copies of his written representation, views, or arguments, in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 80428 (Sub-No. 80), filed July 10, 1972. Applicant: McBRIDE TRANSPORTATION, INC., 289 West Main Street, Goshen, NY 10924. Applicant's representative: Raymond A. Richards, 44 North Avenue, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sugar syrup*, in bulk, in tank vehicles, from Yonkers, N.Y., to Burlington, Vt.; (2) *liquid sugar, invert sugar, syrup and flavorings*, in bulk, in tank vehicles, from New York, N.Y., to Annapolis and Baltimore, Md., Allentown, Harrisburg, and Pittsburgh, Pa., and Alexandria, Va.; (3) *liquid sugar* and *invert sugar*, in bulk, in tank vehicles, from Yonkers, N.Y., to Bradford and Erie, Pa.; (4) *liquid sugar* and *invert sugar*, in bulk, in tank vehicles, from Yonkers, N.Y., to points in Pennsylvania (except Philadelphia and points within 25 miles thereof, Williamsport, Hilton, Berwick, Hazleton, Kingston, Scranton, Wilkes-Barre, Allentown, Harrisburg, Pittsburgh, Bradford, and Erie); (5) *flavoring syrup*, in bulk, in tank vehicles, from New York, N.Y., to points in Pennsylvania (except Philadelphia and points within 25 miles thereof, and except Williamsport, Milton, Berwick, Hazleton, Kingston, Scranton, Wilkes-Barre, Allentown, Harrisburg, and Pittsburgh, Pa.); (6) *blends or mixtures of corn syrup and liquid or invert sugar*, in bulk, in tank vehicles, from Long Island City, N.Y., to Alexandria, Va., Annapolis and Baltimore, Md., and points in Pennsylvania (except Philadelphia, Pa., and points within 25 miles thereof, and except Williamsport, Milton, Berwick, Hazleton, Kingston, Scranton, and Wilkes-Barre, Pa.); (7) *liquid sugar, invert sugar*, and *blends or mixtures of liquid and invert sugar and corn syrup*, in bulk, in tank vehicles, from Yonkers, N.Y., to Alexandria, Va., Annapolis and Baltimore, Md., and points in Pennsylvania (except Philadelphia, Pa., and points within 25 miles thereof, and except Williamsport, Milton, Berwick, Hazleton, Kingston, Scranton, and Wilkes-Barre, Pa.); (8) *liquid sugar, invert sugar, and blends and liquid and/or invert sugar and corn syrups*, in bulk, in tank vehicles, from Yonkers, N.Y., and Bayonne, N.J., to Wilmington, Del., and to Philadelphia, Pa., and points within 25 miles of Philadelphia; (9) *wine* and *grape juice*, in bulk, in tank vehicles, from Fredonia, N.Y., to Greenville, N.H.; (10) *liquid sugar, invert sugar, syrups, and blends or mixtures of syrups and sugar*, in bulk, in tank vehicles, from Montezuma, N.Y., to points in Pennsylvania (except Philadelphia, Pa., and points within 25 miles thereof, and except Williamsport, Milton, Berwick, Hazleton, Kingston, Scranton, and Wilkes-Barre, Pa., and to Annapolis and Baltimore, Md., Alexandria, Va., and Wilmington, Del.; (11) *fruit juices*, in bulk in tank vehicles, from Fredonia, N.Y., to Philadelphia, Pa.; (12) *liquid sugar, invert sugar, and blends of liquid and/or invert sugar, and/or corn syrup*, from Yonkers, N.Y., and Bayonne, N.J., to Chestertown, Md.; and (13) *flavorings* and *flavoring syrups* (except liquid chocolate, liquid chocolate coatings, liquid chocolate liquor, cocoa butter, and liquid vegetable oil coatings) and *liquid sugar, invert sugar, and blends and mixtures of liquid and/or invert sugar and corn syrup*, in bulk, in tank vehicles, from New York and Yonkers, N.Y., to points in Delaware and Maryland. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. This application is a matter directly related to MC–F–11604, published in the FEDERAL REGISTER issue of July 26, 1972. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 99019 (Sub-No. 5) (Correction), filed July 5, 1972, published in the FEDERAL REGISTER issue of August 2, 1972, and republished as corrected this issue. Applicant: KILLIAN-BLACK TRUCKING, INC., Roseville and Hydraulic Streets, Buffalo, N.Y. 14210. Applicant's representative: Robert D. Gunderman, Suite 1708, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, (A) between points in Erie County, N.Y.; (B) from points in Erie County to points in the following counties in New York: Allegany, Cattaraugus, Chautauqua, Chemung, Genesee, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, Seneca, Steuben, Wayne, and Wyoming; and (C) from points in Niagara County, N.Y., to points in Erie County, N.Y.; (2) *iron, steel, machinery, and refrigeration equipment*, from points in Erie County, N.Y., to points in Cayuga, Tompkins, and Yates Counties, N.Y.; and (3) *machinery*, from points in Cattaraugus County, N.Y., to points in Erie County, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. This application is a matter directly related to MC–F–11147, published in the FEDERAL REGISTER issue of April 28, 1971. The instant application seeks to convert the certificate of registration under No. MC 99019 (Sub-No. 1) into a certificate of public convenience and necessity. The purpose of this republication is to correct the above note. If a hearing is deemed necessary, applicant does not specify a location.

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–11627. Authority for control by FROEHLICH TRANSPORTATION CO., INC., 31 Victory St., Stamford, CT 06904, of PLAINFIELD TRANSPORTATION CO., INC., Federal Road, Danbury, Conn. 06810, and for

acquisition by FRANK FROEHLICH, also of Stamford, Conn. 06904, of control of PLAINFIELD TRANSPORTATION CO., INC., through the acquisition by FROEHLICH TRANSPORTATION CO., INC. Applicants' attorney: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Operating rights sought to be controlled: *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, as a *common carrier* over irregular routes, between New York, N.Y., and Newark, N.J., and points in New Jersey within 15 miles of Newark, on the one hand, and, on the other, points in Fairfield, Hartford, and New Haven Counties, Conn., and Hampden County, Mass.; *general commodities,* excepting among others classes A and B explosives, household goods and commodities in bulk, between points in Connecticut; *cheese and cheese products,* in containers, in vehicles equipped with mechanical refrigeration, from Syossett (Long Island), N.Y., to points in Connecticut and Hampden County, Mass. FROEHLICH TRANSPORTATION CO., INC., is authorized to operate as a *common carrier* in Connecticut, New Jersey, New York, Massachusetts, and Vermont. Application has been filed for temporary authority under section 210a (b).

No. MC–F–11628. Authority sought for purchase by BURGMEYER BROS., INC., 50 North Fifth Street, Reading, PA 19603, of the operating rights and property of DALEY'S BLUE LINE TRANSFER CO., Box 478, Plains Township, Wilkes-Barre, PA 18703, and for acquisition by HERBERT GROSS and NICHOLAS SANTILLI, both of Reading, Pa. 19603, of control of the rights and property through the purchase. Applicants' attorneys: Francis W. McInerny, 1000—16th Street NW., Washington, DC 20036, and Theodore P. Halperin, 18 East 48th Street, New York, NY 10017. Operating rights sought to be transferred: *General commodities,* except those of unusual value, classes A and B explosives, commodities requiring the use of special equipment, other than winches, livestock, and household goods as defined by the Commission, as a *common carrier,* over regular routes, between New York, N.Y., and Wilkes-Barre, Pa., between New York, N.Y., and Allentown, Pa., between Wilkes-Barre, Pa., and Shenandoah, Pa., between Wilkes-Barre, Pa., and Forest City, Pa., between Tamaqua, Pa., and Mauch Chunk, Pa., and between Tamaqua, Pa., and Schnecksville, Pa.; *general commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between Allentown, Pa., and Phillipsburg, N.J., between Allentown, Pa., and Mauch Chunk, Pa., and between Allentown, Pa., to Coplay, Pa. Vendee is authorized to operate as a *common carrier* in New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, and Rhode Island. Application for temporary authority under section 210a(b) has been filed.

No. MC–F–11629. Authority sought for purchase by LAIDLOW TRANSPORT LIMITED, 65 Guise Street, Hamilton 21, ON Canada, of the operating rights and property of HENNIS FREIGHT LINES OF CANADA LIMITED, Post Office Box 612, Winston-Salem, NC 27102, and for acquisition by Michael G. DeGroote, also of Hamilton, Ontario, Canada, of control of such rights and property through LAIDLAW MOTORWAYS LIMITED, 65 Guise St., Hamilton 21, ON Canada. Applicants' attorneys: David A. Sutherlund, 2001 Massachusetts Avenue NW., Washington, DC 20036, and James E. Wilson, Suite 1032, Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Operating rights sought to be transferred: *General commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier,* over irregular routes, between points in Michigan within 8 miles of Detroit, including Detroit; *frozen meats,* from the ports of entry on the United States-Canada boundary line located at Champlain, Rouses Point, Trout River, Rooseveltown, Buffalo, and Niagara Falls, N.Y., and Port Huron and Detroit, Mich., to points in Florida, with restriction. Vendee is authorized to operate as a *common carrier* in New York, Illinois, Indiana, Ohio, Pennsylvania, Michigan, New Jersey, Maryland, and Delaware. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11630. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, Dallas, TX 75207 (MC–41432), and SILVER EAGLE COMPANY, Post Office Box 10286, Portland, OR 97210 (MC–32779), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving in interstate commerce from points in Carrolls, Castle Rock, Centralia, Chehalis, Du Pont, Fords Prairie, Forest, Grand Mound, Kalama, Kelso, Lexington, Longview, Marys Corner, Napavine, Nisqually, Olympia, Ostrander, Parkland, Plumb, Ridgefield, Salmon Creek, Tenino, Tillicum, Toledo, Tumwater, Vader, and Woodland, Wash. Attorney: John C. Bradley, 618 Perpetual Building, Washington, D.C. 20004. EAST TEXAS MOTOR FREIGHT LINES, INC., is authorized to operate as a common carrier in California, Oregon, Washington, Arizona, Utah, Texas, New Mexico, Illinois, Missouri, Arkansas, Alabama, Georgia, Iowa, Michigan, Indiana, Ohio, and Wisconsin.

No. MC–F–11631. Authority sought for purchase by ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinati, OH 45223, of a portion of the operating rights of DANIEL HAMM DRAYAGE COMPANY, Second and Tyler Streets, St. Louis, Mo. 63102, and for acquisition by R. J. DORAN, R. E. DORAN, and C. M. DORAN, all of Cincinnati, Ohio 45223, of control of such rights through the purchase. Applicants' attorney: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Operating rights sought to be transferred: *Commodities,* the transportation of which because of size, weight, or shape, require the use of special equipment or special handling (except pipe, pipeline machinery, equipment, and supplies, incidental to, and used in connection with the construction, operation, repair, servicing, and dismantling of pipelines and the stringing or picking up thereof), as a *common carrier* over irregular routes, between Cairo and Hartford, Ill. (excluding any points in Missouri which may be within the commecial zones of either Cairo, or Hartford, Ill.), and Paducah, Ky., on the one hand, and, on the other, points in Louisiana, Oklahoma, and Texas (except airplanes and airplane parts, not including engines, between Grand Prairie and Garland, Tex., on the one hand, and, on the other, St. Louis, Mo.; *self-propelled articles,* each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies,* moving in connection therewith, between Cario and Hartford, Ill. (excluding any points in Missouri which may be within the commercial zones of either Cairo, or Hartford, Ill.), and Paducah, Ky., on the one hand, and, on the other, points in Louisiana, Oklahoma, and Texas, with restrictions. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11633. Authority sought for purchase by C. I. WHITTEN TRANSFER COMPANY, Post Office Box 1833, Huntington, WV 25719, of a portion of the operating rights of SUPERIOR MOTOR EXPRESS, INC., Post Office Box 98, Gold Hill, NC 28071, and for acquisition by U.S. INDUSTRIES, INC., 250 Park Ave., New York, NY 10017, of control of such rights through the purchase. Applicants' attorney: Herbert Burstein, 1 World Trade Center, New York, N.Y. 10048. Operating rights sought to be transferred: *Explosives,* as a *common carrier* over irregular routes, between all points and places in the North Carolina counties of Alamance, Gaston, Iredell, Mecklenburg, Forsyth, Davie, Rowan, Cabarrus, Guildford, Orange, Durham, Wake, Johnston, Wilson, Wayne, Pitt, Lenoir, Craven, Anson, Richmond, Moore, Lee, Scotland, Hoke, Harnett, Cumberland, Robeson, Sampson, Bladen, Columbus, Dulpin, Brunswick, New Hanover, Pender, Onslow, Martin, Montgomery, Cleveland, and Rutherford. Vendee is authorized to operate as a *common carrier* in West Virginia, Pennsylvania, Ohio, Kentucky, Virginia, North Carolina, Illinois, New Jersey,

Maryland, Alabama, Connecticut, Delaware, Massachusetts, New York, Indiana, Vermont, Maine, New Hampshire, Rhode Island, Wisconsin, Tennessee, Iowa, Michigan, Florida, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11634. Authority sought for purchase by OSBORNE TRUCKING CO., INC., 1008 Sierra Drive, Riverton, WY 82501, of the operating rights of KENNETH EVANS, 901 West Park, Riverton, WY 82501, and for acquisition by JOHN H. OSBORNE, also of Riverton, Wyo. 82501, of control of such rights through the purchase. Applicants' attorney: Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001. Operating rights sought to be transferred: *Livestock, livestock feed, emigrant movables, agricultural commodities, seed, building materials,* and *farm machinery and equipment and farm machinery and equipment parts,* as a common carrier over irregular routes, between points in Big Horn, Park, Washakie, Hot Springs, Fremont, Teton, and Carbon Counties, Wyo.; *livestock, livestock feed, hay,* and *grain,* between points and places in the counties in Wyoming described above, on the one hand, and, on the other, points and places in Colorado and Montana; *emigrant movables,* between points and places in the counties in Wyoming described above, on the one hand, and, on the other, points and places in Colorado, Montana, and Nebraska; *farm machinery and equipment* and *farm machinery and equipment parts,* and *seed,* from Billings, Mont., to points and places in Fremont County, Wyo. Vendee is authorized to operate as a common carrier in Colorado and Nebraska, and as a contract carrier in Wyoming, Colorado, South Dakota, Nebraska, Montana, Utah, Idaho, North Dakota, Minnesota, Iowa, Illinois, and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11635. Authority sought for purchase by BRIGGS TRANSPORTATION CO., 2360 West County Road C, St. Paul, MN 55113, of the operating rights and property of JUNTUNEN TRANSFER, INC., Route 1, Box 162–E, Moose Lake, MN 55767, and for acquisition by GEORGE E. BRIGGS and MICHAEL P. WARDWELL, both of St. Paul, Minn. 55113, of control of such rights and property through the purchase. Applicants' attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. 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 Duluth, and Sandstone, Minn., between Carlton and Wrenshall, Minn., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Minnesota, Illinois, Wisconsin, Iowa, Nebraska, Indiana, and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11636. Authority sought for purchase by BRIGGS TRANSPORTATION CO., 2360 West County Road C, St. Paul, MN 55113, of a portion of the operating rights of HENNIS FREIGHT LINES, INC., OF NEBRASKA, Post Office Box 612, Winston-Salem, NC 27102, and for acquisition by GEORGE E. BRIGGS and MICHAEL P. WARDWELL, both of St. Paul, Minn 55113, of control of such rights through the purchase. Applicants' attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Operating rights sought to be transferred: *General commodities,* except those of unusual value, class A and B explosives, inflammables, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier* over regular routes, between Omaha, Nebr., and Kansas City, Mo., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Minnesota, Illinois, Wisconsin, Iowa, Nebraska, Indiana, and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11637. Authority sought for control and merger by LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, VA 24354, of the operating rights and property of C. L. WRIGHT TRUCKING, INC., 954 Montroxe Drive, South Charleston, WV 25303, and for acquisition by GUY N. BUSHNELL, also of Marion, Va. 24354, of control of such rights and property through the purchase. Applicants' attorney and representative: Frank B. Hand, Jr., 740 15th Street NW., Washington, DC 22070, and Daryl J. Henry, Post Office Box 580, Marion, VA 24354. Operating rights sought to be controlled and merged: *Oxygen, hydrogen, acetylene, acetic acid, virylite caustic, fluxes,* and *related products,* as a *common carrier* over irregular routes, from Charleston, W. Va., and points within 8 miles of Charleston, to Covington and Roanoke, Va., Charlotte, N.C., Kingsport, Tenn., Ashland, Ky., Portsmouth, Ohio, and points in that part of Ohio on and east Interstate Highway 77 and Ohio Highway 21 (both formerly U.S. Highway 21), and those in that part of Pennsylvania on and west of U.S. Highway 219, from Pittsburgh, Johnstown, and Verona, Pa., and Cincinnati, Ohio, to Charleston, W. Va., and points within 8 miles of Charleston, and return over the same route with *empty containers; brick,* from Portsmouth, Ohio, to Charleston, W. Va., and points within 8 miles of Charleston; *barytes ore* and *sulphur,* in bulk, from Spring Hill, to South Charleston, W. Va. LEMMON TRANSPORT COMPANY, INC., is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii), and as a *contract carrier* in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–11641. Authority sought for control and merger by YELLOW FREIGHT SYSTEM, INC., 92d Street, at State Line Road (Post Office Box 8462), Kansas City, MO 64114, of the operating rights and properties of THE ADLEY CORPORATION, doing business as ADLEY EXPRESS COMPANY, 900 Chapel Street, New Haven, CT 06510, and for acquisition by GEORGE E. POWELL, 801 West 64 Terrace, Kansas City, MO 64113, and GEORGE E. POWELL, JR., 1040 West 57th Street, Kansas City, MO 64113, of control of such rights and property through the purchase. Applicants' attorneys: Kenneth E. Midgley and Richard K. Andrews, 1500 Commerce Bank Building, Kansas City, MO 64106. THE ADLEY CORPORATION, doing business as ADLEY EXPRESS COMPANY, operates as a *common carrier,* primarily over regular routes, between St. Johnsbury, Vt., Portland, Me., and Boston, Mass., on the northeast, and Atlanta and Macon, Ga., on the southwest. YELLOW FREIGHT SYSTEM, INC., is authorized to operate as a *common carrier* in Illinois, Kansas, Oklahoma, Missouri, Texas, Indiana, Kentucky, Michigan, Ohio, Iowa, Minnesota, Tennessee, Georgia, Colorado, Nebraska, Arizona, California, New Mexico, South Carolina, Wyoming, Wisconsin, Pennsylvania, Maryland, Virginia, Alabama, New Jersey, Arkansas, Texas, Utah, Louisiana, Delaware, New York, Massachusetts, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

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

[FR Doc.72–14863 Filed 8–30–72;8:51 am]

[Notice No. 70]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

AUGUST 25, 1972.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application) are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR as amended), published in the FEDERAL REGISTER, issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules

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

of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

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

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

No. MC 1334 (Sub-No. 11) (Clarification), filed March 10, 1972, published in the FEDERAL REGISTER, issue of April 20, 1972, and republished in part as clarified in this issue. Applicant: RITEWAY TRANSPORT, INC., Post Office Box 20433, Phoenix, AZ. NOTE: The purpose of this partial republication is to advise that applicant does intend to tack with existing authorities in MC–1334 and Subs. Applicant can presently serve between Denver, Colo., and Tonalea, Cow Springs, and Red Lake, Ariz., and points in Montezuma County, Colo. The commodity description and territorial scope of the application remain as previously published.

No. MC 4963 (Sub-No. 37), filed August 3, 1972. Applicant: ALLEGHANY CORPORATION, doing business as JONES MOTOR, Bridge Street and Schuylkill Road, Spring City, Pa. 19475. Applicant's representative: Roland Rice, Suite 618, Perpetual Building, 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Knox, Pa., to Chester, S.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 8310 (Sub-No. 6), filed July 19, 1972. Applicant: JEFF'S TRUCKING, INC., 408½ East Main Street, Waupun, WI 53963. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, WI 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs, and materials, equipment, and supplies* used in the canning industry (except commodities in bulk, in tank or hopper-type vehicles), from points in Columbia and Fond du Lac Counties, Wis., to points in Wisconsin, restricted to traffic destined to points in Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 14702 (Sub-No. 40), filed August 7, 1972. Applicant: OHIO FAST FREIGHT, INC., 3893 Market Street NE., Warren, OH 44484. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, from Warren, Ohio, to points in Michigan north of Michigan Highway 46, and points in Kentucky, Illinois, and Delaware, restricted to traffic originating at the above-named origin and destined to points in the above-named States. NOTE: If a heading is deemed necessary applicant requests it be held at Columbus, Ohio.

No. MC 20916 (Sub-No. 10), filed, August 3, 1972. Applicant: JOHN T. SISK, Route 2, Box 182 B, Culpeper, VA 22701. Applicant's representative: Frank B. Hand, Jr., Post Office Box 446, Winchester, VA 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden posts, pallets, chips, shavings, poles, and ties, lumber, mulch, bark, and sawdust, and wooden crates*, from points in Culpeper, Madison, and Orange Counties, Va., to points in Connecticut, North Carolina, Ohio, and South Carolina. NOTE: Applicant also holds contract carrier authority under MC 134427 and subs, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 28067 (Sub-No. 14), filed July 31, 1972. Applicant: WILLIAMS MOTOR TRANSFER, INC., South Vine Street, Barre, Vt. 05641. Applicant's representative: John P. Monte, 61 Summer Street, Barre, VT 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Axles*, from Fayette, Ohio, to Bethel, Vt.; (2) *Utility service truck bodies and accessories*, from Cleveland, Ohio and Buffalo, N.Y., to Barre, Vt.; (3) *dump truck bodies and accessories*, from Galion, Ohio, to Barre, Vt.; (4) *aluminum van truck bodies and accessories*, from Buffalo, N.Y., to Barre, Vt.; and (5) *utility tool boxes*, from Buffalo, N.Y., to Barre, Vt. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., Concord, N.H., or Boston, Mass.

No. MC 31462 (Sub-No. 18), filed August 3, 1972. Applicant: PARAMOUNT MOVERS, INC., 231 North Lancaster Street, Dallas, TX 75203. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, points in Montana within 450 of Williston, N. Dak., Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds authority in all of the States sought by this application, but must observe certain gateways. If the authority sought is granted, applicant requests cancellation of its existing certificates. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 41951 (Sub-No. 15), filed May 22, 1972. Applicant: WHEATLEY TRUCKING, INCORPORATED, 125 Brohawn Avenue, Post Office Box 458, Cambridge, MD 21613. Applicant's representative: M. Bruce Morgan, Post Office Box 786, Azar Building, Glen Burnie, MD 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* except frozen or cold pack, from Cambridge, Md., South Bend, Ind. NOTE: Applicant states that the existing authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Philadelphia, Pa.

No. MC 57239 (Sub-No. 18), filed August 4, 1972. Applicant: RENNER'S EXPRESS, INC., 1350 South West Street,

Indianapolis, IN 46206. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between the plantsite of The General Tire & Rubber Co., at or near Mount Vernon, Ill., and Evansville, Ind., and Indianapolis, Ind., as follows: (1) from the plantsite at or near Mount Vernon, over U.S. Highway 460, to Evansville, and return over the same route, serving no intermediate points, and (2) from the plantsite at or near Mount Vernon over U.S. Highway 460, to its junction with Illinois Highway 37, thence over Illinois Highway 37 to its junction with U.S. Highway 40, at Effingham, thence over U.S. Highway 40 to Indianapolis, and return over the same route, serving no intermediate points. NOTE: Applicant proposes to tack the above authority at Indianapolis and Evansville, with its existing authority under MC–57239 and subs thereunder for service to its authorized points in Indiana, Michigan, Kentucky, and Tennessee. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 59150 (Sub-No. 67), filed August 3, 1972. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, FL 32202. Applicant's representative: Martin Sack, 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass and glass glazing units*, from Clinton and Laurinburg, N.C., to points in South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 65697 (Sub-No. 49), filed August 3, 1972. Applicant: THEATRES SERVICE COMPANY, 830 Willoughby Way NE., Atlanta, GA 30312. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street, NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Regular routes: (1) *General commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, having an immediately prior or an immediately subsequent movement by air; (A) between the junction of U.S. Highways 27 and 70 and Crossville, Tenn., serving all intermediate points: From the junction of U.S. Highways 27 and 70 over U.S. Highway 70 to Crossville, Tenn., and return over the same route, with the right to traverse Interstate 40 for operating convenience; (B) between Spring City and Crossville, Tenn., serving all intermediate points: From Spring City, Tenn., over Tennessee Highway 68 and U.S. Highway 127 to Crossville, Tenn., and return over the same route; (C) between Nashville and Memphis, Tenn., over Interstate 40 serving no intermediate points; (D) between Florence, Sheffield, and Tuscumbia, Ala., and Memphis, Tenn.: From Florence, Sheffield, and Tuscumbia, Ala., over U.S. Highway 72 and return over same route, restricted against the transportation of shipments originating at Florence, Sheffield, or Tuscumbia, Ala., for delivery at Memphis, Tenn., or shipments originating at Memphis, Tenn., for delivery at Florence, Sheffield, or Tuscumbia, Ala. Irregular routes: (2) *Commodities*, otherwise exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act when moving in the same vehicle with commodities named in (1) above, from Monroe, Ga., to points in Alabama, North Carolina, South Carolina, and Tennessee in connection with carrier's otherwise authorized regular route operations. NOTE: The proposed authority will be tacked with applicant's Sub 32 authority at Nashville, Tenn., Spring City, Tenn., junction of U.S. Highways 27 and 70 in Tennessee, Florence, Sheffield, and Tuscumbia, Ala., or Atlanta, Ga., to provide through service to and from points in Alabama, Georgia, North Carolina, and Tennessee applicant is presently authorized to serve. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 71642 (Sub-No. 15), filed August 3, 1972. Applicant: N. S. DeSHONG, 3201 Mill Creek Road, Wilmington, DE 19808. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vulcanized fiber sheets, on pallets*, for the account of NVF Co., from Yorklyn, Del., to Bassett and Martinsville, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 73165 (Sub-No. 313), filed August 7, 1972. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 11086, Birmingham, AL 35202. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduits or pipe; fittings, plastic or iron; couplings, plastic or iron; connection, plastic or other than plastic; valves, other than plastic; hydrants, other than plastic; and materials and supplies necessary for installation thereof*, from Buckhannon, W. Va., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilites are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 94350 (Sub-No. 316), filed August 3, 1972. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial shipments, from Jackson County, W. Va., to points in Ohio, Kentucky, Pennsylvania, Virginia, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 51146 (Sub-No. 288), filed August 7, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: Charles Singer, Suite 1000, 327 South La Salle, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Jerseyville, Ill., to points in Colorado, Kansas, Oklahoma, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Michigan, Indiana, Kentucky, Tennessee, Texas, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, West Virginia, Ohio, Pennsylvania, and New York. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant has various duplicative items of authority under various subs but does not seek duplicative authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106400 (Sub-No. 90), filed July 26, 1972. Applicant: KAW TRANSPORT COMPANY, Post Office Box 12628, North Kansas City, MO 64116. Applicant's representative: Robert L. Hawkins, Jr., Post Office Box 456, Jefferson City, MO 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing asphalt* in bulk, in tank vehicles, from the plantsite of Trumbull Asphalt Co., North Kansas City, Mo., to points in Iowa and Nebraska. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a

hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 107295 (Sub-No. 613) (Amendment), filed May 10, 1972, published in the FEDERAL REGISTER issue of June 29, 1972, and republished as amended this issue. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane foam products*, (1) from Bremen, Ind., to points in Illinois, Michigan, Missouri, Ohio, West Virginia, Wisconsin, Iowa, Kansas, Kentucky, and Tennessee, and (2) from Belvidere, Ill., to points in the United States (except Alaska, Hawaii, and Illinois). NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack, and therefore, does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. No duplications anticipated, however, should any develop, full disclosure will be made at the hearing. The purpose of this republication is to reflect a change in the tacking information. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 107295 (Sub-No. 614) (Amendment), filed May 10, 1972, published in the FEDERAL REGISTER issue of June 29, 1972, and republished as amended this issue. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Mack Stephenson, Post Office Box 146, Farmer City, IL 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets*, from Archbald, Pa., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Vermont, Virginia, Wisconsin, Iowa, Missouri, Tennessee, and South Carolina. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack, and therefore, does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. The purpose of this republication is to reflect a change in the tacking information. No duplications anticipated, however, should any develop, full disclosure will be made at the hearing. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111424 (Sub-No. 4), (Clarification), filed July 5, 1972, published in the FEDERAL REGISTER issue of August 3, 1972, and republished as clarified this issue. Applicant: SHIPPERS TRUCK SERVICE, INC., 1 Scout Avenue, South Kearny, NJ 07032. Applicant's representative: Frank B. Hand, Jr., 740 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, sold in, used by, or distributed from wholesale or retail business houses, including shipments moving to or from such business houses or places including shipments moving to or from such business houses or places of manufacture, distribution or processing thereof, between New York, N.Y., and points in Sussex, Bergen, Morris, Somerset, Essex, Hudson, Passaic, Middlesex, Monmouth, Mercer, Hunterdon, and Union Counties, N.J., on the one hand, and, on the other, points in the United States on and east of a line extending from Lake Superior along the western boundary of Wisconsin to the Mississippi River and thence along the east bank of the Mississippi to the Gulf of Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states that it holds Certificate MC 111424 issued June 1956, which includes the following authority: "Mannequins and display figures, uncrated, and supplies to be used in connection with store displays. Between New York, N.Y., on the one hand, and, on the other, points in the United States on and east of a line extending from Lake Superior along the western boundary of Wisconsin to the Mississippi River and thence along the east bank of the Mississippi River to the Gulf of Mexico."

By letter dated December 13, 1971, the District Supervisor, Bureau of Operations, ICC, stated that in his opinion the commodity description, "supplies to be used in connection with store displays" authorizes "only those commodities intended for actual use in setting up store displays." Applicant does not believe that this limited interpretation of its certificate is correct. Instead, it believes that it should be permitted to transport such shipments as moved to or from retail or wholesale stores, including shipments moving to or from such stores or places of manufacture, distribution or processing thereof. The Commission is asked to interpret the certificate to include such shipments as would move to or from retail or wholesale stores and shipments of such commodities as are sold in, used by, or distributed from wholesale or retail stores, including shipments moving to or from such stores or places of manufacture, distribution or processing thereof. If this is agreeable, applicant respectfully requests that this application be dismissed. If not, it is requested that the commodity description in the certificate be changed to read as is set forth herein. Applicant is not seeking duplicating authority. It will surrender its certificate in MC-111424 if the authority sought in this case is granted. The purpose of this republication is to clarify the purpose of filing the application. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 111940 (Sub-No. 56), filed August 3, 1972. Applicant: SMITH'S TRUCK LINES, a Corporation, Post Office Box 88, Muncy, PA 17756. Applicant's representative: John M. Musselman, Post Office Box 1146, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal castings and accessories thereto, and pipefittings and accessories thereto*, from the plantsites, warehouse, and storage facilities of J. P. Ward Foundries, Inc., located in Tioga County, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, and points in the St. Louis, Mo., commercial zone, and (2) *foundry supplies*, in bulk, loose, or in containers, from points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, and points in the St. Louis, Mo., commercial zone, to the plantsites, warehouses, and storage facilities of J. P. Ward Foundries, Inc., located in Tioga County, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 112014 (Sub-No. 16), August 4, 1972. Applicant: SKAGIT VALLEY TRUCKING CO., INC., Post Office Box 400, 1417 McLean Road, Mount Vernon, WA 98273. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pizza crusts*, from the ports of entry on the international boundary line between the United States and Canada at or near Blaine and Sumas, Wash., to points in Washington and Portland, Oreg. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 113908 (Sub-No. 231), filed July 28, 1972. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale, Springfield, MO 65804. Applicant's representative: Turner White, 805 Woodruff Building, Springfield, Mo. 65806. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients* in bulk, in

tank vehicles, from Springfield and Verona, Mo., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Rhode Island, Virginia, West Virginia, Florida, Wisconsin, Minnesota, North Dakota, South Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, California, Nevada, Nebraska, and the District of Columbia, including the ports of entry on the international boundary lines between the United States and Canada, and the United States and Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 114019 (Sub-No. 236) (Clarification), filed June 9, 1972, published in the FEDERAL REGISTER, issue of July 7, 1972, and republished as clarified this issue. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, IL 60629. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between Chicago, Ill., on the one hand, and, on the other, points in Virginia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicated that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. The purpose of this republication is to reflect the new tacking information. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114019 (Sub-No. 238), filed August 3, 1972. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, IL 60629. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends*, in bulk, in tank vehicles, from Elk Grove Village, Ill., to points in Kentucky, Michigan, Minnesota, Tennessee, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 370), filed July 28, 1972. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insecticides, paradichlorobenzol, advertising material and food preserving compounds* from West Point, Pa., to Los Angeles, Calif., and points in Texas and (2) *Paradichlorobenzal and advertising material* from West Point, Pa., to Memphis, Tenn.; New Orleans, La.; San Francisco, Calif., and Portland, Oreg. Restriction: All in vehicles equipped with mechanical refrigeration and all restricted against the transportation of commodities in bulk, in tank vehicles. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Chicago, Ill.

No. MC 115331 (Sub-No. 332), filed August 7, 1972. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, MO. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid feed, and liquid feed supplements*, in bulk, from the plantsite and storage facilities of Cargill, Inc., located in Scott County, Iowa, to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Minnesota, and Wisconsin, and (2) *molasses*, in bulk, from the plantsite and storage facilities of Cargill, Inc., located in Scott County, Iowa, to points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa or Minneapolis, Minn.

No. MC 115841 (Sub-No. 440), filed August 6, 1972. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Birmingham, AL 35204. Applicant's representative: Roger M. Shaner, Post Office Box 168, Concord, TN 37720. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from points in Texas to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Virginia, Kentucky, West Virginia, Pennsylvania, New Jersey, New York, Rhode Island, Massachusetts, Connecticut, Maryland, Delaware, Ohio, Illinois, Indiana, Michigan, Vermont, Maine, Mississippi, Louisiana, Arkansas, and the District of Columbia. NOTE: Applicant states tacking can be accomplished at points in Tennessee, Alabama, Mississippi, Louisiana, Arkansas, and other States generally located in the Eastern United States. Such tacking would be to serve generally the Midwestern and Central portion of the United States. Applicant further can specifically tack at Birmingham to points in California, Oregon, and Washington, however such tacking is not intended at present time. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, Fort Worth, or Houston, Tex.

No. MC 115898 (Sub-No. 4), filed August 7, 1972. Applicant: EVERETTE STUBBLEFIELD, doing business as T. S. C. T., 4609 Chandler Avenue, Chattanooga, TN 37410. Applicant's representative: R. Cameron Rollins, 321 East Center Street, Kingsport, TN 37660. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, cinder block, concrete block, tile and related construction products, and brick, block, and tile raw materials*, between Cohutta, Ga., on the one hand, and, on the other, points in Tennessee, Alabama, North Carolina, and Kentucky, under contract with General Shale Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 116077 (Sub-No. 329), filed August 7, 1972. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, TX 77027. Applicant's representative: Pat H. Robertson, Suite 401, First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rosin Size*, in bulk, in tank vehicles, from the plantsite of Tenneco Chemicals, Inc., near Oakdale, La., to Evadale, Tex.; and (2) *Fullers Earth*, dry, in bulk, from Lowell, Fla., to Alabama, Arkansas, California, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or New Orleans, La.

No. MC 116763 (Sub-No. 224), filed August 3, 1972. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned juices, canned fruits, canned beverages, and canned beverage preparations*, from points in Florida, to points in Missouri, Iowa, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 117565 (Sub-No. 64), filed July 31, 1972. Applicant: MOTOR SERVICE COMPANY INC., Route 3, Post Office Box 448, Coshocton, OH 43812. Applicant's representative: John R. Hafner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard, fiberboard,*

and paper products, from Coshocton, Ohio, to points in Illinois, Indiana, Michigan, New York, Pennsylvania, West Virginia, Kentucky, and Missouri; and (2) *scrap paper*, from the States listed in (1) above to Coshocton, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has a pending contract carrier application under MC 135701. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 117686 (Sub-No. 136), filed August 7, 1972. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North (Post Office Box 417), Sioux City, IA 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and frozen potato products*, from the plantsite and cold storage facilities utilized by Fairfield Products, Inc., at or near Clark, S. Dak., and Bonner Springs, Kans., to points in Kansas, Missouri, Arkansas, Oklahoma, Mississippi, Louisiana, Texas, Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 117765 (Sub-No. 147) (Correction), filed June 5, 1972, published in the FEDERAL REGISTER issue of July 7, 1972, and republished as corrected this issue. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal and charcoal products, wood chips, vermiculite, lighter fluid and accessories* used in outdoor cooking, in mixed truck loads with charcoal and charcoal briquettes from plantsite of Husky Briquetting, Waupaca, Wis., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, and Texas and (2) *Pallets, wooden boxes and crating lumber* in straight or mixed truckloads, from plantsite of Burgess Manufacturing of Oklahoma, Guthrie, Okla., to points in Arkansas, Colorado, Kansas, Louisiana, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to add Guthrie, Okla., as origin point. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117799 (Sub-No. 39), filed August 7, 1972. Applicant: BEST WAY FROZEN EXPRESS, INC., Room 205, 3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and frozen potato products*, from Clark, S. Dak., to points in Montana, Wyoming, Colorado, North Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Kentucky, Indiana, Illinois, Wisconsin, Michigan, Ohio, New York, Connecticut, Rhode Island, Massachusetts, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Pennsylvania, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 118056 (Sub-No. 5), filed July 24, 1972. Applicant: ANGELO DEL SORDO, doing business as DEL'S TRANSPORTATION COMPANY, 7 Summer Street, Fairhaven, MA 02719. Applicant's representative: Lawrence J. O'Connor, 29 Acushnet Road, Marrapoisett, MA 02739. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y. and Baltimore, Md., to Providence, R.I. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 118142 (Sub-No. 48), filed July 31, 1972. Applicant: M. BRUENGER CO., INC., 6330 North Broadway, Wichita, KS 67219. Applicant's representative: Les Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* as described in section A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Downs, Kans., to points in California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 118803 (Sub-No. 7), filed July 21, 1972. Applicant: ATLANTIC TRUCK LINES, INC., 140 Market Street, Paterson, NJ 07505. Applicant's representative: Arthur H. Priest, 71–23 Austin Street, Forest Hills, NY 11375. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Manufactured roofing, ceiling, wall, and floor components, roofing, ceiling, wall, and floor coverings, materials, accessories, and supplies; working tools* (other than power) *and related handtools and working supplies; manufactured ventilating air conditioning and heating components and parts; plumbing goods and supplies and ornamental building elements, accessories and materials and related components*, all of the above made of metal, plastic, synthetics, china, earthenware, rubber, or wood, metal, plastic, or synthetic sheets, coils, tubing, wire, bars, forgings, castings, and extrusions, from the warehouses and plantsites of L. Bieler & Sons, Inc., National Elbow and Fitting Corp., Bieler International Corp., Southern Diversified Industries, Inc., Southern Tile Supply Corp., Bieler National Industries, Inc., and Sevojno-Beiler Trading Co. of Hauppauge, Suffolk County, N.Y., Miami, Fla., Houston, Tex., Los Angeles, Calif., Chicago, Ill., and from such other warehouse, piers, and plantsites of the contracting shippers and suppliers located at points in the United States (except Alaska and Hawaii), to points in the United States (except Alaska and Hawaii), and returned shipments of the commodities specified above, from points in the United States (except Alaska and Hawaii) to the warehouse and plantsites of L. Bieler & Sons, Inc., National Elbow and Fitting Corp., Beiler International Corp., Southern Diversified Industries, Inc., Southern Tile Supply Corp., Bieler National Industries, Inc., and Sevojno-Bieler Trading Co., at Hauppauge, Suffolk County, N.Y., Miami, Fla., Houston, Tex., Los Angeles, Calif., Chicago, Ill., and such other warehouses and to the suppliers warehouses, piers, and plantsites located at points in the United States (except Alaska and Hawaii). (b) *Raw Materials, and related products, and supplies*, used in the manufacturing, fabricating, distribution, and sales of commodities listed in (a) above, by L. Beiler & Sons, Inc., National Elbow and Fitting Corp., Bieler International Corp., Southern Diversified Industries, Inc., Southern Tile Supply Corp., Bieler National Industries, Inc., and Sevojno-Bieler Trading Co., from points in the United States (except Alaska and Hawaii), to the warehouses and plantsites of L. Bieler & Sons, Inc., National Elbow and Fitting Corp., Bieler International Corp., Southern Diversified Industries, Inc., Southern Tile Supply Corp., Bieler National Industries, Inc., and Sevojno-Bieler Trading Co. at Hauppauge, Suffolk County, N.Y., Miami, Fla., Houston, Tex., Los Angeles, Calif., Chicago, Ill., and such other warehouses and to the warehouses, piers, and plantsites of the suppliers. (c) *Commodities* named in (a) and (b) above covering balance of operations, between points in the United States (except Alaska and Hawaii), which would reflect in economy of operations and meet the distinctive needs of shippers in nonradial operations from suppliers. Restrictions: The service authorized herein is subject to the following conditions: The operations authorized herein are restricted against the transportation of commodities in bulk. The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: L. Bieler & Sons., Inc., National Elbow and Fitting Corp., Bieler International Corp., Southern Diversified

Industries, Inc., Southern Tile Supply Corp., Bieler Trading Co. of Hauppauge, Suffolk County, N.Y., Miami, Fla., Houston, Tex., Los Angeles, Calif., Chicago, Ill., and other warehouses operated by contract shipper. No duplicate authority is sought. If hearing is deemed necessary, applicant requests it to be held at New York, N.Y., or Washington, D.C.

No. MC 118202 (Sub-No. 9), filed August 4, 1972. Applicant: SCHULTZ TRANSIT, INC., Post Office Box 503, Winona, MN. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Fresh or frozen dressed poultry; poultry products and frozen foods;* and (b) commodities the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with (a) above, from the plantsite and storage facilities of Louis Rich Foods, Inc., West Liberty, Iowa, to points in Delaware, Connecticut, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 134631 Sub 4 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119489 (Sub-No. 27), filed August 1, 1972. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, 2500 North 13th Street, Norfolk, NE 68701. Applicant's representative: L. Agnew Myers, Inc., Suite 1122, Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and fertilizers*, from North Bend, Randolph, and Wakefield, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 119539 (Sub-No. 22), filed July 31, 1972. Applicant: BEVERAGE TRANSPORT, INC., Post Office Box 88, East Bloomfield, NY 14443. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages*, other than malt beverages (not in bulk), except as presently authorized, from Union, N.Y., to points in Connecticut, New York, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 119726 (Sub-No. 25), filed May 9, 1972. Applicant: N.A.B. TRUCKING CO., INC., 2502 West Howard, Indianapolis, IN 46221. Applicant's representative: James L. Beattey, 130 East Washington Street, Suite 1000, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Kitchen cabinets, vanity cabinets and laminated products*, from Gretna, La., and Bessemer, Ala., to points in Louisiana, Alabama, Florida, Mississippi, Arkansas, Georgia, Tennessee, Kentucky, Indiana, Texas, Illinois, Missouri, Iowa, Oklahoma, Wisconsin, Minnesota, Michigan, Pennsylvania, North Carolina, South Carolina, Virginia, and West Virginia; (2) *Kitchen cabinets, vanity cabinets and laminated products*, from Rosedale, Miss., to points in Pennsylvania, North Carolina, South Carolina, Virginia, and West Virginia and (3) *Materials and supplies and component parts of kitchen cabinets and vanity cabinets*, between Rosedale, Miss., and Gretna, La., and Bessemer, Ala., as in interplant movement. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 119726 (Sub-No. 26), filed May 9, 1972. Applicant: N.A.B. TRUCKING CO., INC., 2502 West Howard, Indianapolis, IN 46221. Applicant's representative: James L. Beattey, 130 East Washington Street, Suite 1000, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, from the plantsite of Dog Life, Chicago, Ill., and Hamilton, Mich., to points in Michigan, Indiana, Kentucky, Ohio, Pennsylvania, Illinois, Missouri, Iowa, Tennessee, Arkansas, Texas, Virginia, West Virginia, Oklahoma, North Carolina, South Carolina, Florida, Georgia, Mississippi, Louisiana, and Alabama. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119934 (Sub-No. 183), filed August 2, 1972. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, IN 46040. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from points in Louisiana to points in Georgia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also holds contract carrier authority under MC 128161 (Sub-No. 1) therefore common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind. or New Orleans, La.

No. MC 123048 (Sub-No. 225), filed August 7, 1972. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain dryers, prefabricated grain and tanks, fans, heaters, and accessories* when moving at the same time and in the same vehicle, from the plantsite of Chicago Eastern Corp., at Marengo, Ill., to points in the United States, except Hawaii, Vermont, New Hampshire, Connecticut, Maine, Rhode Island, Massachusetts, Arizona, Utah, Nevada, New Mexico, and Wyoming, restricted to traffic originating at said plantsite and destined to the States specified above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123048 (Sub-No. 226), filed August 7, 1972. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representative: Paul Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard, paperboard, wallpaper, and filter paper*, from Manchester, Conn., Covington, Tenn., Bar Mills, Maine, and Rochester, N.H., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Michigan, those in New York located on and west of U.S. Highway 15, Ohio, Pennsylvania, Tennessee, Wisconsin, and ports of entry on the international boundary line between the United States and Canada located in New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 124170 (Sub-No. 29) (Correction), filed June 5, 1972, published in the FEDERAL REGISTER issue of June 29, 1972, and republished as corrected this issue. Applicant: FROSTWAYS, INC., 3900 Orleans, Detroit, MI 48207. Applicant's representative: Robert D. Schuler, 1 Woodward Avenue, Suite 1700, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas;* and (2) *agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Act, when transported in mixed shipments with bananas, in vehicles equipped with mechanical refrigeration, from New York, N.Y., to points in Illinois, Indiana, Michigan, Ohio, and Pennsylvania, restricted to traffic originating at the named origin point and to traffic having a prior movement by water. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to reflect that the application is restricted to traffic having a prior movement by water in lieu of air which was erroneously published. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 124796 (Sub-No. 100), filed August 3, 1972. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Sale Lake Avenue, Post Office Box 1257, City of Industry, CA 91749. Applicant's representative: J. Max Harding, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioning equipment, furnaces, water heaters, and component parts, and accessories*, therefor and *materials, equipment and supplies* utilized in the manufacture, sale, and distribution of air conditioning equipment, furnaces, and water heaters, (1) between Syracuse, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia, and (2) between Indianapolis, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee (except Collierville, Morrison, and Nashville), Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Restriction: The operations authorized are to be restricted against the transportation of commodities in bulk and those which by reason of size or weight require the use of special equipment and are to be further limited to a transportation service to be performed under a continuing contract, or contracts with Carrier Corp. NOTE: No duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127042 (Sub-No. 99), filed August 7, 1972. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 98, Leeds Station, Sioux City, IA 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, from Hutchinson, Kans., and LaJunta, Colo., to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin; (2) *meats, meat products and meat byproducts*, (a) from Yankton, S. Dak., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin, (b) from Webster City, Iowa, to Omaha and Lincoln, Nebr.; Chicago, Ill.; Milwaukee, Wis., and to points in Iowa and Minnesota; and (c) from Ames, Iowa, to points in Illinois, Indiana, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin; and (3) *pizzas, pizza products and supplies*, from Ames, Iowa, to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 127487 (Sub-No. 8), filed August 7, 1972. Applicant: HOLT MOTOR EXPRESS, INC., 701 North Broadway, Gloucester City, NJ 08030. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities*, which because of size or weight require special equipment, between the facilities of Transamerican Trailer Transport, Inc., Staten Island, N.Y., on the one hand, and, on the other, points in Delaware, Maryland, Pennsylvania, that part of New Jersey south of the northern boundaries of Mercer and Monmouth Counties, N.J., and the District of Columbia; and (2) *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, between the facilities of Transamerican Trailer Transport, Inc., in Baltimore, Md., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia, and the District of Columbia. Restriction: The operations authorized herein are subject to the following conditions: (1) The authority is restricted to the transportation of traffic having an immediately prior or subsequent movement by water; and (2) May not be joined with any other authority presently held by applicant for the purpose of providing a through service from or to points beyond the scope of the authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa. or Washington, D.C.

No. MC 127834 (Sub-No. 80), filed August 7, 1972. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, TN 37203. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers* for air, gas, or liquids; *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids; and (2) *parts, attachments and accessories* used in the installation and operation of the items named in (1) above, between Jackson, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to the plantsite of ITT Nesbitt located at Jackson, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128075 (Sub-No. 21), filed August 6, 1972. Applicant: LEON JOHNSPRUD, 757—2d Street West, Post Office Box 447, Cresco, IA 52136. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Fresh or frozen dressed poultry, poultry products and frozen foods;* and (b) *commodities* the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicles at the same time with (a) above, from the plantsite and storage facilities of Louis Rich Foods, Inc., West Liberty, Iowa, to points in Delaware, Connecticut, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128273 (Sub-No. 130), filed August 7, 1972. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: David Freeman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cellulose materials and products, paper and paper products*, and (2) *materials, equipment and supplies* used in the installation and distribution of the commodities described in (1) above (except such commodities in bulk, and commodities which because of size or weight require the use of special equipment), between Niagara Falls, N.Y., Paxinos, Pa., and East Hartford, Conn., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128866 (Sub-No. 40) (Correction), filed July 26, 1972, published in the FEDERAL REGISTER issue of August 17, 1972, and republished in part, as corrected this issue. Applicant: B & B TRUCKING, INC., Post Office Box 128, Cherry Hill, NJ 08034. Applicant's representative: J. Michael Farrell, 1815 H Street NW., No. 512, Washington, DC 20006. The purpose of this partial republication is to show in Part (2) of the above application that *Charlotte, N.C.*,

is a point of destination. The rest of the application remains as previously published.

No. MC 128866 (Sub-No. 41), filed August 7, 1972. Applicant: B & B TRUCKING, INC., Post Office Box 128, Cherry Hill, NJ 08034. Applicant's representative: J. Michael Farrell, 1815 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transports: (1) *Aluminum foil and sheet*, from the plantsite of Aluminum Co. of America at Davenport, Iowa, to the plantsite of Penny Plate, Inc., at Deerfield, Ill.; and (2) *scrap aluminum, defective or damaged aluminum foil and sheet, skids, pallets and aluminum cores*, from the plantsite of Penny Plate, Inc., at Deerfield, Ill., to the plantsite of Aluminum Co. of America at Davenport, Iowa, under contract with Penny Plate, Inc., Cherry Hill, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 133085 (Sub-No. 4), filed August 6, 1972. Applicant: TRENCO, INC., 2109 Marydale Avenue, Post Office Box 697, Williamsport, PA 17701. Applicant's representative: S. Berne Smith, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles*, from the plantsite of Milton Yarn Corp. at Milton, Pa., to Thurmont, Md., and *yarn* from Seaford, Del., to the plantsite of Virginia Elastic Corp. at Tappahannock, Va. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 134145 (Sub-No. 30), filed July 31, 1972. Applicant: NORTH STAR TRANSPORT, INC., Post Office Box 51, Thief River Falls, MN 56701. Applicant's representative: Robert P. Sack, Post Office Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts, materials, supplies, and equipment*, used in the manufacture of lawnmowers, motorbikes, snowmobiles, and snowthrowers, from points in Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Louisiana, Maine, Maryland, Mississippi, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, and Wyoming to Omaha, Nebr., under contract with General Leisure Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 134513 (Sub-No. 3), filed August 3, 1972. Applicant: POLAR TRANSIT, INC., 1984 Oakdale Avenue, West St. Paul, MN 55118. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and bakery blends* (except commodities in bulk, in tank vehicles), from points in Minnesota (except points in the Minneapolis, Minn. Commercial Zone) to points in Iowa, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Maryland, the District of Columbia, Delaware, Virginia, West Virginia, Kentucky, North Carolina, Tennessee, South Carolina, Georgia, Florida, Louisiana, Arkansas, Missouri, Texas, Oklahoma, Colorado, Nebraska, California, Oregon, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 136253 (Sub-No. 2), filed July 31, 1972. Applicant: TIEFER TRUCK CO., a corporation, 920 East 132d Street, Bronx, NY 10454. Applicant's representative: Blanton P. Bergen, 137 East 36th Street, New York, NY 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and plantains* in straight or mixed shipments, from Baltimore, Md., and Albany, N.Y., to points in Bergen, Essex, Hudson, Middlesex, Passaic, and Union Counties, N.J.; New York, N.Y.; points in Westchester, Nassau, Suffolk, and Orange Counties, N.Y.; Hartford, New Haven, New London, Stamford, and Wallingford, Conn.; Boston, Cheshire, Southbridge, Springfield, and Worcester, Mass.; Philadelphia, Pa.; Manchester, N.H. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136285 (Sub-No. 3), filed August 1, 1972. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., Post Office Box 9165, Savannah, GA 31402. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, and commodities in bulk), in cargo containers, between Charleston, S.C., Jacksonville, Fla., and Savannah, Ga., on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. Restriction: Restricted to the transportation of shipments having a prior or subsequent movement via water. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Savannah or Atlanta, Ga.

No. MC 136306 (Sub-No. 2), filed August 2, 1972. Applicant: EQUIPMENT EXPRESS LIMITED, Rural Route 2, Gormley, Ontario Canada. Applicant's representative: Robert D. Gunderman, Suite 1708, Statler Hilton Hotel, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete building components*, from ports of entry on the international boundary line between the United States and Canada on the Niagara River to Rochester, N.Y., and returned shipments of the same commodity in the reverse direction, for the account of Jespersen-Kay Systems Limited, Whitchurch-Stouffville, Ontario Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 136435 (Sub-No. 2), filed August 3, 1972. Applicant: F. E. BLATCHLEY, INC., Silver Street, Portland, Conn. 06480. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gasoline and No. 2 fuel oil or diesel oil*, from New Haven, Rocky Hill, Hartford, and East Hartford, Conn., to points in Hampton, Hampshire, and Franklin Counties, Mass., for the account of Gastown, Inc., of Springfield, Mass.; (2) *gasoline and No. 2 fuel oil or diesel oil*, from New Haven, and Rocky Hill, Conn., to points in Hampton, Hampshire, and Franklin Counties, Mass., for the account of Northern Petroleum, Inc., of Kensington, Conn.; (3) *gasoline and No. 2 fuel oil or diesel oil*, from New Haven, Conn., to points in Hampton, Hampshire, and Franklin Counties, Mass., for the account of Gibbs Oil Co., or Revere, Mass.; and (4) *gasoline and No. 2 fuel oil or diesel oil*, from Wethersfield, Conn., to points in Hampton, Hampshire, and Franklin Counties, Mass., for the account of Merit Oil Corp., of Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 136620 (Sub-No. 1), filed August 6, 1972. Applicant: HUSKY TRUCKING CO., INC., 20 South River Street, Plains, PA 18705. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Quilted materials and linings*, from Plains, Pa., to points in Connecticut, Georgia, Florida, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New York, North Carolina, Ohio, New Jersey, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia, and (2) *lining material and batting*, from points in New York, New Jersey, Connecticut, and Massachusetts to Plains, Pa. Operations are limited to a transportation service to be performed under a continuing contract or contracts with Active Quilting

Division of Rockville Fabrics Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 136643 (Sub-No. 1), filed August 6, 1972. Applicant: JENI TRUCKING, INC., 228–06 147th Avenue, Rosedale, NY 11422. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, home appliances and entertainment units, such as televisions, radios, stereo equipment*, for the account of Piser & Co., Inc., between White Plains, N.Y., on the other, points in Fairfield, New Haven, and Litchfield Counties, Conn., and Bergen, Essex, Hudson, Passaic, Union, Morris, and Sussex Counties, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136723 (Sub-No. 1), filed July 31, 1972. Applicant: MARSHALL LEDBETTER, SR., and MARSHALL LEDBETTER, JR., doing business as VICTORY VAN LINES, 1201 South High Street, Columbia, TN 38401. Applicant's representative: Marshall Ledbetter, Jr. (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment and supplies*, including *tools* used in the construction and maintenance of telephone systems and communications, between Columbia, Tenn., and points in Bedford, Cannon, Coffee, De Kalb, Franklin, Giles, Hickman, Humphreys, Lawrence, Lewis, Lincoln, Marshall, Maury, Moore, Perry, Rutherford, Warren, Wayne, and Williamson Counties, Tenn., under contract with Western Electric Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn. or Atlanta, Ga.

No. MC 136824, filed June 6, 1972. Applicant: ROBERT D. SPURLING, doing business as SEATTLE TACOMA AIR TAXI, 13043 Military Road South, Seattle, WA 98168. Applicant's representative: Robert Spurling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* with the usual exceptions, between points in the counties of King, Snohomish, Skagit and Whatcom, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Bellingham, Wash.

No. MC 136867 (Correction), filed June 29, 1972, published in the FEDERAL REGISTER issue of July 27, 1972, and republished in part as corrected this issue. Applicant: C. H. SIMPSON, Route 4, Waycross, Ga. 31501. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. NOTE: The purpose of this partial republication is to add Virginia as a destination state, which was erroneously omitted in the previous publication. The rest of the application remains as previously published.

No. MC 16682 (Sub-No. 85) (Clarification), filed June 8, 1972, published in the FEDERAL REGISTER issue of June 29, 1972, and republished as clarified this issue. Applicant: MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City, N.Y. 11101. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York, NY 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial and institutional furniture, fixtures and equipment and new furniture*, except commodities which because of size or weight require the use of special equipment, between points in Nebraska, on the one hand, and, on the other, points in the United States, except Alaska and Hawaii, restricted against the transportation of uncrated commercial and institutional furniture, fixtures, and equipment and uncrated new furniture, between points in Nebraska, on the one hand, and, on the other, points in Iowa, Kansas, and Minnesota. NOTE: Applicant states that the requested authority can be tacked with its existing authority. However, applicant has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is being sought. The purpose of this republication is to more clearly describe the authority sought.

APPLICATION FOR FREIGHT FORWARDER

No. FF–424 (USAIR FREIGHT, INC. FREIGHT FORWARDER APPLICATION), filed August 10, 1972. Applicant: USAIR FREIGHT, INC., 711 Third Avenue, New York, NY 10017. Applicant's representative: Clarence William Vandergrift (same address as applicant). Authority sought under section 410, Part IV of the Interstate Commerce Act, for a permit authorizing applicant to institute operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by railroad, express, water, air, and motor vehicle in the transportation of: *General commodities*, between points in the United States (including Alaska, Hawaii, and the District of Columbia). Restriction: No shipment may be transported which does not have a prior or subsequent move in the air freight forwarding service of applicant.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130173, filed July 20, 1972. Applicant: CARAVAN TOURS, INC., 707 Route 46, Parsippany, NJ 07054. Applicant's representative: Paul J. Keeler, Post Office Box 253, South Plainfield, NJ 07080. For a license (BMC 5) to engage in operations as a *broker* at Parsippany, N.J., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Bergen, Hudson, Essex, Union, Passaic, Sussex, Warren, Hunterdon, Somerset, and Middlesex Counties, N.J., and points in New York City, N.Y., and extending to points in the United States (except Alaska and Hawaii).

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 107064 (Sub-No. 89), filed July 17, 1972. Applicant: STEERE TANK LINES, INC., Post Office Box 2998, 2808 Fairmount Street, Dallas, TX 75221. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and snack foods, and materials, equipment and supplies* utilized in the manufacture and distribution thereof, between the Zuni Indian Reservation and storage facilities utilized by the Zuni Indian Tribe in McKinley and Valencia Counties, N. Mex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

By the Commission.

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

[FR Doc.72–14778 Filed 8–30–72;8:45 am]

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THURSDAY, AUGUST 31, 1972
WASHINGTON, D.C.
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PART II

COMPTROLLER GENERAL

■

Expenditure Limitations For Use of Communications Media

■

Agents' Commissions

Title 11—FEDERAL ELECTIONS

Chapter I—Comptroller General

PART 4—EXPENDITURE LIMITATIONS FOR USE OF COMMUNICATIONS MEDIA

Subpart A—Amount of Limitation

AGENTS' COMMISSIONS

Part 4 of Chapter I of Title 11 of the Code of Federal Regulations is hereby amended by adding a new § 4.8 to Subpart A thereof. This amendment is effective on the date of its publication in the FEDERAL REGISTER (8–31–72), except that it does not apply to any Federal candidate's spending limitation under section 104(a)(2) of the Act for any primary or primary runoff election held during 1972, or to the spending limitation of any candidate for presidential nomination during the prenomination period during 1972 under section 104(a)(3) of the Act.

§ 4.8 Agents' commissions.

(a) As a general rule, the applicable charge to a Federal candidate's spending limitation under section 104(a) of the Act for the use of communications media shall include the amount paid to the media and, in addition, 17.65 percent of that amount, which is the normal advertising agents' commission. This rule applies whether or not the media rate includes an allowance for agents' commissions.

(b) If, however, a candidate or a political committee is able to show that advertising agents' services are being obtained on a reduced commission basis, or on a fee or salary basis, only the lesser amount actually paid by the candidate or committee for agents' commissions or their equivalent shall be included in determining the total charge against the candidate's spending limitation. In making this determination, there may be excluded portions of the cost which are reasonably allocable to production or other costs which are not chargeable under the Act to the candidate's media spending limitation. This alternative basis of charging agents' commissions or their equivalent shall become effective upon submission to the appropriate Supervisory Officer of a statement containing a brief description of the services being obtained, the basis on which charges are made, and the anticipated total charges for each election.

(c) Full responsibility rests with the candidate for maintaining books and records which accurately reflect, on a current basis, the total costs of obtaining media use through advertising agencies or otherwise and for allocating these costs to the applicable limitation. A flat fee covering primary campaigns as well as a general election period shall be apportioned to each election limitation—primary, run-off, or general—on a reasonable basis. A flat fee must also be apportioned on a reasonable basis between the 60 percent limitation on spending for the use of broadcasting stations and the overall limitation on spending for the use of communications media. A fee arrangement which is based on the dollar volume of media use purchased shall be expressed as a percentage and applied uniformly. If a separate fee, a reduced commission, or other cost basis is established for different election periods, the cost of each applies to the corresponding limitation. The candidate's records must, for audit purposes, accurately reflect the basis of the allocation, as well as the amounts allocated.

(d) For a particular transaction, the certification to the media required by sections 104(b) and 104(c) of the Act shall be based upon the amount paid to the media. However, the candidate or his authorized representative in making the certification must take into account the agents' commissions or their equivalent which are required to be charged against the applicable limitation for each election.

(e) The amount of any commissions or fees paid or allowed to sales representatives by the media are not to be deducted in determining the amount to be charged against the candidate's spending limitation. See the ruling of the Federal Communication Commission (Report No. 10608, April 19, 1972) that commissions to sales representatives are not to be deducted in determining the lowest unit charge for political broadcasts.

(f) If there is a cash discount for prompt payment of the media charge, only the net amount paid to the media shall be charged against the spending limitation. However, if the cash discount is not earned because of a failure to make prompt payment, then the full amount paid to the media must be charged to the limitation.

[SEAL] ROBERT F. KELLER,
Acting Comptroller General of the United States.

AUGUST 29, 1972.

[FR Doc.72-14968 Filed 8-30-72;8:56 am]

CUMULATIVE LIST OF PARTS AFFECTED—AUGUST

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

3 CFR

Page

PROCLAMATIONS:
2914 (see EO 11677) 15483
4074 (see EO 11677) 15483
4145 15853
4146 16905
4147 17537
4148 17699

EXECUTIVE ORDERS:
November 14, 1876 (revoked by PLO 5243) 15994
June 28, 1879 (revoked by PLO 5243) 15994
5221 (revoked by EO 11681) 16909
10941 (revoked by EO 11680) 16907
11322 (see EO 11677) 15483
11419 (see EO 11677) 15483
11533 (see EO 11677) 15483
11677 15483
11678 16667
11679 16857
11680 16907
11681 16909
11682 17701

5 CFR

213 ..... 15365, 15501, 15855, 16073, 16167, 16400, 16929, 17019, 17158, 17375, 17539
930 ..... 16787, 16929

PROPOSED RULES:
890 16553

6 CFR

Ch. II 16091
101 16500
102 16500
200 15516
201 15931
300 ..... 15366, 15429, 15596, 16859, 16861, 17476, 17557, 17558
301 16669
401 17375

PROPOSED RULES:
300 15523

7 CFR

17 16669
26 15911
29 15501
35 16167
68 16597
220 17377
301 ..... 16533, 17539
331 15911
701 ..... 16787, 16861
811 16470
814 16471
831 16168
855 17044
859 17048
908 ..... 15501, 16090, 16597, 16787, 17048, 17378
910 ..... 15366, 15885, 15912, 15979, 16385, 16787, 17048, 17378, 17542
911 ..... 15366, 16929
915 16930
919 ..... 16168, 16385
926 16386
927 15855

7 CFR—Continued

Page

930 16169
931 15366
932 17459
945 17723
946 16597
947 16598
958 16169
981 16930
989 17723
993 15979
1006 17724
1012 17732
1013 17739
1030 17747
1050 17748
1030 15368
1060 16861
1076 16533
1079 16862
1094 16091
1207 ..... 17378, 17379
1421 ..... 16930, 16931, 17050
1464 15856
1806 17051
1824 17459
1861 15502
1871 17543

PROPOSED RULES:
51 ..... 16877, 17412
52 ..... 17052, 17055, 17750, 17761
55 15517
61 16198
270 17212
271 17212
272 17212
729 17762
815 15936
910 ..... 16104, 16877
911 15707
912 16805
918 16407
926 ..... 15380, 16199
927 17478
931 16877
932 ..... 16806, 17057
944 15874
945 16104
948 17761
966 ..... 17212, 17479
981 ..... 16678, 17490
989 ..... 16612, 17057
991 16678
993 16953
1006 16953
1012 16953
1013 16953
1030 15997
1036 15999
1050 16503
1079 15380
1108 ..... 15874, 17490, 17762
1133 17492
1207 ..... 15380, 15381
1701 17413
1804 17061

8 CFR

103 ..... 17462, 17463
212 15419
214 17463
238 ..... 15419, 17462
242 15419
299 17462

8 CFR—Continued

Page

499 17463

9 CFR

76 ..... 15419, 15420, 15912, 17019, 17020, 17544
82 ..... 15111, 15913, 15914, 17020
83 ..... 15914, 16788
92 ..... 17465, 17466
97 16534
308 15368
309 15368
310 15368
316 16863
317 16863
318 ..... 15368, 16386
325 15368
327 15368
331 15368

10 CFR

2 ..... 17159, 17381
9 ..... 15624, 17381
50 ..... 17021, 17159, 17381, 17704
115 17021

PROPOSED RULES:
305 16199

11 CFR

4 17802

12 CFR

220 ..... 15378, 15421
522 16864
545 ..... 15379, 16189, 16534, 17024
572 17025
582 16535
612 16932
613 16932

PROPOSED RULES:
207 17570
220 17570
221 17570
226 ..... 15522, 16408
541 16201
545 16201
563 17216
571 17216

13 CFR

107 16789
120 16387
121 ..... 15981, 16474
123 ..... 16387, 17382
302 ..... 16933, 17382
400 16933
401 16934

PROPOSED RULES:
121 17570

14 CFR

21 16789
39 ..... 15369, 15421, 15423, 15512, 15697, 15914, 16475, 16535, 16536, 16789, 16865, 17159, 17160, 17544, 17545
43 ..... 15968, 15983
61 15698
71 ..... 15370, 15423, 15424, 15512, 15513, 15698, 15857, 15915, 15984, 15985, 16073,

14 CFR—Continued

Page

16074, 16170, 16171, 16388, 16475, 16536, 16537, 16598, 16599, 16790, 16865, 16935, 17025, 17160, 17161, 17382, 17466, 17467
73 ..... 15875, 15985, 16598, 16791, 16865
75 ..... 16475, 16599, 16935, 17026, 17545
91 ..... 15698, 15983
95 16865
97 ..... 15698, 16074, 16599, 17026, 17546
121 15983
127 15984
135 15698
212 15424
214 15424
217 15513
221 16476
229 16476
241 15425
302 17467
372 15425
373 ..... 16171, 16537
378 16172
1245 17547

PROPOSED RULES:

37 16106
39 ..... 15434, 16106, 16621, 17423
47 16505
61 15435
63 15435
71 ..... 15383–15385, 15435, 15436, 15936–15938, 16001, 16107, 16552, 16621, 16622, 16810–16812, 16979, 17213, 17214, 17493, 17562–17564
73 ..... 16812, 17564
75 ..... 15708, 16107, 16552, 17214
91 ..... 15435, 15436, 16553, 16622
93 16200
103 15938
121 ..... 15435, 15938
123 15435
127 15435
135 ..... 15435, 15938
141 15435
Ch. II 15518
221 16880
288 15711
399 15711

15 CFR

370 17705
371 17705
372 17705
373 17705
375 17705
376 17706
379 ..... 16868, 17706
386 17706
387 (see EO 11677) 15483
390 15991

16 CFR

13 ..... 16480–16484, 16600–16602, 16944, 17161–17164, 17167, 17169, 17170, 17382, 17551, 17552
240 15699

PROPOSED RULES:

302 16003
303 17765

17 CFR

200 16791
230 15985
231 15985
239 ..... 15989, 15991

17 CFR—Continued

Page

240 ..... 16388, 17027, 17383
249 17383
270 ..... 16075, 17384
275 17467

PROPOSED RULES:

230 ..... 16005, 16008
239 ..... 16005, 16016
240 ..... 16005, 16023, 16409
241 16011
249 ..... 16005, 16016, 16023

18 CFR

2 ..... 15857, 16189
104 16797
105 16797
204 16797
205 16798
260 ..... 15425, 16798

PROPOSED RULES:

Ch. I 15710
101 ..... 16201, 16813

PROPOSED RULES—Continued

104 ..... 16201, 16813
105 16201
120 16201
141 ..... 16201, 16813
201 ..... 16201, 16813
204 ..... 16201, 16813
205 16201
221 16201
260 ..... 16201, 16813

19 CFR

Ch. I 16485
1 16486
4 16486
8 16487
10 17469
23 16487
123 16487
153 15700
161 16487
162 16488

PROPOSED RULES:

4 16092
6 16092
8 16092
9 16092
10 ..... 15707, 15872, 16092, 17478
11 16092
23 16092
123 16092
148 16092

20 CFR

101 16935
405 17705
410 17705
650 16173
722 16935

PROPOSED RULES:

625 16104

21 CFR

2 16669
3 ..... 15858, 16174
27 15991
31 16174
121 ..... 15426, 15859, 15915, 15916, 15992, 16075, 16175, 16176, 16389, 16470, 16798, 17709
135 ..... 16076, 16176, 16602, 17170
135a 16176, 17171
135b 16076, 16539, 17170, 17470

21 CFR—Continued

Page

135c 16076, 16539, 17470
135e 15701, 16077, 16390, 16540, 17387
141 17710
141a 17710
141b 17710
146a 16670
147 16077
148g 16077
148i 17711
148j 17710
149h 15701
172 17470
191 16078
273 15993
301 15918
303 15919
304 15920
305 15920
306 15921
307 15921
308 15922
311 15922
312 15923
316 15924

PROPOSED RULES:

1 16877
19 15875
121 ..... 15434, 16407, 16551, 16613
130 16503
132 17419
135 16200
141 17561
141a 16104
146a 16104
148k 17561
148r 17561
149j 16104
167 16613
273 ..... 16679, 17419
301 15933
303 15933
306 15933
308 17478

22 CFR

9 15624
41 ..... 15372, 17470
211 17028

23 CFR

App. A 15924

PROPOSED RULES:

Ch. II 15602

24 CFR

35 16872
42 16603
115 16540
203 ..... 15426, 16390
207 15426
213 16391
220 15426
235 16391
270 15701
271 15704
275 ..... 15427, 16392, 17171
300 16799
1914 ..... 15427, 16081, 16543, 16673, 17172, 17552, 17703
1915 ..... 15428, 16082, 16674, 17173, 17704
1930 15706

PROPOSED RULES:

203 ..... 15383, 16505
207 16809
213 ..... 16505, 16809

24 CFR—Continued

PROPOSED RULES—Continued

220 16809
221 16809
222 16505
227 16809
231 16809
232 16809
234 16809
235 16809
236 16809
241 16809
242 16809
244 16809

25 CFR

41 17028
221 15924
231 16393

26 CFR

1 15485, 16177, 16544, 16911, 16913, 17123, 17134
13 17158
31 16544
301 17158, 17748

PROPOSED RULES:

1 16551, 16945, 16947, 16952, 17179
3 17762
20 17181, 17206
25 17179
31 17206
49 17478
301 17179, 17478
601 17478

28 CFR

0 16603, 16873, 16936
17 15645
42 16671

PROPOSED RULES:

17 16401

29 CFR

462 16799
520 16177
570 16177
694 16493
697 16493
725 16493
1910 16862

PROPOSED RULES:

1 16507
5 16507, 16814
10 16814
103 15710, 16622, 16813
1910 15880, 16507
1951 15880
2200 15470

30 CFR

75 16545

PROPOSED RULES:

100 17395

31 CFR

316 16064
342 15514

32 CFR

91 16674
159 15655
163 17029
806 16603
812 17553
821 17553
836 17173
841 17553
865 17471
1453 16494
1710 16800
1900 15686

PROPOSED RULES:

1660 15522
1661 15522

32A CFR

Ch. VI (BDC):
DPS Reg. 1, Dir. 1 16494

PROPOSED RULES:

Ch. X:
OI Reg. 1 16609, 17212

33 CFR

1 16546
110 15993
117 17387, 17388
127 16675
179 15776
181 15777
183 15780, 17388
211 15371
402 15516

PROPOSED RULES:

117 16551, 16878, 17422, 17561

36 CFR

7 17389

38 CFR

13 15925

PROPOSED RULES:

3 16881
36 17067, 17217, 17424, 17425

39 CFR

124 17471
145 17174, 17471
619 16675
761 16801

PROPOSED RULES:

134 17423
3001 15437, 16554, 16555

40 CFR

52 16177
162 16937, 17036
180 16178, 16494, 16495, 16803, 16937, 16938, 17554

PROPOSED RULES:

52 16881
60 17214
162 15522
180 16812, 17570

41 CFR

1-1 15372
3-1 16080, 16396
3-3 15859, 17471
3-4 15861, 16396
3-75 15861
5A-6 17711
8-1 16938
8-2 16838
8-6 16938
9-3 16547
9-54 16081, 16939
15-3 15993, 17389
29-1 16939
29-12 17711
101-11 15687
101-46 16677
105-61 15688
114-43 16399
114-51 17391

PROPOSED RULES:

14R-9 17763
15-55 17495
60-2 17765
60-10 17413
114-50 17396

42 CFR

34 16936
57 15863, 16082, 16676
73 15994, 17036
78 16461

PROPOSED RULES:

51 16617

43 CFR

2 15865
19 16079
20 15373

PUBLIC LAND ORDERS:

5180 (revoked in part by PLO 5242) 15513
5186 (revoked in part by PLO 5242) 15513
5242 15513
5243 15994
5244 16079
5245 16178

PROPOSED RULES:

2400 17207
2410 17207
2420 17207
2430 17207
2440 17207
2450 17207
2460 17207
2470 17207
2530 16198

45 CFR

177 17036
205 16080
233 15866
250 16672
801 16940
909 16844

PROPOSED RULES:

Ch. I 15970
206 16551

46 CFR

33 16179
56 16803
75 16179
94 16179
110 16547
146 15994, 16495
160 17036
192 16179
308 17560
510 16547

PROPOSED RULES:

2 15999
10 16000, 16374
31 17763
35 16878
66 16000
71 17763

46 CFR—Continued

PROPOSED RULES—Continued

78 ... 16878
90 ... 15518
91 ... 17763
94 ... 15518
97 ... 16878
112 ... 15518
146 ... 15999, 17562
166 ... 16000
176 ... 17763
189 ... 17763
196 ... 16878
308 ... 15866
381 ... 16678
391 ... 17763
Ch. IV ... 16980
536 ... 16554

47 CFR

0 ... 15428, 15925, 15928
1 ... 15928, 17473
73 ... 15927
78 ... 15925
81 ... 15866
89 ... 16181
91 ... 16182
93 ... 16185
97 ... 15928

PROPOSED RULES:

1 ... 15436, 15711
2 ... 15714, 16682
25 ... 16003
73 ... 15436, 15437, 15741, 15940, 16554, 16812, 16985, 17497

47 CFR—Continued

PROPOSED RULES—Continued

76 ... 15437, 16985
89 ... 16682
91 ... 16682
93 ... 16682
97 ... 17497

49 CFR

1 ... 16873, 16874
3 ... 16876
89 ... 16876
171 ... 16496
172 ... 16496
173 ... 16496
230 ... 16940
392 ... 17175
393 ... 17175
571 ... 15430, 15514, 16186, 16497, 16604, 16803, 17474
1033 ... 15369, 15433, 15514, 15515, 15929, 15930, 16549
1041 ... 16944
1048 ... 15701, 15995
1064 ... 17712
1131 ... 15867
1204 ... 17713
1306 ... 15868, 15869
1307 ... 15868, 15869

PROPOSED RULES:

171 ... 16108
172 ... 16108, 17565
173 ... 16108, 17565

49 CFR—Continued

PROPOSED RULES—Continued

174 ... 16108
178 ... 16108
179 ... 17565
391 ... 15708, 16979
393 ... 16001
571 ... 16002, 16200, 16505, 16553, 16979, 17493, 17494, 17763
575 ... 17494
1048 ... 16004
1064 ... 17766
1201 ... 16206
1241 ... 16005

50 CFR

10 ... 17042
17 ... 17043
28 ... 16085, 16605
32 ... 15515, 15516, 15930, 15931, 16085–16090, 16186–16188, 16549, 16550, 16605–16607, 17043, 17044, 17176, 17177, 17393, 17394, 17475, 17476, 17555–17557, 17714, 17716–17719
33 ... 16090, 16188, 16608, 16876, 17178

PROPOSED RULES:

242 ... 16806
259 ... 17763
260 ... 16679
261 ... 16808
263 ... 16808
266 ... 16808
276 ... 16808
277 ... 16808
279 ... 16808

LIST OF FEDERAL REGISTER PAGES AND DATES—AUGUST

Pages	Date
15361–15412	Aug. 1
15413–15475	2
15477–15689	3
15691–15846	4
15847–15904	5
15905–15971	8
15973–16066	9
16067–16160	Aug. 10
16161–16378	11
16379–16454	12
16455–16526	15
16527–16589	16
16591–16659	17
16661–16779	18
16781–16850	19
16851–16898	Aug. 22
16899–17011	23
17013–17115	24
17117–17367	25
17369–17452	26
17453–17529	29
17531–17692	30
17693–17806	31

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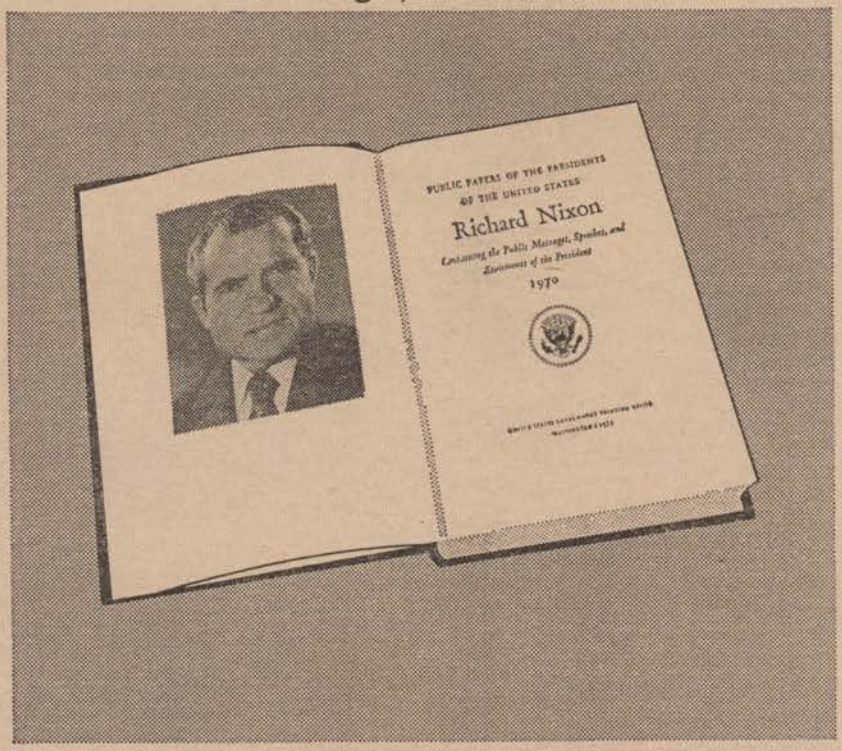

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